



T-ES(2020)GEN-UK

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

UNITED KINGDOM

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NOTE ON DEVOLUTION

The UK consists of four nations: England, Wales, Scotland and Northern Ireland (NI). There are separate legal jurisdictions for Scotland and NI, and a joint legal jurisdiction for England and Wales. Within the UK there are four legislatures: the UK Parliament, and three devolved legislatures (the Scottish Parliament, the NI Assembly and the National Assembly for Wales). Each of these legislatures has its own executives: the UK Government, and the three Devolved Administrations (the Scottish Government, the NI Executive, and the Welsh Government).

This constitutional framework is underpinned by three separate devolution settlements for Scotland, Wales and NI. Whilst the three settlements are asymmetrical in some regards, they are broadly the same in scope; all three reserve foreign policy, defence and national security to the UK Parliament, and all three devolve education, health, environment, and agriculture/fisheries to the devolved legislatures. Responsibility for justice and policing reflects the legal jurisdictions and so is devolved in Scotland and NI and reserved in Wales. By convention, the UK Parliament would not normally legislate in a devolved area.

A Memorandum of Understanding (MoU) between the four Governments sets out a framework for how they should conduct relations with each other. This MoU is supported by a number of concordats between Governments/departments and on thematic areas. The concordat on international relations sets out how the UK Government should consult the Devolved Administrations on the formulation of UK policy and conduct of international negotiations.

Where part of a response to a question in this questionnaire pertains specifically to one of the Devolved Administrations, this is clearly signposted.

GENERAL FRAMEWORK

Question 1: Definition of “child”

1a. Does the notion of “child” under your internal law correspond to that set out in Article 3, letter (a), i.e. “any person under the age of 18 years”?

England and Wales

As set out in the Family Law Reform Act 1969¹, in England and Wales a person reaches the age of majority on becoming 18.

The Social Services and Well-being (Wales) Act 2014² states at section 3 (3) “Child” means a person who is under 18.

Scotland

The National guidance for child protection in Scotland sets out key definitions and concepts in different legal contexts. A child is generally defined as someone under the age of 18, however, for certain matters including children's hearings and child protection orders, a child means: someone who has not attained the age of sixteen years; a child over the age of sixteen years who has not attained the age of eighteen years and in respect of whom a compulsory supervision order is in force; or a child who turns 16 whilst a decision about whether to refer the child to a children's hearing is pending. A criminal court can also remit a person under age 18 to a children's hearing who has been found guilty of an offence, and such a person is treated as a child unless the case is discharged or a supervision order terminated, or the child turns 18.

The meaning of a child is extended to cover any person under the age of 18 in cases concerning: Human Trafficking; sexual abuse while in a position of trust (Sexual Offences (Scotland) Act 2009) and the sexual exploitation of children under the age of 18 through prostitution or pornography (Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005), or a child who turns 16 whilst a decision on referral to a hearing is pending. A court can also remit a child under age 18 to a hearing, and such a person is treated as a child unless the case is discharged or a supervision order terminated, or the child turns 18.

Under the Sexual Offences (Scotland) Act 2009, it is a criminal offence to engage in any form of sexual activity with a child under the age of 16. There is a defence to certain consensual sexual activity involving a child under the age of 16, but not younger than 13, if the age gap does not exceed two years.

The specific offence of ‘sexual abuse of trust’ provides that it is a criminal offence for an adult who is in a recognised position of trust (e.g. a teacher or care worker) to engage in sexual activity with a child under the age of 18 whom they look after.

¹ <https://www.legislation.gov.uk/ukpga/1969/46>

² <https://www.legislation.gov.uk/anaw/2014/4/contents>

Northern Ireland

Article 2 of The Children (Northern Ireland) Order 1995 states that “child”, except in Parts X, XI and XII (fostering, child minding and employment) and subject to paragraph 1(1) of Schedule 1, means a person under the age of 18.

Section 21(10) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 enables the support provided by the Independent Guardian service to separated and unaccompanied children to continue until the age of 21.

1b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?

Crown Prosecution Service

In the UK, legislation and case law provide that where the age of a victim is uncertain and there are reasons to believe that the victim is a child, the presumption applies, and the victim should be treated as a child.

The Crown Prosecution Service (CPS) legal guidance on special measures (please see the response to question 21b for more details on special measures) reminds prosecutors that a complainant of a relevant offence (sexual offence, offence under section 1 of the Protection of Children Act 1978, offence under section 160 of the Criminal Justice Act 1998, offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004) whose age is uncertain will be presumed to be under the age of 18 where there are reasons to believe that person is under the age of 18. Therefore, a person to whom this presumption applies will be eligible for special measures under section 16 of the Youth Justice Criminal Evidence Act 1999. This includes the use of video recorded interviews, screens, live links, intermediaries and aids to communications.

Policing Authorised Professional Practice Guidance

Policing Authorised Professional Practice (APP) on Modern Slavery, which links to police training on child sexual exploitation and abuse, provides that where the age of a potential victim is uncertain and there are reasons to believe that the person is a child, they should be presumed to be a child and receive immediate access to protection, support, accommodation and advice. If the potential victim looks older than the age they claim to be, a request should be made to a suitably trained social worker, nurse or approved mental health professional for an age assessment. During this process, the child should be represented by an appropriate adult or child advocate. The assessment should be explained clearly to the child, take place in an appropriate facility and should not be rushed.

Victims' Code

The Code of Practice for Victims of Crime (the Victims' Code) also states that where the age of a victim is uncertain and there are reasons to believe that the person is under 18 years of age, service providers must presume the person to be under the age of 18.

Wales

This is a reserved matter. However, the Welsh Government has produced a guide for local authorities which directs that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, they should be treated as a child. This guide is currently being updated and will be subject to due process for approval.

Scotland

Section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015 states that where a relevant authority has reasonable grounds to believe that a person may be a

victim of an offence of human trafficking, and the authority is not certain of the person's age but has reasonable grounds to believe that the person may be a child, then until an assessment of the person's age is carried out by a local authority, or the person's age is otherwise determined, the relevant authority must assume that the person is a child for the purposes of exercising its functions under the relevant enactments.

Northern Ireland

The Victim Charter³ (which sets out the services to be provided to victims as they move through the criminal justice system) provides that where the age of a victim is uncertain and there are reasons to believe that they are a child or young person under the age of 18 that they will be treated as such for the purpose of service provision.

Paragraph 51 of Victim Charter states:

In some cases service providers may not know your age or this may not be certain. If your age is uncertain and there is reason to believe that you are a child or young person under the age of 18, service providers will presume that you are a child for the purpose of providing services to you, including under this Charter.

In practice police will proceed to take all steps to protect a child if it appears the person is a child. Medical assistance will be sought to establish an age after safeguarding is ensured. The Joint Protocol for the Investigation of Child Abuse makes it plain that an investigation will begin on reasonable suspicion, and therefore it does not require certainty regarding age:

4.32 *A joint investigation can begin where there is an allegation or reasonable suspicion that a child has suffered abuse.*

The Department of Health's safeguarding policy, *Cooperating to Safeguard Children and Young People in Northern Ireland* (August 2017) states:

An age assessment may be required when a young person is identified as separated or trafficked and their age is uncertain. HSCTs should conduct a thorough age assessment compliant within the 'Merton' guidelines to determine whether that individual will be considered as a young person, or as an adult.

Further guidance on the measures required to be taken in situations where the age of a victim is uncertain is provided in the Safeguarding Board for Northern Ireland's (SBNI) procedure; *Pathway for Safeguarding and Promoting the Welfare of Separated/Unaccompanied Children arriving in Northern Ireland: Regional Operational Guidance*.

The Health and Social Care Board and the Police Service for Northern Ireland have developed the following guidance to provide information on the arrangements in place to identify and support unaccompanied children and child victims of human trafficking and modern slavery:

- Working Arrangements for the Welfare and Safeguarding of unaccompanied and separated children and young people
- Working Arrangements for the Welfare and Safeguarding of child victims and potential child victims of human trafficking and modern slavery

³ <https://www.justice-ni.gov.uk/publications/victim-charter>

These working arrangements guidance documents introduce a positive presumption, in line with best practice and international standards, that an individual is a child until proven otherwise.

1c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

England and Wales

The age of consent in England and Wales is 16. It is an offence to engage in sexual activity with a child under the age of 16.

Scotland

Under the Sexual Offences (Scotland) Act 2009, it is a criminal offence to engage in any form of sexual activity with a child under the age of 16. There is a defence to certain consensual sexual activity involving a child under the age of 16, but not younger than 13, if the age gap does not exceed two years.

There is a specific offence of 'sexual abuse of trust' which provides that it is a criminal offence for an adult who is in a recognised position of trust (e.g. a teacher or care worker) to engage in sexual activity with a child under the age of 18 whom they look after.

Northern Ireland

The legal age of consent in Northern Ireland is 16, although the Sexual Offences (Northern Ireland) Order 2008 also provides for a number of sexual offences against children up to the age of 18 (for example abuse of trust and prostitution/pornography offences).

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in Article 2, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

The main legislation which covers this area:

- The Equalities Act 2010
- The Human Rights Act 1998 (and in particular Article 14 of the ECHR)

All policies are subject to an equalities impact assessment to ensure they do not discriminate against any vulnerable group.

Wales

Discrimination in the implementation of the Convention is prohibited in line with Article 2 of the UNCRC. The Rights of Children and Young Persons (Wales) Measure 2011, strengthened and built on the rights-based approach of the Welsh Government to making policy for children and young people in Wales. It placed a duty on all Welsh Ministers to have due regard to the substantive rights and obligations within the UNCRC and its optional protocols including non-discrimination in the development and implementation of legislation and policy. Compliance with the duty of due regard to the UNCRC supports implementation in line with Article 2 of the Lanzarote Convention.

Scotland

Scotland's legislative and policy framework to protect human rights and advance equality supports implementation of Article 2 of the Convention. Measures are also in place in Scotland to ensure non-discrimination in access to healthcare and to provide support for victims and witnesses when engaging with the criminal justice system.

Human rights and equality in Scotland

The Scotland Act 1998, in combination with the Human Rights Act 1998 (HRA), ensures that both Scottish legislation and the actions of public bodies are subject to an overriding requirement to comply with core human rights standards. Scottish legislation can be challenged in the courts and independent judges are able to rule on whether the legislation breaches relevant rights contained in the European Convention on Human Rights (ECHR). Where a court finds that legislation is incompatible, the legislation can be struck down and ceases to have effect.

Section 29 of the Scotland Act stipulates that legislation passed by the Scottish Parliament is "not law" to the extent that it is incompatible with rights derived from the ECHR. These "Convention Rights" are formally defined in the HRA and include the prohibition of discrimination in the enjoyment of Convention rights (Article 14 of the ECHR). The wording of Article 2 of the Lanzarote Convention reflects the characteristics listed in Article 14 of the ECHR, including its extension to "other status" over and above those characteristics which are explicitly identified.

Under section 57 of the Scotland Act, the Scottish Ministers have no power to act in a manner that is incompatible with the Convention Rights, and the HRA ensures that other public bodies are subject to a similar obligation.

Scotland's National Performance Framework (NPF) monitors progress towards 11 National Outcomes, one of which explicitly addresses human rights and equality:

We respect, protect and fulfil human rights and live free from discrimination.

The NPF also includes a national outcome specific to children and young people:

We grow up loved, safe and respected so that we realise our full potential.

The Scottish Ministerial Code explicitly reminds all Scottish Ministers of the overarching duty they have "to comply with the law, including international law and treaty obligations". This includes the Lanzarote Convention, the UN Convention on the Rights of the Child (and its Optional Protocols) as well as provisions in other treaties which relate to non-discrimination.

The Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which requires public authorities to have due regard, in carrying out their functions, to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people who share a protected characteristic and those who do not. The nine protected characteristics listed in the Act are: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

The Scottish Ministers have made direct use of devolved powers to make Regulations which place specific equality duties on Scottish public authorities. These are designed to support and enable the better performance of the PSED. Under the Regulations, there is a duty on the Scottish Ministers to publish proposals for activity to enable public authorities in Scotland to better perform the equality duty. In Scotland, the socioeconomic duty contained in section 1 of the Equality Act 2010 has been commenced. The Fairer Scotland Duty requires public bodies to have due regard to the impact of socio-economic disadvantage when making strategic decisions.

Access to healthcare

The Patient Rights (Scotland) Act 2011 made provision for Scottish Ministers to publish a Charter of Patient Rights and Responsibilities, which summarises the duties of relevant NHS (National Health Service) bodies as well as the behaviour expected from people accessing services. The Charter states that:

- You have the right to have your needs taken into account when receiving NHS services.
- You must never be refused access to NHS services on the basis of unlawful discrimination against you because of your age, disability, sex, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

The Charter also addresses access and communication support, for example when requesting support to access NHS services or making decisions about healthcare, and in relation to receiving information about care and treatment in a format and language that meets the individual's needs.

According to the Charter, an individual may ask for an independent advocate to help them express their views. NHS Boards and local authorities should provide access to advocacy for "all who need it" to ensure that their rights are safeguarded and that their health needs are met. Under the Mental Health (Care and Treatment) (Scotland) Act

2003, any person with a mental health disorder has a right to access independent advocacy services.

Advocacy is central to the promotion of children's rights and the Scottish Government has published guidance on how to support children and young people to make informed decisions on matters which influence their lives. This can be used by family members, friends, teachers, support workers and others who may at times advocate for a child. The Scottish Government is undertaking work to provide a national advocacy service for children and young people attending a Children's Hearing. The service is planned to be introduced by the end of 2019.

Support for victims and witnesses

The Victims and Witnesses (Scotland) Act 2014 contains provisions relating to the support and protection of people who come in contact with the criminal justice system. It ensures that victims have better access to information and wider access to special measures, such as giving evidence in court by video link. These rights are set out in the Victims' Code for Scotland.

The Scottish Government provides funding to several organisations (£17.9 million in 2018-19) to enable them to provide free practical and emotional support to victims and witnesses at every stage of the criminal justice system.

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill was passed by the Scottish Parliament on 9 May 2019. It aims to improve how children, in the first instance, and vulnerable witnesses participate in Scotland's criminal justice system by enabling much greater use of pre-recorded evidence in a criminal trial. This is a progressive step towards achieving the vision that, where possible, child witnesses should not have to give evidence at trial.

The Bill is part of wider work to enhance support for victims in the Justice system. This includes improving the process and quality of Joint Investigative Interviews (JII) - the formal interview process carried out by police and social work investigative interviewers for evidential purposes and to assess whether the child (or any other child) is in need of protection. The interview is conducted in a way that treats the best interests of the child as a primary consideration. It includes the gathering of evidence when it is suspected a crime may have been committed against the child, and the gathering of evidence that may lead to a ground for referral to a children's hearing. The Scottish Government is working with justice agencies to enhance training, update national guidance and improving technology and facilities for JIIs.

The Scottish Government is also exploring the application of the *Barnahus* concept for immediate trauma-informed support for child victims of serious and traumatic crimes within the context of Scotland's healthcare and criminal justice systems.

Question 3: Overview of the implementation

Please indicate (without entering into details):

3a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

With regard to Criminal Law there exists a range of offences that protect children against sexual exploitation and sexual abuse. The key legislation here is:

- Sexual Offences Act 2003
- Protection of Children Act 1978
- Criminal Justice Act 1988 (section 160)
- Coroners and Justice Act 2009 (section 62)

Additionally, the Modern Slavery Act 2015 includes the offence of child trafficking for exploitation, including sexual exploitation.

For more detail on criminal law please see response to question 16.

There are also several pieces of legislation to protect against child sexual exploitation and sexual abuse within England in accordance with the Convention as listed below;

The Children Act 1989

The Children Act 1989 places duties on local authorities, courts, and other agencies in the United Kingdom, to ensure children are safeguarded and their welfare is promoted. It centres on the idea that children are best cared for within their own families; however, it also makes provision for children to be looked after by a local authority if certain conditions are met.

Each local authority has a duty to 'safeguard and promote the welfare' of children who are assessed as being in need and those children it is looking after. A child is deemed as 'in need' if they are disabled or unlikely to achieve a reasonable standard of health or development unless services are provided (section 17).

Sections 31 and 47 of the Children Act 1989 set out the threshold for statutory intervention in a child's life. If a local authority has reasonable cause to suspect that a child living in their area is suffering or likely to suffer significant harm, they are under a duty to investigate under section 47. This is to enable them to decide whether they should take any action to safeguard or promote the child's welfare. Under section 31 a court will make a care order placing a child in the care of a local authority if the test in section 31(2) is met.

The Children Act 2004

Under section 10, Local Authorities in England must co-operate to improve the wellbeing of children. The authority must take arrangements to co-operate with its relevant partners to improve the well-being of children in the authority's area.

Section 11 of the Act places a duty on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Children and Social Work Act 2017

The Children and Social Work Act 2017 improves support for looked after children and care leavers, promotes the welfare and safeguarding of children, and makes provision about the regulation of social workers.

It strengthens local safeguarding arrangements, by placing a duty on the safeguarding partners - the police, health and the local authority - to work together to make plans to keep children safe.

Working Together to Safeguard Children (2018)

Working Together to Safeguard Children is the definitive piece of statutory guidance on safeguarding. The guidance explains and clarifies the legislative requirements on local authority children's social care, health services, police, schools and other organisations who work with children and families. It sets out the individual duties of agencies and how they should work together to provide a coordinated approach to safeguarding children and families in their local area.

Keeping Children Safe in Education (2018)

The statutory guidance *Keeping Children Safe in Education* (KCSIE) sets out those legal duties that schools and colleges must comply with, together with what schools and colleges should do in order to keep children safe. Schools and colleges must have regard to KCSIE when carrying out their duties to safeguard and promote the welfare of children.

United Nations Convention on the Rights of the Child (UNCRC)

The UK government has signed and ratified the United Nations Convention on the Rights of the Child that provides the central framework for the development of services to children.

Wales

The Social Services and Well-being (Wales) Act 2014 and supporting guidance provides for a strengthened safeguarding framework to ensure that children are protected about sexual exploitation and sexual abuse⁴.

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015⁵ aims to improve the public sector response in Wales to such abuse and violence and was subject to rigorous scrutiny through the legislative process. The Act improves arrangements to promote awareness of, and prevent, protect and support victims of gender-based violence, domestic abuse and sexual violence; introduced a needs-based approach to developing strategies which will ensure strong strategic direction and strengthened accountability; ensures strategic level ownership, through the appointment of a Ministerial Adviser who will have a role in advising Welsh Ministers and improving joint working amongst agencies across this sector and improves consistency, quality and join-up of service provision in Wales.

⁴ <https://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en>

⁵ <https://gov.wales/topics/people-and-communities/communities/safety/domesticabuse/?lang=en>

Scotland

Criminal Offences

The Sexual Offences (Scotland) Act 2009, the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and the Human Trafficking and Exploitation (Scotland) Act 2015 together provide for a number of sexual and other offences that can be used to prosecute cases of CSE or child sexual abuse.

The 2005 Act also provides for Sexual Offences Prevention Orders (SOPOs), and Risk of Sexual Harm Orders (RSHOs). RSHOs are civil preventative orders aimed at protecting children from those who display inappropriate sexual behaviour towards them. To obtain a RSHO, it is not necessary for the individual to have a conviction for a sexual (or any) offence.

Child Abuse Images -The sale, publication and possession of indecent images of children under the age of 18 is prohibited by Section 52 and Section 52A of the Civic Government (Scotland) Act 1982 (as amended by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005).

Children (Scotland) Act 1995

This requires local authorities in Scotland to safeguard and promote the welfare of children in their area who are in need. The local authority must exercise their functions towards children in need and looked after children in a way which is designed to safeguard, support and promote children's wellbeing by reference to the extent to which the child or young person is (among other matters) safe, healthy, and nurtured.

Children's Hearings (Scotland) Act 2011

The Children's Hearings (Scotland) Act 2011 sets out the framework for the care and protection of children by the imposition of Compulsory Measure of Supervision. The Act sets out when referrals must be made to the Children's Reporter, the mechanisms for the provision of Compulsory Measures of Supervision and the forms such measures may take. This Act also sets out the legislation governing emergency measures for the protection of children, including child protection and child assessment orders, emergency applications to justices of the peace and the powers of a constable to remove a child to a place of safety.

Importantly, the 2011 Act requires a local authority to make all necessary inquiries into a child's circumstances if the authority considers that the child is in need of protection, guidance, treatment or control, and that it might be necessary for a compulsory supervision order to be made in relation to the child. If so, the local authority must refer the child to the Principal Reporter, an independent official, who is empowered to carry out further investigations into the child's circumstances. Children can be referred to a children's hearing for consideration of compulsory measures of support in a wide variety of circumstances. Of particular relevance to prevention of sexual abuse or exploitation, a child who is a victim of an offence or who has a close connection with a perpetrator of certain offences, including sexual offences, or is a member of the same household as the victim of certain offences, may be referred to a hearing. Further, a child can be referred if that child is being or is likely to be exposed to persons whose conduct is (or has been) such that it is likely that the child will be abused or harmed.

Children and Young People (Scotland) Act 2014

Section 1 of the Children and Young People (Scotland) Act 2014 (CYP Act), which commenced in June 2015, places specific duties on Scottish Ministers aimed at furthering the effect of the UNCRC in Scotland. These include consideration and delivery of appropriate action, listening to the views of children; and promoting public awareness and understanding of children's rights, including amongst children. These duties also require Ministers to report to Parliament every 3 years on relevant progress and their plans for the subsequent 3 year period.

Section 2 of the Act places a duty on a wide range of public authorities to report every 3 years on the steps they have taken to secure better or further effect of the UNCRC requirements within their areas of responsibility. The first reports are due as soon as practicable after 1 April 2020.

Child Protection Committees

Child protection committees are developed within the scope of the Local Government in Scotland Act 2003. Child protection committees are inter-agency strategic partnerships responsible for the design, development, publication, dissemination, implementation and evaluation of child protection policy and practice across the public, private and wider 3rd sectors.

The Protection of Vulnerable Groups (Scotland) Act 2007

This legislation introduced the Protection of Vulnerable Groups (PVG) scheme to replace the former system of Disclosure for people working with vulnerable groups. It identifies categories of employment or contact (regulated work) where there is the expectation that a PVG check will be required and also provides direction on responsibilities of employers.

The Disclosure (Scotland) Bill which has recently been introduced aims strengthen the protection of children and vulnerable groups.

National Guidance for Child Protection in Scotland 2014

This guidance provides a framework for agencies and practitioners at local level to agree processes for working together to safeguard and promote child wellbeing.

National Risk Framework to Support the Assessment of Children and Young People 2012

A national risk assessment 'toolkit' for child protection to support practitioners in identifying and acting on child protection risks in children and young people.

The Equally Safe strategy, and Delivery Plan (2017)

This aims to prevent and eradicate the full spectrum of violence against women and girls, including domestic abuse, rape, incest and child sexual abuse.

Scotland's first National Action Plan to Tackle Child Sexual Exploitation

First published in November 2014. Updated in 2016 and Progress Reports have since been published. The National Child Sexual Exploitation Working Group takes a lead

role in developing proposals to improve policy and practice in preventing and tackling child sexual exploitation.

Other

Scottish Government has also issued the following:

- Child Sexual Exploitation Definition and Practitioner Briefing Paper
- National Missing Persons Framework for Scotland
- Child sexual exploitation: a guide for health practitioners
- Inter-Agency Guidance for Child Trafficking
- National Action Plan on Internet Safety for Children and Young People.

Children with Disability

Scotland recognises that disabled children and young people are more likely to be abused than their non-disabled peers and that abuse is more likely to go undetected or unreported. The Scottish Government and WithScotland developed the Child Protection and Disability Toolkit. This provides guidance and resources to support practitioners working with this vulnerable group.

Northern Ireland

Measures include:

- *Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry* (November 2014) by Professor Kathleen Marshall produced 17 Key Recommendations and a further 60 Supporting Recommendations. Most of the recommendations are now completed; any open recommendations will be overseen by the newly formed Child Protection Senior Officials Group (CPSOG) led by the Department of Health;
- Sexual Offences (NI) Order 2008;
- The primary legislative provisions to protect children against sexual exploitation and abuse are set out in The Children (Northern Ireland) Order 1995;
- The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 sets out the measures that are in place to protect unaccompanied and separated children, including the provision of an Independent Guardian;
- The Health and Social Care Board (HSCB) coordinate and chair the multi-agency Regional Practice Network which brings together all key statutory and voluntary organisations and agencies to protect unaccompanied and separated children;
- The Police Service NI and HSC Trusts have also established closer working relationships, including the co-location of child sexual exploitation.

3b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation

Tackling Child Sexual Exploitation Report

The previous Government launched the *Tackling Child Sexual Exploitation* report in March 2015 which set out an ambitious programme of work to protect children from child sexual abuse and exploitation. In February 2017, the *Tackling Child Sexual Exploitation: Progress Report* was published, detailing delivery of a cross-Government programme of work on child sexual abuse.

We have delivered a wide range of actions; investing in the frontline response to child sexual abuse, including recruiting an extra 100 specialist rape and CSA prosecutors, establishing new investigative teams in the National Crime Agency (NCA), and launching a new CSE Response Unit to support social care, health and other agencies. We have also provided £20 million over three years to the Regional Organised Crime Units to significantly increase the undercover online capability which is being used to target online grooming of children.

An Inter-Ministerial Group on Child Sexual Abuse, chaired by the Home Secretary, monitors progress against the programme of work and sets the direction for further action in this area.

Child Sexual Abuse (CSA) Strategy

As a Government, our ambitious programme of reform is already driving work to prevent and respond to child sexual abuse, including by tackling online harms, introducing relationship and sex education and improving safeguarding practice. However, we need to do more.

The nature and scale of CSA is changing, and our understanding of online offending shines a light on abuse perpetrated in the home and in the community that we might not have detected before. This is why we must act now to galvanise efforts at the local, national and international level to prevent and tackle all forms of CSA.

Therefore, the Home Secretary has recently announced that the Home Office will be publishing a cross-government strategy at the end of the year which will outline our long-term ambition in tackling child sexual abuse, and how we will work across government and sectors to tackle the threat.

The Strategy will complement the Serious and Organised Crime (SOC) Strategy, published in November 2018, focusing in on CSA issues to further develop our understanding of the changing nature and scale of CSA, as well as ensuring we develop a whole-system response.

National Crime Agency and CSAE Strategic Governance Group

The Director General of the National Crime Agency (NCA) has designated child sexual abuse and exploitation as a priority for UK law enforcement, placing it on the same footing as Serious Organised Crime and terrorism in the 2015 Strategic Policing Requirement, and within the National Security Strategy.

In April 2015, the National Police Chiefs' Council (NPCC) agreed with NCA a framework for the online CSE disruption and prosecution response ('Pursue'); setting out clear organisational roles and responsibilities at a local, regional, and national level against six pillars of threat/demand.

1. Sharing of Indecent Images of Children (IIOC);
2. Volume referrals, including feeds from industry (NCMEC and others); 'Click CEOP' internet reporting tool; mass media enquiries in forces; and international volume law enforcement agency disseminations;
3. Victim Identification;
4. Live Streaming of CSAE;
5. Grooming and Blackmail/Extortion;
6. Complex and niche online transnational (specialist) investigations.

The CSAE Strategic Governance Group (SGG), a multi-agency group chaired by the National Crime Agency, is responsible for the legal duty of ensuring that efficient and effective activities to combat these threats are undertaken by the NCA and its partners. The SGG ensures delivery across the 'Pursue', 'Prevent', 'Prepare' and 'Protect' strands of the 2019 Serious and Organised Crime strategy⁶. It provides oversight, direction, and accountability for performance measurement against the Strategic Action Plan which captures and prioritises multi-agency activity.

Modern Slavery Strategy

The UK Government set out its national strategy for tackling slavery and trafficking, including the sexual exploitation of women and children, in the Modern Slavery Strategy 2014 document⁷. The strategy sets out a cross-government approach to tackling the issue by reducing the prevalence of modern slavery in the UK and enhancing our international response to these crimes also.

Wales

The Welsh Government issued statutory guidance⁸ on safeguarding children from sexual exploitation in 2011 and this is currently being updated and will be issued in Autumn 2019.

A *National Action Plan on Tackling Child Sexual Exploitation (Wales)*⁹ was issued by the Welsh Government in 2016 and the six regional Safeguarding Children Boards in Wales and their statutory partners report against the plan. This is being updated and will be issued by the Welsh Government as a *National Action Plan on Preventing and Responding to Child Sexual Abuse (including Child Sexual Exploitation and Harmful Sexual Behaviour)* in Spring 2019.

A *National Strategy on Violence against Women, Domestic Abuse and Sexual Violence Cross Government Delivery Framework 2018-2021*¹⁰ sets out the overarching objectives that the Welsh Government will deliver in partnership with stakeholders to progress the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

⁶ <https://www.gov.uk/government/publications/serious-and-organised-crime-strategy-2018>

⁷ <https://www.gov.uk/government/publications/modern-slavery-strategy>

⁸ <https://gov.wales/topics/health/socialcare/safeguarding/?lang=en>

⁹ <https://gov.wales/docs/dhss/publications/160225childseapen.pdf>

¹⁰ <https://gov.wales/docs/dsilg/publications/commsafety/181716-vawdasv-delivery-framework-en.pdf>

Scotland

In 2016 the Scottish Government published an updated *National Action Plan to Prevent and Tackle Child Sexual Exploitation*¹¹, setting out further action to build upon the wide range of activity already delivered since the publication of Scotland's first National Action Plan to Tackle CSE in 2014. The updated Plan is structured around four intermediate outcomes:

- The risk that children and young people are exploited is reduced through a focus on prevention and early identification.
- Children and young people at risk of or experiencing sexual exploitation and their families receive appropriate and high-quality support.
- Perpetrators are stopped, brought to justice and are less likely to re-offend.
- Cultural and social barriers to preventing and tackling CSE are reduced.

The second Progress Report on the National Action Plan was issued in April 2018.

In 2018 *Equally Safe*¹², a joint Scottish Government and COSLA strategy was published, aiming to work collaboratively with key partners in the public, private and third sectors to prevent and eradicate all forms of violence against women and girls. It includes action taken to address all forms of violence against women and girls, including violent and abusive behaviour that stems from systemic, deep-rooted women's inequality, and which includes domestic abuse, rape, sexual assault, commercial sexual exploitation (like prostitution), and so called 'honour based' violence like female genital mutilation and forced marriage.

Northern Ireland

Yes, identifying children at risk and adults posing a threat to them:

- Safeguarding Board for Northern Ireland (SBNI);
- Police Service of Northern Ireland (PSNI);
- National Authorised Professional Practice for police officers
- Barnardos, including CSE *Nightwatch* video that SBNI are going to use
- National Society for the Prevention of Cruelty to Children (NSPCC)

The Marshall Report of the Inquiry into child sexual exploitation made 17 Key and 60 Supporting Recommendations. A significant and cross-cutting programme of work has been undertaken to implement them. One recommendation relates to the development of a CSE strategy. Work is going, led by the Safeguarding Board for Northern Ireland (SBNI) to consider the strategic and operational responses to CSE in Northern Ireland by all of the member agencies of the SBNI. That work will consider those responses under four themes (prevent, identify, disrupt and tackle) and will be used to inform future decisions in connection with a CSE strategy for Northern Ireland.

A regional strategy is to be developed (led by the Department of Health) to prevent, identify, disrupt and tackle CSE. Key Recommendation 15 of the Marshall Report is currently on hold until the SBNI has completed its evaluation of practice relating to CSE across all of its member agencies.

