



CHILD SEXUAL EXPLOITATION IN NORTHERN IRELAND

AN INSPECTION OF THE CRIMINAL
JUSTICE SYSTEM'S RESPONSE

JUNE 2020

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LIST OF ABBREVIATIONS

ABE	Achieving Best Evidence
CAIU	Child Abuse Investigation Unit (within PSNI)
CAWN	Child Abduction Warning Notice
CHISVA	Children's Independent Sexual Violence Advocate Service
CJA	Criminal Justice Agencies
CJI	Criminal Justice Inspection Northern Ireland
CPR	Child Protection Register
CPS	Crown Prosecution Service (in England and Wales)
CRU	Central Referral Unit (within PSNI)
CSE	Child Sexual Exploitation
DIR	Decision Information Request
DoH	Department of Health
DoJ	Department of Justice
ETBB	Equal Treatment Bench Book
EU	European Union
GDPR	General Data Protection Regulations
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (formerly Her Majesty's Inspectorate of Constabulary - HMIC)
HSCT	Health and Social Care Trust
ISA	Information Sharing Agreement
LPT	Local Policing Team (within PSNI)
MPSU	Missing Persons Support Unit
MSHTU	Modern Slavery and Human Trafficking Unit (within PSNI)
NCA	National Crime Agency
NI	Northern Ireland
NICTS	Northern Ireland Courts and Tribunals Service
NIPB	Northern Ireland Policing Board
NSPCC	National Society for the Prevention of Cruelty to Children
PACE	Police and Criminal Evidence (Northern Ireland) Order 1989
PBNI	Probation Board for Northern Ireland
PEEL	Police Effectiveness, Efficiency and Legitimacy (HMICFRS/HMIC assessments)
PPANI	Public Protection Arrangements Northern Ireland
PPB	Public Protection Branch (within PSNI)
PPS	Public Prosecution Service for Northern Ireland
PPU(s)	Public Protection Unit(s) (within PSNI)
PSNI	Police Service of Northern Ireland
RoSHO	Risk of Sexual Harm Order
SBNI	Safeguarding Board for Northern Ireland
SCAIDP	Specialist Child Abuse Investigators Development Programme
SCR	Serious Case Review
SCU	Serious Crime Unit (within PPS)
SOPO	Sexual Offences Prevention Order
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
VOYPIC	Voice of Young People in Care
YDO(s)	Youth Diversion Officer(s)
YJA	Youth Justice Agency

A NOTE ABOUT TERMINOLOGY USED IN THIS REPORT

Legal terms for sexual offences

Statutory terms for sexual offences have legal meaning. However, Criminal Justice Inspection Northern Ireland was struck by how inapt many were for conveying the coercion and abuse that Child Sexual Exploitation (CSE) entailed.¹ This report has sought to limit use of terms such as 'sexual activity with...', 'paying for sexual services...', 'sexual communication with...' to accounts of legislation or suspected sexual offences apparent from police or prosecutorial documents.

Children

'Children' is used to reflect the obligation to ensure the entitlement of all up to 18 years of age to continuing protection from all forms of exploitation and abuse.² Its use is not intended to undermine the importance of recognising children's evolving capacities, and the importance of facilitating choice in their engagement with criminal justice agencies.³

- 1 On use of language when discussing a child who has been, or is at risk of being exploited, see National Police Chiefs' Council in collaboration with The Children's Society and Victim Support: Appropriate Language: Child Sexual and/or Criminal Exploitation: Guidance for Professionals (www.csepoliceandprevention.org.uk/sites/default/files/Guidance%20App%20Language%20Toolkit.pdf); see also Interagency working group on sexual exploitation of children (2016) Terminology Guidelines for the protection of Children from Sexual Exploitation and Sexual Abuse, p.30 luxembourgguidelines.org.
- 2 UN Committee on the Rights of the Child: General comment No.20 (2016) on the implementation of the rights of the child during adolescence (tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f20&Lang=en).
- 3 In engaging with police child safeguarding processes, children and young people have highlighted the importance of facilitating choice and control. See Beckett, H., Warrington, C., Ackerley, E., and Allnock, D. (2015) Children's Voices Research Report: Children and young people's perspectives on the police's role in safeguarding: a report for Her Majesty's Inspectorate of Constabularies. (www.beds.ac.uk/media/86277/hmic-uob-report-final.pdf).