¹¹ <https://www.gov.scot/publications/scotlands-national-action-plan-prevent-tackle-child-sexual-exploitation-update/>

¹² <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

A cross-cutting Child Protection Senior Official's Group (CPSOG) has been established to oversee cross-cutting issues related to the protection of children and young people. This group merged the previous senior official's groups that had been established to oversee the implementation of the recommendations of the Marshall Report into Child Sexual Exploitation in Northern Ireland and Female Genital Mutilation.

3c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

Wales

The Rights of Children and Young Persons (Wales) Measure 2011, strengthened and built on the rights-based approach of the Welsh Government to making policy for children and young people in Wales.

The Social Services and Well-being (Wales) Act 2014 section 7(2) requires that where a person is exercising functions in relation to a child who has or may have needs for care and support or who is a carer who has, or may have, needs for support or who is a “looked after child”, that person must have due regard to Part 1 of the United Nations Conventions on the rights of the child. This supports a child-friendly implementation of the guidance and plans set out in response to questions 3a and 3b under ‘Wales’.

Northern Ireland

Yes; Children’s (NI) Order 1995; Protection of Children’s Order 1978; Child Abduction (NI) 1985; Children’s Evidence (NI) Order 1995.

All relevant legislation, policy and procedures places a duty on social workers, Guardians ad Litem and Independent Guardians to ensure a child focussed implementation of the laws, measures and strategies referred to in response to questions 3a and 3b, under ‘Northern Ireland’.

Question 4: Child participation

4a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (Article 9, para. 1);

Children's Commissioner

The creation of the Children's Commissioner for England by the Children Act 2004 has encouraged the participation of children and their voices in the creation of policy. The Children's Commissioner promotes the rights, views and interests of children in policies or decisions affecting their lives. The Commissioner particularly represents children who are vulnerable or who find it hard to make their views known. In addition, they have a statutory duty to encourage the involvement of children and young people in their work and consult with them on the work that they should be doing to improve the rights of children and young people.

Relationships and Sex Education and Health Education

There has also been engagement with children in the development of new curriculum for Relationships and Sex Education and Health Education in England. A thorough engagement process has informed the key decisions on the new subjects which will address sexual exploitation and abuse. This included a call for evidence that received over 23,000 responses from parents, young people and schools. Led by an Education Adviser (a head teacher and CEO of a multi-academy trust), the Department for Education have also engaged with 90 organisations representing a broad range of views, including representative bodies for young people as well as direct youth engagement.

Children in Care

For those children in care, the Department for Education are firmly committed to the principle that the voice of the child should be at the heart of the care system and driving positive change. Local authorities should ascertain a child's wishes and feelings before making decisions affecting them and their care. This is set out in section 22 of the Children Act 1989. The corporate parenting principles, introduced through the Children and Social Work Act 2017, require local authorities to encourage children and young people to express their views, wishes and feelings; and to act upon these. In addition, all looked after children and care leavers have the right to access advocacy services from their local authority to help make representations about the services they receive, including pursuing complaints.

Trusted Relationships Fund

As part of the UK's commitment to early intervention for vulnerable children and young people at risk of high harm crimes, the £13 million Trusted Relationships Fund (2018-2022) will support 11 local authority-led projects in England working with young people at risk of child sexual exploitation or abuse, as well as other forms of community-based exploitation. Many of the projects involve an element of co-production, either through bespoke engagement or consultation through existing youth forums involving the target cohort of young people aged 11-17. The projects will employ a variety of approaches to build resilience to harm through fostering healthy, trusting relationships with responsible adults. This includes the creation of safe spaces that will provide an

opportunity for young people to disclose abuse; develop protective factors against exploitation; build personal resilience and increase help-seeking behaviours. The involvement of young people in the design and refinement of the models will help to ensure that services and activities designed to support them are appropriately pitched and driven by young people's needs.

Independent Child Trafficking Guardians Scheme

Children have been involved in the assessment and development of the Independent Child Trafficking Guardians (ICTGs) scheme and were invited to participate in the second phase of research.

Wales

The Rights of Children and Young Persons (Wales) Measure 2011, strengthened and built on the rights-based approach of the Welsh Government to making policy for children and young people in Wales. It placed a duty on all Welsh Ministers to have due regard to the substantive rights and obligations within the UNCRC and its optional protocols including non-discrimination in the development and implementation of legislation and policy.

This also means that legislation and policy that are relevant and impact children and young people must be subject to a Child Rights Impact Assessment and that consultations on policy and legislation actively seeks the views of children and young people.

Scotland

We fund national youth information and citizenship organisations (e.g. Young Scot, Scottish Youth Parliament and the Children's Parliament) to help children and young people to become successful and confident and ensure that they are given the opportunity to participate in and influence local and national activities and decisions.

These third sector organisations have supported the Scottish Government to engage with children and young people and feed their views into policy on sexual exploitation. An example is the Scottish Youth Parliament worked with the Scottish Government to co-produce a consultation workshop on *Protection from Sexual Offending* in October 2018. Also, Young Scot, as the National Information and Citizenship Agency for Scotland, provides young people with information – such as on sexual harassment and revenge porn - to help them make informed life choices.

Section 1 of the Children and Young People (Scotland) Act 2014 (CYP Act), which commenced in June 2015, places specific duties on Scottish Ministers aimed at furthering the effect of the UNCRC in Scotland. These include consideration and delivery of appropriate action, listening to the views of children and young people and promoting public awareness and understanding of children's rights, including amongst children. In support of these duties, the Child Rights and Wellbeing Impact Assessment (CRWIA), which was introduced in June 2015, aims to ensure that all areas of the Scottish Government consider the possible direct and indirect impacts of proposed policies and legislation on the rights and wellbeing of children and young people. The views of children and young people are integral to the CRWIA process.

In addition, the Scottish Government's Progressing the Human Rights of Children in Scotland: An Action Plan 2018-2021¹³, which was published in December 2018, includes the commitment to develop in partnership with children and young people, a strategic approach to their participation. We aim to mainstream the participation of children and young people in decision-making across Scottish society and will ensure we listen to 'representative' voices of children and young people, in particular ensuring that the voices of the seldom heard, vulnerable and younger children are routinely heard.

The Scottish Ministers are currently consulting on the best way of incorporating the UNCRC into domestic law within the context of Scots law, public services and the powers of the Scottish Parliament.

Scotland's Children's Commissioner

The Commissioner for Children and Young People (Scotland) Act 2003 (the 2003 Act) established the role of the Commissioner for Children and Young People in Scotland¹⁴. The principal function of the role is to promote and safeguard the rights of children and young people, including raising awareness about children's rights.

The 2003 Act provides for the Commissioner to undertake investigations in respect of how service providers have regard to the rights, interests and views of groups of children and young people in making decisions or taking actions that affect them. Provisions in Part 2 of the CYP Act, which were commenced on 7 August 2017, build on this by empowering the Commissioner to conduct such investigations on behalf of individual children.

Northern Ireland

Steps taken to encourage the participation of children include:

- Appointment of dedicated police officers to build relationships with child at risk; development of The Rowan, the regional Sexual Assault Referral Centre (SARC) for Northern Ireland. This is an independent centre where children can talk about their issues with or without police, and obtain therapeutic and medical help if they decline forensic examination.
- *Safe Choices* program (Barnardo's), e-safety education program rolled out by PSNI (Police Service of Northern Ireland) for primary, post-primary and parents.
- The Department of Health commissioned VOYPIC (Voice of Young People In Care) to carry out research among children and young people in care. They engaged with 290 young people about keeping safe and CSE.
 - VOYPIC facilitates a personal development training programme for young people in care to develop their leadership skills. The programme also provides practical opportunities for young people to demonstrate and enhance these skills. These Young Leaders play an active role, working with the staff team to increase young people's involvement throughout VOYPIC and ensure young people's views and experiences shape and inform policy and practice.
 - VOYPIC utilised this Young Leaders panel to respond and contribute to the final chapter of the *Safe as Houses* report as experts by experience.

¹³ <https://www.gov.scot/publications/progressing-human-rights-children-scotland-action-plan-2018-2021/>

¹⁴ <https://www.cypcs.org.uk/>

They were able to offer a critique of the responses from SBNI (Safeguarding Board for Northern Ireland) and key safeguarding stakeholders to Safe Places and Spaces.

4b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).

When relevant, the Ministry of Justice seeks the views of children and organisations who support them. Examples include:

- We sought the advice of organisations who provide support to child victims as part of the development of the cross-government Victims Strategy in 2018.
- In the most recent revision of the Code of Practice for Victims of Crime, NSPCC facilitated a discussion with children to seek their views. A child friendly version was subsequently developed.
- In 2019 we are revising the Code again and will also be consulting on a Victims' Law; in both cases we will engage with stakeholders who have an interest in child victims as part of this process.

Wales

The Welsh Government routinely seeks to gather the views of children to inform the development and review of policy and practice. For example:

- Children and young people participated in a review of the current statutory guidance on child sexual exploitation policy and practice commissioned by the Welsh Government from Cardiff University and published in November 2017.
- During 2018 small scale, in-depth and well supported consultation exercises with children with experience of the child protection process were commissioned by the Welsh Government. Children and young people participating in these consultations included children receiving support because of child sexual abuse, child sexual exploitation or harmful sexual behaviour.
- A larger scale Bright Spots survey of children and young people with experience of being in public care was completed in 2018, which includes children who are looked after because of experiences of child sexual abuse

Scotland

Rights and support for victims in Scotland including children and young people is underpinned by the Victims and Witnesses (Scotland) Act 2014.

It is a Scottish Government priority to improve the experience of child victims and witnesses, minimising court attendance and supporting them to give best evidence.

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill, which details reforms to improve how child and vulnerable witnesses participate in our criminal justice system by enabling greater use of pre-recording their evidence in advance of the criminal trial, was passed by the Scottish Parliament on 9 May 2019 and received Royal Assent on 13 June 2019. The development of the Bill provisions was informed by a public consultation which included direct engagement with a number of public and third sector services and support providers for children, young people and their families.

The first phase of implementation is likely to begin in the High Court for child witnesses (where the offence is one specified in the legislation) in early 2020. An Implementation Group has been established to discuss commencement of the Bill provisions and

current thinking on transitional commencement including how best to monitor and evaluate the reforms between each planned stage of the roll out. This is a progressive step towards achieving our vision that where possible, child witnesses should not have to give evidence at trial.

The Bill is a key part of wider work to improve support for victims through the Justice system which includes improving the process and quality on Joint Investigative Interviews (JII) - this is the formal interview process carried out by trained police and social work investigative interviewers mainly for evidential purposes and to assess if necessary whether the child (or any other child) is in need of protection. These interviews can be and are sometimes used as a witness' evidence in chief in a criminal trial. They are also used in Children's Hearings.

The Scottish Government is committed to taking forward work with stakeholders to consider how the *Barnahus* concept could operate in Scotland. Healthcare Improvement Scotland, in partnership with the Care Inspectorate, has been commissioned to develop Scotland-specific standards for *Barnahus*. This will help us to fully understand what is required to improve our collective response to child victims and provide a roadmap for developing our approach. Work to develop standards is at the scoping stage. It is anticipated that draft standards will be available for consultation by the end of 2019, with finalised standards published by Summer 2020. The group informing standards development will include clinical expertise, health boards, children's services, the third sector, and statutory justice partners and be informed by children and young people's experience.

The Scottish Government is providing £44,443 to Children 1st to help fund Children's Rights and Participation workers to ensure that the voices of children and their families inform the Government's approach.

Northern Ireland

Child victim's views, needs and concerns have been taken into account via:

- *Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry* (November 2014) by Professor Kathleen Marshall consulted with 580 young people and 795 parents with attention given to the equality categories set out in section 75 of the Northern Ireland Act 1998;
- Children's Commissioner;
- Voice of Young People in Care (VOYPIC);
- Child and Adult Mental Health Service;
- Child victim's views were key considerations in the development of the Independent Guardian service, with research among child victims of human trafficking carried out by the Northern Ireland Commissioner for Children and Young People (NICCY) key to the development of this service.

Question 5: Specialised bodies/mechanisms

5a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a));

The independent institution in charge of promoting and protecting the rights of the child in England is the Children's Commissioner. The primary function of the Children's Commissioner includes promoting awareness of the views and interests of children, in particular:

- advising persons exercising functions or engaged in activities affecting children on how to act compatibly with the rights of children;
- encouraging such persons to take account of the views and interests of children;
- advising the Secretary of State on the rights, views and interests of children;
- considering the potential effect on the rights of children of government policy proposals and government proposals for legislation;
- bringing any matter relating to the views and interests of children to the attention of either House of Parliament;
- investigating the availability and effectiveness of complaints procedures so far as relating to children;
- investigating the availability and effectiveness of advocacy services for children;
- investigating any other matter relating to the rights or interests of children;
- monitoring the implementation in England of the United Nations Convention on the Rights of the Child;
- publishing a report on any matter considered or investigated under this section.

The resources for the Children's Commissioner are secured through the sponsoring of the Department for Education. The Secretary of State may make payments to the Children's Commissioner of such amounts, at such times and on such conditions (if any) as the Secretary of State considers appropriate. Funding is phased through the year in instalments designed to echo the Commissioner's expenditure pattern.

In addition to the Department of Education funding, the Commissioner may receive income from other sources, on condition that it shall have determined any fees or charges for any services supplied by them in accordance with the Treasury Guidance.

The Children's Commissioner may appoint any staff they consider necessary for assisting them in the exercise of his functions.

There are also Children's Commissioners for Wales, Scotland and Northern Ireland. The law says that the Children's Commissioner in England must represent children in parts of the UK outside England on issues that are not devolved to the Governments of Scotland, Wales and Northern Ireland. These include immigration, for the whole of the UK, and youth justice, for England and Wales.

Wales

Established by the Care Standards Act 2000, the Children's Commissioner for Wales is an independent children's human rights institution¹⁵. The Commissioner's remit is laid down in the Children's Commissioner for Wales Act 2001, which amended the Care Standards Act 2000. The principal aim of the Commissioner is to safeguard and promote the rights and welfare of children. This must be the Commissioner's overriding objective when undertaking her work¹⁶.

A child is defined in the 2000 Act as a person under the age of 18, although the Commissioner is able to act on behalf of a young person who has been placed in local authority care ('looked after') who is over the age of 18 in some circumstances.

In carrying out her work, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC underpins all of the Commissioner's work. The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare. The Children's Commissioner for Wales and her office are funded by the Welsh Government.

Scotland

The Commissioner for Children and Young People (Scotland) Act 2003 (the 2003 Act) established the role of the Commissioner for Children and Young People in Scotland. The principal function of the role is to promote and safeguard the rights of children and young people, including raising awareness about children's rights. The 2003 Act makes clear that the Commissioner is not to be regarded as a servant or agent of the Crown and is not subject to direction or control of any Member of the Scottish Parliament, member of the Scottish Government or the Scottish Parliamentary Corporate Body (SPCB). The SPCB sets the terms of the Commissioner's appointment, including the allocation of resources.

The 2003 Act provides for the Commissioner to undertake investigations in respect of how service providers have regard to the rights, interests and views of groups of children and young people in making decisions or taking actions that affect them. Provisions in Part 2 of the Children and Young People (Scotland) Act 2014, which were commenced on 7 August 2017, build on this by empowering the Commissioner to conduct such investigations on behalf of individual children.

The Scottish Youth Parliament (SYP) and Children's Parliament work to ensure the voices of children and young people in Scotland are well-represented. The Children's Parliament gives children a voice by working with them through projects and consultations and educating adults with the knowledge and skills to engage. They work with children from a range of backgrounds using a rights-based approach to ensure their experiences, opinions and ideas can influence life at home, in school, in the community and in the wider social and political landscape. The SYP is the democratically elected voice of Scotland's young people. Their vision is of a nation that actively listens to and values the meaningful participation of its children and young people. They provide a national platform for young people to discuss the issues that are important to them, and campaign to effect the change they wish to see.

¹⁵ <https://gov.wales/topics/people-and-communities/people/children-and-young-people/rights/commissioner/?lang=en>

¹⁶ https://www.childcomwales.org.uk/wp-content/uploads/2017/10/CCfWPowersPaper_Final_E.pdf

Together (Scottish Alliance for Children's Rights) is an alliance of Scottish children's charities that works to improve the awareness, understanding and implementation of the UNCRC; The organisation also monitors and reports on progress made in relation to children's rights.

SYP, the Children's Parliament and Together receive core funding from the Scottish Government. The funding supports these organisations to deliver work to promote the rights of children and young people, as well as supporting their other activities.

Northern Ireland

Institutions in charge of promoting and protecting the rights of the child include:

- Safeguarding Board for Northern Ireland (SBNI);
- Youth Justice Agency;
- Social Services;
- Voice of Young People in Care (VOYPIC);
- Designated Child Protection Teachers;
- NSPCC;
- Barnardo's.

5b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b));

Crime Survey and Police Data

There are two main sources of crime data: the Crime Survey for England and Wales (CSEW), a victimisation survey of the general household population, and crime reported to and recorded by the police. Both sources have been developed in recent years to enable measurement of child sexual abuse:

- A relatively new CSEW module of self-completion questions, which was first included in the survey in the year ending 31 March 2016, asks adult respondents aged 16 to 59 whether they experienced abuse while they were a child. The questions were limited to abuse carried out by an adult and included psychological, physical, and sexual abuse and also having witnessed domestic violence or abuse in the home. A strength of the CSEW is that it provides a better picture of the prevalence of crime than police recorded statistics, because the survey includes crimes that are not reported to, or recorded by, the police.
- In addition, the Home Office collects data on offences flagged by police forces in England and Wales as child sexual abuse (related) and also, more specifically, child sexual exploitation. The CSA and CSE flags are applied to any offence where the police believe there is an element of CSA or CSE involved. The annual data requirement (which specifies the information that police forces are obliged to return to the Home Office) for these offences has been mandatory since April 2016.

Centre of Expertise on Child Sexual Abuse

The national Centre of Expertise on Child Sexual Abuse (CSA Centre) is an independent body, funded by the Government, which exists to identify and share high quality evidence of what works to tackle child sexual abuse. The CSA Centre recognises that to tackle child sexual abuse we must understand its causes, scope, scale and impact. It seeks to bring about change by:

- Collating and analysing existing research, policy, practice and the real experiences of those affected, and filling the gaps with new research, insights and analysis.
- Using that evidence and insight to develop new approaches and apply learning in practice.

The CSA Centre collates and analyses data relating to child sexual abuse (including exploitation) from other agency data collections, most notably:

- Home Office Police Recorded Crime data which records the volume of notable offences committed that involve CSA or CSE, as well as investigation outcomes;
- Ministry of Justice data on prosecutions, convictions and sentences of perpetrators (along with some demographic information); and

- Department of Education data on the volume of children assessed as at risk of CSE and CSA; as well as the number of children who are on protection plans for sexual abuse, along with demographic information about these children.

The CSA Centre reports its findings annually in its publication *The Scale and Nature of Child Sexual Abuse*¹⁷.

Currently, local areas capture different data in different ways. Later in 2019, the CSA Centre will publish a report summarising findings from the piloting of a consistent data template for use by local agencies in a local area to improve consistency and comparability of data. Early findings suggest that participants in the pilot were positive about the value of introducing data consistency across agencies.

Multi-Agency Public Protection Arrangements (MAPPA) and ViSOR

Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory arrangements to assess and manage the risk posed by certain sexual and violent offenders. They are established by virtue of sections 325 to 327 of the Criminal Justice Act 2003. Statutory MAPPA guidance is produced by the Ministry of Justice.

MAPPA bring together the Police, Probation and Prison Services into what is known as the MAPPA Responsible Authority for each MAPPA Area. MAPPA Areas are coterminous with police force areas, as set out in the Police Act 1996. There are also a number of other agencies with a duty to co-operate with the responsible authorities.

Offenders eligible for MAPPA are identified and information is gathered and shared about them across relevant agencies. The nature and level of the risk of harm they pose is assessed and a coordinated risk management plan is implemented to protect the public. Although risk of harm can be managed, it cannot be eliminated. Offenders are recorded in three categories the first being:

- Registered sexual offenders: offenders who have been convicted of a specified sexual offence and/or to whom the notification requirements under Part 2 of the Sexual Offences Act 2003 apply (and who are therefore required to notify the Police of their name, address and other personal details, and notify the Police of any subsequent changes).

All sexual offenders including those convicted of sexual offences against children are also recorded under a national shared data base – ViSOR. ViSOR is a shared MAPPA database whose main function is to ensure that the three MAPPA responsible authorities contribute, share and store critical information about MAPPA Offenders and used in this way, enhances communication across the three responsible authorities.

ViSOR is used to store information and intelligence about people who have committed or are suspected of committing an offence which would require them to be managed by the Police, National Probation Service, Her Majesty's Prison Service and/or other agencies.

¹⁷ <https://www.csacentre.org.uk/research-publications/scale-and-nature-of-child-sexual-abuse-and-exploitation/>

National Crime Agency

The NCA processes information in the exercise of its functions, as provided for in part 1 of the Crime and Courts Act 2013 (CCA). The CCA also provides the NCA with a general 'information gateway' which provides lawful authority to:

- any person to disclose information to the NCA provided it is for the purposes of the exercise of any NCA function;
- an NCA officer to use information obtained in connection with an NCA function in connection with any other NCA functions; and
- an NCA officer to disclose information obtained in connection with the exercise of any NCA function provided the disclosure is for a 'permitted purpose' as set out in section 16 CCA

There are restrictions on this authority, such as the disclosure of certain categories of information, the requirements of Data Protection Act 1998 (DPA) and also Schedule 7 CCA, which sets out restrictions on the disclosure of particular types of information, e.g. HMRC information without first obtaining prior consent.

As well as complying with the CCA and DPA, the NCA's management of NCA Information is subject to other statutory requirements, including the:

- General Data Protection Regulation EU 2016/679 (GDPR) and the Data Protection Act 2018 (collectively referred to as the 'Data Protection Legislation');
- Regulation of Investigatory Powers Act (RIPA) 2000;
- Investigatory Powers Act (IPA) 2016;
- Human Rights Act (HRA) 1998;
- Public Records Act (PRA) 1958;
- The Code of Practice issued under section 46 of the Freedom of Information Act, 2000;
- Criminal Procedure and Investigations Act, (CPIA) 1996.

Wales

Local authorities in Wales collect data on children entered on the Child Protection Register, including children on the register because of child sexual abuse and on children having their care and support needs met. At a national level data is collated and shared as *Children receiving care and support census*¹⁸.

Local authorities also hold data on sexually exploited children. This is not gathered at a national level, but the Welsh Government is consulting on two specific child sexual exploitation national data indicators as part of a new outcomes framework for local authority social services.

Scotland

Multi-Agency Public Protection Arrangements (MAPPA) was introduced in Scotland in 2007 under Section 10 of the Management of Offenders etc. (Scotland) Act 2005.

The purpose of MAPPA is public protection and the reduction of serious harm. In Scotland the MAPPA brings together the Police Service of Scotland, the Scottish

¹⁸ <https://gov.wales/statistics-and-research/wales-children-receiving-care-support-census/?lang=en>

Prison Service, Health Boards and the Local Authorities, in partnership as the Responsible Authorities, to assess and manage the risk posed for certain categories of offender:

- Sex offenders who are subject to notification requirements under the Sexual Offences Act 2003.
- Mentally disordered restricted patients.
- Other offenders who are assessed by the Responsible Authorities as posing a risk of serious harm by reason of their conviction.

A number of other agencies are under a duty to co-operate with the Responsible Authorities and include housing providers, the voluntary sector and the Children's Reporter. National guidance is issued under section 10(6) of the 2005 Act and provides the Responsible Authorities with guidance on the discharge of their functions.

MAPPA is supported by ViSOR, (the UK-wide IT system) which facilitates inter-agency communication and ensures that the Responsible Authorities contribute, share and securely store critical information about MAPPA offenders. It improves the capacity to share intelligence and supports the immediate transfer of key information when offenders move between areas.

Scotland's first Human Trafficking and Exploitation Strategy sets out the Scottish Government's ambition to work with partners to make Scotland a more hostile place for human trafficking. This followed the Human Trafficking and Exploitation (Scotland) Act 2015, which introduced new offences and powers to detect and tackle trafficking. The Strategy identifies the following areas for action: identify victims and support them to safety recovery; identify perpetrators and disrupt their activity; and address their conditions, both local and global, that foster trafficking and exploitation.

Specific measures to protect children and young people are outlined in the Strategy. All child victims of trafficking or exploitation are provided with support and protection through Scotland's child protection system. Eligible child victims are also assisted by an Independent Child Trafficking Guardian. The Strategy, which was developed in consultation with stakeholders, including victims of trafficking and exploitation, will be reviewed every 3 years. Implementation of those actions within the Strategy specific to children are being supported and overseen by the Child Trafficking Strategy Group (CTSG).

The Scottish Government's Education Analytical Services, which is part of the Scottish Government's Children and Families Directorate, has legal powers to request data with regards children and young people who are formally looked after, under child protection measures or in secure care in Scotland. Information on the legislation which allows this to occur is The Social Work (Scotland) Act 1968.

Section 8 of the 1968 Act provides statutory authority for Scottish Ministers to undertake research into any matter connected with the functions of Scottish Ministers or local authorities in relation to "social welfare", and with the activities of voluntary organisations connected with those functions. The Children's Social Work Statistics Scotland publications falls into the definition of research in relation to "social welfare".

Northern Ireland

Measures taken include:

- Data Protection Act 1998 (monitored by Information Commissioner); GDPR (General Data Protection Regulation) 2015;
- The HSC (Health and Social Care) Board and Trusts collect data on child victims of sexual abuse through the Delegated Statutory Functions reporting system;
- The HSCB has also established a data collection framework for children who are victims or potential victims of trafficking and those who are separated, including victims of human trafficking and modern slavery;
- The Regional Practice Network also provides a central mechanism for the sharing of best practice and other information relating to these children. The network brings together key agencies and organisations and has also established links with the Child Trafficking Advice Centre (CTAC).

5c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).

Legislation: Part V of the Police and Criminal Evidence Act 1984 as amended by Protection of Freedoms Act 2012

For those convicted of the offences established in accordance with this Convention: the collection and retention of data relating to their identity and genetic profile (DNA) is subject to Part V of the Police and Criminal Evidence Act 1984 as amended by the Protection of Freedoms Act 2012].

The provisions are as follows:

- *DNA samples* - A DNA sample is an individual's biological material, containing all of their genetic information. Section 63D of the Police and Criminal Evidence Act 1984 (PACE) requires all DNA samples to be destroyed within 6 months of being taken. This allows sufficient time for the sample to be analysed and a DNA profile to be produced for use on the database. The only exception to this is if the sample is required for use as evidence in court, in which case it may be retained for the duration of the proceedings, under the Criminal Procedure and Investigations Act 1996.
- *DNA Profiles* - A DNA profile consists of a sequence of 16 7 pairs of numbers and 2 letters (XX for women, XY for men) to indicate sex. This number sequence is stored on the National DNA Database (NDNAD). It allows the person to be identified if they leave their DNA at a crime scene. The retention periods for DNA profiles under the Act are given in the table below.

Conviction Situation	DNA Retention
Any age convicted (including given a caution or youth caution) of a recordable qualifying offence. Sexual offences fall within this category.	Indefinite
Adult convicted (including given a caution) of a recordable minor offence	Indefinite
Under 18 convicted (including given a youth caution) of a recordable minor offence	1st conviction: 5 years (plus length of any prison sentence), or indefinite if the prison sentence is for 5 years or more. 2nd conviction: indefinite

DNA Data Oversight

The police oversee the collecting samples in accordance with PACE (Police and Criminal Evidence Act 1984).

The Forensic Information Database Services (FINDS), which is part of the UK Home Office, operates the National DNA Database (NDNAD). The NDNAD has been in existence since 1995. An annual report on its functioning is published online¹⁹:

Scotland

Police Scotland collect and retain personal data, physical data and samples from convicted persons in accordance with the Criminal Procedure (Scotland) Act 1995. Personal data, physical data, samples, and information derived from samples, in relation to a convicted person are retained indefinitely.

Samples are analysed and the DNA profiles stored on the Scottish DNA database as well as being sent to the UK National DNA Database.

The Scottish Government recently introduced the Scottish Biometrics Commissioner Bill to the Scottish Parliament. The Bill, if passed, will create a new Scottish Biometrics Commissioner to support and promote the adoption of lawful, effective and ethical practices in relation to the collection, use, retention and disposal of biometric data, for criminal justice and policing purposes. This means that the Commissioner will keep under review policy, practice and the law relating to biometric data – including the biometric data of persons convicted of the offences established in accordance with this Convention. The Commissioner will also prepare, promote and monitor the impact of a code of practice which sets out recognised standards and promotes good practice in relation to police use of biometric data.

Northern Ireland

The Police Service NI maintain storage this data. Relevant legislation is the Police and Criminal Evidence (NI Order 1989).

¹⁹ <https://www.gov.uk/government/collections/dna-database-documents>

Question 6: National or local coordination, cooperation and partnerships

6a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);

The Children Act 2004, as amended by the Children and Social Work Act 2017, replaces Local Safeguarding Children Boards (LSCBs) with a system of multi-agency safeguarding arrangements led by three safeguarding partners: the local authority chief executive; the accountable officer of a clinical commissioning group, and; a chief officer of police.

In support to the legislation stated above, *Working Together to Safeguard Children* (2018) provides the statutory guidance for the three safeguarding partners, who are required to make joint safeguarding decisions to meet the needs of local children. The three safeguarding partners are jointly responsible for setting out local plans to keep children safe and improve their wellbeing and are accountable for how well agencies work together to protect children from abuse and neglect. They are also responsible for identifying serious child safeguarding cases which raise issues of importance in relation to the area and review cases where they consider it appropriate.

For local arrangements to be effective, the three partners should engage organisations and relevant agencies that can work in a collaborative way to provide targeted support to children and families as appropriate. They should also make arrangements to allow all schools, colleges and other educational providers, in the local area to be fully engaged, involved and included in the new safeguarding arrangements.

Additionally, the National Crime Agency chairs the Protect and Prepare Board, attended by representatives from across government, law enforcement, health, third sector and Children's Services to coordinate the national cross sector response to CSAE. This board reports to the CSAE Strategic Governance Group (please see response to question 3b, under 'National Crime Agency and CSAE Strategic Governance Group').

With regards to the trafficking of children for sexual exploitation, the former Prime Minister Theresa May established a Modern Slavery Implementation Taskforce to bring together a wide group of Government and non-Government partners to drive coordinated delivery and implementation of the Modern Slavery Strategy 2014.

Wales

The response below is in relation to question 6a, b and c.

The Social Services and Well-being (Wales) Act 2014 established a National Independent Safeguarding Board to work with the Safeguarding Adults Boards and Safeguarding Children Boards across Wales. The board's duties are to:

- provide support and advice to safeguarding boards with a view to ensuring that they are effective;
- report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales;
- make recommendations to the Welsh Ministers as to how those arrangements could be improved.

The Social Services and Well-being (Wales) Act 2014 established 6 regional Safeguarding Children Boards across Wales. Each of the following is a Safeguarding Board partner in relation to Safeguarding Board area:

- a. The local authority for an area, any part of which falls within the Safeguarding Board area;
- b. The chief officer of police for a police area, any part of which falls within the Safeguarding Board area;
- c. The Local Health Board for an area, any part of which falls within the Safeguarding Board area;
- d. An NHS Trust providing services in the Safeguarding Board area;
- e. The Secretary of State to the extent that the Secretary of State is discharging functions under section 2 and 3 of the Offender Management Act 2007 in relation to Wales;
- f. Any provider of probation services that is required by arrangements under section 3 (2) Offender Management Act 2007 to act as a Safeguarding Board partner in relation to the Safeguarding Board area.

The objectives of a Safeguarding Children Board are:

- a. to protect children within its area who are experiencing, or are at risk of abuse, neglect or other kinds of harm, and
- b. to prevent children within its area from becoming at risk of abuse, neglect or other kinds of harm.

The functions of the Boards and provisions to cooperate are set out in guidance²⁰.

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (the Act) requires local authorities and Local Health Boards to prepare a strategy for the local authority area for tackling violence against women, domestic abuse and sexual violence (VAWDASV). The duty on Local Authorities and Local Health Boards to prepare, publish and implement local strategies is set out in sections 5 to 8 of the Act. These provisions place a duty on Local Authorities and Local Health Boards to prepare and publish joint local strategies for tackling gender-based violence, domestic abuse and sexual violence. These duties are set in guidance²¹.

Scotland

In Scotland, Police Scotland, NHS Boards and local authorities are the key agencies that have individual and collective responsibilities for child protection. The Chief Constable, Chief Executives of Health Boards and local authorities (a group hereafter referred to as Chief Officers) are responsible for ensuring that their agency, individually and collectively, work to protect children and young people as effectively as possible. They also have responsibility for maximising the involvement of those agencies /

²⁰ <https://gov.wales/docs/phhs/publications/160404part7guidevol1en.pdf>

²¹ <https://gov.wales/docs/dsijg/publications/commsafety/180317-guidance-for-local-strategies-en.pdf>

bodies not under their direct control, including the Scottish Children's Reporter Administration (SCRA), the Crown Office and Procurator Fiscals Service (COPFS) and the voluntary / third sector and should report to Scottish Ministers if they deem this not to be effective.

In 2019 the Scottish Government published guidance outlining Child Protection Committee and Chief Officer responsibilities for protecting children and young people²².

The National guidance for child protection in Scotland²³ provides a framework for agencies and practitioners at local level to agree processes for working together to safeguard and promote child wellbeing. It provides a national framework within which agencies and practitioners at local level - individually and jointly - can understand and agree processes for working together to support, promote and safeguard and the wellbeing of all children. It sets out expectations for strategic planning of services to protect children and young people and highlights key responsibilities for services and organisations, both individual and shared. It also serves as a resource for practitioners on specific areas of practice and key issues in child protection, including child sexual exploitation and abuse.

Northern Ireland

The newly established Child Protection Senior Official's Group (CPSOG) is to consider any existing or emerging child protection issues which require cross-departmental input and coordination. It will oversee the implementation of Professor Marshall's recommendations on child sexual exploitation (please see response to question 3b under 'Northern Ireland' for more details on the Marshall Report). In particular Key Recommendation 9 resulted in an inter-agency forum drawn from across the criminal justice sector and third sector stakeholders to examine how changes can achieve successful prosecutions. A workshop with key stakeholders resulted in an action plan.

Safeguarding Board for Northern Ireland (SBNI); Strategic CSE Committee and various local multi-agency groups involving all parties; use of drama (Chelsea's Story) to highlight child sexual exploitation – seen by 1 million.

The objective of the SBNI is to safeguard and promote the welfare of children and young people in Northern Ireland by coordinating the work and ensuring the effectiveness of each person or body represented on the Board. The SBNI is made up of an independent Chair, three non-executive directors and membership from the following:

- Health and Social Care Board
- Public Health Agency
- Health and Social Care Trusts
- Police Service of Northern Ireland
- Probation Board of Northern Ireland
- Youth Justice Agency
- Education Authority
- District councils
- National Society for the Prevention of Cruelty to Children

²² <https://www.gov.scot/publications/protecting-children-young-people-child-protection-committee-chief-officer-responsibilities/pages/4/>

²³ <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>

- A designated nurse
- Five representatives from the voluntary and community sectors
- A GP who will be a member of the British Medical Association

A sub-group of the SBNI has been established to ensure that its member agencies work collaboratively to ensure the safeguarding and welfare of children and young people who are being, or who are at risk of being, sexually exploited. The key tasks of this group are to:

- To develop an understanding of CSE in Northern Ireland as experienced by young people;
- To assist the Policy and Procedures Committee by identifying good practice
- To report to the SBNI Board the delivery of the Marshall and Pinkerton;
- Recommendations by SBNI member agencies.

The HSCB (Health and Social Care board) is responsible for coordinating and chairing the Regional Practice Network which plays a key role in ensuring that key agencies and organisations cooperate and coordinate their work to support children who are victims or potential victims of trafficking and those who are separated.

6b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;

Cooperation between state authorities and civil societies, with a view to better preventing and combating sexual exploitation and sexual abuse is actively encouraged within England. Local authorities, under section 10 of the Children Act 2004, have a responsibility to promote inter-agency co-operation to improve the welfare of all children. In addition to this we are putting in place new local multi-agency safeguarding arrangements, arising from the Children and Social Work Act 2017 and statutory guidance in *Working Together to Safeguard Children* (2018) (please see response to question 6a).

Wales

Please see response under 'Wales' to question 6a.

Scotland

Statutory Guidance on Part 3 (Children's Services Planning) of the Children and Young People (Scotland) Act 2014²⁴ provides guidance for local authorities and health boards on a variety of duties and responsibilities on services and organisations in respect to child protection in Scotland. These relate, primarily, to the investigation and response required in cases of (actual or potential) child abuse and/or neglect.

In accordance to the National guidance for child protection in Scotland, every local Child Protection Committee must produce an annual plan/report, outlining the activities of agencies working together to protect children. In those local areas where such a plan and/or report is produced, it is important that the process is fully integrated into the wider children's service planning framework. The child protection planning process should be seen as a component part of children's services planning, contributing to the local Children's Services Plan and annual progress report.

Northern Ireland

The newly established Child Protection Senior Official's Group (CPSOG) has oversight for the open recommendations from the Marshall Report and any existing or emerging child protection issues which require cross-departmental input and coordination. The implementation plan developed in response to Professor Marshall's report into CSE in Northern Ireland has seen significant changes to the way in which services address CSE in Northern Ireland. Closer liaison of social services and Police Service of Northern Ireland (PSNI) ensures a more coordinated response to CSE and substantial awareness raising activity with children and their families, and with professionals in the health, education and justice sectors.

PSNI have a dedicated Child Protection Sergeant who has liaised with Safeguarding Board for Northern Ireland (SBNI) and NSPCC to roll out some material to members of Pubs and Clubs Ulster regarding the *Nightwatch* program to raise the awareness of CSE, a CPD (Continuing Professional Development) module of CSE awareness has been created for taxi drivers which will be compulsory and is now compulsory for any firms wishing to apply for a tender to carry children or vulnerable adults through the

²⁴ <https://www.gov.scot/publications/statutory-guidance-part-3-childrens-services-planning-children-young-people/pages/18/>

health trusts or Education Authority. Door staff have also undertaken training about CSE awareness. There is to be future engagement with hotels and the Hospitality Sector in NI.

Child Safeguarding Officer also is working in collaboration with NSPCC, Education, and Parenting NI, to produce 'sexting' guidance for schools.

Please see response to question 6a under 'Northern Ireland' for information about the role of the SBNI in coordinating work across member agencies to safeguard children and young people from CSE and the role of the Regional Practice Network in coordinating those agencies and organisations working with children who are victims or potential victims of trafficking and those who are separated.

The SBNI has also engaged in a number of initiatives to raise awareness among private sector organisations of the role that they can play to combat CSE. This includes the *Safer to Know* website and the *Nightwatch NI* programme. This programme sought to raise awareness and advise night-time workers how to protect children and young people from sexual exploitation. Its intention was to target front-line workers in the Northern Ireland night-time economy: accident and emergency staff, ambulance drivers, firefighters, door supervisors, taxi drivers, hotel, B&B and bar staff. The project aimed to increase awareness about child sexual exploitation (CSE), help workers know how to spot the dangers signs, keep alert, how to get help for those who may be at risk, exploited or suffering abuse and how to report concerns safely and anonymously. In addition to training being provided to staff working in these industries, the SBNI also delivered 'train the trainer' courses to trainers working within the NI Fire and Rescue Service, door supervisors and taxi service. As a result of this, the training will be able to reach an additional 1,800 staff working across these agencies.

6c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?

As referenced in response to question 5c, Multi-Agency Public Protection Arrangements (MAPPA) bring together the Police, Probation and Prison Services into what is known as the MAPPA Responsible Authority for each MAPPA Area. A number of other agencies are under a duty to co-operate with the Responsible Authority. These include Children's Services, Adult Social Services, Health Trusts and Authorities, Youth Offending Teams, Home Office Immigration Enforcement, local housing authorities and certain registered social landlords, Jobcentre Plus and electronic monitoring providers.

The Responsible Authorities, under section 11 of the Children's Act 2004, must make arrangements for ensuring that:

- (a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and
- (b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.

The responsible authorities and duty to co-operate with agencies all contribute to a specific risk management plan for those individuals convicted of sexual offences against children. Part of the risk management plan will include suitable interventions to manage the specific risk.

Wales

Please see response under 'Wales' to question 6a.

Scotland

As referenced to question 5c MAPPA was introduced in Scotland in 2007 under Section 10 of the Management of Offenders etc. (Scotland) Act 2005.

The purpose of MAPPA is public protection and the reduction of serious harm. In Scotland the MAPPA brings together the Police Service of Scotland, the Scottish Prison Service, Health Boards and the Local Authorities, in partnership as the Responsible Authorities, to assess and manage the risk posed for certain categories of offender:

- Sex offenders who are subject to notification requirements under the Sexual Offences Act 2003.
- Mentally disordered restricted patients.
- Other offenders who are assessed by the Responsible Authorities as posing a risk of serious harm by reason of their conviction.

A number of other agencies are under a duty to co-operate with the Responsible Authorities and include housing providers, the voluntary sector and the Children's Reporter.

Northern Ireland

Yes, including:

- offender treatment programmes in prison and by Probation;
- Public Protection Arrangements for NI (PPANI);
- designated risk managers;
- risk management strategies;
- local offender management committees; and
- Local Area Public Protection Panels (LAPPP).

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.

The UK is committed to protecting vulnerable children around the world and helping them to grow up free from all forms of violence, abuse and exploitation. The UK is reducing the threats facing children through dedicated child protection investments, alongside interventions embedded in wider development and humanitarian programming.

WePROTECT Global Alliance

The UK Home Office has been the sole financial donor to the WePROTECT Global Alliance (WPGA) since its inception and provides the entire running costs of the Secretariat, estimated to be £1-2 million per year. WPGA is a global movement that brings together the influence, expertise and resources required to transform how online child sexual exploitation is dealt with worldwide. Its multi-stakeholder nature is unique in this field, with 89 countries, 22 global technology companies, 25 leading Non-Governmental Organisations and eight regional organisations signed up to the initiative. It was formed in 2015 by the merging of the “WePROTECT Children Online” initiative, which had been established by the then UK Prime Minister David Cameron in 2014, and the “Global Alliance Against Child Sexual Abuse Online”, which had been established by the then US Attorney General Eric Holder and EU Commissioner Celia Malmstrom in 2012.

WPGA’s achievements to date include:

- The first ever open source, publicly available Global Threat Assessment was published in 2018, the result of detailed and comprehensive research into the threat of online CSE.
- A Model National Response was launched in 2016, providing a definitive toolkit which sets out what countries need to do tackle online CSE and deliver support for victims.
- Convening, with the Home Office and Microsoft, an online grooming Hackathon in November 2018. The event brought together engineers, legal and operation experts from Microsoft, Google, Facebook, Snap and Twitter to develop a technical solution to detect the online grooming of children.

The WPGA will be holding a global summit, hosted by the African Union at its HQ in Addis Ababa in December 2019. It will bring together government, law enforcement agencies, technology companies and civil society organisations and will provide attendees with the tools, knowledge and networks to tackle online child sexual exploitation.

The Global Partnership to End Violence Against Children

The UK Department for International Development (DFID) is a founding board member of the Global Partnership to End Violence Against Children, an international partnership which mobilises governments, multilateral organisations, civil society and businesses to break the cycle of violence facing children across the world. The End Violence Against Children (EVAC) Fund supports activities to achieve the vision of the

Global Partnership. The WePROTECT Global Alliance provides advice to the EVAC Fund in relation to the its strategic objectives for tackling online CSE.

The Home Office has committed £40 million to the EVAC Fund to support activities intending to build international capacity to respond to the threat of online child sex abuse and exploitation. To date, our £30 million investments have supported over 30 projects in 20 countries delivering; support to victims, technical solutions to detect and prevent offending, support to law enforcement and educational campaigns on ways to keep children safe online. Through our investment, over 48,000 children have been reached by prevention and awareness raising campaigns in over 20 countries, as well as 4,500 caregivers and educational providers. Alongside this, our investments are achieving real-world impact on the ground. Some examples are set out below:

- The International Justice Mission (IJM) was awarded \$999,752 in 2017 to build the capacity of local law enforcement and the government to identify and safeguard victims of online child CSE in Cebu, the Philippines over 2 years. The IJM has already supported the identification and safeguarding of 40 child victims of online CSE – including live-streaming.
- The Internet Watch Foundation (IWF) has been awarded \$448,875 in 2017 to launch anonymous online reporting portals (of online CSEA) in 30 of the least developed counties in collaboration with local partners. The IWF has already launched 7 of these, including in Tanzania – which saw the IWF receive 7 online CSEA reports in the first two months.
- UNICEF Albania coordinated with newly elected members of parliament to facilitate necessary legislative reforms to address issues of online CSE. Their work also resulted in an inclusion of a chapter of children’s online protection in Albania’s newly adopted ‘Law on Child rights and Protection, 2017’.

Commonwealth 18-20 Fund

The UK Home Office successfully bid for £2 million from the Commonwealth 2018-20 Fund to spend on projects to tackle online child sexual exploitation in Commonwealth countries. When choosing the projects, the UK Home Office consulted with the Global Partnership to End Violence Against Children Fund. The two projects chosen (detailed below) will directly benefit a number of Commonwealth countries and neither project had previously received funding from the Global Fund.

PeACE Sri Lanka

The *End Sexual Exploitation of Children Online* project will – over a two-year period – tackle online child sexual exploitation and abuse in Sri Lanka. The specific aims of the project include: informing and empowering children to protect themselves against online child sexual exploitation; undertaking a comprehensive legal and policy gap analysis to develop an evidence base advocating for legal and policy changes for the protection of children online; setting up a multi stakeholder task-force to advocate for a National Action Plan for Child Sexual Exploitation and Abuse Online, aligned with the WePROTECT Model National Response; and strengthening co-ordination and implementation of efforts amongst multiple authorities and law enforcement agencies.

African Union Commission

The *Strengthening Regional and National Capacity and Action Against Online Child Sexual Exploitation in Africa* (The African Union Commission) project will – over a two-year period – tackle online child sexual exploitation and abuse in the following African countries: Algeria, Angola, Benin, Cameroon, Egypt, Ethiopia, Ghana, Ivory Coast,

Kenya, Madagascar, Morocco, Mozambique, Namibia, Nigeria, Rwanda, Senegal, South Africa, Sudan, and Uganda. The specific aims of the project include: building an evidence base and understanding of the existing capabilities to address online child sexual exploitation in all African Union (AU) Member States; mobilising political commitment by Member State representatives; strengthening capacity against Online Child Sexual Exploitation; mobilising country level commitment towards action; and developing a regional monitoring platform to track national progress with respect to the WePROTECT Global Alliance Model National Response.

Conflict, Stability and Security Fund

The UK's Conflict, Stability and Security Fund (CSSF) provides development and security support to countries which are at risk of conflict or instability. Programmes focus on different regions and themes, covering over 70 countries and delivering security, stability, peace-building and peace-keeping activities.

For the 2019-2020 funding period, the UK Home Office has bid for CSSF funding for projects to tackle the threat of child sexual exploitation and abuse and has invited tenders from international delivery partners.

National Crime Agency Child Exploitation and Online Protection Command

The National Crime Agency Child Exploitation and Online Protection Command (NCA CEOP) Partnerships Delivery Team works in collaboration with cross-sector, multi-disciplinary stakeholders to combat the threat of online child sexual abuse and exploitation in the UK and overseas.

At an international level, this is achieved through the delivery of specific projects and programmes of activity that build the capacity and capability of law enforcement overseas. It does this through knowledge sharing, scoping, training and mentoring where applicable; delivered by the NCA's network of Liaison Officers across the world, directly by NCA CEOP Officers, or identified partners in priority operational/capacity and capability countries when required. Wherever possible external funding is secured to finance this activity, and the team work in partnership with key international non-governmental organisations who are delivering capacity and capability building support to law enforcement to identify opportunities to inform their activity and maximise its impact. The team also develops and co-ordinates NCA CEOP's input into the leading international alliances/fora/projects relating to child sexual abuse and exploitation such as the Virtual Global Taskforce and the WePROTECT Global Alliance.

Modern Slavery and Human Trafficking

The UK is committed to ending modern slavery and human trafficking, including slavery and trafficking for the purposes of child sexual exploitation. The Department for International Development uses UK aid to fund international programmes which work to reduce vulnerability to exploitation and address the permissive environments that allow modern slavery and human trafficking to thrive.

The UK has gone above and beyond its original commitment to double our aid spending on tackling modern slavery to £150m, increasing UK aid support to over £200m. Current programming includes a £20 million contribution to the Global Fund to End Modern Slavery (GFEMS), announced in 2017, which will develop new and innovative approaches to tackling slavery in targeted populations and increase the global evidence and resourcing base, working with new partners in the private sector to improve effective practice in tackling slavery (for example designing new methods

for estimating prevalence). It also includes a £33.5 million Modern Slavery Fund, managed by the Home Office, focused on high-risk countries, from where we know victims are regularly trafficked to the UK - £2.2m was awarded to seven organisations to specifically protect vulnerable children in the UK and overseas who are at risk of trafficking. The projects cover a range of areas including tailored support for trafficking victims from various cultures, developing skills and expertise in local areas, and a specialist accommodation pilot, and complement other measures to support victims of child trafficking including the provision of Independent Child Trafficking Advocates.

Other current programming includes:

- £26 million to tackle the worst forms of child labour - including the commercial sexual exploitation of children and bonded labour in hazardous industries;
- £10 million to protect more than 400,000 boys and girls at risk of slavery in the Horn of Africa and along dangerous migratory routes in Somalia, Sudan and Ethiopia;
- up to £12 million to equip vulnerable children in conflict affected and fragile parts of Africa – educating them on the disguised risks of trafficking, improving law enforcement and supporting conflict-affected families in countries such as the DRC;
- up to £5.5m to help tackle modern slavery and child exploitation in the Commonwealth (full details above under 'Commonwealth 18-20 Fund' section).

Scotland

International development is a key part of Scotland's global contribution within the international community and follows our National Performance Framework, part of Scotland's effort to meet the UN's Sustainable Development Goals.

In 2016, following a public consultation, we published Global Citizenship: Scotland's International Development Strategy²⁵ which sets out our contribution to the international community, focused on 4 partner countries. At the forefront of our efforts is our annual International Development Fund (IDF), whose main aim is to support and empower our partner countries: Malawi, Rwanda, Zambia and Pakistan.

The Scottish Government's international development programme exists to further our aims of being an outward-looking nation and a good global citizen. Our aims mean that we foster and encourage the core values of fairness, equality and global solidarity. Our approach is to fund not only traditional development assistance projects, but also through our capacity strengthening funding stream provide funding to a number of partnered institutions from Scotland and our partner countries to enable peer-to-peer knowledge-sharing. Specifically, contributing to the fight against sexual exploitation and sexual abuse of children in our partner countries, we are currently funding the following from our IDF:

- Under our development assistance funding stream, we are funding Oxfam Scotland/Oxfam Rwanda to deliver their Claiming Sexual and Reproductive Health Rights in Rwanda Programme (2017-22)²⁶, active in six districts of Rwanda which aims to fight SGBV and support its victims. The project will directly benefit 3,120 people including 1,000 victims of sexual and gender-based violence, it facilitates attitudinal change, institutional capacity building

²⁵ <https://www.gov.scot/publications/global-citizenship-scotlands-international-development-strategy/>

²⁶ <https://www.gov.scot/publications/rwanda-development-programme-2017-2022-grant-awards/>

and empowerment of women to ensure that women in targeted districts of Rwanda can enjoy equal rights and live free from discrimination and violence

- Under our capacity strengthening funding stream, we are funding Police Scotland to carry out specialist training with their peers in the police forces in Malawi and Zambia on tackling gender-based violence and improving child protection (2016-19). The Police Scotland project began as a response to the Government of Malawi's 2016/17 Food Insecurity Plan, in which the Government acknowledged the risk of violence in areas that had been affected by extreme flooding over the previous two years. Displaced women and children were at particular risk of abuse, such as transactional sex in exchange for food, water and shelter. The objectives of the Scottish Government funded Police Scotland project were therefore to: reduce violence, abuse and exploitation of children in disaster affected districts and reduce the prevalence of gender-based violence among disaster affected communities. Although Zambia did not experience the same disastrous flooding as Malawi, the programme was latterly expanded to the Zambian police force, as they also wished to develop the capacity of their officers in tackling gender-based violence and improving child protection.

Northern Ireland

Yes; Human Trafficking legislation; police have Modern Slavery and Human Trafficking Unit and Child Protection officers are being trained in that specialism.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

8a. Which legislative or other measures have been taken to:

- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59-62). Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63);*
- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1);*
- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).*

Schools: Relationships and Sex Education

We want to support all young people to be happy, healthy and safe, to be equipped for adult life and to make a positive contribution to society. That is why the government is making Relationships Education compulsory in all primary schools, Relationships and Sex Education (RSE) compulsory in all secondary schools (state funded schools) and Health Education compulsory in all primary and secondary schools.

High quality teaching of these subjects will ensure that children understand what positive, healthy and respectful relationships look like and help to prevent abuse; by giving children the knowledge they need to be safe, to teach pupils that violence and abuse is never acceptable and that they should report abuse and concerns about themselves and others. The starting principle when teaching these subjects must be that the applicable law, for example that relating to violence against women and girls, should be taught in a factual way, so that children develop a clear understanding of their rights. Schools should support pupils who have experienced unsafe or abusive relationships and approach these subjects with sensitivity, as well as providing a consistent and safe place for children to speak easily to a trusted adult.

Schools should be aware that for many young people the distinction between the online world and other aspects of life is less marked than for some adults. Young people often operate very freely in the online world and by secondary school age some are likely to be living a substantial proportion of their life online. This has meant that internet safety and harms are also to be addressed in the new subjects. Pupils should be taught rules and principles for keeping safe online. This will include how to recognise risks, harmful content and contact, and how and to whom to report issues. Some pupils are also exposed to harmful behaviours online, and via other forms of media, which may normalise violent sexual behaviours. A focus on healthy relationships and broader

Relationships Education can help young people understand acceptable behaviours in relationships, both online and offline.

Additionally, to help schools implement a whole school approach to promoting healthy relationships and tackling abuse, and following commitments made in the government response to the Women and Equalities Committee inquiry into sexual harassment and sexual violence in schools, the Department for Education has developed a *Respectful Schools Tool*. The tool is designed to help schools deliver on a range of existing equalities, behaviour, bullying and safeguarding duties.

Many schools already teach these important issues and will be able to adapt to the new requirements quickly. We will actively encourage and support schools to start teaching these new subjects from September 2019. However, we are aware that some schools will require further support. We are working closely with teaching unions, subject associations and subject specialists and we also asked questions in the recent consultation to determine what support schools would value most. We are also committed to ensuring a lead in time of at least a year for any accountability, curriculum or qualifications initiative coming from the department which requires schools to make significant changes. All schools will therefore be required to teach these subjects from September 2020.

Schools: Safeguarding Guidance

All schools in England must have regard to the statutory safeguarding guidance called *Keeping Children Safe in Education* (KCSIE). This guidance is clear that all school staff have a responsibility to provide a safe environment in which children can learn. It outlines that all schools should have an effective child protection policy and a designated safeguarding lead, from the leadership team, who will take lead responsibility for safeguarding in the school, including supporting staff perform their safeguarding function. KCSIE sets out that all staff should receive child protection and safeguarding training at induction and that this training should be updated regularly. In addition to this, all staff should read part one of the guidance as it sets out for all staff what the indicators of sexual abuse and child sexual exploitation look like. The guidance is clear that all staff should know what to do if they have a concern about a child. Staff should follow local child protection policies and, in most cases, raise any concerns with the schools designated safeguarding lead. KCSIE sets out that where appropriate a referral will be made to children's social care (and as required the police). In support to the statutory guidance Department of Education have also provided detailed advice for schools in England covering child on child sexual violence and sexual harassment.

There is further statutory guidance for all practitioners who work within Child Protection. The Department of Education published an updated version of the key statutory guidance *Working Together to Safeguard Children* for anyone working with children in England in July 2018. It sets out how organisations and individuals should work together to protect children and how practitioners should conduct the assessment of children. In addition to this, it outlines that the fear of information sharing must not be allowed to stand in the way of protecting children as this must always be paramount and encourages the reporting of child sexual exploitation and abuse.

Trusted Relationships Fund

A number of projects supported by the Trusted Relationships Fund include activities, training and other initiatives to increase awareness of child exploitation, strengthen protective factors to prevent exploitation, and improve identification and support to

those at risk or victims of these high harm crimes. This includes targeted parenting programmes and family therapy, support to carers, preventative awareness raising in schools, as well as in the wider community.

Child protection and safeguarding are a key component of the day-to-day operation of Trusted Relationships Fund projects. Recipient local authorities and partner organisations are expected to comply with all relevant legislation (including *Working Together to Safeguard Children 2018*) to safeguard and promote the welfare of children and young people. In addition to following usual safeguarding processes, a clear procedure has been established for reporting any concerns to the Home Office relating to a risk of harm to any participants of the programme.

Thinkuknow Programme

The National Crime Agency Child Exploitation and Online Protection (NCA-CEOP) education programme *Thinkuknow* offers preventive education, guidance and support for children and young people aged 4–18, as well as guidance and advice for their parents/carers and the professionals who work with them. Thinkuknow aims to protect children and young people from online child sexual exploitation and abuse. The programme approaches the online world from the child's perspective, promoting dialogue and understanding between children and trusted adults, and avoiding scare-mongering or victim blaming and challenging both where they arise.

Thinkuknow offers free, engaging and age appropriate resources, such as films, activities for download) as well as online games and website content²⁷ specifically for each audience (5-7, 8-10, 11-13, 14+, parents/carers and professionals), which are delivered to children in settings across the UK by a network of over 140,000 engaged professionals from across sectors including education, health, NGOs, law enforcement.

Content is created and reviewed on a regular basis to ensure learning outcomes are in line with the latest NCA intelligence and that educational approaches reflect the latest research. An example of this is an education package released for those working with both primary and secondary aged children called *#LiveSkills*, which covers the new and emerging risk of CSAE on live streaming platforms. Three significant education resources (Exploited, Play Like Share, Jessie and Friends) have been awarded the PSHE Association Quality Mark, indicating that they meet exacting standards for safe, effective education in this area.

The NCA-CEOP online reporting button *Click CEOP* is a mechanism (promoted by Thinkuknow) for children and young people to use should they feel worried or upset by contact made to them by an adult or unknown individual online. Reports are responded to by front line Social Workers based within the NCA, who then work with that child/young person to keep them safe. Parents, carers and professionals can also report via *ClickCEOP*.

The *Thinkuknow* programme delivers two training courses which aim to upskill and build confidence in professionals working directly with children and young people across sectors.

- *Keeping Children Safe Online*– An introductory e-learning course which enables delegates to gain the skills to act appropriately and confidently to protect the children and young people. It also aims for delegates to develop

²⁷ www.thinkuknow.co.uk

knowledge on how children and young people use the internet, and how to help keep them safe from abuse. This course is run in partnership with the NSPCC (National Society for the Prevention of Cruelty to Children).

- *Ambassador Course* - A one day course delivered by the National Crime Agency Child Exploitation and Online Protection Education Team. It focuses on the protection of children and young people from online sexual abuse and exploitation. Upon completion delegates will become Ambassadors who cascade the Thinkuknow training programme to other professionals. To date, over 8,000 Ambassadors have been trained.

The NCA-CEOP team joint-run the Parent Info service with The Parent Zone, a community interest company, Parent Info is a free newsfeed delivering expert advice on parenting in a digital age to parents and carers through school websites. To date, Parent Info has been embedded in over 7,500 websites across the UK.

UK Council for Child Internet Safety Education Working Group

NCA-CEOP chairs the UK Council for Internet Safety's (UKCIS) Education Working Group, comprised of government departments and agencies and non-governmental child safety organisations. Through this group, a number of key educational products have been created.

One which specifically covers the 'risk of new information and communication technologies' is the *Education for a Connected World* framework. This framework describes the digital knowledge and skills that children and young people should have the opportunity to develop at different ages and stages of their lives. It highlights what a child should know in terms of current online technology, online technology's influence on behaviour and development, and what skills a child needs to be able to navigate it.

The document supports one of the key aims of the Government's Internet Safety Strategy: supporting children to stay safe and make a positive contribution online, as well enabling teachers to develop effective strategies for understanding and handling online risks. The document is also referenced in statutory guidance *Keeping Children Safe in Education* for schools produced by the Department for Education.

Child Trafficking 'First Responders'

First responders are designated professionals, usually in a local authority or state organisation or charity whose role is to identify potential child victims of trafficking (including trafficking for sexual exploitation) and refer them into the National Referral Mechanism.

The Home Office has worked with stakeholders to review the role of First Responders, looking at who should be First Responders, how non-statutory organisations can apply to be a First Responder Organisations and how First Responders should be trained. Findings will be published as soon as possible.

We have also been working closely with existing First Responders to determine what works well in training and where the offer can be strengthened to improve identification and support for victims of modern slavery.

Wales

The Sex and Relationships Education (SRE) Expert Panel published its report on 17 December 2017²⁸:

The Welsh Government accepted the recommendations of the SRE expert panel, including that this area of study should be statutory in the new curriculum for learners 3-16 years old and renamed as Relationships and Sexuality Education (RSE). The change in name is intended to encourage schools to consider a broader, holistic approach to RSE and potential links with other areas of the curriculum.

The Welsh Government has also agreed to a refresh of guidance for the current curriculum; this will include the change in name to RSE. The guidance will be consulted on from Monday 18th February 2019 for a period of 6 weeks. It is intended that this guidance will be published in May 2019.

Alongside RSE, Health and Well-being will be one of six Areas of Learning and Experience (AoLE) which will be central to the structure of the new curriculum. The new curriculum is being developed by teachers and practitioners through a network of Pioneer Schools in partnership with Welsh Government, regional consortia, Estyn, Qualifications Wales, Higher Education, business and other key partners.

The Welsh Government provides a suite of resources for education practitioners on safeguarding²⁹.

The Welsh Government has issued statutory guidance *Keeping Learners Safe' and other guidance on Safeguarding in education*³⁰. We are reviewing this guidance and will publish a revised draft for consultation this spring.

The *National Online Safety Action Plan for Children and Young People in Wales*³¹ was published in July 2018 and sets out how the Welsh Government is working with teachers, parents and carers, learners and appropriate partners across Wales to keep our children and young people safe online. The plan will be reviewed annually by policy teams, to capture actions achieved and any new actions.

Since January 2014, the Welsh Government has contracted with South West Grid for Learning (SWGfL) to promote the safe and responsible use of Hwb and provide a range of online safety activities across Wales. These activities include online safety training for education professionals and school governors, and developing resources to support children, parents and teachers.