CHIEF INSPECTOR'S FOREWORD

There is a well-known saying that “it takes a village to raise a child”, if that were true then it takes a community to protect their children.

Child sexual exploitation in our community is both an uncomfortable truth and a reality. It is child abuse. It is happening in our rural communities and in our towns and cities. It involves children who live with their parents almost as much as those who are currently in care or have previous experience of the care system.

It is a strategic issue that requires a strategic response. While a new Programme for Government is being contemplated, the existing outcome ‘*To give our children and young people the best start in life*’ holds true. Keeping our children and young people safe, free from abuse and able to fulfil their potential, is something we can all agree on.

This inspection focussed on the criminal justice system response to child sexual exploitation but as is true of so many issues in our community, its reach and required response is well beyond that of the justice system alone. While I am mindful of my statutory remit for inspection, it is not possible to meaningfully inspect child sexual exploitation without recognising the vital role Health and Social Care and Education partners have in ensuring effective and enduring child safeguarding and protection.

This report makes two strategic recommendations and seven operational

recommendations to enable a better criminal justice system response.

Developing a comprehensive picture of the extent and nature of child sexual exploitation, led by the Police Service of Northern Ireland in conjunction with the Department of Justice, will be vital in understanding and agreeing collaborative approaches across statutory and non-statutory partners to tackle it and create a shared child protection response. ‘Problem Profiles’ to help understand child sexual exploitation have been developed in other jurisdictions and a similar approach is much needed in Northern Ireland.

Quality multi-agency training, a consistent regional approach and swift information sharing enabled by technology will also be key. Prevention and disruption of offenders and prompt action between all partners, who look beyond the obvious and take a truly ‘whole child’ protection approach to identifying children who are being, or are at risk of being, sexually exploited is essential. The way the police and the Public Prosecution Service for Northern Ireland deal with this issue is vital. It is important that all lines of enquiry are followed and robust cases built to support an effective prosecution and secure convictions. Critical examination of all the aspects and sources of information and intelligence available is essential to disrupt child sexual exploitation.

This includes understanding patterns of offending and other behaviour such as missing children reports and concerns for their safety.

Effective identification of individual needs resulting in the provision of tailored high quality services to provide support is essential for child victims and witnesses and these should continue for as long as they are needed.

While the commitment and dedication among criminal justice professionals was evident during this inspection, gaps in practice were identified. This meant risks to the safety of children, both known and unknown, could not be ruled out. Work has commenced to address the inspection recommendations but there is much to be done to ensure children are safeguarded immediately and that systems, both internal and cross-Government, support frontline professionals to do this effectively and, crucially, demonstrate how children and young people identified at risk of child sexual exploitation have been helped.

The Covid-19 public health crisis has shown how powerfully and decisively government can work together, how

organisational boundaries can be set aside and innovative solutions found with a common imperative to protect the most vulnerable in our community.

Effective implementation of these recommendations will demonstrate how those with a statutory duty and voluntary and community sector partners will meaningfully collaborate to protect and deliver better outcomes for our children and young people.

I am grateful to Dr Roisin Devlin who led this inspection, supported by David MacAnulty, Dr Ian Cameron and Stevie Wilson. I am also grateful to Inspectors from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services who assisted with important aspects of this work. My thanks also to all those who helped inform the inspection, and the criminal justice organisations who facilitated its work.

I am especially thankful to the victims and those at risk of child sexual exploitation and their supporters who shared their experiences of the criminal justice system with us.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

June 2020

EXECUTIVE SUMMARY



PROTECTING CHILDREN FIRST

Tackling child sexual exploitation is about protecting children. Child safeguarding needs to frame the Government's approach to tackling child sexual exploitation and children identified at risk require a child protection response. This depends on commitments reaching far beyond the justice system; all Departments have a role in discharging the Government's obligation to protect children from sexual harm. Public education, supporting children and families and effective early interventions are at the heart of this.

Debates about the nature of child sexual exploitation and its definition did not detract from the core duty to protect children from abuse and disrupt those responsible for hurting them. For frontline criminal justice professionals, particularly Police Officers, it was important to ensure that helping children within a system that measured arrest rates and prosecutions was highly valued, and that the criminal justice system also measured 'success' in the investigative and child safeguarding actions undertaken.

LEADERSHIP AND ACCOUNTABILITY

Ultimately this inspection focused on practice on the ground with the result that those working every day to tackle child sexual exploitation faced the greatest level of scrutiny. While this was correct, Criminal Justice Inspection Northern Ireland (CJI) was mindful that at the time of the inspection fieldwork the absence of a Northern Ireland Executive and gaps in strategic direction, had left the frontline unsupported in important respects.⁴

For example, there was no comprehensive problem profile for child sexual exploitation in Northern Ireland. CJI acknowledges the work the Police Service of Northern Ireland had undertaken in developing this, but to have real meaning beyond what was already known to police, it required multi-agency leadership and support.

There had been great efforts to enhance the response to child sexual exploitation following the Marshall Report.⁵ Nevertheless, a cross-Departmental strategy that set out desired outcomes for children at risk of sexual abuse including child sexual exploitation was absent. There was no tangible trend data to evidence how children at risk of child sexual exploitation had been helped.

4 The Northern Ireland Executive was suspended in January 2017. There was full restoration of the Northern Ireland Executive and Assembly on Friday 10 January 2020.

5 Marshall, K. (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry. (www.health-ni.gov.uk/sites/default/files/publications/dhssps/csereport181114_0.pdf).

In England and Wales, a 'step change' in leadership was declared following inquiry findings about failures in dealing with child sexual exploitation.⁶ This included clear and unambiguous direction on information sharing with Secretaries of State asserting '*...no justification for failing to share information that will allow action to be taken to protect a child.*' In Scotland, as well as England and Wales a strategic framework for joint child protection inspection existed. CJI was unable to find this step change in leadership and accountability in Northern Ireland.

DELIVERING CHILD PROTECTION

Policing Child Sexual Exploitation

Broadly, there was good understanding about the nature of child exploitation, as well as the complex vulnerabilities for many of the children at risk of child sexual exploitation. Dedication, tireless work and genuine care was evident among criminal justice professionals CJI Inspectors spoke to. However, there were gaps in practice with risk of serious consequences for the safety of children. These were raised with police at the time of fieldwork and are highlighted where appropriate in this report.

Children assessed at risk of child sexual exploitation were placed on a 'list' (previously known as a 'master list') and it was these children that the Police Service of Northern Ireland worked with alongside child sexual exploitation social work leads. The 'list' included only children for whom the child sexual exploitation risk was deemed 'high'. Concerns about suspected sexual abuse of children in cases below this threshold were apparent in the small number of files reviewed by Inspectors.

Even when high risk had been identified, important information and intelligence appeared not to have been recorded on the police system. This meant frontline Officers were not informed about the wider child sexual exploitation risks. Proactive work with children required to be better evidenced. Crucially, child protection actions and outcomes were not evident from the system; and it was not always apparent if all children assessed at risk of child sexual exploitation had been referred for a child protection investigation.

CJI acknowledge that lack of resources had resulted in the five Public Protection Units operating different models of practice to deal with child sexual exploitation. This risked inconsistency and proposals by the Police Service of Northern Ireland to address this needed to be progressed. The co-located child sexual exploitation social work model was hugely beneficial for information sharing and it was important this continued to be supported.

6 Jay, A. (2014) Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013, (www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham); and other reviews, for example, Coffey, A. and Lloyd, T. (2014) Real Voices: Child Sexual Exploitation in Greater Manchester (www.basw.co.uk/system/files/resources/basw_103119-3_0.pdf); OFSTED (2014) The sexual exploitation of children: it couldn't happen here, could it? (www.gov.uk/government/publications/sexual-exploitation-of-children-ofsted-thematic-report).

Prosecuting offenders

A review of a sample of files held by the Public Prosecution Service for Northern Ireland showed that where the Police Service of Northern Ireland had passed files to prosecutors, evidence of case building and identification of factors pertinent to child sexual exploitation was at times good. However, the Public Prosecution Service for Northern Ireland needed to better support prosecutors to reflect how factors related to exploitation and grooming had been weighted in decisions. Myths and stereotypes including about children having 'demonstrated affection' required to be addressed in the planning of cases. Public Prosecution Service for Northern Ireland staff instructions specific to child sexual abuse and exploitation were needed.