The online safety programme builds on existing expertise and activities to develop sustainable online safety activities across Wales – as well as increasing the amount of resources available in Welsh. The project includes the following online safety activities:

²⁸ <https://beta.gov.wales/future-sex-and-relationships-education-curriculum>

²⁹ <https://hwb.gov.wales/search?query=safeguarding>

³⁰ <https://beta.gov.wales/safeguarding-children>

³¹ <https://beta.gov.wales/sites/default/files/publications/2018-07/online-safety-action-plan-for-children-and-young-people-in-wales.pdf>

- development and publication of a range of bilingual teaching resources focused on specific issues in online safety;
- development and publication of a range of resources to support learners and parent and carers;
- provision of a self-evaluation tool - 360-degree safe Cymru and targeted support and promotion of its use;
- provision of a broad programme of online safety training to up-skill education practitioners;
- development of content and news features on online safety issues;
- development of an online safety training module for educational practitioners and governors.

Online Safety Zone

The Welsh Government has a dedicated area called the Online Safety Zone on its Hwb website. The Online Safety Zone was designed and developed to support online safety in education across Wales. In addition to news articles and features, the Online Safety Zone hosts a range of teaching resources on various online safety issues to help keep learners safe online. It provides access to sources of guidance and advice to learners, parents and carers and schools and links to training and further expert support.

The zone also hosts a training events calendar to allow practitioners to sign up to online safety training sessions. Established in February 2017 the zone to date has had over 263,000 page views.

The Hwb is host to the 360-degree safe Cymru tool, a bilingual, award winning online safety self-assessment tool for schools. The tool has been designed to allow schools to judge and review their own online safety practice and provision. To date 1,492 schools in Wales have registered to use the tool, which represents 87 per cent of schools in Wales.

Multi-agency guidance³² on safeguarding children has been issued under the Social Services and Well-being (Wales) Act 2014. The six Safeguarding Children Boards across Wales routinely work with partners to ensure that practitioners who have contact with children and young people have access to appropriate safeguarding children training.

The *All Wales Child Protection Procedures* (2008) provide practitioners across agencies with advice and direction on identifying and responding to abuse including Child Sexual Abuse and specific protocols on Child Sexual Exploitation and Harmful Sexual Behaviour. These are being updated on behalf of the six Safeguarding Boards in Wales and will be published as on-line Wales Safeguarding Procedures. A number of All Wales Practice Guides on children in specific safeguarding circumstances will also be published. This includes *All Wales Practice Guides* on safeguarding children from Child Sexual Exploitation and on safeguarding children who may have Harmful Sexual Behaviour. They will be issued in Autumn 2019.

The Welsh Government commissions campaigns such as the current campaign delivered by *Stop it Now Wales*³³ which has developed resources and is providing

³² <https://gov.wales/docs/dhss/publications/180511childrenatrisk.pdf>

³³ <https://www.stopitnow.org.uk/wales.htm>

learning events across Wales for practitioners and for parents and carers on identifying and responding to Child Sexual Abuse.

The Welsh Government has also part funded an NSPCC campaign on *Professionals Breaking the Silence*, including learning events across Wales this Spring, 2019. The campaign supports practitioners working with children to confidently deal with disclosures of abuse and to improve children's experiences of the disclosure process.

Scotland

Curriculum for Excellence (CfE) is the national approach to learning and teaching for young people aged 3 to 18 in Scotland. It provides significant flexibility, within broad national guidelines, for teachers to develop lessons which best meet the needs of individual learners. Teachers, head teachers and other professional educational practitioners are best placed to decide what is taught in Scotland's schools. We do not take a prescriptive approach to the curriculum in Scotland and it is very much up to individual schools and local authorities what approaches they use and external partnerships they build to help them deliver relevant and engaging learning.

Health and wellbeing is one of the eight curricular areas in CfE. Its substantial importance is reflected in its position at the centre of the curriculum and at the heart of children's learning – as well as a central focus of the Scottish Attainment Challenge and the National Improvement Framework for Education. Along with literacy and numeracy it is one of the three core areas that are the responsibility of all staff in the school.

Learning in health and wellbeing is designed to ensure children and young people develop the knowledge and understanding, skills, capabilities and attributes which they need for mental, emotional, social and physical wellbeing. Health and wellbeing is not a single subject or class but is organised into six areas:

1. Mental, emotional, social and physical wellbeing;
2. Planning for choices and changes;
3. Physical education, physical activity and sport;
4. Food and health;
5. Substance misuse; and
6. Relationships, sexual health and parenthood.

Some areas are the responsibility of all staff in a school. Others have a specific focus, with links to other health and wellbeing organisers and other curriculum areas.

Relationships, sexual health and parenthood (RSHP) education is an integral part of the health and wellbeing area of the school curriculum in Scotland. We are specific about the need for children and young people to gain knowledge appropriate to their age and stage of education. This aspect of the curriculum is intended to enable children and young people to build positive relationships as they grow older and should be presented in an objective, balanced and sensitive manner within a framework of sound values and an awareness of the law.

Learning about RSHP education begins early on in primary school right up to S4-S6. Schools will equip young people with information on a wide range of issues, including child sexual exploitation and child sexual abuse, depending on their age and stage. They will be encouraged to discuss these subjects with their peers and parents, to help them gain knowledge, and the skills to become confident in making healthy lifestyle decisions for themselves. It is for schools to decide how they deliver RSHP education,

based on the needs of the children or young people in their classroom. We ask teachers to work closely with parents in the delivery of RSHP education, by discussing proposed lessons and resources with them in advance.

For each curriculum area, Curriculum for Excellence has experiences and outcomes³⁴ which set out what each pupil is expected to learn and how they are expected to progress through four levels of learning. Progression to qualifications is described under the fifth level, the senior phase. For example, in respect of child sexual exploitation or sexual abuse, at early to first levels (3 to 8 year olds), pupils are expected to learn "...about respect for my body and what behaviour is right and wrong. I know who I should talk to if I am worried about this."; in second level (9 to 11 year olds) "...know that all forms of abuse are wrong and I am developing the skills to keep myself safe and get help if I need it."; and, in third and fourth levels (12 to 14 year olds) "...know where to get support and help with situations involving abuse and I understand that there are laws which protect me from different kinds of abuse."

In addition, Education Scotland developed benchmarks³⁵ to provide clarity on the national standards expected within each curriculum area at each level. They set out clear lines of progression across all curriculum areas from Early to Fourth Levels. Their purpose is to make clear what learners need to know and be able to do to progress through the levels, and to support consistency in teachers' and other practitioners' professional judgements. The benchmarks are designed to be concise and accessible, with sufficient detail to communicate clearly the standards expected for each curriculum level.

To monitor compliance, a key component of all school inspections is the evaluation of the quality indicator 3.1: Ensuring Wellbeing, Equality and Inclusion. The indicator focuses on the impact of the school's approach to wellbeing which underpins children and young people's ability to achieve success. Inspectors discuss with guidance and pupil support staff their shared understanding of wellbeing and how well PSE and any targeted interventions and strategies deliver improved outcomes for learners. The self-evaluation tool 'How Good is Our School 4' (HGIOS 4) was launched in September 2015 and came into force in August 2016. This includes a safeguarding quality indicator and specific quality indicator on ensuring wellbeing, equality and inclusion. This supports schools to effectively evaluate their own practice and support self-improvement.

Northern Ireland

The statutory personal development curriculum requires schools to give specific attention to pupils' emotional wellbeing, health and safety, relationships, and the development of a moral thinking and value system. The curriculum also offers a medium to explore sensitive issues with children and young people in an age-appropriate way which helps them to develop appropriate protective behaviours. Relationships and Sexuality Education (RSE) is covered within the *Personal Development and Mutual Understanding* (primary) and the *Learning for Life and Work* (post-primary) Areas of Learning. Beyond the statutory minimum content, schools have flexibility in what they cover and when it is covered. This gives each school the scope to make its own decisions on how best to meet the needs of its pupils. The Department has issued guidance to all schools emphasising the need for RSE to be delivered in a sensitive manner which is appropriate to the age and understanding of pupils.

³⁴ <https://education.gov.scot/Documents/health-and-wellbeing-eo.pdf>

³⁵ <https://education.gov.scot/improvement/documents/hwbpersonalsocial%20educationbenchmarks.pdf.pdf>

Specialised training for every designated teacher and deputy designated teacher for child protection includes CSE.

Libraries NI notes the template has a strong emphasis on legislation which it would not be involved in. However, Libraries NI has its own safeguarding policy and procedure in place to support the needs and rights of children and adults at risk.

The Northern Ireland Museums Council (NIMC) develops and delivers an annual Training Programme for its members (including museums staff & volunteers) and the Northern Ireland Museums sector. During 2018, NIMC held a course (*Safeguarding: Keeping Children and Adults Safe*) which was delivered by Volunteer Now. NIMC reviews its Training Programme on an annual basis and courses on Safeguarding are likely to feature in the programme every 2-3 years.

National Museums Northern Ireland (NMNI) operates a policy and management framework for safeguarding across all three of its public sites. This involves periodic training for all 360 employees as well as any agency staff and volunteers who work with us. NMNI also highlights the existence of its Safeguarding procedures and code of behaviour to third party contractors based on its sites and delivers training to regular contractors. NMNI's three museums, which are visited by 800,000 people per year, make reference to its Safeguarding procedures in prominent areas across the sites.

The Department for Communities takes the safeguarding of children, young people and other vulnerable persons as participants in sport very seriously. Likewise, the behaviours of all participants at all levels in sport is considered with the utmost gravity and negative and questionable behaviour including instances tested through the courts will not be allowed to discourage or prevent young people, particularly females, to participate in football or sport generally.

The role of the Department in terms of sport generally, focusses on the safety and security of participants in sport at every level, a requirement that is absolutely paramount. The Department, together with Sport NI (integral to its grants programme), compels recognition across the sports sector of the moral duty and legal obligations to protect children and young people in sport through the provision of a safe environment which protects them from harm. In a contractual arrangement, the NSPCC Child Protection in Sport Unit (CPSU) impacts on the sporting sector in Northern Ireland and has been working through Sport NI since 2001 in applying best practice standards for safeguarding child participants, that sports organisations should adhere to. The outputs and outcomes of the contract between NSPCC and Sport NI are reported to the Department on a quarterly basis or more regularly where significant issues arise.

All organisations applying to the Arts Council NI must complete an application section providing details regarding their registration with ACCESS NI. In addition, we require applicants to state their commitment to a Safeguarding Children/Young People/Adults at Risk Protection Policy Statement, including a commitment to update their child protection policies every 3 years.

Police provide presentations to schools and to designated child protection teachers; SBNI are showing *Chelsea's Story* to schools. Multi-agency forums promote training and knowledge required to address exploitation and advice of the requirement and means to report.

A multi-agency working group is producing sexting guidance for schools and colleges with the Child safeguarding officer, NSPCC, Education and Parenting NI.

In recognition of growing concerns about the safety of children and young people when using the internet and electronic technology (e-safety), a previous NI Executive agreed to commission and fund the Safeguarding Board for Northern Ireland (SBNI) to develop an e-Safety Strategy and accompanying Action Plan on its behalf.

The overall aim of the project is to develop an e-Safety Strategy and Action Plan which enables the safe use of digital and internet technology by children and young people.

The draft Strategy defines e-safety as follows:

E-safety is about using electronic devices in a safe, responsible and respectful way. It means safeguarding children and young people in the digital world and educating them to keep themselves safe online.

Behaviours which fall under its remit include both online and offline activity; for example, using social media, texting, instant messaging, video chatting, gaming and uploading and downloading content.

The Strategy stresses the need to deliver a consistent set of e-safety core messages to help protect children and young people from the risks of online activity. Risks differ depending on children and young peoples' gender, age, physical or learning disability, their mental health or sexual orientation. In addition, different challenges may exist for vulnerable children and young people, including Looked After Children and those young people receiving education in an environment other than a school.

A public consultation on the draft Strategy is planned for 2019.

Within Woodlands, Juvenile Justice Centre, under the NI Child Protection Legislation, children are assessed for being at risk of sexual exploitation and / or abuse. Care plans are put in place which will include Awareness, Education and support in conjunction with other statutory Agencies to minimise the risk or re-traumatisation of children on discharge to the community.

All staff and Managers receive training and awareness in relation to child protection and safeguarding vulnerable children. Section 75A policies, procedures and child protection training reflect / focus on issues related to CSE.

8b. Which policies or strategies have been implemented to promote or conduct awareness raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (Article 8, para. 1);

Together, we can tackle child abuse Campaign

The *Child Sexual Exploitation Action Plan*, published in March 2015, set out an ambitious programme to protect children from this largely hidden form of child abuse, alongside the Department for Education's children's social care reforms – with the aim of making safeguarding everyone's responsibility.

One of the commitments of this was the *Together, we can tackle child abuse* campaign, to help overcome widespread behavioural barriers that existed which prevent individuals from taking the correct action when they witness the signs of child abuse.

The aim of the campaign is to raise awareness and encourage members of the public to report child abuse and neglect. The campaign aims to normalise the behaviour of reporting and encourage individuals to see it as something 'people like them' would do. It also to support people on the journey, by identifying signals to look for and guiding them towards the best solution.

The *Together, we can tackle child abuse* campaign is being delivered with support from the Local Government Association, over 119 local councils, as well as police forces, the NSPCC and community and voluntary sector organisations, helping to challenge and increase confidence in knowing how to report and recognise the complex signs of child abuse and neglect amongst parents.

Material used for the campaigns included radio adverts; out of home adverts i.e. bus shelter posters (in selected Local Authorities); online digital adverts in social media (England wide); social media posts; radio interviews and working with an external advertising agency to issue a press notice to national print; online and broadcast media outlets.

Phases 1 (2015/16) and 2 (2016/17) of the campaign were successful at increasing confidence in knowing what abuse looks like and began to tackle the biggest barrier of reporting - making taking action seem less daunting and that reporting concerns is just one piece of the jigsaw puzzle.

Phase 3 (2017/18) reinforced public understanding of how to interpret and act on concerns, moving into the more complex territory of educating people nationally about how the signs of abuse and neglect can manifest in children and adolescents' appearance, behaviour and communication.

Latest figures (2018) from YouGov show that confidence has increased through the current campaign but there is still more to do to help build public understanding:

- 88% of the public now agree 'we all have a role to play in protecting children and young people from child abuse and neglect' (up 2% since phase 2);

- 76% of people are confident in knowing how to report child abuse and neglect (after seeing the campaign, 65% for all others) (up 6% since phase 2); and
- 70% of people are more likely to be confident in identifying the signs of child abuse (after seeing the campaign, 53% for others) (up 4% since phase 2).

Earlier phases of the campaign achieved the following (YouGov, 2017):

- Over a quarter of adults in target local authorities in England were aware of campaign adverts. The majority said they would report their suspicions;
- Two-thirds of those who saw the adverts were confident they could identify signs of child abuse or neglect, compared to only half of the broader public;
- A third agreed that the adverts told them something they did not know before.
- 70% said that they felt confident, or very confident, about reporting a suspicion of a child experiencing abuse or neglect having seen the adverts.

We know that for a long-term behaviour change campaign to be successful, we need to continue to encourage people to understand the signs and take action to report any concerns. The campaign was relaunched on 19 November 2018 in co-ordination with the World Day for the Prevention of Child Abuse to maintain current awareness levels.

The re-launch included a campaign tool kit provided to Local Authorities which included background, key messages, timings, advice on how they can help; suggested social media post and creative (GIFs) to accompany social media posts; national advertising in England across digital radio and social media; support from organisations such as NSPCC and Barnardo's and safeguarding partners including health, police and education; ministerial radio interview; departmental tweets; press release; social media advertising on Facebook and Instagram.

Thinkuknow Programme

The *Thinkuknow* education programme (detailed in question 8a) sets the foundation for advice the National Crime Agency (NCA) Communications team offers to the children, young people, parents, carers and professionals on CSAE. Campaigns usually focus around existing Thinkuknow films and resources, with the aim of extending reach.

In 2018, the NCA reinstated an existing campaign to extend reach of safeguarding messages to parents and carers. The campaign focused on two short awareness raising films (created for use on social media) *Romeo and Juliet* and *Who is Sam* and advice hosted on the parents' area of the *Thinkuknow* website³⁶. Key messages focused on talking to your children about staying safe online, what a healthy relationship looks like and what online abuse looks like.

This campaign resulted in 30,000 unique page views of *Thinkuknow* Parents area, 5,000 sign-ups to *Thinkuknow* and 225,000 views of the animation across all channels.

Modern Slavery Campaign

In July 2014, the UK launched a modern slavery marketing campaign to raise awareness that slavery exists in the UK. The campaign material was developed in collaboration with partners (such as charities, the police and frontline staff) to support the nationwide campaign to end modern slavery. It included information that modern

³⁶ <https://www.thinkuknow.co.uk/parents/>

slavery included sexual exploitation and sexual abuse, forced prostitution and the abuse of children for the production of child abuse images/videos.

Wales

The resources and campaigns described under 'Wales' in the response to question 6a include information for parent/carers and for children and young people. The six Safeguarding Children Boards across Wales also produce and disseminate public facing material. Each November the Welsh Government also provided funding for National Safeguarding week. In November 2018 six Safeguarding Boards developed a national public facing poster campaign on the theme of 'Exploitation' (of children and adults), including Child Sexual Exploitation.

Scotland

As part of the range of commitments within Scotland's National Action Plan to Prevent and Tackle Child Sexual Exploitation, a specific work stream is dedicated to reducing the risk of sexual exploitation of children and young people through a focus on prevention and early identification. It aims to improve understanding amongst parents and the wider public of all forms of child sexual exploitation, including risks and indicators, and appropriate responses.

Activity includes a national campaign, *Cthesigns*³⁷ to raise public awareness and understanding of child sexual exploitation, developed in partnership with stakeholders, providing information to parents and the wider public through TV, outdoor and digital advertising and a campaign website.

The Scottish Government established a National Advisory Group to oversee the delivery of the National Action Plan and through its membership to the Group, member organisations are committed to continued support of National Child Sexual Exploitation Awareness Day.

As part of awareness raising activity in 2019, Scottish Ministers supported the launch of Barnardo's Scotland report *Public Understanding of Child Sexual Exploitation in Scotland*³⁸, as well the *#NotMyFriend*³⁹ social media campaign by Police Scotland and *StopItNow! Scotland*, aimed at perpetrators.

Barnardo's Scotland is a key member of the National CSE Advisory Group, and the Scottish Government provided support through the Scottish Government's Children and Young People Early Intervention Fund, for Barnardo's Scotland to develop guidance, training and *Nightwatch*⁴⁰ awareness raising materials for night time economy staff to recognise the signs of child sexual exploitation, to give consideration to what should be done to protect children and young people who are suspected of being at risk, as well as respond to related issues that may give cause for concern.

³⁷ <http://csethesigns.scot/>

³⁸ http://www.barnardos.org.uk/barnardo_s_scotland_-_public_understanding_of_cse_in_scotland_2019.pdf

³⁹ <https://twitter.com/hashtag/notmyfriend?lang=en>

⁴⁰ <https://www.celcis.org/knowledge-bank/search-bank/nightwatch-cse-materials/>

Northern Ireland

Awareness-raising work and programmes include:

- Drama named *Chelsea's Story*;
- Safeguarding Board for Northern Ireland (SBNI) leaflets to highlight the issue;
- As part of the response to Key Recommendation 1 of the Marshall Report, the SBNI have incorporated CSE awareness into their safeguarding and children and young people's welfare awareness programme;
- *Nightwatch* program with SBNI - SBNI have funded the *Nightwatch* video produced by Barnardo's to be dubbed over in a NI voice and this will be rolled out through the members of Pubs and Clubs NI to raise awareness of CSE. NSPCC have also provided other material that would be suitable, and these will form part of a set of videos rolled out to bar and club owners to raise awareness;
- During the reporting period for this update the SBNI finalised delivery of phase 1 of training to the night time economy, utilising Barnardo's NI *Nightwatch* programme. Training was delivered to the Northern Ireland Fire and Rescue Service (NIFRS), Security Industry Authority (SIA) Door Supervisors, Taxi drivers and Voluntary organisations operating in the night time economy. The particular aims of the Programme are to protect children and young people from sexual exploitation by:
 - supporting prevention through increasing awareness among front-line workers in statutory agencies during the night-time hours, by means of training on identifying and reporting CSE;
 - supporting preventions through increasing awareness among private sectors workers in the night time economy by means of guidance, including through the use of new media, on identifying and reporting CSE; increasing awareness of community members of CSE through community events and strengthening links between statutory services and the community;
 - increasing awareness of CSE amongst businesses and services working in the night-time economy;
 - providing advice, support, training and guidance to these businesses and their employees to be aware of CSE and know what to do if they encounter young people who are vulnerable and at risk;
 - facilitating employees to contribute to the identification and protection of children who are at risk at night.
- The Youth Justice Agency is part of the SBNI and complies with Safeguarding information and awareness raising campaigns for young people and parents / carers

8c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (Article 8, para. 2, Explanatory Report, para. 66).

The Serious Crime Act 2015 (section 69) makes it an offence for a person

to be in possession of any item that contains advice or guidance about abusing children sexually.

The Sexual Offences Act 2003 (section 14) prohibits arranging or facilitating commission of a child sex offence. A person commits an offence if:

he intentionally arranges or facilitates something that he intends to do, intends another person to do, or believes that another person will do, in any part of the world, and;

doing it will involve the commission of an offence under any of sections 9 to 13.

The Sexual Offences Act 2003 (section 50) prohibits arranging or facilitating sexual exploitation of a child. A person (A) commits an offence if:

he intentionally arranges or facilitates the sexual exploitation in any part of the world of another person (B), and

either -

(i) B is under 18, and A does not reasonably believe that B is 18 or over,
or

(ii) B is under 13.

Under the Protection of Children Act 1978 (section 1) it is an offence for a person to:

publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs or pseudo photographs, or intends to do so.

The Obscene Publications Act 1964 was introduced to strengthen the law for preventing the publication for gain of obscene matter and the publication of things intended for the production of obscene matter.

Scotland

There are a number of provisions which can be used to prosecute someone who advertises the opportunity to commit any of the offences covered by the Convention:

Sections 10-12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 provide that it is an offence for a person to cause, incite, arrange, facilitate or control the provision by a child of sexual services or child pornography.

Section 293 of the Criminal Procedure (Scotland) Act 1995 provides that any person who aids, abets, counsels, procures or incites any other person to commit any statutory offence is guilty of an offence and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence.

Section 54 of the Sexual Offences (Scotland) Act 2009 can be used to prosecute someone who incites the commission of a sexual offence against a child out with Scotland.

Northern Ireland

It is an offence to incite a person to commit an offence against a child (Police and Criminal Evidence (Northern Ireland) Order 1989); it is an offence to incite a child to commit a sexual offence (Sexual Offences (NI) Order 2008).

Question 9: Recruitment and screening

9a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (Article 5, para. 3). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

Legislative Framework

The Disclosure and Barring Service (DBS), a non-departmental public body which was established under the Protection of Freedoms Act (PoFA) 2012, provides access to criminal record information through its disclosure service for England and Wales and bars individuals who may pose a risk to the vulnerable from working in certain roles.

The service enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.

The DBS maintains two “barred lists” covering people barred from certain types of work with children and vulnerable adults respectively. The defined areas of work are described as “regulated activity”, which can be characterised as work involving close and regular contact with children and vulnerable adults. The legal framework for barring is largely contained in the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012. This applies to employees and volunteers equally.

This legislative framework gives the DBS the power to bar an individual from working or volunteering in regulated activity with children, vulnerable adults, or both. A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working. It is also illegal for an employer to knowingly employ that person in regulated activity. Individuals can be barred if they are convicted or cautioned for a relevant offence (such as sexual and violent offences), or if they are referred by their employer who is concerned that the individual poses a risk of harm to children or vulnerable adults. Relevant offences are defined in legislation.

The DBS can only bar a person who is or has been, or may in the future be, engaged in regulated activity with children and/or vulnerable adults. The exception to the test for regulated activity is in relation to ‘automatic barring without representations’ cases, where the bar will apply to the person irrespective of whether they have worked or may in future work in regulated activity with children and/or vulnerable adults.

Regulated Activity - Children

Work under the following categories is classified as regulated if it takes place regularly (more than once per week or three times per month):

- Providing teaching, training or instruction.
- Unsupervised care or supervision of children.
- Childminding or foster care.
- Moderating online children’s forums.

- Driving or conveying a child.
- Provision of health care by health care professional.
- Personal care for reasons of disability or illness.
- Work in a specified place allowing unsupervised contact with children.

There is a similar set of activities that are specified as regulated activity in relation to vulnerable adults. Anyone working in these areas that do not meet the frequency test will be eligible for an enhanced certificate without barred list check.

Routes to Barring

- *Autobars*: There are two types of automatic barring cases where a person has been convicted or cautioned for a “relevant offence”:
 - Automatic barring without representations offences will result in the person being placed on a barred list(s) by the DBS irrespective of whether they work in regulated activity. Examples of these offences include: rape of a child under 13, care workers – sexual activity with a person with a mental disorder.
 - Automatic barring with representations offences may also result in the person being placed on a barred list(s) by DBS, subject to the consideration of representations and whether the DBS believes that the person has worked in regulated activity, is working in regulated activity or may in future work in regulated activity. Examples of these offences include: controlling prostitution for gain or possession of extreme pornographic images
- *Disclosure information*: Where a person has applied for a DBS certificate to work with children or vulnerable adults, with a check of one or both barred lists, and their certificate reveals they have a criminal history. This is a discretionary referral that arises from information disclosed by the police during a criminal records check.
- *Referrals*: From an organisation that has a legal duty or power to make referrals to DBS. Typically, there is a duty on employers to make a referral to the DBS when they have dismissed or removed an employee from working in regulated activity following harm to a child or vulnerable adult or where there is a risk of harm. For example, referred due to concerns about behaviour, which may fall short of a criminal offence.

Disclosure of criminal record information

A DBS check may be requested as part of an organisation’s pre-recruitment checks following an offer of employment, including volunteering roles and applications for specific licences. Decisions on when and whether to undertake a DBS check are a matter for the relevant employer or regulator. With the exception of certain regulations which apply to the education and health sectors, the law provides eligibility for DBS checks.

The framework for eligibility for DBS checks is set out in legislation and relates to what the role involves and/or the circumstances in which it is performed. These roles and activities include, for example, those concerned with working or volunteering with children or other people in vulnerable circumstances, or where sensitive information is handled and there is a risk to the public of an abuse of trust.

Examples of roles include: solicitor/barrister, accountant, any work in a school (unless a supervised volunteer), unsupervised teaching, training, supervision of children

(irrespective of setting) (i.e. childminder, children's tutor, children's sports coach etc.) health care professional (doctor, nurse, optician etc.), care assistant, social workers.

The DBS publish detailed guidance on eligibility and also provide an on-line eligibility tool to assist individuals and employers in determining if the role is eligible for a DBS check. It is the responsibility of an employer to determine if a DBS check is required for a particular role or activity, including whether a DBS check is necessary to safeguard children from harm. Any employer is entitled to ask potential employees about unspent convictions and any individual is entitled to apply for a Basic Criminal Records Check for this or any other purpose.

The DBS provides three types of Criminal Records Checks:

- Standard – which includes spent and unspent convictions and cautions, subject to filtering arrangements
- Enhanced – which includes the same as the standard check plus any additional information considered relevant to the role being applied for by the local police force, such as incidents not resulting in conviction.
- Enhanced with barred list checks - this is an enhanced check which includes a check of the DBS barred lists (where an individual has been barred from working with children or vulnerable adults).

Criminal records of a person convicted for acts of sexual exploitation or sexual abuse of children are kept until the person reaches 100 years of age.

International Child Protection Certificate

The International Child Protection Certificate (ICPC) is a joint NCA (National Crime Agency) and ACRO (Criminal Records Office) initiative that was developed in the United Kingdom to enhance safeguarding measures for children across the world from the threat of UK nationals or UK Registered Sex Offenders who travel overseas to abuse children.

The ICPC is a police check available to schools or other organisations overseas who work with children. It was implemented for organisations which have no formal link to the UK and who employ or wish to employ UK nationals or anyone who has spent time in the UK. The ICPC was designed to support the pre-employment process and is intended to be an additional safeguarding tool that can be used by organisations as part of a wider risk assessment.

The NCA and ACRO conduct checks on ICPC applicants, against law enforcement databases. There are two parts to the certificate. Part 1 outlines criminal convictions, warning, and reprimands as part of checks conducted by ACRO. The NCA has responsibility for assessing whether additional information is required on Part 2 of the certificate. This may include wording related to known intelligence or information that the NCA assesses as highlighting a potential risk to children. The ICPC is then issued to the prospective or current employee.

Scotland

Protecting Vulnerable Groups Scheme

The Protection of Vulnerable Groups (Scotland) Act 2007 ("the 2007 Act") established the Protecting Vulnerable Groups Scheme ("the PVG scheme") on 28 February 2011.

Under the 2007 Act, the Scottish Ministers hold two lists: the children's list, and the adults' list. The Scottish Ministers have the power under the 2007 Act to list individuals on either or both lists. A consequence of an individual's name being included in one or both lists is that they are barred from doing regulated work with children or adults.

A listed individual is breaking the law if they seek, offer or engage in regulated work with a group from which they are barred. It is also illegal for an employer to knowingly employ such an individual in regulated work.

Individuals can be listed automatically if they are convicted of one of a number of prescribed offences, for example, murder of a child or certain other offences if committed in relation to a child. An individual can also be considered for listing by the Scottish Ministers if they are referred by a court following a conviction for a "relevant offence" as set out in schedule 1 of the 2007 Act or if they are referred by an organisation that has dismissed or transferred them from doing regulated work due to the individual harming, or placing a child at risk of harm (please also see the answer to question 13b under 'Scotland'.)

The test for inclusion on the children's list is whether the Scottish Ministers are satisfied by information relating to the individual's conduct that the individual is unsuitable to work with children.

There are provisions regarding appeals against listing and regarding applications for removal from the lists.

Disclosure Scotland is an executive agency of the Scottish Ministers which administers and exercises the Scottish Ministers' functions under the 2007 Act.

Regulated work

The meaning of regulated work is defined for children in schedule 2 of the 2007 Act, and includes:

- Teaching, training or instructing.
- Unsupervised care or supervision of children.
- Childminding or foster care.
- Driving or conveying a child to a school or hospital.
- Provision of health care by health care professional.
- Personal care for reasons of disability or illness.
- Work in a specified place allowing unsupervised contact with children.

The Scottish Ministers can also provide scheme members with a PVG scheme record disclosure, which contains the same information as an enhanced disclosure with suitability information issued under the 1997 Act and a statement of their scheme membership.

Disclosure of criminal record and other information under the 1997 Act

The Scottish Ministers can issue criminal conviction and record information certificates to individuals and organisations under the Police Act 1997 ("the 1997 Act"). Certificates issued by the Scottish Ministers can be used to assist organisations in the public, private and voluntary sectors to make safer employment decisions. A disclosure check may be requested as part of an organisation's pre-recruitment checks following or before an offer of employment, including volunteering roles and applications for

specific licences. Decisions on when and whether to undertake a disclosure check are a matter for the relevant employer, organisation or regulator.

Disclosure Scotland also administers and exercises the Scottish Ministers' functions under the 1997 Act, and provide three disclosure products under the 1997 Act, which include the following information:

Basic Disclosure:

- unspent convictions held on central records in the UK;
- or it will state that there are no such convictions.

Standard Disclosure:

- relevant matters:
- unspent convictions held on central records in the UK;
- spent convictions for an offence on the list of offences that must always be disclosed;
- spent convictions for an offence on the list of offences disclosed subject to rules if not a protected conviction; (but this will only be sent to the subject at first)
- unspent cautions (cautions are from England, Wales and Northern Ireland only) held on central records in the UK;
- if the individual is subject to notification requirements under Part 2 of the Sexual Offences Act 2003;
- or it will state that there are no relevant matters or information.