Court

Where cases did progress to court, support for children was required. The National Society for the Prevention of Cruelty to Children (NSPCC) Young Witness Service, Registered Intermediaries and provision for other special measures had existed at the time of the inspection. It was positive that Victim Support Northern Ireland had received charity funding to pilot a Children's Independent Sexual Violence Advocate service, but nevertheless disappointing this type of service was not core funded by the Department of Justice. The Department of Justice indicated its commitment to work being taken forward on an advocacy service more generally, to include assistance to young victims of domestic or sexual violence and abuse. The Gillen Review⁷ made recommendations relevant to the progress of serious sexual offence cases in court including for child victims. There was no benefit in CJI duplicating these. However, within the Public Prosecution Service for Northern Ireland and the Northern Ireland Courts and Tribunals Service, a tailored child safeguarding procedure to enhance internal governance and direction on this, including the considerations that the Equal Treatment Bench Book outlined, would be of benefit.

CJI supported the view expressed by stakeholders that implementation of the Icelandic therapeutic Barnahus (children's house) model was preferred to an approach that simply tweaked the existing system and suggests this is taken forward in a future strategic approach to tackle child sexual abuse and exploitation.

7 Gillen Sir John, Review, Report into the Law and Procedures in Serious Sexual Offences in Northern Ireland, (Gillen Review), www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf.

OUTCOMES: HOW MANY CHILDREN HAVE BEEN HELPED?

The numbers of children protected and helped as a result of having been identified at risk of child sexual exploitation was the vital measure, and future strategy needed to support collection of this type of data. 'Success' in terms of prosecution was difficult to demonstrate. This was because cases had often not progressed this far but also because the Public Prosecution Service for Northern Ireland could not easily identify child sexual exploitation within its caseload. A sustained focus on learning lessons to advance prosecutions was required. The Marshall Report recommended an interagency forum to do this and CJI urge this is implemented. Learning was also required to understand more about the appropriateness of treatment and outcomes for child suspects who were victims of child sexual exploitation.

Victims and their supporters called on those in authority to look past children's immediate behaviours - whether that be, for example, going missing or suspected offending - to find out what was really going on. The opportunity to build a relationship with a named Police Officer had been crucial. There were calls for communications in the form of prosecution letters to be drafted in a manner that children could understand. Language that made children feel unbelievably and blamed had to be avoided. Victims needed to see criminal justice focused on perpetrators' conduct rather than assessing their behaviour. As it was, few children had experience of perpetrators being held responsible for the crimes against them and, as highlighted by a stakeholder, this risked communicating to children that the system expected them 'to be the fix.'

RECOMMENDATIONS

STRATEGIC RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

Within six months of the publication of this report, the Department of Justice take forward a cross-Departmental strategic response to tackle child sexual abuse and exploitation, which is linked to any existing and future strategic plans for child protection. Targets for the development of a comprehensive problem profile and improved outcomes - measured by children identified and protected, and perpetrators disrupted - should be included, as well as multi-agency evaluated training as recommended by the United Nations Convention on the Rights of the Child, and a framework for independent joint child protection inspection.

(paragraph 2.15)

STRATEGIC RECOMMENDATION 2

A comprehensive child sexual exploitation problem profile to properly understand its scale and nature in Northern Ireland should be developed. This should be police led in conjunction with the Department of Justice with input from partners and should include:

- collation of anonymous data from statutory and non-statutory partners about child sexual exploitation risks;
- the number of children assessed at risk of child sexual exploitation;
- the outcomes of these assessments (numbers at risk, numbers not at risk, and child protection events);
- the number of children and parents/carers supported;
- police investigations; and
- offenders disrupted and prosecuted.

(paragraph 4.16)

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

The Police Service of Northern Ireland introduce without delay the proposed IT process to alert within its system children on the Child Protection Register.

(paragraph 2.55)

OPERATIONAL RECOMMENDATION 2

All agencies should review and update procedures applicable to tackling child sexual abuse including child sexual exploitation, and ensure alignment with child protection policy and procedures. In particular:

- the Public Prosecution Service for Northern Ireland and the Northern Ireland Courts and Tribunals Service each require a child safeguarding procedure. This should be tailored to their particular functions and regularly reviewed;
- the Probation Board for Northern Ireland should review its existing child safeguarding procedures to ensure safeguarding in the specific circumstances of child sexual exploitation is covered, and that instruction about the risks of sexual harm to 16 and 17-year-olds is clear;
- the Police Service of Northern Ireland develop a child sexual exploitation operating procedure that is grounded within child protection, and ensure that all other related police procedures and instructions are cross referenced and aligned; and
- the Public Prosecution Service for Northern Ireland develop a staff instruction for prosecutors on child sexual abuse and exploitation. This should include its approach to child suspects who are victims of child sexual exploitation.

(paragraph 2.61)

OPERATIONAL RECOMMENDATION 3

Within six months of the publication of this report, the Police Service of Northern Ireland implement a consistent approach to child sexual exploitation across its five Public Protection Units within a model that is adequately supervised and resourced.

(paragraph 3.13)

OPERATIONAL RECOMMENDATION 4

Within six months of the publication of this report, each inspected agency - the Police Service of Northern Ireland, Public Prosecution Service for Northern Ireland, Probation Board for Northern Ireland, Youth Justice Agency and the Northern Ireland Courts and Tribunals Services - should complete a child protection (including child sexual exploitation) training needs assessment and time bound risk assessed plan for delivery.

(paragraph 3.25)

OPERATIONAL RECOMMENDATION 5

Within three months of the publication of this report, the Police Service of Northern Ireland's Public Protection Branch should develop a routine quality assurance process for how it manages the police response to child sexual exploitation with the aim of ensuring adequate and timely risk assessment and investigative activity including child protection investigation. CJI suggests this includes:

- sampling from the full range of child sexual exploitation risk assessments (risks assessed high, medium, low and no risk);
- Central Referral Unit decision-making particularly decisions for single agency Social Services investigation;
- missing reports including the quality of return interviews, and 'concerns for safety' recorded for children;
- adequacy of referrals to the Rowan Sexual Assault Referral Centre;
- the quality of safeguarding actions including referrals to Social Services;
- the submission and sharing of child sexual exploitation related intelligence;
- the use of disruption tools including Child Abduction Warning Notices and the appropriate alerting of these to the Probation Board for Northern Ireland; and
- information exchange and liaison internally within the Police Service of Northern Ireland including with the Public Protection Arrangements Northern Ireland and the Modern Slavery and Human Trafficking Unit and Youth Diversion Officers.

(paragraph 3.66)

OPERATIONAL RECOMMENDATION 6

The Police Service of Northern Ireland address immediately the process of how it deals with cases of sexual activity between 14 and 15-year-olds so that practice is in keeping with the joint protocol.

(paragraph 3.66)

OPERATIONAL RECOMMENDATION 7

In developing its quality assurance of decision-making in sexual offence cases, the Public Prosecution Service for Northern Ireland should:

- purposively sample child sexual abuse cases;
- work with the Police Service of Northern Ireland to develop quality assurance of child sexual exploitation related cases including where the offence is not sexual such as child abduction, or where the child comes to the Public Prosecution Service for Northern Ireland's attention as a suspect; and
- within this assess how understanding about exploitation and grooming is reflected in decision-making with a view to informing practice improvements.

(paragraph 3.85)

CHAPTER 1: INTRODUCTION

WHAT IS CSE?

- 1.1 Child sexual exploitation (CSE) is a form of child sexual abuse. Any child can be a victim of CSE. There is no specific offence of 'child sexual exploitation.' A child who has been sexually exploited may have been the target of one or more sexual offences and quite probably other related non-sexual crimes. Child safeguarding should be at the core of the Government's approach to tackling CSE. Victims and children who are put at risk of CSE require a child protection response.⁸
- 1.2 Much had been written about the nature of CSE and its definition. The core features of CSE as discerned from research and literature are that it:
- can affect any child up to the age of 18 and is not associated to the age of consent to sexual activity;
 - involves a power imbalance between those being exploited and those who are exploiting them;
 - involves some element of exchange for sexual activities; and
 - involves situations, contexts and relationships in which a child has a limited availability of choice.⁹
- 1.3 In carrying out this inspection, CJI was clear that regardless of the definition of CSE criminal justice agencies' duty was to protect children from sexual harm. An older male arranging to meet a child 'for sex', the child going missing overnight, and visiting a health care establishment believing she was pregnant gave rise to suspicion of sexual abuse whether or not 'evidence of sex being exchanged for anything' was apparent. This was a real example encountered during the inspection and is discussed further in Chapter 3.
- 1.4 Knowledge about CSE was developing continually. Understanding the context in which it occurred, its extent and how best to prevent and disrupt it was complex. Its potential to affect any child was certain. It could be perpetrated on and offline, involve one or multiple perpetrators, one or more victims, and be carried out by