Enhanced Disclosure:

- relevant matters:
- unspent convictions held on central records in the UK;
- spent convictions for an offence on the list of offences that must always be disclosed;
- spent convictions for an offence on the list of offences disclosed subject to rules if not a protected conviction; (but this will only be sent to the subject at first)
- unspent cautions (cautions are from England, Wales and Northern Ireland only) held on central records in the UK;
- if the individual is subject to notification requirements under Part 2 of the Sexual Offences Act 2003;
- other relevant information provided by a relevant police force (and that could include an alternative to prosecution);
- or it will state that there are no relevant matters or information.

In certain circumstances, such as whether an individual is suitable to adopt a child or whether an individual aged 16 or over resides with someone doing regulated work such as childminding, foster caring and host parenting, an enhanced disclosure can also include suitability information statement relating to children. This means that additional information is included if the applicant has been barred from working with children or protected adults or is the subject of various specified sexual offences orders, such as a sexual offences prevention order, a foreign travel order, or a risk of sexual harm order.

The legislative framework which sets out which roles and employment are eligible for higher level disclosure checks is out in the 1997 Act, the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010, the Rehabilitation of Offenders Act 1974 Act and Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013. The type of disclosure requested is dependent on the role to be performed.

In Scotland, criminal records relating to sexual offences or sexually aggravated offences are retained until the 100th birthday or death of the convicted person.

Northern Ireland

All persons joining a school's staff, including volunteers and governors require an Enhanced Disclosure Certificate. An Enhanced Disclosure Certificate shows the details of spent and unspent convictions and cautions as well as any other relevant information held in police records or other law enforcement agencies.

Libraries NI recruitment procedures incorporate all the appropriate necessary checks for anyone who is being recruited e.g. Access NI, criminal record checks etc.

National Museums NI operates a vetting protocol based on the range of roles performed by the organisation and the guidance on provided by Access NI. All employees are required to go through a basic Access NI check as part of its pre-employment vetting procedures.

Employees engaged in National Museums NI's education roles are deemed to be covered by the definition of regulated activity and are required to go through an enhanced check.

Where appropriate job descriptions and selection processes highlight and address Safeguarding.

The Access NI criminal record checks ensure full and proper checks and disclosure and Common Law Police Disclosure (CLPD) ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to put in measures to mitigate any danger

This applies to any employment, paid or voluntary, where regular contact with children occurs – doctors, nurses, teachers, Social Workers, sport coaches, youth leaders etc.

The criminal record may be kept indefinitely.

9b. Does the screening of candidates apply to voluntary activities (Explanatory Report, para. 57)?

Yes, a DBS check may be requested as part of an organisation's pre-recruitment checks following an offer of employment, including volunteering roles. The legal framework for barring, largely contained in the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012, applies to employees and volunteers equally.

Scotland

Voluntary work with children is regulated work. The same level of vetting is applied to a volunteer, as is to paid members of staff.

Northern Ireland

Yes, this applies to Police Service of Northern Ireland voluntary activities.

All persons joining a school's staff, including volunteers and governors require an Enhanced Disclosure Certificate. An Enhanced Disclosure Certificate shows the details of spent and unspent convictions and cautions as well as any other relevant information held in police records or other law enforcement agencies.

Vetting of volunteers is not routinely carried out by National Museums NI as they are normally deemed to satisfy the criteria for supervision. This is assessed by NMNI on a case by case basis.

Question 10: Preventive intervention programmes or measures

10a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (Article 7, Explanatory Report, para. 64);

Multi-Agency Public Protection Arrangements (MAPPA)

In relation to convicted offenders, should a MAPPA nominal disclose harmful sexual thoughts then the responsible officer should review the individual's risk of serious harm and adhering to MAPPA processes make a defensible decision on the necessary action to take to manage the risk posed to the public and/or children, which could include recall back to prison.

Stop it Now! Campaign

Since October 2015, the UK Government has provided support to the Lucy Faithfull Foundation, a charity specialising in sex offender behaviour management, to run a national communications campaign to prevent online offending and support long-term behaviour change. The campaign – *Stop It Now!* - is aimed at deterring individuals from accessing indecent images of children (IIOC) and signposting those concerned about their own or others behaviour to appropriate self-help resources and an anonymous helpline. The helpline offers advice and support to:

- Those worried about their own sexual thoughts or behaviours towards children, including those with concerns about their online behaviour;
- Adults worried about the behaviour of other adults or children or young people;
- Friends and relatives of people arrested for sexual offending, including internet offending;
- Any other adult with a concern about child sexual abuse – including survivors and professionals.

The campaign's content and resources⁴¹ provided are designed to help individuals understand and control sexually harmful behaviour online. A regular programme of media outreach and engagement ensures that this content reaches those who are concerned about their own behaviour and the wider public.

Since the start of the communications campaign, 5,114 people have called the helpline seeking advice and support to stop viewing online sexual images of children. A further 2,418 people called for support regarding concerns about someone else's online viewing behaviour.

Callers agree actions that they can take to manage their behaviour and protect children as well as exploring other services and agencies available. Calls remain confidential and anonymous, unless a child is deemed to be at risk.

The campaign also led to an increase in access to the Lucy Faithfull Foundation's online self-help resources, which had over 40,900 users in 2018 compared to around 23,000 in 2016.

⁴¹ see campaign video here - https://youtu.be/2J5F_OC3wrQ

Independent evaluation shows that, as a result of the advice provided by the helpline and resources, people take steps to control their behaviour, including stopping all internet or pornography use, installing controls and filters on devices and informing partners or family members.

While the Stop It Now! deterrence campaign was launched in 2015 to specifically tackle indecent images of children online, the Stop It Now! helpline has been running in the UK since 2002. It deals with all aspects of child sexual abuse prevention, including direct contact abuse, child grooming, and harmful sexual behaviour of a child or young person.

Safer London Harmful Sexual Behaviours Programme

Safer London is a civil society organisation which works across London to prevent and address gang violence, vulnerability and sexual exploitation. Its young men's service offers a Harmful Sexual Behaviours Programme, which works with young men aged 11-18 displaying harmful or inappropriate attitudes to sex and relationships. The programme provides one-to-one and group-based support to young men over a six-month period to help them understand consent and healthy relationships and make better choices. The programme's approach is to hold young men to account for their behaviour, but to explore the reasons behind their behaviour, and give them the knowledge they need to make appropriate choices, rather than penalising them. Programme staff work closely with other professionals, such as a local authority Safeguarding Teams, to develop effective referral pathways to the programme, and provide a network of support for young men while they are on the programme.

In 2017-18, the programme delivered intensive one-to-one support for 64 young men across two London boroughs, and resulted in reduced incidents of sexual harm. It received the 'highly commended' award for Early Intervention in the 2018 Children & Young People Now Awards. In the same period, Safer London launched a pilot project, funded by Trust for London, to assess what works for engaging with peer groups who exhibit harmful sexual behaviours together. This project is being externally evaluated and will inform best practice going forwards.

Scotland

Stop it Now! Scotland, part of The Lucy Faithfull Foundation, was established with funding from the Scottish Government in 2008, as a charity working to reduce the risk of sexual harm towards children in Scotland.

The organisation manages a number of projects which aim to prevent child sexual abuse, online and in person, including:

- EIPSAS (Early Intervention for the Prevention of Sexual Abuse in Scotland)
- ROSA (Reducing Online Sexual Abuse)
- ECSA (Eradicating Child Sexual Abuse)

Stop it Now! Scotland have collaborated with Police Scotland each year since 2017 on deterrence campaigns around Child Sexual Exploitation Awareness Day.

Further support from the Scottish Government has been provided since 2017 through the Children, Young People and Families Early Intervention Fund. This funding has supported the development of a web-based primary prevention toolkit targeted at

professionals and the public, concerned about their own or another's behaviour or a child's safety, aiming to prevent child sexual abuse before it happens. Launch of this web resource is planned for late 2019.

Northern Ireland

Self-referrals can be made to sex offender treatment courses

The Department of Justice leads on early intervention and prevention of offending programmes. They are currently piloting two domestic violence perpetrator programmes in the west. One is court mandated the other is for non-adjudicated perpetrators.

The Safeguarding Board for Northern Ireland, in line with its statutory duty to develop policies and procedures for safeguarding and promoting the welfare of children in Northern Ireland, has developed draft guidance which seeks to address both the risks posed by and the needs of children and young people who display harmful sexual behaviours. The SBNI will continue to work with its member agencies to finalise the guidance and ensure that it reflects a regional, cross-professional approach to this important issue.

Harmful Sexual behaviour policies and proceedings are in place in which Youth Justice Agency staff are trained to develop a range of interventions and programmes

10b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:

- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);***
- how the appropriate programme or measure is determined for each person;***
- whether there are specific programmes for young offenders;***
- whether persons have a right to refuse the proposed programme/measures***

Sexual Offending Treatment Programmes

Her Majesty's Prison and Probation Service (HMPPS) is committed to reducing reoffending and addressing the needs of those convicted of a sexual offence. The treatment of sex offenders is a complex issue, subject to research and international scrutiny. All HMPPS programmes for this group are accredited by the Correctional Services Accreditation and Advice Panel (CSAAP). The CSAAP are a panel of independent experts (academics and practitioners) in the field of sexual offending assessment and treatment. Accreditation provides assurance that the programme is aligned to the latest evidence and thinking about what works to reduce reoffending. Evidence shows that programmes that are not designed, delivered or targeted well are at best a waste of resource and at worst increase reoffending. Of all rehabilitative activity, cognitive behavioural approaches have the strongest evidence base for reducing reoffending.

Sexual offending treatment programmes use cognitive behavioural approaches to help individuals address their risk factors and develop new skills that will enable them to desist from offending. A programme forms only part of the rehabilitative offer to this group and should never be delivered in isolation or thought of as a "cure."

Programmes can form part of a requirement of a Community or Suspended Sentence Order, which can be used as an alternative to custody in some cases. Programmes also form part of a sentence plan for people in custody. In particular, public law requires the Secretary of State to provide opportunities for indeterminate sentenced prisoners to be able to demonstrate to the Parole Board that they have reduced their risk and are ready for re-categorisation or release. The provision of evidence-based programmes is one of the most recognised ways that Secretary of State can demonstrate fulfilling this duty.

Our delivery approach focuses resources on where the greatest impact can be achieved. As such, accredited sexual offending programmes are targeted at men (aged 18 and over) who are at medium or higher risk of reoffending. Research shows that this group are most likely to benefit.

Attendance on a programme is not mandatory. Indeed, programmes are not suitable for all individuals. For example, approximately one third of men with sexual convictions are not eligible for an accredited programme as evidence suggests they can be counterproductive for low risk men.

Men who are at medium risk and above risk of sexual reoffending are to be considered for suitability to attend an accredited programme. Suitability will depend on a number of factors including: sentence length/time to serve, an analysis of criminogenic need (can the individual's needs be addressed in the programme?) and responsivity (does the individual have any specific needs e.g. learning disability, which needs to be accommodated?).

Published statistics show that there were 1,171 (custody) and 1,213 (community) completions of specific accredited sexual offending programmes in 2016/17.

There are currently 7 programmes designed specifically for those individuals convicted of a sexual offence:

- *Horizon* is designed for medium and above risk adult men who have been convicted of a sexual offence. It supports participants to develop optimism, and skills to strengthen their pro-social identity and plan for a life free of offending.
- *iHorizon* is a version of *Horizon* for men whose sexual offending is internet only. Offences involve possessing, downloading, and/or distributing indecent images. *iHorizon* is only available in the community
- *Kaizen* is available in custody for high or very high-risk adult men who have been convicted of a sexual, Intimate Partner Violence (IPV) or general violent offence. It supports development of skills to strengthen pro-social identity and plan for an offence-free life.
- *Becoming New Me Plus* (BNM+) is for high or very high-risk adult men in custody who have learning disabilities or learning challenges and have been convicted of a sexual, Intimate Partner Violence (IPV) or general violent offence. It supports development of skills to strengthen pro-social identity and plan for an offence-free life.
- *New Me Strengths* (NMS) is designed for medium and above risk adult men who have learning disabilities or learning challenges (LDCs) and a conviction(s) for any offence. It supports development of skills to strengthen pro-social identity and plan for an offence-free life.
- *Living as New Me* (LNM) is designed for men who have completed BNM+ or NMS as a maintenance approach.
- *Healthy Sex Programmes* (HSP) is designed for adult men who have an offence related to sexual interest or paraphilia. Regardless of level of risk of sexual reoffending, HSP is available in custody for men who do/do not have learning disabilities and challenges.

Accredited programmes are accredited for delivery to adult men (aged 18+). For women, the *Framework for Assessment and Management of Women Sexual Offenders* provides specially trained staff with guidance and resources to assess and manage this group. Although there are no specific accredited sexual offending behaviour programmes for women, there are accredited programmes available which can be attended by those with sexual convictions. The Offender Personality Disorder Pathway also commission 98 treatment places in prison for women with complex needs, including women convicted of sexual offences. The Offender Personality Disorder (OPD) pathway is a jointly commissioned, designed, delivered and co-financed pathway of services for male and female offenders who are high risk, and likely to satisfy the diagnosis of 'personality disorder'. The joint responsibility is between NHS England and Her Majesty's Prison and Probation Service. Non-accredited OPD treatment services are operational in 17 men's prisons; 11 accept men with sexual offences.

Psychologically Informed Planned Environments (PIPEs) are specifically designed environments where staff have additional training to develop an increased psychological understanding of their work. This enables them to create a supportive environment which can facilitate the development of those living there. PIPEs operate in 11 men's prisons; three accept men with sexual offences.

Provision of treatment approaches for those under the age of 18 is the responsibility of NHS England, who commission Harmful Sexual Behaviour (HSB) services across the Youth Secure Estate. The assessment and treatment undertaken, which includes offence related information, are provided in line with NICE (National Institute for Health and Care Excellence) guidelines. Different arrangements are in place for Oakhill Secure Training Centre and Parc Young Offenders' Institution, which are the responsibility of the Contractor G4S. Individual assessments and interventions may be offered to address Harmful Sexual Behaviour. Oakhill have adopted the Assessment, Intervention and Moving on (AIM) model which is also widely used by Youth Offending Teams (YOTs) in the community.

Circles UK

The Ministry of Justice provides grant funding to Circles UK. Circles UK provides the quality standards, training, oversight and governance for individual Circle of Support and Accountability (COSA) providers, all of whom must be affiliated to Circles UK in order for them to operate. A COSA consists of a group of four to six trained and vetted volunteers from a local community who form a network of support around a person who has been convicted of sexual offending. It aims to enhance public protection by providing a supportive social network that requires the core member to take responsibility and be accountable for their ongoing risk management. Each circle is linked to the statutory agencies for the sharing of risk management information. In 2018-19, almost 180 circles were delivered by these providers.

Northern Ireland

Measures include:

- Sex offender treatment programmes;
- Public Protection Arrangements in Northern Ireland (PPANI);
- Probation Board NI;
- Court orders regarding treatment.

Pre-conviction a person must self-refer if treatment is sought. Convicted offenders will be offered a treatment programme. NSPCC will offer treatment for young people. The appropriate treatment is assessed by Probation Board for Northern Ireland. A convicted person can refuse to be treated and there is no programme for convicted persons who continue to deny their offending.

Young people in Northern Ireland who have committed Harmful Sexual Behaviour (and been found guilty) are generally made the subject of a Youth Conference Order (by the court) or a Youth Conference Plan (ratified by the Public Prosecution Service). Said young people are assessed by the Aim2 model in order to determine their level of risk and to inform a plan of work going forward in order to challenge and support them.

Non-compliance with the Order or Plan can result in a return to court. Every effort is made however to support the young people through their plan. In appropriate

circumstances the Youth Conference process allows the young person to meet their victim however, obviously this process is carefully assessed and monitored.

All Youth Justice Agency staff undertaking these interventions have access to consultation and professional oversight.

Young people must consent to the imposition of a Youth Conference Order or Plan.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

11a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, paras. 68-73);

Technology Sector

In September 2018, the Home Secretary gave a speech in which he outlined the UK's key asks of the technology industry on online child sexual exploitation and abuse:

- 1) Block child sexual abuse material as soon as companies detect it being uploaded.
- 2) Stop child grooming taking place on their platforms.
- 3) Work with us to shut down live-streamed child abuse.
- 4) Be more forward-learning in helping law enforcement agencies deal with these types of crimes.
- 5) Display a greater deal of openness and transparency, and a willingness to share best practice and technology between companies.

Building on this, in November 2018 the Home Office, with the WePROTECT Global Alliance and Microsoft, convened an online grooming Hackathon. The event brought together engineers, legal and operation experts from Microsoft, Google, Facebook, Snap and Twitter to develop a technical solution to detect the online grooming of children. The Hackathon successfully finessed a working prototype to automatically flag suspect conversations for review by experienced human moderators. Over the course of the next 12 months the product will be made available license-free to all tech platforms to detect potential instances of child grooming online. The Home Secretary also met bilaterally with Apple, Google, Facebook and WhatsApp in Silicon Valley, encouraging further innovation and collaboration.

Additionally, the UK Government has worked with the Internet Watch Foundation, internet service providers and search engines to ensure that signposting to the Lucy Faithfull Foundation IIOC (indecent images of children) offender resources is displayed when individuals attempt to access blocked material, or use concerning keywords which indicate searches for indecent images of children. This drives a substantial number of individuals through to online self-help on an ongoing basis.

The Home Office and Department for Culture, Media and Sport are also engaging with the technology industry (as well as civil society and academia) on the Online Harms White Paper. The White Paper will support the development of laws that balance the need to protect users from harms online against the need to protect innovation in the digital economy. The White Paper will deliver the 2018 UK Digital Charter's ambitions of making the UK the safest place in the world to be online by setting out a range of

legislative and non-legislative measures to tackle online harms (including child sexual exploitation) and clear responsibilities for tech companies to keep citizens safe. Potential areas where legislation is being considered include the social media code of practice, transparency reporting and advertising.

Live-Streaming Disruption Innovation Competition

A £250,000 innovation call has been opened for organisations to bid for funding to assist them in developing innovative solutions to detect and disrupt live-streaming of abuse. Through the competition, led by the Home Office in partnership with Innovate UK, groups are being urged to come up with technical solutions that could be applied to platforms of all sizes, including those with less resource to commit to research.

Advertising

Evidence suggests that advertisements for legitimate products, including from well-known brands, are appearing on sites hosting child sexual abuse material. The Home Office has therefore commissioned the Internet Watch Foundation (IWF) to explore how advertisements are funding child sexual exploitation and abuse activity, and the scale of the problem. The Home Secretary has also chaired a roundtable meeting, bringing together representatives from advertising agencies, trade bodies and brands to discuss action to ensure criminals do not have access to these funding stream.

WePROTECT Global Alliance

The WePROTECT Global Alliance (WPGA), which has been funded by the UK since its inception in 2015, has 20 industry members. Three industry members (Microsoft, Facebook and Google) currently sit on the WPGA Board. At the WPGA Summit in 2015, industry members signed the *Statement of Action by Industry to Tackle Online CSE* which committed them to furthering their work in this area.

Industry members have engaged actively with WPGA. For example, in 2018, PA Consulting worked with the WPGA Secretariat in the production of the first ever open source, publicly available Global Threat Assessment, which aimed to raise international awareness of online child sexual exploitation, enhance understanding of the threat and how it is evolving, and understanding of the impact to both victims and wider society.

As detailed above under 'Technology Sector', the WePROTECT Global Alliance convened a Hackathon with Microsoft and the Home Office in November 2018, at which a technical solution to detect online grooming of children was developed.

National Crime Agency

The National Crime Agency Child Exploitation and Online Protection command (NCA-CEOP) Partnership Delivery Team identifies, develops, and maintains mutually beneficial key partnerships with industry and third sector organisations. It works with these partners to:

- develop joint activity to address the principal areas of threat and demand;
- share knowledge and expertise to inform partners' response to preventing and tackling child sexual abuse and exploitation; enhance the NCA's picture of the threat;
- enhance partners' prevention, identification, and reporting of CSAE offending;
- influence industry to drive up standards and security online;

- support and influence partners to develop innovations that enhance law enforcement's ability to prevent and tackle CSAE;
- and enable key partners to enhance NCA-CEOP's governance and staffing through the provision of pro bono support.

Partners engaged with NCA-CEOP cross a number of different sectors including social media, financial and gaming sectors. In particular, NCA-CEOP has developed positive relationships with many of the leading global technology companies and the wider technology industry which, based on confidentiality and trust, has led to successful operational outcomes and a number of successful strategic projects. Engagement is continually reviewed, with particular focus on those platforms identified as having significant CSAE offending.

In 2013, NCA-CEOP supported the Prime Minister's office in a project with Google and Microsoft to make it harder for people to access indecent images of children (IIOC) through their search engines. NCA-CEOP worked closely with the companies to enhance their understanding of offender behaviour and pathways. This included the creation by NCA-CEOP of a list of "black" and "grey" terms of child sexual abuse that were known to be commonly used by offenders. The companies used this information to create algorithms that prevented IIOC being returned in search results. This work involved discussions with the companies to agree the type of terms that would be accepted to avoid blocking people who were searching for legal content, such as research and press articles associated with the subject. The algorithms resulted in an immediate and significant decrease in the number of searches returning illegal content. The solution was rolled out into all languages that they operated in across the world.

Other examples of NCA-CEOP's engagement with industry include:

- More than 56,000 hashes of the worst images from the Child Abuse Image Database (CAID) have been shared via the Internet Watch Foundation with six major global technology companies, enabling them to remove potentially thousands of images from their platforms and services. This initiative is creating opportunities to identify more offenders - including contact offenders - using these images, and to identify and safeguard more victims of sexual abuse.
- The *ClickCEOP* button is an online reporting tool that enables children, young people, parents and professionals to make a report directly to NCA-CEOP. It has been embedded into a number of industry partner websites.
- A roundtable hosted by NCA-CEOP in October 2018 with senior leaders from the gaming sector to discuss the threat of online abuse and improving safeguards in online gaming.
- Industry has embedded pro bono staff within NCA-CEOP to develop technical solutions alongside law enforcement officers, which have significantly improved the operational efficiency.
- A consultancy company has provided pro bono support that enabled NCA-CEOP to successfully develop and implement a marketing strategy to publicise and increase usage of the International Child Protection Certificate worldwide.
- A social network platform has provided pro bono advertising support that enables NCA-CEOP's 'prevent' and 'protect' education campaigns to reach a large number of their platform users.
- Development of a YouTube 'trusted flagger' programme, which allow approved users to report (or 'flag') content and trigger a review by YouTube staff.

Taxis and Private Hire Vehicles

The Department for Transport is consulting a wide range of stakeholders, including taxi and private hire vehicle companies, on statutory guidance enabled under the Policing and Crime Act 2017. This guidance will contain robust standards that the Department expects all taxi and private hire vehicle licensing authorities to adopt, including the highest level of background checks for drivers and requiring the undertaking of training on the role the trade can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults.

Travel and Tourism Sector

UK Border Force has created an e-learning tool to inform and raise awareness of modern slavery, including the trafficking of children for sexual exploitation, amongst travel carriers and other travel industry stakeholders. This has been shared with Immigration Enforcement International and sent to over 70 airlines and ferry companies. The reach of the e-learning continues to grow and now incorporates Association of British Travel Agents (ABTA) members such as TUI and Thomas Cook; HSBC Banking Group; The London Mayoral Modern Slavery Group; Transport for London and UK Cruise Operators. Heathrow Airport are using the tool to train all 8000 security personnel and Easyjet have confirmed its inclusion in their training for all air and ground crew. British Transport Police at Paddington Station have used the e-learning to brief frontline staff and are sending the tool out to train station operators.

UK Border Force has created a process by which airline crew who spot indicators on a flight into the UK can alert Border Force using the Modern Slavery Helpline.

UK Border Force also works with ABTA's Sustainability Committee to raise awareness more broadly about child safeguarding at the border.

Northern Ireland

Initiatives with night-time economy:

- Rolling out a *Nightwatch* video made by Barnardo's to Pubs and Clubs Ulster (more details below);
- A Continuing Professional Development (CPD) module of CSE awareness has been created for taxi drivers which will be compulsory for all drivers in the future and is now compulsory for any firms wishing to apply for a tender to carry children or vulnerable adults through the health trusts or Education Authority;
- Door staff in bars have also undertaken training regarding CSE awareness;
- There is to be future engagement with hotels and the Hospitality Sector in NI.

During the reporting period for this update the Safeguarding Board for Northern Ireland finalised delivery of phase 1 of training to the night-time economy, utilising Barnardo's NI *Nightwatch* programme. Training was delivered to the Northern Ireland Fire and Rescue Service (NIFRS), Security Industry Authority (SIA) Door Supervisors, Taxi drivers and Voluntary organisations operating in the night time economy. The particular aims of the Programme are to protect children and young people from sexual exploitation by:

- supporting prevention through increasing awareness among front-line workers in statutory agencies during the night-time hours, by means of training on identifying and reporting CSE;

- supporting preventions through increasing awareness among private sectors workers in the night-time economy by means of guidance, including through the use of new media, on identifying and reporting CSE; increasing awareness of community members of CSE through community events and strengthening links between statutory services and the community;
- increasing awareness of CSE amongst businesses and services working in the night-time economy;
- providing advice, support, training and guidance to these businesses and their employees to be aware of CSE and know what to do if they encounter young people who are vulnerable and at risk;
- facilitating employees to contribute to the identification and protection of children who are at risk at night.

Child Safeguarding Officer is working in collaboration with NSPCC, Education, and Parenting NI, to produce 'sexting' guidance for schools. Child Safeguarding officer has attended Safeguarding in Sport Meetings to promote the *No Grey Zone Campaign* and sporting bodies etc. to promote awareness.

Police are involved in training with Faith groups through a Safeguarding Board for Northern Ireland Inter-Faith Sub Group attended by a Detective Inspector from PPB.

As part of the response to Key Recommendation 1 of the Marshall Report, the Safeguarding Board for Northern Ireland have incorporated CSE awareness into their safeguarding and children and young people's welfare awareness programme.

11b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74);

Media Freedom

The Government is committed to a free and independent press, and only intervenes in cases where publishers have broken the law. This is vital to a strong and fully functioning democracy where the powerful can be held to account without fear.

The Government is committed to upholding free speech, and legislation is already in place to protect this fundamental right. However, this freedom cannot be an excuse to cause harm or spread hatred. UK legislation values free speech and enables people who wish to engage in debate to do so - regardless of whether others agree with the views which are being expressed. Everyone has a right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). This is a qualified right however, which means that it can be restricted for certain purposes to the extent necessary in a democratic society. This means that free speech is not absolute.

Independent Regulation

The UK's broadcasters and press are regulated by independent bodies. Ofcom regulates broadcasters and is an independent body. It is required under the Communications Act 2003 to draw up a code for TV and radio, covering standards in programmes, sponsorship, product placement in TV programmes, fairness and privacy. Section 1 of Ofcom's Broadcasting Code⁴² sets out rules in relation to protecting under 18s. The principle is to ensure people under 18 are protected. This section includes rules relating to children and sexual material⁴³.

The press is self-regulated and develops its own Codes of Practice. Newspapers currently either self-regulate or are regulated by independent regulators; which include IPSO (which regulates 95% of publications by national circulation) and IMPRESS. These regulators issue codes of conduct which provide guidelines on a range of areas; including discrimination, accuracy, privacy, and harassment. Their Editors' Code of Conduct and Standards Code can be found online⁴⁴. If they find that a newspaper has broken the code of conduct, they can order corrections or issue fines.

The IPSO code of practice sets out guidance in relation to children and children in sex cases. It also provides more detailed guidance for editors and journalists on reporting sexual offences⁴⁵.

Communications Campaigns

The Lucy Faithfull Foundation has been supported by the Home Office to regularly engage media to:

- build public understanding of prevention and offender behaviour change

⁴² <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>

⁴³ <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/section-one-protecting-under-eighteens>

⁴⁴ <https://www.ipso.co.uk/editors-code-of-practice/> and <https://www.impress.press/standards/impress-standards-code.html>

⁴⁵ https://www.ipso.co.uk/media/1585/sex-off-journo_v3.pdf

- signpost Stop It Now! resources to individuals who may have concerns about their own behaviour.

The Home Office has also collaborated with the Internet Watch Foundation and the Marie Collins Foundation to ensure that young men in the UK understand the laws around online sexual images and are empowered to report indecent images of children if/when they encounter them online. The content of this campaign can be found on the campaign website⁴⁶.

This has been widely covered in appropriate media outlets. The videos accessible through the link above have been seen over 11 million times, and a national survey found that 40% of young male participants were aware of the campaign. Those participants who recognised the campaign were more likely to know the law and to claim that they would report images if they encountered them.

Northern Ireland

Police respond to media requests; highlight successes at court in media to increase confidence.

In 2017, the Safeguarding Board for Northern Ireland held a 'CSE Awareness' week in which they used both mainstream and social media to raise awareness of CSE. This included specific initiatives aimed at raising awareness of CSE among boys and young men, primary and post-primary schools, and workers within the night-time economy.

⁴⁶ <https://stoponlinechildsexualabuse.campaign.gov.uk/>

11c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (Article 9, para. 4, Explanatory Report, para. 75). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (Article 27, para. 5, Explanatory Report, para. 193).

Civil Society Funding

The UK Government recognises that civil society organisations (the voluntary sector) play an important role in providing therapeutic and specialised support services for child victims and adult survivors of CSEA. This is in recognition of voluntary sector organisations' ability to reach vulnerable and hard-to-engage groups, including young people who may avoid statutory services; their strengths in community outreach; and their ability to provide bespoke services such as pre-trial therapy, play therapy and longer-term therapy and support to victims.

The UK Government wants to ensure that all victims of sexual abuse and exploitation feel that they can come forward to report abuse, and that they can get the support they need, whether they are a child or an adult. That is why we have created a number of funding streams and programmes which voluntary sector organisations can access in order to provide victim support services across the country, which victims can access throughout their lifetime

In each of the last three years, the UK Government has provided £7 million funding for voluntary sector organisations supporting victims and survivors of child sexual abuse. This includes funding allocated directly by the Ministry of Justice to rape support centres run by the voluntary sector for the provision of CSEA-specific support, funding provided to local Police and Crime Commissioners to support organisations working with CSEA victims in their area and funding from the Home Office to organisations working with victims and survivors of CSEA nationally.

The Department for Education have also invested £1.24 million in England in the National Child Sexual Exploitation Response Unit to provide independent advice and support to local areas in tackling child sexual exploitation between 2016 until 2019.

The National Health Service (NHS) supports the voluntary sector to provide a range of statutory support services for victims of sexual assault and abuse, including CSEA.

Trusted Relationships Programme

The majority of local authorities benefitting from grant funding through the Trusted Relationships Fund (referred to in Question 4) are sub-contracting support services for young people, awareness-raising activities and professional training to civil society organisations with expertise in child sexual exploitation and wider forms of community-based exploitation. At the application stage, the Home Office encouraged all bidders to develop bids in collaboration with local partners and include a strong element of co-delivery in their model. To this end, applications were specifically judged on evidence of strong multiagency and partnership working, including with civil society organisations.

Proceeds of Crime

Some of the assets recovered under the mechanisms in the Proceeds of Crime Act 2002 are distributed to investigative and prosecutorial agencies such as local police

forces, the National Crime Agency and the Crown Prosecution Service under the Asset Recovery Incentivisation Scheme. Operational agencies may use these funds as they see fit.

International Funding

The UK also funds civil society CSEA projects and programmes internationally, including through the End Violence Against Children (EVAC) Fund, as detailed in the response to question 7.

Wales

The Welsh Government provides funding to local authorities and statutory partners such as Health who deliver and support child protection systems and funding is also provided in relation to the implementation of Violence Against Women, Domestic Abuse and Sexual Violence legislation.

The Welsh Government also commissions a number of specific projects and programmes at any one time. For example, through Third Sector Sustainable Social Services grant funding, Barnardo's Cymru and Cardiff University have been funded over a four-year period to investigate the relationship between early childhood sexual abuse and later Child Sexual Exploitation and/or Harmful Sexual Behaviour. This includes the piloting of a practice approach to prevent future victimisation.

The Welsh Government has recently part funded a study into the nature and prevalence of Child Sexual Abuse in Wales led by the Centre for Expertise on Child Sexual Abuse. The study will be complete in Autumn 2019.

Northern Ireland

Proceeds of Crime may be used to fund programmes.

Question 12: Effectiveness of preventive measures and programmes

12a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

Tackling CSE: Progress Report

The cross-Government programme of work on child sexual abuse, as described in the *Tackling CSE: Progress Report*, and the impact of these actions feeds into cross-Government measures to protect children and young people from sexual abuse, exploitation and trafficking, and to crack down on offenders. The Inter-Ministerial Group on Child Sexual Abuse, chaired by the Home Secretary, monitors progress against the government's programme of work to tackle child sexual abuse; holds Departments to account on the actions they lead on; and, sets the direction for further work in this area.

Her Majesty's Prison and Probation Service (HMPPS) - Treatment Programmes

The treatment of men with sexual convictions is a complex issue subject to ongoing monitoring, research and international scrutiny.

HMPPS programmes for this group have been designed to accommodate the features of the successful programmes identified in the literature. All of the programmes have been accredited by the Correctional Services Accreditation and Advice Panel; a group of independent expert practitioners and academics who verify that the programme has been designed in line with the latest evidence about what works.

The Ministry of Justice is committed to undertaking evaluation of offending behaviour programmes.

Lucy Faithfull Foundation – *Stop it Now!* Campaign

We have supported the Lucy Faithfull Foundation to ensure that a robust programme of qualitative and quantitative evaluation is in place to measure the effectiveness of communications interventions on an annual basis, with an emphasis on indications of attitude and behaviour change amongst offenders.

Trusted Relationships Fund

In the development of the Trusted Relationships Fund, the Home Office commissioned the UK Early Intervention Foundation to conduct a rapid review of current studies on what works to prevent child sexual exploitation and abuse. This study found theoretical evidence to support that having a 'trusted relationship' could, in itself, prevent child sexual exploitation and abuse, but that the evidence base on the effectiveness of specific interventions needed strengthening.

Projects under the Trusted Relationships Fund will test a variety of promising new initiatives, as well as using well-established interventions. These include bespoke advocacy and mentoring support to children at risk of exclusion; providing therapeutic support to children with special educational needs, disabilities and those in residential children's social care, to address their particular CSE risk; working with parents and foster carers to improve family relationships and build trust with young people experiencing abusive relationships; delivering a detached youth work and mental

health in youth offending hotspots in communities; and testing different models of one-to-one support through the use of formally trained mentors, adults within young people's own networks, as well as restorative advocates with prior experience of exploitation.

The Home Office has procured an experienced, independent evaluator to work with the project teams across the four years of the programme to robustly and consistently evaluate the different approaches. This will help to build the evidence on how the length, place and method of delivering the intervention, as well as the identity and experience of the identified trusted adult, affects outcomes. Success will be judged against outcomes including:

- improvements in wellbeing, self-esteem, self-efficacy, resilience and critical thinking for vulnerable young people;
- higher quantity and quality of trusted relationships between young people and adults who are there to support them, as reported by both young people and professionals; and
- reduced incidents of exploitation, abuse, going missing and interactions with the youth justice system.

Wales

The Welsh Government planned *National Action Plan on Preventing Child Sexual Abuse* (including CSE and HSB) will include actions against which the Welsh Government and the six Safeguarding Children Boards will report on an annual basis.

Local authority Social Services report national data on an annual basis to the Welsh Government in relation to rates of abuse and outcomes data on the child protection system.

All grant funded projects include an evaluation of impact report.

Scotland

Commitments as part of Scotland's Child Protection Improvement Programme⁴⁷ include an annual cycle of reporting to Scottish Ministers on the progress of the National Action Plan to Prevent and Tackle Child Sexual Exploitation, develop indicators to measure the progress of the National Action Plan and develop a CSE data collection template to better understand the scale of CSE in Scotland.

Annual progress reports of the National Action Plan have been published for years 2017 and 2018.

Northern Ireland

Cooperating to Safeguard Children and Young People in Northern Ireland (Aug 2017) provides the overarching policy framework for safeguarding children and young people in the statutory, private, independent, community, voluntary and faith sectors. It outlines how communities, organisations and individuals must work both individually and in partnership to ensure children and young people are safeguarded as effectively as possible.

⁴⁷ <https://www.gov.scot/publications/child-protection-improvement-programme-report/>

It states that anyone with an immediate concern about the safety or welfare of a child or young person should contact the PSNI without delay so that an emergency protective response can be made. A referral may also be made directly to the PSNI where a crime is alleged or suspected.

Anyone with a concern about the safety or welfare of a child or young person in circumstances other than an emergency should contact the HSCT Gateway Service in the relevant HSCT. This includes parents or family members seeking help, concerned friends and neighbours, professionals and individuals from statutory or voluntary organisations. Even where individuals are unsure about whether a concern needs to be referred, they can contact the HSCT to obtain advice. Advice can also be obtained from the NSPCC helpline.

This policy is supplemented by the SBNI Procedures Manual which explain the actions that must be taken when there are concerns about the welfare of a child/young person.

Para 4 of Schedule 8 of the Data Protection Act 2018 provides the power to share information about any child or vulnerable person for the purposes of –

- (i) protecting an individual from neglect or physical, mental or emotional harm,
or
- (ii) protecting the physical, mental or emotional well-being of an individual.

12b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

Department for Education: Child-Centred and Whole-School Approaches

A child centred approach is fundamental to safeguarding and promoting the welfare of every child. A child centred approach means keeping the child in focus when making decisions about their lives and working in partnership with them and their families.

All practitioners should follow the principles of the Children Act 1989 and the Children Act 2004, that state that the welfare of children is paramount and that they are best looked after within their families, with their parents playing a full part in their lives unless compulsory intervention in family life is necessary.

Within school settings good practice involves taking a whole school approach to the prevention of abuse. This will include considering physical spaces and how to make them safe, education of pupils, teacher training and effective, well understood policies and procedures. As part of a whole school approach, to create a culture where abuse is not tolerated. This would include but not limited to;

- Not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”; challenging behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts;
- Dismissing or tolerating such behaviours risks normalising them; and understanding that all of the above can be driven by wider societal factors beyond the school, such as everyday sexist stereotypes and everyday sexist language;
- Being aware in advance of a report of abuse what support is available locally and how to access that support an effective child protection policy that all staff understand.

At national level:

- A national Child Sexual Exploitation Response Unit provides independent advice and support to local areas in England in tackling child sexual exploitation.
- In February 2017, following consultation, a new definition of child sexual exploitation was introduced to allow all practitioners in England to work to the same definition and more easily work together to target disruption and investigate offending; and practice guidance was issued for professionals tackling child sexual exploitation.
- A large-scale communication campaign *Together, we can tackle child abuse*, targeted at parents across England, ran in 2016, 2017 and 2018 to raise awareness and encourage the public to report child abuse and neglect. Its primary objective being to strengthen parents’ knowledge and subsequently their confidence in identifying the ‘signs to look out for’ when they have suspicions of child abuse, as well as demonstrating a clear way for reporting these. (see Q8b)
- In England, statutory safeguarding guidance *Working Together to Safeguard Children* (2018) for all relevant professionals and agencies working to safeguard and promote the welfare of children and *Keeping Children Safe in*

Education (2018) for schools and colleges both reference child sexual exploitation and child abuse and offer links to further advice. In addition, in England, detailed departmental advice for schools covering child on child sexual violence and sexual harassment.

- In terms of broader support for pupils in schools and preventative education, Sex and Relationships Education is being reformed. Relationships Education is being made compulsory in all primary schools, Relationships and Sex Education compulsory in all secondary schools and Health Education compulsory for primary and secondary. Schools will be encouraged to teach the new subjects from September 2019 – many of them are already doing this and will be able to adapt to the new guidance quite quickly. The requirement to teach the new subjects will then follow from September 2020 (please see responses to questions 4a and 8a).

Independent Inquiry into Child Sexual Abuse

The UK Government established the Independent Inquiry into Child Sexual Abuse (IICSA) in 2015 with wide-ranging terms of reference to consider the extent to which institutions in England and Wales have failed in their duty to protect children from sexual abuse and exploitation. The Inquiry operates independently of the Government and, within its terms of reference, decides for itself what it investigates and how. The Inquiry will make recommendations based on its findings to improve the prevention of child sexual abuse and exploitation in the future. It published its first interim report in April 2018 and the UK Government has responded to each of the recommendations made.

The Inquiry is also running a Truth Project which will enable victims and survivors of child sexual abuse to share their experiences anonymously, in a supportive and confidential setting. The information supplied will be considered by the Chair and Panel members when reaching their conclusions and making recommendations for the future. Further information on the Inquiry can be found online⁴⁸.

Child Exploitation Disruption Toolkit

As part of our £40million package of measures announced in the Government's Tackling Child Sexual Exploitation Progress report, we have published our child exploitation disruption toolkit in April 2019. The document brings together existing legislative powers to help local agencies to disrupt, deter and tackle the sexual and criminal exploitation of children and young people. We want to make sure the document⁴⁹ remains relevant and will update it as appropriate.

Sexual Offender Treatment Programmes

Please see response to question 10b.

Online Grooming Hackathon

Please see response to question 11a.

⁴⁸ www.iicsa.org.uk.

⁴⁹ <https://www.gov.uk/government/publications/child-exploitation-disruption-toolkit>

Scotland

Key achievements to date at national level include the development of guidance for practitioners⁵⁰ on identifying and responding to a child or young person who may be at risk of or affected by sexual exploitation, funding to third sector organisations for support to victims and those identified as vulnerable, and the development of a national definition of CSE⁵¹ and guidance of how it should be applied

Scotland's National Advisory Group, overseeing the delivery of the National Action Plan to Prevent and Tackle Child Sexual Exploitation facilitated and subsequently evaluated⁵², workshops in 2017 and in 2019 across Scotland to consider national developments, emerging good practice and share learning with a view to improve local responses to child sexual exploitation.

As a member of Scotland's National CSE Advisory Group, the Centre for Excellence for Children's Care and Protection (CELCIS) have developed and brought together vital information and resources⁵³ of child sexual exploitation and abuse, at both national and local level.

With support from the Scottish Government's Children and Young People Early Intervention Fund, Barnardo's Scotland has since March 2017, delivered multi and single agency training on CSE as well as developing training and awareness raising materials for night time economy staff.

To support the implementation of the Scottish Government's Equally Safe strategy⁵⁴ which aims to work collaboratively with key partners in the public, private and third sectors to prevent and eradicate all forms of violence against women and girls, a Multi-Agency group at National Level has been convened, to consider steps to reduce the demand for, and the harm associated with, commercial sexual exploitation.

Wales

Examples of good practice are included in the projects, policies and reports already shared in response to other questions.

Northern Ireland

Please see response to question 12a, under 'Northern Ireland'.

⁵⁰ <https://www.gov.scot/publications/child-sexual-exploitation-guide-health-practitioners/pages/10/>

⁵¹ <https://www.gov.scot/publications/child-sexual-exploitation-definition-summary/>

⁵² <https://www.celcis.org/knowledge-bank/search-bank/national-child-sexual-exploitation-workshops-evaluation-report/>

⁵³ <https://www.celcis.org/knowledge-bank/spotlight/child-sexual-exploitation/>

⁵⁴ <https://www.gov.scot/publications/equally-safe-delivery-plan-scotlands-strategy-prevent-violence-against-women/pages/1/>

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

13a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89);

Under the Data Protection Act 2018, local professionals take decisions as the relevant data controllers in conjunction with advice from their organisation's legal advisers. The framework of the Data Protection Act allows for the processing of personal data in the public interest providing this is done, for example, to safeguard children at risk. What constitutes public interest is a matter for professional judgement.

The Data Protection Act also makes specific assurances that practitioners may share personal information without consent for the purpose of safeguarding in circumstances where there is a good reason not to be able to get consent. This power complements the first provision which relates to information sharing decisions in general.

The Government also stresses the value of a consent-based approach to safeguarding, encouraging professional practice that values meaningful engagement with carers and families wherever possible. Government guidance encourages professionals to consider in the first instance whether seeking consent to share information is appropriate, while mindful of the type of powers outlined above.

The Data Protection Act 2018 incorporated the provisions of the General Data Protection Regulation. The changes were also reflected in *revised Information sharing advice for safeguarding practitioners* (Department for Education, July 2018).

The updated statutory guidance *Working Together to Safeguard Children* (2018) also provides key guidance on information sharing for practitioners.

Wales

Any agency involved with the child has a Duty to Report Children at Risk (section 130) under [Part 7](#) of the Social Services and Well-being (Wales) Act. Section 130(4) defines a "child at risk" as a child who:

- a) is experiencing or is at risk of abuse, neglect or other kinds of harm; and
- b) has needs for care and support (whether or not the Local authority is meeting any of those needs).

This duty applies in relation to where there are grounds to believe a child is at risk of child sexual abuse or child sexual exploitation. When a child has been reported under section 130, the local authority must consider whether there are grounds for carrying out an investigation under section 47 of the Children Act 1989.

Scotland

Please see response to question 8a, under 'Scotland'.

Northern Ireland

The Department for Education provides guidance to schools. Members of staff and volunteers may have access to confidential information about students in order to undertake their everyday responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a student or his family for their own, or others' advantage. Information must never be used to intimidate, humiliate, or embarrass the student. However, there are some circumstances in which a member of staff may be expected to share information about a student, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection responsibilities.

Within the Police Service of Northern Ireland (PSNI) confidentiality will not prevent disclosure regarding child protection.

Cooperating to Safeguard Children and Young People in Northern Ireland (August 2017) provides the overarching policy framework for safeguarding children and young people in the statutory, private, independent, community, voluntary and faith sectors. It outlines how communities, organisations and individuals must work both individually and in partnership to ensure children and young people are safeguarded as effectively as possible. It states that anyone with an immediate concern about the safety or welfare of a child or young person should contact the PSNI without delay so that an emergency protective response can be made. A referral may also be made directly to the PSNI where a crime is alleged or suspected.

Anyone with a concern about the safety or welfare of a child or young person in circumstances other than an emergency should contact the HSCT (Health and Social Care Trust) Gateway Service in the relevant HSCT. This includes parents or family members seeking help, concerned friends and neighbours, professionals and individuals from statutory or voluntary organisations. Even where individuals are unsure about whether a concern needs to be referred, they can contact the HSCT to obtain advice. Advice can also be obtained from the NSPCC helpline.

This policy is supplemented by the Safeguarding Board for Northern Ireland Procedures Manual which explain the actions that must be taken when there are concerns about the welfare of a child/young person.

Para 4 of Schedule 8 of the Data Protection Act 2018 provides the power to share information about any child or vulnerable person for the purposes of –

- (i) protecting an individual from neglect or physical, mental or emotional harm,
- or
- (ii) protecting the physical, mental or emotional well-being of an individual.

Within the Youth Justice Agency, the following regulations apply:

- Child Protection and Safeguarding Regulations;
- Data Protection Regulations;

- Wider confidentiality rules on information sharing; and
- Co-operating and Safeguarding Children Agencies working together.

13b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2, Explanatory Report, para. 91). Please provide examples of good practice.

The statutory guidance *Working Together to Safeguard Children* (2018) is clear of the roles and responsibilities. We have published *What to do if you're worried a child is being abused* as advice for how to report and tell the signs of abuse⁵⁵.

The statutory guidance *Keeping Children Safe in Education* is clear on the role and responsibilities of school staff.

There have also been government campaigns, backed up by advice, to raise awareness among the public of the indicators of abuse and what to do if you are concerned about a child (please see response to question 8b).

Wales

Please see response to question 13a, under 'Wales'.

Scotland

The Protection of Vulnerable Groups (Scotland) Act 2007 sets out that, where an individual is employed or supplied by an employment agency or personnel supplier, and that individual is dismissed, stopped doing regulated work, or is no longer supplied for regulated work because of a referral ground, it is an offence for that organisation not to refer the individual to the Scottish Ministers for consideration for listing within 3 months without a reasonable excuse.

A referral ground in relation to an individual who is or has been doing (or has been offered or supplied for) regulated work with children, is that the individual has, whether or not in the course of the individual's work:

- (i) harmed a child,
- (ii) placed a child at risk of harm,
- (iii) engaged in inappropriate conduct involving pornography,
- (iv) engaged in inappropriate conduct of a sexual nature involving a child, or
- (v) given inappropriate medical treatment to a child.

Northern Ireland

Yes, professional guidance requires employees to refer concerns. Also, section 5 of the Criminal Law Act 1967 requires any person who knows of a serious offence to refer to police.

Cooperating to Safeguard Children and Young People in Northern Ireland (August 2017) provides the overarching policy framework for safeguarding children and young people in the statutory, private, independent, community, voluntary and faith sectors. It outlines how communities, organisations and individuals must work both individually and in partnership to ensure children and young people are safeguarded as effectively

⁵⁵ <https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>

as possible. It states that anyone with an immediate concern about the safety or welfare of a child or young person should contact the Police Service of Northern Ireland (PSNI) without delay so that an emergency protective response can be made. A referral may also be made directly to the PSNI where a crime is alleged or suspected.

Anyone with a concern about the safety or welfare of a child or young person in circumstances other than an emergency should contact the HSCT (Health and Social Care Trust) Gateway Service in the relevant HSCT. This includes parents or family members seeking help, concerned friends and neighbours, professionals and individuals from statutory or voluntary organisations. Even where individuals are unsure about whether a concern needs to be referred, they can contact the HSCT to obtain advice. Advice can also be obtained from the NSPCC helpline.

This policy is supplemented by the Safeguarding Board for Northern Ireland Procedures Manual which explain the actions that must be taken when there are concerns about the welfare of a child/young person.

Para 4 of Schedule 8 of the Data Protection Act 2018 provides the power to share information about any child or vulnerable person for the purposes of –

- (i) protecting an individual from neglect or physical, mental or emotional harm,
- or
- (ii) protecting the physical, mental or emotional well-being of an individual.

There are Youth Justice Agency and wider Safeguarding procedures in place to allow professionals to share information in good faith to other competent Agencies where there is a major concern to the safety and wellbeing of children.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (Article 13, Explanatory Report, para. 92).

Through statutory guidance *Working Together to Safeguarding Children* (2018) we have made it clear that people in England can talk through their concerns/seek advice by contacting someone within the children's social care team at their local council.

The Department for Education supports the National Society for the Prevention of Cruelty to Children (NSPCC) to provide a free, confidential advice and support line for children (Childline) and a National Helpline for adults (NSPCC Helpline) with a grant of £2 million per year (£8 million over four years until 2020). Since 2007, to 2016, the NSPCC has received grant funding of £39 million for both helpline services from this department.

The Ministry of Justice currently directly fund a national male rape support helpline and webchat service and provide grant funding to other providers (including support for female victims of sexual violence and abuse) to provide helpline facilities locally.

Through Unseen UK's Modern Slavery Helpline:

- Potential victims of modern slavery (including sexual exploitation) are able to speak to fully-trained Helpline Advisors who can help them access relevant services, including Government-funded support through the National Referral Mechanism;
- Statutory agencies can call to gain support in dealing with potential victims, and to receive guidance in accessing all the information and tools available through the associated Resource Centre;
- Businesses can call for information, advice and also to report any concerns they have about potential instances of modern slavery in their operations;
- Members of the public and those delivering services on the front-line can also report any modern slavery suspicions or concerns about individuals, premises or locations.

Wales

The Welsh Government funds Meic⁵⁶ which is the helpline service for children and young people up to the age of 25 in Wales, including a Freephone number and on-line chat.

The Welsh Government provides funding to Childline⁵⁷ which is a free, private and confidential service where anyone under 19 so that they can access support and advice. There is a Freephone number or chat to an on-line counsellor.

The Welsh Government provides information on support at *Live Fear Free*⁵⁸ as part of the offer available through the Violence Against Women, Domestic Abuse and Sexual

⁵⁶ <https://www.meiccymru.org/>

⁵⁷ <https://www.childline.org.uk/about/about-childline/>

⁵⁸ <https://livefearfree.gov.wales/?lang=en>

Violence implementation. This includes a Freephone number, text service and support via email.

The Children's Commissioner for Wales⁵⁹ Investigation and Advice service is free and confidential. It's there as a source of help and support if children and young people or those who care for them feel that a child's been treated unfairly. There is a Freephone number and an email service and text service.

Scotland

Since April 2016, the Scottish Government has supported a number of charities through the Children, Young People and Families Early Intervention Fund to establish and maintain a number of information services, including:

- core funding to the NSPCC to support the provision of Childline. This free confidential helpline provides access to counselling, advice and support on a range of issues for children and young people via telephone, website and email contact.
- funding to Barnardo's to develop and pilot the *Nightwatch* Hotline, which provides an anonymous reporting mechanism for night time economy workers with concerns or knowledge of incidents relating to child sexual exploitation.
- support for *Stop It Now! Scotland* in the development of a web-based resource for public and professionals aimed at preventing child sexual abuse.

Northern Ireland

Measures include:

- Childline
- Crimestoppers
- Fearless.org
- Parenting NI
- Lucy Faithful Foundation (*Stop it Now!*)
- NSPCC

Materials produced by the Department of Education under its *I-Matter* programme (posters, diary inserts for pupils and leaflets) include contact details for a range of organisations and helplines such as Childline and the Samaritans.

The Department is co-founder of a 24 -hour domestic violence and abuse helpline. The confidential helpline is provided to provide immediate advice and support to individuals. There is considerable multi-media publicity to publicise the support services available to all victims of domestic violence or abuse.

The Department of Health provides core funding to the NSPCC to support the provision of the Childline helpline.

⁵⁹ <https://www.childcomwales.org.uk/about-us/the-commissioner/>

Question 15: Assistance to victims

15a. Please indicate which types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children. (Explanatory Report paras. 93-100) Please specify:

- how the assistance is adapted to the victims' age and maturity;*
- how due account is taken of the child's views, needs and concerns;*
- if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.*

Ministry of Justice and Police and Crime Commissioners

Specialist support is provided to both recent and non-recent victims of child sexual abuse and exploitation and is tailored to meet the identified victim's needs. Support to victims is provided locally via Police and Crime Commissioners (PCCs) and through national commissioning where appropriate. These services are provided free at point of contact, whether victims choose to report their crime to the police or not, and services are managed on a confidential basis.

From 2019/20, the Ministry of Justice will be providing £8 million per annum for the next three years to male and female rape support services across England and Wales to provide independent, specialist support to victims of sexual violence, including victims of child sexual abuse.

Funding agreements between the Ministry of Justice and Police and Crime Commissioners require that PCC-commissioned/provided support services have a referral mechanism through which the needs of victims (and family members) can be assessed.

The Ministry of Justice provides around £7m per year specifically for services supporting victims of child sexual abuse. In 2018/19, this included £4.7m provided to the Police and Crime Commissioners to deliver or commission these support services locally, £1.74m allocated directly to rape support centres and £0.58m allocated to a fund maintained by the Home Office for national and regional organisations supporting victims of recent and non-recent child sexual abuse

Under the Ministry of Justice PCC grant funding agreements victims (and family members) must also be provided with relevant information and/or referred to suitable Support Services, in accordance with their needs.

Provision of psychological care will normally be via the National Health Service. Guidance is provided on appropriate pre-trial therapy for victims, but there are no such concerns with non-victims such as relatives and carers.

Modern Slavery

The UK has established a National Referral Mechanism (NRM), which is a system for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. This includes child victims of sexual exploitation where they meet the definition of a modern slavery victim. In October 2017, the Government announced an ambitious package of reforms to the NRM. This includes addressing the specific vulnerabilities of children – by ensuring decision making is child friendly and

committing to rolling out Independent Child Trafficking Advocates, which have recently been renamed as Independent Child Trafficking Guardians (ICTGs), nationally. Guidance makes clear the need for ICTGs to promote the voice of the child in advocating on their behalf.

Wales

The Social Services and Well-being (Wales) Act 2014 strengthened and built on existing safeguarding practice in Wales to ensure that people are able to live their lives to the full. The Act has an overarching duty to promote the well-being of people who need care and support. In the Act well-being is defined with eight common aspects, one of which is protection from abuse and neglect. In relation to a child, well-being also includes their physical, intellectual, emotional, social and behavioural development; and their welfare (ensuring they are kept safe from harm).

*Working Together to Safeguard People: Volume 1 - Introduction and Overview*⁶⁰ sets out the duties and roles of statutory partners in safeguarding children.

Any agency involved with the child has a Duty to Report Children at Risk (section 130) under [Part 7](#) of the Social Services and Well-being (Wales) Act. Section 130(4) defines a “child at risk” as a child who:

- a. is experiencing or is at risk of abuse, neglect or other kinds of harm; and
- b. has needs for care and support (whether or not the Local authority is meeting any of those needs).

This duty applies in relation to where there are grounds to believe a child is at risk of child sexual abuse or child sexual exploitation. When a child has been reported under section 130, the local authority must consider whether there are grounds for carrying out an investigation under section 47 of the Children Act 1989.

*Working Together to Safeguard People: Volume 5 - Handling Individual Cases of Children at Risk*⁶¹ sets out the duties owed towards children at risk and the procedures for protecting children from abuse.

Part 6⁶² of the Social Services and Well-being (Wales) Act provides for looked after and accommodated children and care leavers. When a child who is the subject of a child protection plan (following a section 47) investigation under the Children Act 1989) becomes a looked after child, it will usually no longer be necessary to maintain the child protection plan for that child. However, in some cases there will continue to be safeguarding issues and the looked after child will also need to have a child protection plan.

Scotland

Ongoing work by the Scottish Government, Police Scotland and Social Work Scotland seeks to improve the process of Joint Investigative Interviews (JII) - this is the formal interview process carried out by police and social work investigative interviewers mainly for evidential purposes and to assess if necessary whether the child (or any other child) is in need of protection. The interview is conducted in a way that treats the

⁶⁰ <https://gov.wales/docs/phhs/publications/160404part7guidevol1en.pdf>

⁶¹ <https://gov.wales/docs/dhss/publications/180511childrenatrisk/en.pdf>

⁶² <https://gov.wales/docs/dhss/publications/180328pt6en.pdf>

best interests of the child as a primary consideration and includes the gathering of evidence when it is suspected a crime may have been committed against the child and gathering of evidence which may lead to a ground or referral to a children's hearing being established. The Scottish Government are working with justice agencies and Social Work Scotland to develop a new training programme which recognises the depth of knowledge and skills required for this interview process. It will include a 'trauma-informed approach' training module incorporating the National Trauma Training Framework⁶³ and will also include a distinct module on speech, language and communication support needs. It is anticipated that pilot training courses will take place later this year.

Northern Ireland

Support available to child victims of sexual exploitation and abuse in Northern Ireland includes:

- Article 18 of The Children (NI) Order 1995 requires that Trusts provide a range and level of personal social services appropriate to those children's needs.
- Access to such therapeutic services as required to support their physical or mental health needs.

The provisions of the Joint Protocol for the Investigation of Child Abuse and Achieving Best Evidence assist the victim. Child Safeguarding is addressed largely by Social Services. A Child Protection Case Conference may be convened and may devise a Child Protection Plan which will address the age, maturity, views, needs and concerns of the child. If age or maturity requires, a Registered Intermediary will assist the child victim.

Signs of Safety is a strengths-based approach to children's social work services which is being rolled out regionally across Northern Ireland over a two-year period. Through the implementation of the Signs of Safety model, the aim is to improve the safety of children by working with families to identify strengths, help them to manage their problems, and agree solutions aimed at keeping children safe and improving their and their families' life chances.

Assistance is also available from non-governmental organisations in preparing for and attending court. The National Society for the Prevention of Cruelty to Children (NSPCC) provides tailored support taking into account the age and maturity of the child, and their needs and views.

Other support includes:

- NSPCC Young Witness Service provide support during and after court;
- Child care centre (referrals can be made to them for children for therapeutic services);
- CAMHS (Child and Adolescent Mental Health Services);
- Barnardo's Safe Choices Program.

All services must take due account of the child's views, needs and concerns. This will be tailored to the victims' age and maturity. Services will also be provided as necessary to the victims' close relatives and persons responsible for their care.

⁶³ <https://www.nes.scot.nhs.uk/education-and-training/by-discipline/psychology/multiprofessional-psychology/national-trauma-training-framework.aspx>

15b. Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3, Explanatory Report, para. 99):

- *the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;*
- *the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.*

Removal of Perpetrators in England

The Children Act 1989 provides for a court to remove the perpetrator, rather than the child, from a home when a child is suffering or likely to suffer harm, and that police may take preventative measures to remove a child from their home, or to keep them in particular accommodation, such as a hospital, in cases where significant harm is a possibility if they do not.

Removal of Victims in England

The Children Act 1989 sets out the regulation for the removal of children from their family.

Sections 31 and 47 set out the threshold for statutory intervention in a child's life. If a local authority has reasonable cause to suspect that a child living in their area is suffering or likely to suffer significant harm, they are under a duty to investigate under section 47. This is to enable them to decide whether they should take any action to safeguard or promote the child's welfare. Under section 31 a court will make a care order placing a child in the care of a local authority if the test in section 31(2) is met.

Where there is a risk to the life of a child or a likelihood of serious immediate harm, local authority social workers, the police or the NSPCC should use their statutory child protection powers to act immediately to secure the safety of the child. If it is necessary to remove a child from their home, a local authority must, wherever possible and unless a child's safety is otherwise at immediate risk, apply for an Emergency Protection Order (EPO). An EPO, made by the court, allows a local authority to remove a child and places them under the protection of the applicant.

In addition to this, the Police to remove a child in an emergency but only to be used in exceptional circumstances where there is insufficient time to seek an EPO or for reasons relating to the immediate safety of the child. It allows for the police to place a child in a place of safety for up to 72 hours.

A child may also be accommodated by the local authority under section 20 if the following criteria is met:

- there is no person who has parental responsibility for the child;
- the child has been lost or abandoned; or
- the person who has been caring for the child can no longer provide them with a suitable home, whatever the reason for this and regardless of the length of the problem.

Once a child has been accommodated for 24 hours, they become a looked after child.

Wales

Please see response to question 15a, under 'Wales'.

Scotland

The National Guidance for Child Protection in Scotland 2014 sets out the emergency legal measures when these are required to protect a child from actual or likely significant harm or until compulsory measures of supervision can be put in place by the Children's Hearing System. In cases where agencies are required to take legal action for the protection of a child, an application can be made to a Sheriff for a Child Protection Order, or the local authority may apply for an Exclusion Order. The Child Protection Order authorises the applicant to remove a child from circumstances in which he or she is at risk, or retain him or her in a place of safety, while the Exclusion Order requires the removal of a person suspected of harming the child from the family home.

In exceptional circumstances, where a Sheriff is not available to grant a Child Protection Order or a child requires to be immediately removed from a source of danger, any person may apply to a Justice of the Peace for authorisation to remove or keep a child in a place of safety. In addition, a police constable may immediately remove a child to a place of safety where he or she has reasonable cause to believe that the conditions for making a Child Protection Order are satisfied, that it is not practicable to apply to a Sheriff for such an order and that the child requires to be removed to a place of safety to protect them from significant harm.

The Children's Hearing (Scotland) Act 2011 (s35 and s36) also makes provision for the local authority to apply for a Child Assessment Order if it has reasonable cause to suspect that a child may be suffering or is likely to suffer significant harm and that it is unlikely that an assessment to establish this could be carried out without obtaining the order.

Under the Criminal Procedure (Scotland) Act 1995 it is also open to the court to impose special conditions of bail to remove the accused from the family home.

Northern Ireland

Police or court bail conditions, or a remand in custody may remove an offender from the victim's home. The provisions of the Child Protection Plan devised at a Child Protection Case Conference may also remove an offender. Where these fail, Court Orders may be sought by Social Services to remove the child from the home. In an emergency Police have power to place a child in protection (Art 65 Children (NI) Order 1995).

The Family Home & Domestic Violence (Northern Ireland) Order 1998 allows for perpetrators of sexual exploitation and abuse to be removed from the family environment.

The Children (Northern Ireland) Order 1995 makes a range of provisions that allow for the removal of a child victim from their family environment where it is deemed to be in the best interests of the child in order to ensure their safety and wellbeing.

15c. If internal law does provide for this:

- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?**
- are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (Article 11, Explanatory Report, paras. 87-88).**

The Legislation that outlines the conditions and duration of removal is the Children Act 1989. It specifies that a child stops being looked after when they are adopted, return home or turn 18.

An Emergency Protection Order (EPO) can only last for 5 days and then an Interim Care Order can be put in place to keep a child in care while a permanent decision is made on a child's status. This decision to keep a child in care should be made within 26 weeks, of obtaining an Interim Care Order.

In addition to the legislation we have increased the support available to victims and survivors of sexual abuse, providing local commissioners with the funding they need to support the particular needs of survivors in their area, as well as holding a central fund so that organisations working nationally with survivors are supported. We are also providing funding to pioneering new approaches to wraparound support for child victims of sexual abuse or child sexual exploitation such as the 'Child House' model. The 'Lighthouse',⁶⁴ based in London, offers medical, investigative and emotional support all under one roof to children and young people from age 0-18 years who have experienced child abuse. The two-year pilot project (2018-2020) is an £8 million joint investment by the Mayor's Office for Policing and Crime, NHS England, Home Office and the Department for Education.

Wales

Please see response to question 15a, under 'Wales'.

Scotland

Sections 11 and 12 of the Human Trafficking and Exploitation (Scotland) Act 2015 specifically refer to the support and assistance available to/for child victims.

Northern Ireland

It is a key principle of The Children (NI) Order 1995 that any action must be taken in the best interests of the child.

⁶⁴ <https://www.nspcc.org.uk/what-we-do/news-opinion/lighthouse-opens-to-help-sexually-abused-children/> and <https://www.uclh.nhs.uk/OurServices/ServiceA-Z/CYPS/lighthouse/Pages/Home.aspx>

15d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (Article 38, para. 2, Explanatory Report, paras. 258-259).

England and Wales

In England and Wales, where the substantial part of an offence takes place in the jurisdiction it can be tried in the jurisdiction.

Section 72⁶⁵ and Schedule 2 of the Sexual Offences Act 2003 provides for extra-territorial jurisdiction in relation to certain offences under the 2003 Act where the victims is under the age of 18 years old. It also extends jurisdiction for offences under section 1 of the Protection of Children Act 1978 and section 160 of the Criminal Justice Act 1988.

Northern Ireland

Measures include:

- Victim Charter⁶⁶, paragraphs 34 and 35;
- Association of Chief Police Officers (2012) *Practice Advice on European Cross-Border Investigations*;
- Article 76 of the Sexual Offences (Northern Ireland) Order 2008 provides for extraterritorial jurisdiction and applies to sexual offences against under 18s;
- Achieving Best Evidence.

⁶⁵ <http://www.legislation.gov.uk/ukpga/2003/42/section/72>

⁶⁶ <https://www.justice-ni.gov.uk/publications/victim-charter>

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

16a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23) The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

We are satisfied that the conducts described in box are captured by our existing criminal law. The key legislation here is the Sexual Offences Act 2003⁶⁷ which provides a range of offences to deal with sexual exploitation and abuse of children in all its forms, including:

- Rape of a child under 13
- Assault of a child under 13 by penetration
- Sexual assault of a child under 13
- Causing or inciting a child under 13 to engage in sexual activity
- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Engaging in sexual activity in the presence of a child
- Causing a child to watch a sexual act
- Child sex offences committed by children or young persons
- Arranging or facilitating commission of a child sex offence
- Meeting a child following sexual grooming etc.
- Sexual communication with a child
- Abuse of position of trust: sexual activity with a child
- Abuse of position of trust: causing or inciting a child to engage in sexual activity
- Abuse of position of trust: sexual activity in the presence of a child
- Abuse of position of trust: causing a child to watch a sexual act
- Sexual activity with a child family member
- Inciting a child family member to engage in sexual activity
- Paying for sexual services of a child
- Causing or inciting sexual exploitation of a child
- Controlling a child in relation to sexual exploitation
- Arranging or facilitating sexual exploitation of a child.

The Act provides robust sentences that reflect the seriousness of this offending.

⁶⁷ <http://www.legislation.gov.uk/ukpga/2003/42/contents>

Under the Protection of Children Act 1978⁶⁸ (as amended), the UK has an absolute prohibition on the taking, making, circulation and possession with a view to distribution of any indecent photograph (or pseudo-photograph) of a child under 18 and these offences carry a maximum sentence of 10 years imprisonment.

Section 160 of the Criminal Justice Act 1988⁶⁹ also makes the simple possession of indecent photographs (or pseudo-photographs) of children an offence and carries a maximum sentence of 5 years imprisonment.

In addition to this, section 62 of the Coroners and Justice Act 2009⁷⁰ created a criminal offence to make illegal the possession of non-photographic visual depictions of child sexual abuse.

Encouraging and assisting crime is captured under sections 44 – 46 of the Serious Crime Act 2007⁷¹.

Aiding and abetting is captured in common law and section 8 of the Accessories and Abettors Act 1861⁷².

Attempting to commit an offence is an offence under the Criminal Attempts Act 1981⁷³.

Scotland

Sexual Abuse (Article 18):

(1) is covered by offences contained at Part 4 of the Sexual Offences (Scotland) Act 2009 (“the 2009 Act”).

(2) – where use is made of coercion, force or threats, we consider that such sexual activity would be non-consensual as the child would not have “freely agreed” to sexual activity and as such, it would amount to an offence under Part 1 of the Sexual Offences (Scotland). The offence of sexual abuse of trust at section 42 of the 2009 Act covers the second part of paragraph 2. Where abuse is made of a particularly vulnerable situation of the child, we consider that, again, the child would not have freely agreed to sexual activity and any such activity would amount to an offence under Part 1 of the 2009 Act, insofar as it was not already caught by the ‘sexual abuse of trust’ offence at section 42.

Child Prostitution (Article 19):

Covered by offences at sections 9-12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (“the 2005 Act”)

Child Pornography (Article 20):

Covered by offences at sections 52 and 52A of the Civic Government (Scotland) Act 1982

Participation of a Child in Pornographic Performances (Article 21):

Covered by offences at sections 9-12 of the 2005 Act.

⁶⁸ <http://www.legislation.gov.uk/ukpga/1978/37>

⁶⁹ <http://www.legislation.gov.uk/ukpga/1988/33/section/16>

⁷⁰ <https://www.legislation.gov.uk/ukpga/2009/25/section/62>

⁷¹ <http://www.legislation.gov.uk/ukpga/2007/27/part/2>

⁷² <http://www.legislation.gov.uk/ukpga/Vict/24-25/94/section/8>

⁷³ <http://www.legislation.gov.uk/ukpga/1981/47/part/1>

Corruption of Children (Article 22):

Covered by offences at sections 22 and 32 of the 2009 Act.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23):

Covered by section 1 of the 2005 Act.

Aiding or abetting and attempt (Article 24):

It is a criminal offence to attempt to commit an offence. Section 293 of the Criminal Procedure (Scotland) Act 1995 further provides that anyone who aids, abets, counsels, procures or incites any other person to commit an offence commits an offence and shall be liable on conviction, unless the enactment otherwise requires, to the same punishment as might be imposed on conviction of the first-mentioned offence.

Northern Ireland

All conducts listed are criminal offences in Northern Ireland law.

16b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

We are satisfied that the conducts described in box are captured by our existing criminal law. Please see response to question 16a for more details.

Scotland

We consider that the intentional conduct criminalised under Scots law covers the behaviour described in articles 19-24 of the Convention.

16c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

The Modern Slavery Act 2015 gives law enforcement agencies the tools to tackle modern slavery, which includes the offence of child trafficking for sexual exploitation, including a maximum life sentences for perpetrators and enhanced protection for victims.

Exploitation is defined in section 3 of the MSA 2015 and includes sexual exploitation defined as something done to or in respect of the person which involves the commission of an offence under section 1(1)(a) of the Protection of Children Act 1978 (indecent photographs of children) or part 1 of the Sexual Offences Act 2003 (sexual offences).

16d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

The Sentencing Council's *Sexual Offences Definitive Guidelines*⁷⁴ provide additional information to further address (in addition to what is obvious from the specific provisions of the Sexual Offences Act 2003) the question of the role the age of a child plays in determining the gravity of the offence.

Scotland

Sentencing decisions in individual cases are a matter for the trial judge, taking account of all the facts and circumstances of the case. The age of a child victim of an offence is a factor that a judge could take into account in determining the appropriate sentence for an offender.

The 2009 Act provides that a child under the age of 13 has no capacity to consent to sexual activity and as such, sexual activity with a child under the age of 13 is automatically deemed to be non-consensual. The maximum penalties for non-consensual sexual activity are higher.

The Scottish Sentencing Council is currently developing sentencing guidelines on sexual offences, beginning with rape, sexual assault and indecent images of children.

Northern Ireland

There are separate offences covering rape, sexual assault and causing a child to engage in sexual activity where the child is aged under 13.

⁷⁴ https://www.sentencingcouncil.org.uk/wp-content/uploads/Final_Sexual_Offences_Definitive_Guideline_content_web1.pdf

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.

A victim of abuse may be able to pursue a civil claim for damages against the employer of an abuser under the common law doctrine of vicarious liability, where the abuse occurs during the course of the abuser's employment. This doctrine has been interpreted by the courts in recent years to permit claims against businesses and institutional defendants in relation to child sexual abuse by their employees, although each case will depend on the facts.

In criminal law generally speaking a legal person (which is defined under the Interpretation Act 1978 to include a corporate body) can be liable for a criminal offence.

The main way in which a corporate body can be liable for a criminal offence is by applying the common law 'identification doctrine' principle. A corporate body may be criminally liable through the acts or omissions of its corporate officers who are deemed to be the "directing mind" of the company (for example the Managing Director). Those officers must be culpable of the underlying offence, and they must commit the offence in the scope of their employment. Therefore, criminal offences by such officers will not only be offences for which they can be prosecuted as individuals, but also potentially offences for which the company can be prosecuted because of their status within the company.

A corporation could therefore potentially be liable for some of the offences (potentially as an accessory) under the Sexual Offences Act 2003, but each case will turn on its individual facts.

Scotland

In general terms, a legal person may be held liable for the commission of a criminal offence.

Section 57 of the 2009 Act and section 14A of the 2005 Act provide that where a relevant offence under those Acts was committed with the consent or connivance of, or was attributable to any neglect on the part of, the relevant individual within a legal person, both that individual and the legal person commit the offence and are liable to be prosecuted.

Northern Ireland

No.

Question 18: Sanctions and measures

18a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182-193);

Criminal sanctions include provision for custodial sentencing for adult and youth offenders convicted of sexual offences involving children. Sentence maxima vary between offences committed and most offences are outlined in the Sexual Offences Act 2003. There are certain child sexual abuse offences that, upon meeting certain conditions, will warrant an extended sentence (this consists of a period in prison and an extended licence period: the licence period must not exceed 8 years, and the whole sentence cannot exceed the maximum term permitted for the offence at the time it was committed). For certain serious offences specified in the Criminal Justice Act 2003, or for second listed offences, the court must impose a sentence of life imprisonment, unless there are particular circumstances by which it would be unjust to do so. Sentencing guidelines are available to courts regarding sexual offences perpetrated by adults and there is supplementary guidance applicable for young offenders aged under 18 years old.

Community sentences will also be available for these sexual offences and have different requirements attached to them. This might include curfew or exclusion, unpaid work, treatment, prohibited activities and activity requirements.

If an offender is given a suspended sentence order, then the court can impose one or more community requirements together with a suspended custodial sentence. These requirements are designed to help address offending behaviour. If an offender breaches the order, by committing another offence or by failing to comply with any of the community requirements, the offender will be returned to court. If the breach is proved, there is a presumption that the custodial sentence will take effect.

As part of sentencing⁷⁵, the court can make a range of orders upon criminal conviction: compensation, confiscation, deprivation of property, disqualification from working with children, a restraining order, serious crime prevention order and a sexual offences prevention order. Each have different criteria for imposition and stipulations attached.

Following conviction, an offender automatically becomes subject to notification requirements (commonly referred to as the 'sex offenders register'). The duration they remain subject to the requirements depends on the length/type of sentence they receive; a caution would result in a period of two years. Whilst not part of the sentence imposed by court, any person convicted of a sex offence will be required by law to comply with a notification requirement, whereby they will have to notify the police of specified information for a specified period of time. Offenders could be barred from regulated activity relating to children.

A range of measures are also available to the police in managing the behaviour of those who pose a risk of sexual harm. A court can make a Sexual Harm Prevention Orders (SHPO) which can be applied to anyone convicted or cautioned for a relevant sexual offence. This could include restrictions on internet use, and consequential installation of monitoring software. The SHPO further makes the individual subject to

⁷⁵ https://www.sentencingcouncil.org.uk/wp-content/uploads/Final_Sexual_Offences_Definitive_Guideline_content_web1.pdf

notification requirements for its duration. Breach of an order is a criminal offence punishable by up to five years' imprisonment. Sexual Risk Orders (SRO) can be made in relation to those who pose a risk of sexual harm, even if they have never been convicted. Both orders enable police to place restrictions on the perpetrators' behaviour. This could include, for example, restrictions on internet use, and consequential installation of monitoring software, and prevention of travel abroad. The SHPO also makes the offender subject to notification requirements for sex offenders, which means that they have to notify various personal details to the police, including any foreign travel. Breach of an order is a criminal offence punishable by up to five years' imprisonment.

Scotland

The maximum penalties for the offences established in accordance with the Convention are a prison sentence, or a fine, or both (the maximum prison sentence depends on the seriousness of the particular offence, while the maximum fine is limited only by the court in which the case is tried). These are criminal sanctions. Penalties for offences under the 2009 Act are as set out at Schedule 2 to that Act. Penalties for offences under the 1982 Act and 2005 Act are specified in the relevant provisions of those Acts.

The Sexual Offences Act 2003 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 provide for a number of prevention orders that can be used to place restrictions and/or positive requirements on individuals who pose a risk in the community for the purpose of protecting the public, or particular members of the public, from serious sexual harm. Risk of Sexual Harm Orders (made under the 2005 Act) can be made in relation to those who pose a risk of sexual harm, even if they have never been convicted. The Sexual Offences Prevention Order (made under the 2003 Act) also makes the offender subject to notification requirements for sex offenders, which means that they have to notify various personal details to the police, including any foreign travel. Breaches of these prevention orders constitute separate criminal offences.

Northern Ireland

Sexual Offences (Northern Ireland) Order 2008 provides for maximum criminal sentences in relation to sexual offences, including those against children and in accordance with the Convention. These maximum sentences are specific to each offence.

The Sexual Offences Act 2003 provides for a number of civil prevention orders that can be used to place restrictions and/or positive requirements on individuals who pose a risk in the community for the purpose of protecting the public, or particular members of the public, from serious sexual harm. Breaches of these civil prevention orders constitute separate criminal offences.

18b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (Article 29, Explanatory Report, paras. 203-208).

Section 144 of the Coroners and Justice Act 2009 amended section 143 of the Criminal Justice Act 2003 to allow our domestic courts to consider foreign convictions during sentencing (section 143 (2) (4) (5)). Advice from the Crown Prosecution Service⁷⁶ outlines the importance of filing all relevant previous foreign convictions and sentences at the earliest possible stage in all appropriate cases, which could include for example persons to be sentenced at the Crown Court where an assessment of 'dangerousness' may be made.

Scotland

Sections 101 and 167 of the Criminal Procedure (Scotland) Act 1995 provide that the courts may take account of previous convictions in determining sentence for an offender.

Section 307 of that Act provides that a “conviction” can include a conviction by a court outside of Scotland. Sections 285-286A make further provision regarding how to establish proof of previous convictions, including specific provision at section 286A in respect of convictions in other EU member states.

⁷⁶ <https://www.cps.gov.uk/legal-guidance/sentencing-overview>

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (Article 25, Explanatory Report, paras. 165-176).

England and Wales

In England and Wales, where the substantial part of an offence takes place in the jurisdiction it can be tried in the jurisdiction.

Section 72⁷⁷ and Schedule 2 of the Sexual Offences Act 2003 provides for extra-territorial jurisdiction in relation to certain offences under the 2003 Act where the victim is under the age of 18 years old. It also extends jurisdiction for offences under section 1 of the Protection of Children Act 1978 and section 160 of the Criminal Justice Act 1988.

Scotland

Section 55 and Schedule 4 to the 2009 Act provide for extra-territorial jurisdiction for Scottish courts with regards the offences established in accordance with the Convention where the accused is either a UK national or is a habitual UK resident. Where the accused is a UK national, there is no 'dual criminality' requirement. Where the accused is not a UK national, the act must constitute an offence under the law in force in the country where it is alleged to have been committed.

Northern Ireland

Extraterritorial jurisdiction under section 76 of the Sexual Offences (Northern Ireland) Order 2008 applies in relation to all these offences.

⁷⁷ <http://www.legislation.gov.uk/ukpga/2003/42/section/72>

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in Article 28, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (Explanatory Report, paras. 194-202).

England and Wales

In determining the seriousness of any offence, the courts will take into account the harm caused by the offence, and the culpability of the offender. Courts are statutorily obliged to consider sentencing guidelines⁷⁸, produced by the independent Sentencing Council, unless it is not in the interests of justice to do so (a justification for departure from guidelines must be given.) The guidelines outline how harm and culpability should be taken into consideration in sentencing, as well as a non-exhaustive list of aggravating factors that courts should consider during sentencing. The sexual offences guideline includes under these headings all the factors outlined under Article 28 including:

- severe psychological or physical harm;
- additional degradation/humiliation;
- prolonged detention/sustained incident;
- violence or threats of violence;
- specific targeting of a particularly vulnerable child;
- offender acts together with others to commit the offence;
- abuse of trust;
- commercial exploitation and/or motivation

A statutory aggravating factor applies regarding courts' consideration of previous convictions – section 143, Criminal Justice Act 2003.

As per section 226A of the Criminal Justice Act 2003, some offences may warrant an extended sentence, or as per section 224A of the Criminal Justice Act 2003 warrant a life sentence.

Scotland

Judges decide on an appropriate sentence for each offender before them, taking account of the relevant facts and circumstances of a case before making their sentencing decisions within the overall legal framework provided by Parliament. The factors listed at Article 28 are examples of the kinds of factors a court would be likely to consider to be aggravating factors when determining sentence.

It is worth noting that the independent Crown Office and Procurator Fiscal Service (COPFS) have a power to appeal against a sentence if they consider it is unduly lenient.

⁷⁸ https://www.sentencingcouncil.org.uk/wp-content/uploads/Final_Sexual_Offences_Definitive_Guideline_content_web1.pdf

Northern Ireland

These circumstances may all be taken into consideration either as part of the offence, as an additional offence or as an aggravating factor in sentencing guidelines.

Question 21: Measures of protection for the child victim

21a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (Article 31, para. 1, letter (a) and para. 2). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

The Code of Practice for Victims of Crime⁷⁹ (the Victims' Code) includes a chapter setting out the entitlements for children and young people at each of the following stages of the criminal justice process (including how to complain if they do not receive an entitlement):

- Police Investigation
- Before the trial (Charge, Bail and Information about the trial)
- Trial
- After the trial
- Appeals
- After the sentence
- Restorative Justice
- Compensation

It also includes a chapter on the corresponding duties of service providers for children and young people at each of these stages.

We have committed within the 2018 Victims Strategy to reviewing the accessibility of the Victims' Code, which will include a review of the children and young people section.

Scotland

Rights and support for victims in Scotland (including child victims) is underpinned by the Victims and Witnesses (Scotland) Act 2014. It contains provisions relating to the support and protection of people who come in contact with the criminal justice system. It ensures victims have better access to information and wider access to special measures, such as giving evidence by video link, in court. These rights are set out clearly in the Victims Code⁸⁰.

Northern Ireland

The Victim Charter⁸¹, which is on a statutory footing, sets out the services to be provided to victims of criminal conduct, by a range of service providers in Northern Ireland. There are a number of key elements to the Charter, namely how a victim can expect to be treated by service providers, what information they will receive as they move through the criminal justice system and when and what services they will receive. It also makes clear who a victim can contact if they have a query, need more information or if they are not happy about how they have been treated. Taking account of individual needs, the Charter aims to provide support where it is most needed.

⁷⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF

⁸⁰<https://www.mygov.scot/victims-code-for-scotland/>

⁸¹<https://www.justice-ni.gov.uk/publications/victim-charter>

Service providers will take steps to ensure that when they tell something that this is in simple and accessible (understandable) language.

Pre-Interview Assessment required at very early stage of investigation; compliance by police with Victim's Charter re follow-up contact.

Social workers, Guardian ad Litem and Independent Guardians are required to provide information about their rights, services at their disposal, their right to complain and the process that must be followed and any other information relevant to their situation. This information must be tailored to the individual capability and understanding of the child.

The regional Independent Guardian Service is intended to strengthen the safeguarding arrangements to children who are victims or potential victims of trafficking and those who are separated. The service specifically assists, represents and supports such children by listening to their views and making representation to, and liaising closely with, all other agencies that fulfil key functions in the arrangements for their immediate and future care and protection.

21b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (Article 31, para. 1, letter (c));

The Youth Justice and Criminal Evidence Act 1999⁸² (YJCEA 1999) introduced a range of measures that can be used to facilitate the gathering of evidence from vulnerable and intimidated witnesses in criminal proceedings. These are collectively known as "special measures". Vulnerable witnesses are those who are under 18 or those who lack mental or physical capacity. Special measures in the YJCEA 1999 include:

- screens, to shield the witness from the defendant;
- the use of a live link - where the witness gives evidence during the trial from outside of the court through a televised link into the courtroom;
- exclusion from the court of members of the public and the press;
- removal of wigs and gowns by judges and barristers;
- video-recorded interview admitted as evidence in chief;
- pre-recorded cross-examination (and re-examination);
- use of a communication aid (such as a communicator or interpreter);
- use of an intermediary (a communication specialist) to help the witness understand the questions they are being asked and give their answers accurately.

Scotland

It is a Scottish Government priority to improve the experience of victims and witnesses, minimising court attendance and supporting them to give best evidence. Children (under 18) are automatically entitled to use certain special measures if attending court such as providing evidence via live TV link, having a supporter present or the provision of a screens to hide the child's view of the accused.

Legislation in the form of The Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill (see page 22/23) aims to improve how children, in the first instance, and vulnerable witnesses participate in our criminal justice system by enabling the much greater use of pre-recording their evidence in advance of a criminal trial. This is a progressive step towards achieving our vision that where possible, child witnesses should not have to give evidence at trial.

The Bill is a component part of wider work to improve support for victims through the Justice system which includes improving the process of Joint Investigative Interviews - this is the formal interview process carried out by police and social work investigative interviewers mainly for evidential purposes and to assess if necessary whether the child (or any other child) is in need of protection. The interview is conducted in a trauma informed approach that treats the best interests of the child as a primary consideration and includes the gathering of evidence when it is suspected a crime may have been committed against the child and gathering of evidence.

Northern Ireland

Facilitates special measures for child witnesses including access from live links, some of which are remote from the court building, and registered intermediaries.

⁸² <http://www.legislation.gov.uk/ukpga/1999/23/contents>

Victim Charter⁸³, section 3 as well as paragraphs 49, 50, 88 and 89.

Sections 33-35⁸⁴ of the Justice Act (Northern Ireland) 2015.

Statements made in accordance with section 9 of the Criminal Justice Act 1967 may be admissible. It is a matter for the independent prosecutor to determine who they call to give oral evidence on behalf of the prosecution in any particular case.

A joint Protocol for the Investigation of Child Abuse covers all these issues. The Guardian ad Litem is an independent officer of the Court who is experienced in working with children and families. Under the Children (NI) Order 1995, a Guardian ad Litem is appointed to safeguard the interests of children who are the subject of Court proceedings.

Social Workers, Independent Guardians and solicitors also play an important role in ensuring that the voice of the child victim is heard.

⁸³ <https://www.justice-ni.gov.uk/publications/victim-charter>

⁸⁴ <http://www.legislation.gov.uk/ni/2015/9/part/4/crossheading/victim-statements/enacted>

21c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (Article 31, para. 1, letter (d));

Please see response to question 21a for details of Code of Practice for Victims of Crime.

Independent Sexual Violence Advisers

Since 2005, Independent Sexual Violence Advisers (ISVAs) have been working in local areas across England and Wales to provide continuous support, advice and help for victims and survivors of sexual violence. They perform diverse and challenging roles, and demand for ISVA services is dependent on local need. The majority of funding for these roles is provided by a range of local commissioners including Police and Crime Commissioners, NHS England, local authorities and charitable trusts.

Guidance on the role of ISVAs⁸⁵ states that they should provide non-judgemental, impartial information to empower individuals to make informed choices about all of their options, such as reporting to the police, accessing Sexual Assault Referral Centre (SARC) services, and specialist support such as pre-trial therapy and sexual violence counselling. ISVAs also provide information on other services that victims may require, for example in relation to health and social care, housing, or benefits. The support offered by an ISVA should be tailored to the identified needs of the victim. ISVAs should develop a support plan that is based on the individual risks and needs identified, to be reviewed on an ongoing basis. Accordingly, the support offered by an ISVA will vary from case to case as each victim may require support from a range of different services.

Independent Child Trafficking Guardians

The UK has established a National Referral Mechanism (NRM), which is a system for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. This includes child victims of sexual exploitation where they meet the definition of a modern slavery victim. In October 2017, the Government announced an ambitious package of reforms to the NRM. This includes addressing the specific vulnerabilities of children – by ensuring decision making is child friendly and committing to rolling out Independent Child Trafficking Advocates, which have recently been renamed as Independent Child Trafficking Guardians (ICTGs), nationally. Guidance makes clear the need for ICTGs to promote the voice of the child in advocating on their behalf.

Scotland

See response provided at 21a, under 'Scotland'.

Processes are also in place aimed at ensuring victims receive a certain level of support and information from the organisations they engage with in the criminal justice system whether this is from Police Scotland, the Crown Office and Procurator Fiscal Service or the Scottish Courts and Tribunals Service. This includes publishing annually the

⁸⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647112/The_Role_of_the_Independent_Sexual_Violence_Adviser_-_Essential_Elements_September_2017_Final.pdf

Standards of Service for Victims and Witnesses⁸⁶. The Standards also contain information on how victims can make a complaint against any of the bodies.

The Crown Office and Procurator Fiscal Service has a dedicated Victim Information and Advice service (VIA) whose role is to provide vulnerable witnesses, including children, with: general information about the criminal justice system; updates regarding the progress of their individual case; and appropriate support, including special measures, should the witness require to attend at court to give evidence.

The Scottish Government also provide funding to several organisations to enable them to provide free practical and emotional support to victims and witnesses at every stage of the criminal justice system.

Northern Ireland

Support includes assistance by non-governmental organisations in preparing for and attending court, Social Services, Young Witness Service (NSPCC), and Registered Intermediaries if required.

The Guardian ad Litem is an independent officer of the Court who is experienced in working with children and families. Under the Children (NI) Order 1995, a Guardian ad Litem is appointed to safeguard the interests of children who are the subject of Court proceedings.

Social Workers, Independent Guardians and solicitors also play an important role in ensuring that the voice of the child victim is heard.

⁸⁶ <https://www.mygov.scot/victim-witness-rights/standards-of-service-for-victims-and-witnesses/>

21d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (Article 31, para. 1, letter (e));

Please see response to question 21b for details of special measures that can be used to protect the identity of victims whilst giving evidence.

Reporting restrictions on the identification of children under 18 involved in criminal proceedings are provided by sections 39 and 49 of the Children and Young Persons Act 1933⁸⁷. Furthermore, section 1 of the Sexual Offences (Amendment) Act 1992⁸⁸ imposes an automatic ban on the reporting of the identity of any complainants in sex offence cases.

Northern Ireland

Article 22 (1) of the Criminal Justice (Children) (NI) Order 1998 provides that where a child (i.e. aged under 18) 'is concerned in' any criminal proceedings the Court may direct that no report shall be published which reveals the name, address or school of the child or particulars likely to lead to the child's identification, and neither any picture of the child, except by direction of the Court. Breach is a summary offence punishable by a fine.

Other measures include:

- Victim Charter⁸⁹, paragraphs 46, 100 and 144;
- Part IV of the Criminal Evidence (Northern Ireland) Order 1999⁹⁰ - restriction on evidence or questions about complainant's sexual history;
- Section 1 Sexual Offences (Amendment) Act 1992⁹¹ – anonymity of victims of certain sexual offences;
- Part 3, Chapter 2 Coroners and Justice Act 2009⁹² - deals with witness anonymity. No Publicity Orders are available. PPS will make an application for these in appropriate cases, where the criteria are met;
- Article 170 of the Children (Northern Ireland) Order 1995⁹³ - makes provisions for privacy for children involved in certain proceedings;
- Article 21⁹⁴ and Article 22 of the Criminal Justice (Children) (Northern Ireland) Order 1998⁹⁵ – power to clear the court while child is giving evidence in certain cases;
- Article 13 of the Criminal Evidence (Northern Ireland) Order 1999⁹⁶ – evidence given in private.

⁸⁷ <https://www.legislation.gov.uk/ukpga/Geo5/23-24/12>

⁸⁸ <http://www.legislation.gov.uk/ukpga/1992/34/contents>

⁸⁹ <https://www.justice-ni.gov.uk/publications/victim-charter>

⁹⁰ <http://www.legislation.gov.uk/nisi/1999/2789/part/IV>

⁹¹ <http://www.legislation.gov.uk/ukpga/1992/34/section/1>

⁹² <http://www.legislation.gov.uk/ukpga/2009/25/part/3/chapter/2>

⁹³ <http://www.legislation.gov.uk/nisi/1995/755/article/170/made>

⁹⁴ <http://www.legislation.gov.uk/nisi/1998/1504/article/21>

⁹⁵ <http://www.legislation.gov.uk/nisi/1998/1504/article/22>

⁹⁶ <http://www.legislation.gov.uk/nisi/1999/2789/article/13>

21e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (Article 31, para. 1, letter (f));

*Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures*⁹⁷ provides that intimidated witnesses should be appraised at an early stage about the possibility of having a supporter present during the interview where this is appropriate and about the pretrial support that can be made available to them. Intimidated witnesses should also be informed about the protection that might be available to them, including witness protection schemes where appropriate. Where there is risk of intimidation, witnesses should be offered information about where rapid help and support can be obtained. A leaflet listing names, addresses and telephone numbers of relevant individuals and agencies should be available in each locality for distribution to witnesses.

Investigators need to be alert to the possibility that a witness may not be intimidated at the time the offence is reported, but that subsequent events may give rise to fear and distress later on in the criminal process that would qualify the witness for consideration for special measures. Special measures are a range of measures that can be used to facilitate the gathering of evidence from vulnerable and intimidated witnesses in criminal proceedings, introduced by the Youth Justice and Criminal Evidence Act 1999⁹⁸. Please see the response to question 21b for more details on special measures.

The Code of Practice for Victims of Crime⁹⁹ (the Victims' Code) states that unwanted contact from a prisoner (including telephone calls, emails, social media, or by post), can be reported via the National Offender Management Service Victim Helpline.

Reporting restrictions on the identification of children under 18 involved in criminal proceedings are provided by sections 39 and 49 of the Children and Young Persons Act 1933¹⁰⁰. Furthermore, section 1 of the Sexual Offences (Amendment) Act 1992¹⁰¹ imposes an automatic ban on the reporting of the identity of any complainants in sex offence cases from the point of report.

Scotland

Rights and support for victims in Scotland is underpinned by the Victims and Witnesses (Scotland) Act 2014 and the Victims Code, including provisions relating to the support and protection of people who come in contact with the criminal justice system including children and young people. These include the right of a victim to be protected during and after a criminal investigation and the requirement for the police to carry out an individual assessment of a victim's needs in terms of a variety of factors, including the risk of repeat victimisation and intimidation.

Northern Ireland

Articles 57–61¹⁰² of the Justice (Northern Ireland) Act 2002 set out ways by which a victim can seek amends through a youth conference.

⁹⁷https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf

⁹⁸<http://www.legislation.gov.uk/ukpga/1999/23/contents>

⁹⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF

¹⁰⁰<https://www.legislation.gov.uk/ukpga/Geo5/23-24/12>

¹⁰¹<http://www.legislation.gov.uk/ukpga/1992/34/contents>

¹⁰²<http://www.legislation.gov.uk/ukpga/2002/26/part/4/crossheading/youth-conferences>

Police can use bail conditions, court bail conditions, remands in custody, Child Abduction Warning Notices, threat assessments, way markers to ensure relevant patrolling, use of Risk of Sexual Harm Orders from Court, criminal law offences of witness intimidation / harassment and other offences.

Victim Charter¹⁰³ standard 8.2 and section 8 are applicable.

¹⁰³ <https://www.justice-ni.gov.uk/publications/victim-charter>

21f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (Article 31, para. 1, letter (b));

The Victim Contact Scheme (VCS) arises from section 69 of the Criminal Justice and Courts Services Act 2000, updated by sections 35-45 of the Domestic Violence Crime and Victims Act 2004.

The VCS requires that probation contacts and offers the VCS to victims (or parents of the victim) of offenders who have committed a specified serious violent or sexual offence, for which the offender has been sentenced to 12 months or more in custody or detained under the Mental Health Act 1983, with or without restrictions. In the case of offenders made subject to a hospital order without restrictions, the responsibility for keeping victims informed rests with the hospital managers.

Victims will be informed if a prisoner is released from prison, including on temporary release licence.

Victims of offenders detained under the Mental Health Act with restrictions will be informed of the offender's release, and if the offender is granted escorted or unescorted leave from hospital for rehabilitation.

Victims who choose to participate in the VCS may make representations about the offender's licence or discharge conditions, including if the offender is released on temporary licence from prison, and receive certain information about key stages of the offender's sentence.

Victim Liaison Officers working in the National Probation Service are responsible for delivering the Victim Contact Scheme. The ways and means they communicate with the victim/victim's family will depend upon the preferences of the victim but it would usually be by telephone and/or letter/email.

Scotland

Victims in Scotland have the right to receive information about the release of a prisoner, if the offender is given a custodial sentence of more than 18 months. They also have a right to be told when the prisoner is considered for parole, and to make written representations (comments) about their release to the Parole Board. This is delivered under the Victim Notification Scheme¹⁰⁴.

Northern Ireland

Measures include:

- Victim Charter¹⁰⁵, Standards 1.9, 2.3 and 7.2;
- Victim Charter¹⁰⁶, paragraphs 61, 115–118;
- Sections 68 – 70¹⁰⁷ of the Justice (Northern Ireland) Act 2002;

¹⁰⁴ <https://www.mygov.scot/after-the-verdict/victim-notification-schemes/>

¹⁰⁵ <https://www.justice-ni.gov.uk/publications/victim-charter>

¹⁰⁶ <https://www.justice-ni.gov.uk/publications/victim-charter>

¹⁰⁷ <http://www.legislation.gov.uk/ukpga/2002/26/part/5/crossheading/victims-of-crime>

- Article 25¹⁰⁸ of the Criminal Justice (Northern Ireland) Order 2005;
- the Prisoner Release Victim Information (Northern Ireland) Scheme 2003¹⁰⁹;
- the Probation Board for Northern Ireland Victim Information Scheme 2005¹¹⁰;
- the Victims of Mentally Disordered Offenders Information (Northern Ireland) Scheme 2008¹¹¹.

The information may be delivered by police, Probation or Social Services. Victims can register with the Prisoner Release Scheme to be made aware of this information.

¹⁰⁸ <http://www.legislation.gov.uk/nisi/2005/1965/article/25>

¹⁰⁹ <http://www.legislation.gov.uk/nisr/2003/293/contents/made>

¹¹⁰ <http://www.legislation.gov.uk/nisr/2005/432/contents/made>

¹¹¹ <http://www.legislation.gov.uk/nisr/2008/457/contents/made>

21g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (Article 31, para. 1, letter (g));

The Code of Practice for Victims of Crime¹¹² (the Victims' Code) states that victims are entitled to ask court staff if they can enter the court building through a separate entrance from the suspect and their family and friends. Victims are also entitled to wait and be seated in an area separate from the suspect and their family and friends. The court will ensure this is done wherever possible.

The Youth Justice and Criminal Evidence Act 1999¹¹³ prohibits unrepresented defendants from cross-examining in person any child who is a complainant of, or a witness to sexual offences. The prohibition on cross-examining child witnesses extends to witnesses who were children when they gave their evidence-in-chief, even if they have passed that age by the time of cross-examination.

As per the response to question 21b, the Youth Justice and Criminal Evidence Act 1999¹¹⁴ also introduced a range of measures that can be used to facilitate the giving of evidence by vulnerable and intimidated witnesses in criminal proceedings. These are collectively known as "special measures". Special measures which protect victims from contact with the perpetrator include:

- screens, to shield the witness from the defendant;
- the use of a live link - where the witness gives evidence during the trial from outside of the court through a televised link into the courtroom;

Scotland

As set out in the Victims Code, all children (aged under 18 years) are, by law, classed as vulnerable. Alongside alleged victims of domestic abuse, sexual crimes, human trafficking and stalking, are automatically entitled to the use of certain standard special measures when giving their evidence in court, such as through live TV links or from behind a screen so that they cannot see the accused person.

The Scottish Courts and Tribunals Service will also ensure that victims have separate waiting areas from defence witnesses when waiting to give evidence in court.

Northern Ireland

Northern Ireland Courts and Tribunal Services (NICTS) provides separate waiting areas in courthouses for prosecution witnesses and in many buildings there are child friendly waiting rooms. These are managed by NSPCC who will help to ensure that there is no contact between defendant and victim/witness. Children will always be offered the chance to give evidence by live link.

Victim Charter¹¹⁵ standards 5.1 and 5.3 and paragraph 103 are applicable.

¹¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF

¹¹³ <http://www.legislation.gov.uk/ukpga/1999/23/contents>

¹¹⁴ <http://www.legislation.gov.uk/ukpga/1999/23/contents>

¹¹⁵ <https://www.justice-ni.gov.uk/publications/victim-charter>

21h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (Article 31, para. 3).

Legal aid is available to some making a defence against a criminal charge. It would not be required for a victim of an offence as legal costs of the prosecution is met by the state.

Northern Ireland

Not applicable in relation to legal advice and legal aid.

Question 22: Investigations and criminal measures to protect the child victim

22a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (Article 30, para. 2, Explanatory Report, paras. 211-215);

Victims' Code

The Code of Practice for Victims of Crime¹¹⁶ (the Victims' Code) states that children and young people are entitled have someone with them for emotional support (for example a parent or family friend, normally over 18 years old) when making a witness statement. If the police do not allow this, they must explain the reason why (for example, if they believe it is not in the child's best interests). Children and young people are entitled to ask for help to understand the questions being asked, and can have their statement video recorded, which may remove the need for the victim to repeat their statement in court. If they do give evidence in court, they must be told about special measures available, which are designed to facilitate the giving of evidence by vulnerable and intimidated witnesses (please see response to question 21b for details).

The Victims' Code also states that child victims are entitled at any time during the investigation and trial to speak to someone specially trained to listen to them and help them get over the crime. This may be called therapy or counselling and is often provided by a specialist organisation.

Victims are entitled to make a Victim Personal Statement, an opportunity to explain in their own words how they feel the crime has affected them.

During trial, the Victims' Code states that the court must make sure the trial is conducted in a fair way, taking into account what is said by the defence and the Crown Prosecution Service (CPS) advocate. The CPS will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross-examination is considered by the advocate to be inappropriate or too aggressive.

Victims are entitled to ask court staff if they can enter the court building through a separate entrance from the suspect and their family and friends. Victims are also entitled to wait and be seated in an area separate from the suspect and their family and friends. The court will ensure this is done wherever possible.

Please see response to question 21b for details of special measures available to victims giving evidence, provided by the Youth Justice and Criminal Evidence Act 1999.

Please see response to question 23a for details of how interviews with child victims are carried out in a way which ensures trauma experienced is not aggravated.

¹¹⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF

Achieving Best Evidence

*Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures*¹¹⁷ (ABE Guidance) highlights that victims often appreciate support after the close of criminal proceedings, to help with feelings of isolation and coming to terms with the court verdict. In cases of heightened risk, particularly where the victim is vulnerable or has been intimidated, Witness Care Units will try to make arrangements to get details of case outcomes to the victim or witness immediately, and post-court support and safety will be considered. Guidance states that discussion with victims after the hearing provides a useful opportunity to identify and make arrangements for continuing support, counselling and treatment in the light of their needs.

Lighthouse Pilot

In October 2018, the UK opened The Lighthouse, a two-year pilot project covering five London boroughs. The Lighthouse is a child-friendly, multi-disciplinary service for children and young people who have experienced child sexual abuse and/or exploitation. The Lighthouse aims to bring together medical services, advocacy, social care, police, and therapeutic support all under one roof. The concept of the Lighthouse is based on the Icelandic *Barnahus* (translates to Child House) model. The model has produced excellent results for both children and the criminal justice system across Scandinavia, with a higher number of convictions and improved outcomes for child victims. The Child House model aims to improve criminal justice outcomes, reduce the risk of re-traumatisation and ensure there is timely access to medical and therapeutic support for victims and survivors and non-offending members of their families.

Scotland

Beyond the measures discussed above, the Scottish Government wants to balance a child's right to recovery from the point at which they disclose abuse with their right to access justice in a child-centred way, in line with the principles of the UN Convention on the Rights of the Child and GIRFEC.

We are exploring the application of the *Barnahus* concept for immediate trauma-informed support for child victims of serious and traumatic crimes within the context of Scotland's healthcare and criminal justice system.

Barnahus provides Scotland with an opportunity to design a genuinely child-centred approach to delivering justice, care and recovery for children who have experienced trauma. We are committed to looking at how the concept could work in the context of Scotland's child protection, health and justice systems.

As also stated above our vision is that children, wherever possible, should not have to give evidence in court. It is the Scottish Government's clear ambition for children not to have to give evidence in court, which is why we introduced the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill to the Scottish Parliament. We are of the view that, where possible and appropriate, pre-recorded evidence should be used, particularly in cases where it avoids children facing the potentially negative impacts of having to give evidence about very serious alleged offences in court.

¹¹⁷ https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf

Northern Ireland

Measures include:

- Victim Charter¹¹⁸, Standards 1.6, 4.1 and 5.3, and paragraphs 6, 10, 40–51, 100, 102 and 103;
- Part II¹¹⁹ of the Criminal Evidence (Northern Ireland) Order 1999. Protection (“special measures”) when giving evidence;
- Section 82¹²⁰ of the Serious Organised Crime and Police Act 2005, which can provide protection for those involved in investigations or proceedings;
- Part 3, Chapter 2 Coroners and Justice Act 2009¹²¹, which deals with witness anonymity
- Child Care Orders under Articles 50 and 51¹²² as well as Articles 52 and 53¹²³ of the Children (Northern Ireland) Order 1995.
- Protection from Harassment Orders and Restraining Orders under Articles 3, 4, 7 and 8 of the Protection from Harassment (Northern Ireland) Order 1997¹²⁴.
- Non-molestation Orders (Article 20¹²⁵), Residence and Contact Orders (Article 28¹²⁶), Care and Emergency Protection Orders (Article 29¹²⁷) under the Family Homes and Domestic Violence (Northern Ireland) Order 1998;
- Joint investigation / interviews / medicals with Social Services. Therapeutic assessment throughout the criminal process and after its conclusion.

¹¹⁸ <https://www.justice-ni.gov.uk/publications/victim-charter>

¹¹⁹ <http://www.legislation.gov.uk/nisi/1999/2789/part/II>

¹²⁰ <http://www.legislation.gov.uk/ukpga/2005/15/section/82>

¹²¹ <http://www.legislation.gov.uk/ukpga/2009/25/part/3/chapter/2>

¹²² <http://www.legislation.gov.uk/nisi/1995/755/part/V/crossheading/general/made>

¹²³ <http://www.legislation.gov.uk/nisi/1995/755/part/V/crossheading/care-orders/made>

¹²⁴ <http://www.legislation.gov.uk/nisi/1997/1180/contents>

¹²⁵ <http://www.legislation.gov.uk/nisi/1998/1071/article/20>

¹²⁶ <http://www.legislation.gov.uk/nisi/1998/1071/article/28>

¹²⁷ <http://www.legislation.gov.uk/nisi/1998/1071/article/29>

22b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (Article 32, Explanatory Report, para. 230);

'Victimless' Prosecution

In cases where there is sufficient other evidence, the prosecutor may decide to proceed without relying on the evidence of the complainant. If the prosecutor decides that the case should continue and that it is necessary to rely on the complainant's evidence to prove the case, the prosecutor must decide whether to proceed with the prosecution by helping the complainant to attend court by the use of special measures, or whether the complainant should be compelled to give evidence in court.

Section 114 of the Criminal Justice Act (CJA) 2003 provides for a limited number of circumstances in which the prosecutor may be permitted to use the complainant's statement in court without calling them to give oral evidence (hearsay evidence):

- The CJA 2003 defines a hearsay statement as a statement, not made in oral evidence, that is relied on as evidence of a matter stated in it.
- Section 116(2)(e) of the CJA 2003 provides that a statement not made in oral evidence may be admissible (with leave of the court) as evidence in criminal proceedings if through fear the relevant person does not give (or does not continue to give) oral evidence in the proceedings, either at all or in connection with the subject matter of the statement.
- Leave may be given under section 116(2) if the court considers the statement ought to be admitted in the interests of justice, having regard to a number of factors listed at section 116(4).
- Leave may be given under section 114(1)(d). For evidence to be admitted under this section the court must be satisfied it is in the interest of justice for it to be admissible. Section 114(2) sets out the factors the court must have regard to in making that decision.

Furthermore, section 118 of the CJA 2003 specifically preserves some common law rules including the legal doctrine of *Res Gestae*, which provides for the admission of a statement made by a person so emotionally overpowered by an event that the possibility of a concoction or distortion can be disregarded.

Special Measures

As per the response to question 21b, in circumstances where witnesses are considered to be vulnerable or intimidated, special measures can improve the quality of their experience by helping them to give their best evidence. The Youth Justice and Criminal Evidence Act 1999 introduced a range of measures to facilitate the giving of evidence by vulnerable and intimidated witnesses. A vulnerable or intimidated witness will be eligible for special measures under sections 16 and 17 of the YJCEA. Available measures include screens, live television links, using video-recorded interviews as evidence-in-chief, providing aids to communication, examining the witness through an approved intermediary and pre-recorded cross-examination (and re-examination).

Scotland

There is no requirement that a victim make a report or statement in order for a prosecution to take place or that proceedings must be discontinued if an alleged victim withdraws their statement.

Northern Ireland

The Police Service of Northern Ireland would often proceed with cases without a formal complaint from the victim. Other evidence would be required such as medical evidence, Body Worn Video, CCTV, witness statements, forensics or the like and while it would be difficult it is not insurmountable.

22c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (Article 33, Explanatory Report, paras. 231-232);

The key legislation here, which captures the offending described in the relevant articles, is the Sexual Offences Act 2003 and there is no statute of limitation applicable to offences contained in that Act.

Scotland

There are no statutes of limitation in respect of these offences.

Northern Ireland

There is no statute of limitations for serious offences in NI. For minor offences there is usual a limit of six months but if reported before that expires there is a legal process to keep prosecution a possibility after six months.

22d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (Article 31, para. 4). Please also describe under which conditions it is possible;

Prosecutors from the CPS (Crown Prosecution Service) present cases in criminal court. Whilst Special Representatives for victims are not appointed in criminal cases, vulnerable victims and witnesses (including children) are provided with additional support to give evidence through special measures provisions (please see the response to question 21b for more information on special measures).

Scotland

Children (under 18) are automatically entitled to use certain special measures which includes having a supporter present during court proceedings. The supporter will be able to sit with the victim but cannot provide evidence or answer any questions on their behalf.

In children's hearings proceedings an independent safeguarder may be appointed. The role of the safeguarder is to identify and safeguard the interests of a child (or children) to whom they have been appointed in children's hearing proceedings or court proceedings, relating to the child.

Northern Ireland

Registered Intermediary scheme and in civil proceedings a Guardian ad Litem can be appointed.

22e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required;

Achieving Best Evidence

'Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using Special Measures'¹²⁸ provides for the presence of a court witness supporter. The presence of a court witness supporter is designed to provide emotional support and helps reduce the witness's anxiety and stress and contributes to the witness's ability to give their best evidence. A court witness supporter can be anyone known to the witness who is not a party to the proceedings and has no detailed knowledge of the evidence in the case. The identity of this person should be discussed and agreed if possible in advance of the special measures application and as part of the preparation for trial.

Independent Sexual Violence Advisers

As per the response to question 21e, Independent Sexual Violence Advisers (ISVAs) provide continuous support, advice and help for victims and survivors of sexual violence. Whilst ISVAs should understand the law around sexual offences and the evidential processes, in order to support the victim's decision regarding the criminal justice process, they are not legal advisers and therefore must not provide legal advice or opinion to a victim/survivor in any situation. ISVAs can, however, provide support to a victim during a court trial in the following ways:

- accompanying the victim to the court;
- providing emotional support to the victim during the trial however they must not discuss the evidence;
- keeping the victim updated on how the court case is progressing;
- support the victim in court or in the live link room while they are giving their evidence, providing this is what the victim/survivor requests and the court approves. This is a formal approval process that should be made to the Judge in advance of the hearing;
- discussing with the victim coping strategies and grounding techniques to reduce anxieties, providing they have the relevant professional knowledge and skills to do so.

Northern Ireland

Victims have no separate role and have no separate legal representation, in criminal proceedings.

This does not apply in criminal proceedings. NSPCC have a young witness service that support the young person through the criminal process.

¹²⁸ https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf

22f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5);

Investigating authorities deploy undercover online operatives (UCOLs) to establish and maintain relationships with an individual, network or organisation through the use of the internet with the covert purpose of obtaining intelligence, information or evidence as part of an authorised operation.

Legal Framework

- Section 26 (8) of the Regulation of Investigatory Powers Act (RIPA) 2000 provides the legal framework for the lawful deployment of undercover operatives (UCOs) as covert human intelligence sources (CHIS).
- Section 2 of The Regulation of Investigatory Powers (Source Records) Regulations 2000 states an undercover operative means a source who holds an office, rank or position with a relevant investigating authority.
- The use and conduct of a UCO, when regarded as a relevant source, is subject to individual authorisation under RIPA, which requires authorisation from at least an assistant chief constable (ACC), or equivalent, and notification to the Surveillance Commissioner.
- RIPA stipulates that the authorising officer must believe that an authorisation for the use and conduct of a UCO is necessary in the circumstances of the particular case on one or more of the statutory grounds listed in section 29(3) of RIPA, i.e., for the purpose of preventing or detecting crime or of preventing disorder.

Covert Human Intelligence Sources (CHIS)

The revised *Covert Human Intelligence Sources Code of Practice* (published in August 2018) provides guidance on the authorisation of CHIS by public authorities under Part II of the 2000 Act. The Code also provides guidance on the handling of any information obtained by use or conduct of a CHIS.

Paragraphs 4.11 and 4.12 of the Code states that:

Any member of a public authority who conducts activity on the internet in such a way that they may interact with others, whether by publicly open websites such as an online news and social networking service, or more private exchanges such as e-messaging sites, in circumstances where the other parties could not reasonably be expected to know their true identity should consider whether the activity requires a CHIS authorization.

Where someone, such as an employee or member of the public, is tasked by a public authority to use an internet profile to establish or maintain a relationship with a subject of interest for a covert purpose, or otherwise undertakes such activity on behalf of the public authority, in order to obtain or provide access to information, a CHIS authorisation is likely to be required.

The Code provides examples of circumstances in which a CHIS authorization is likely to be required. For example:

- An investigator using the internet to engage with a subject of interest at the start of an operation, in order to ascertain information or facilitate a meeting in person.
- Directing a member of the public (such as a CHIS) to use their own or another internet profile to establish or maintain a relationship with a subject of interest for a covert purpose.

- Joining chat rooms with a view to interacting with a criminal group in order to obtain information about their criminal activities.

Scotland

Regulation of Investigatory Powers (Scotland) Act 2000 and Regulation of Investigatory Powers (Juveniles) (Scotland) Order 2002 set out the legislative framework in Scotland.

Northern Ireland

As provided by the Regulation of Regulatory Powers Act 2000.

22g. Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5).

Child Abuse Image Database (CAID)

The Child Abuse Image Database (CAID) has been created to assist the police with cataloguing and grading Indecent Images of Children (IIOC) and victim identification. CAID is a secure database of illegal images of children (compiled from IIOC images seized worldwide) and holds millions of records of child abuse images known to UK law enforcement. CAID uses software to review the files on any device which has been seized and then compare them against known data such as keywords or meta-data. CAID processes images using 'hash' values in the image metadata. Once the image has been separately graded by three police forces, it is stored by CAID as a 'trusted' image. This means that there will not be a need for anybody (officer, prosecutor or judge) to view the same image again when it comes up in future investigations, as the CAID grading can be adopted. This saves time and avoids unnecessary distress. Having compared the images on the suspect's device(s) with those stored on CAID, investigators provide prosecutors with a Streamlined Forensic Report (SFR1) which gives the total number of CAID recognised images in each category. Officers select three representative image examples from each category and include a sufficiently-detailed description of each in the SFR1. These descriptions include any factor relevant to sentence, for example: the apparent age of the victim; whether there is discernible pain or suffering, and whether the child appears intoxicated or drugged. Images which have not been recognised by CAID need to be viewed by the police who will provide a summary of them, though in 2019 the UK are rolling out an AI classifier to assist officers with classification. Such images will be added to the database and begin the process of acquiring their 'trusted grade'. Officers also consider each image to determine whether it reveals any contact offence, or whether the suspect is close to the creation of the image.

Three new tools are being phased into law enforcement in 2019:

- a fast-forensic tool to rapidly analyse seized devices and find images already known to law enforcement
- an image categorisation algorithm to assist officers to identify and categorise the severity of illegal imagery
- a capability to automatically detect images with matching scenes to help identify children in indecent images in order to safeguard victims

Advances in technology

The number of seized videos and images is constantly increasing due to: the proliferation of material on the internet; the increasing range of devices capable of storing and creating material; and exponentially increasing storage capacities and download speeds for both offenders and victims. We are continuing to build capability to deal with the changing the way child sexual abuse is being committed.

Live streaming is increasingly being used as a method to facilitate child sexual abuse and there have been advances in the techniques used for examining such material.

Northern Ireland

Northern Ireland has a specialist online child abuse law-enforcement team, Child Internet Protection Team (CIPT). Northern Ireland law-enforcement agencies have access to CyberCrime and CAID.

Question 23: Child friendly interviewing and proceedings

23a. Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:

- they take place without unjustified delay after the facts have been reported to the competent authorities;*
- they take place, where necessary, in premises designed or adapted for this purpose;*
- they are carried out by professionals trained for this purpose;*
- the same persons are, if possible and where appropriate, conducting all interviews with the child;*
- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;*
- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.*

As per the response to question 22a, the Code of Practice for Victims of Crime¹²⁹ (the Victims' Code) states that children and young people are entitled have someone with them for emotional support (for example a parent or family friend, normally over 18 years old) when making a witness statement. If the police do not allow this, they must explain the reason why (for example, if they believe it is not in the child's best interests). Children and young people are entitled to ask for help to understand the questions being asked, and can have their statement video recorded, which may remove the need for the victim to repeat their statement in court.

*Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using Special Measures*¹³⁰ (ABE Guidance) provides that a consideration of child protection issues, consent, medical examinations and psychiatric/psychological assessments necessarily informs the planning process for interviewing child witnesses. All enquiries should be carried out in such a way as to minimise distress to the child and to ensure that families are treated sympathetically and with respect.

Whenever suspicion has arisen that a child has suffered, or is likely to suffer, significant harm, there will be a strategy discussion or meeting involving the local children's services authority, the police and other professionals as appropriate. Where it has been agreed by the police and children's social care, that it is in the best interests of the child that a full criminal investigation be carried out, the police are responsible for that investigation. However, the social worker, if adequately trained in interviewing child witnesses, can lead the interviews if it is deemed that they are able to establish the best rapport with the child. The decision as to whether to conduct a joint investigative interview or joint visits should be determined by what is in the best interests of the child, for example by limiting the number of occasions that the child has to relate an account of what has happened to them or reducing the frequency of agency visits to the child's home.

¹²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF

¹³⁰ https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf

ABE Guidance states that, when assessing how a child's evidence should be obtained, interviewers should:

- Consider each child as an individual;
- Assess the child's individual needs whatever the offence;
- Take account of the following characteristics of the child -
 - Age
 - Gender
 - Culture
 - Religion
 - Physical and/or learning disability
 - Confidence and developmental level;
- Consider the views of the child and their carer.

Consideration should be given to the timing, purpose and content of any medical examination or paediatric evaluation in relation to the interview. The evaluation should only be carried out by suitably qualified and experienced clinicians. Guidance is available from the British Paediatric Association Child Interest Group about the training and experience of such a clinician and the content of the paediatric evaluation.

The decision on when to conduct an interview needs to take account of the demands of the investigation (e.g. a suspected perpetrator being in custody) as well as the potential effects of trauma and/or stress. Some witnesses will want to be interviewed relatively quickly, while others might wish to be interviewed at a later date.

ABE Guidance states that the interview should go at the pace of the witness. Some witnesses, for example young children, may require regular comfort breaks. If witnesses who have experienced a traumatic event find that the interview is 'too much' for them, ways of assisting these witnesses may include planning for breaks in the interview and/or pauses in which the interviewer moves the conversation on to more neutral topics before returning to the matter under investigation

ABE Guidance states that active consideration should be given to the location of the interview and the layout of the room in which it is to take place. In the planning phase, the interviewer should attempt to determine where the witness would prefer to be interviewed. Some witnesses may be happy to be interviewed in an interview suite, while others might prefer to be interviewed in a setting familiar and comfortable to them. Whatever the decision, the location should be quiet enough to avoid a situation in which background noise is likely to interfere with the quality of the sound on any visual or audio record, and free from interruptions, distractions, and fear and intimidation, so the interviewer and witness can concentrate fully on the task in hand.

The Crown Prosecution Service (CPS) legal guidance on special measures reminds prosecutors that they should have the ABE Guidance in mind when reviewing cases in which a child is a victim or witness.

Scotland

Where the child is both a victim of or witness to a crime and there are child protection concerns, a Joint Investigative Interview (JII) is the formal interview process carried out jointly by police and social work investigative interviewers for evidential purposes and to assess if necessary whether the child (or any other child) is in need of protection. (This applies where the child is under the age of 16 at the time of the initial interview but are also carried out with 16 and 17 year olds who are already subject to a

supervision order made by a children's hearing). These interviews can be and are sometimes used as a witness' evidence in chief in a criminal trial. They are also used in Children's Hearings.

The interview is conducted in a way that treats the best interests of the child as a primary consideration and includes the gathering of evidence when it is suspected a crime may have been committed against the child and gathering of evidence which may lead to a ground or referral to a children's hearing being established.

The Scottish Government have committed over £400,000 to a joint project led by Police Scotland and Social Work Scotland which will create a revised model for JIIs and develop an approach to investigative interviewing of children which is both trauma informed and achieves best evidence through more robust planning and interview techniques.

Good progress is being made to move towards commencement of a couple of pilots later this year of the new Joint Investigative Interviewing of Children training course (including training of social work staff and local implementation). The new model involves smaller cadres of social workers and police officers trained to the higher standard undertaking interviews frequently to increase and maintain the confidence and skills necessary for this complex task.

A separate working group is taking forward the justice related recommendations including the roll out of new IT, visual recording and data storage equipment. The working group have overseen the delivery of further Scottish Government funding of £65,000 to Police Scotland to carry out urgent upgrades to improve accommodations for JIIs across the country.

Northern Ireland

Interviews are conducted jointly with Social Services; if age or communication ability requires then a Registered Intermediary may be present. The interview is conducted in a child-friendly environment and on video by specially trained officers.

An attempt is made to minimise delay; and to endure the same officers complete all interviews quickly and minimise disruption to the life of the child; the child may be accompanied by any person who is believed to assist the child, but that person will not be in the room at time of interview, unless absolutely essential.

Victim Charter¹³¹ Standard 1.6 is applicable.

¹³¹ <https://www.justice-ni.gov.uk/publications/victim-charter>

23b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

Please see response to question 21b, with regards to special measures. Special measures may include a video recording of the interview being admitted as the witness's evidence-in-chief. There is also another special measure that allows pre-recording of the witness's cross-examination (and re-examination). The recording is then played during the trial in place of live cross-examination. This was commenced in three locations; it will be rolled out to a further six shortly and then more widely in due course.

Northern Ireland

Victim Charter¹³² paragraphs 64, 65 and 100 and Articles 11, 12, 13 and 15¹³³ of the Criminal Evidence (Northern Ireland) Order 1999 apply.

¹³² <https://www.justice-ni.gov.uk/publications/victim-charter>

¹³³ <http://www.legislation.gov.uk/nisi/1999/2789/part/II/crossheading/special-measures>

23c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36).

As outlined in the response to question 21b, special measures in the Youth Justice and Criminal Evidence Act 1999 include:

- the use of a live link - where the witness gives evidence during the trial from outside of the court through a televised link into the courtroom;
- exclusion from the court of members of the public and the press (except for one named person to represent the press or one person from each press organisation) in cases involving sexual offences, modern slavery offences or intimidation by someone other than the accused;
- Use of pre-recorded cross examination in the courts to which this has been rolled out.
- use of a communication aid (such as through a communicator or interpreter);
- use of an intermediary (a communication specialist) to help the witness understand the questions they are being asked and to give their answers accurately.

Northern Ireland

All child witnesses, including victims, are entitled to special measures which includes the use of live link technology so that the child gives evidence from a secure room away from the courthouses.

Victim Charter¹³⁴ paragraphs 64, 65 and 100, and Articles 11, 12, 13 and 15¹³⁵ of the Criminal Evidence (Northern Ireland) Order 1999 apply.

In criminal trials the court can only be private by order of the judge. In Family Court the public is always excluded.

¹³⁴ <https://www.justice-ni.gov.uk/publications/victim-charter>

¹³⁵ <http://www.legislation.gov.uk/nisi/1999/2789/part/II/crossheading/special-measures>