8 Learning from England and Wales showed the need to ensure child protection procedures are routinely followed where a child had been, or was at risk of being, a victim of CSE – see OFSTED (2014) *The sexual exploitation of children: if couldn't happen here, could it?*, at p.9. (www.gov.uk/government/publications/sexual-exploitation-of-children-ofsted-thematic-report).

9 The International Centre Researching Child Sexual Exploitation, Violence and Trafficking (undated) *Safeguarding children and young people from sexual exploitation and associated vulnerabilities: A briefing for Inspectorates*, p.1 (contextualsafeguarding.org.uk/assets/documents/JTAI-briefing-update-FINAL.pdf).

adults or peers. Research showed that most identified victims were female but victims could be female or male. Those who had committed CSE were commonly male but a minority had been female.¹⁰

1.5 CSE could be connected to other vulnerabilities and circumstances in a child's life. This included but was not limited to negative peer associations, mental ill health, alcohol or drug misuse, abusive similar age relationships, going missing and offending behaviour. These vulnerabilities were often interrelated and interacted with CSE in such a way that they presented prior to being a victim or developed as a result. For example, a child may have been missing because of sexual exploitation that had occurred already or because of other issues say at home or in school. Going missing heightened the risk of CSE.

1.6 Whatever the factors or circumstances that had impacted the child prior to CSE occurring, they were not its cause. The extended text to CSE guidance in England and Wales made clear that, '*...a child or young person's vulnerability is not the reason they are sexually exploited. The reason is that someone is willing to take advantage of this vulnerability and the absence of adequate protective structures around the child and their family*'.¹¹ While the definition of CSE entailed some element of exchange for sexual activity, it was never the child's fault.¹²

1.7 Turning 18 years of age often meant that child focused support and criminal justice processes ended. However, sexual exploitation and associated victimhood did not stop purely because of an 18th birthday and there was increasing recognition of the need to tackle the victimisation of this older age group as well.¹³

Reporting of CSE in Northern Ireland

1.8 CSE was under-reported. The coercion and power exerted by perpetrators was a key reason for this. Children were often prevented from believing they had been a victim of sexual exploitation as a result, or were fearful about telling. Some children had feared they would not be believed, or other factors would be used against them. As one victim who took part in this inspection said, '*[you] can't report it if under the influence so [there's] no point.*'

10 See for example key messages from research in Jeffs-Sharp, N., Coy, M., and Kelly, L. (2017) *Key messages from research on child sexual exploitation*: Police, Centre of Expertise on Child Sexual Abuse: London Metropolitan University, January 2017. (www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=9E408885-A389-4EEE-84CA2B4D69D8E45C).

11 Beckett, H. (lead author), Holmes, D. and Walker, J. (2017) *Child sexual exploitation: Definition and guide for professionals: Extended text*. The International Centre Researching Child Sexual Exploitation, Violence and Trafficking, University of Bedfordshire, February 2017, p. 21 (www.beds.ac.uk/media/86735/uob-rip-cse-guidancefeb2017.pdf).

12 Guidance emphasises this – see Department for Education (2017) *Child sexual exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from sexual exploitation*, February 2017, p. 6. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/591903/CSE_Guidance_Core_Document_13.02.2017.pdf).

13 See for example 'transitioning' arrangements from child to adult safeguarding referred to in Spicer, D. (2018) *Joint Serious Case Review Concerning Sexual Exploitation of Children and Adults with Needs for Care and Support in Newcastle-Upon-Tyne*, Newcastle Safeguarding Children Board and Newcastle Safeguarding Adults Board. (www.nscb.org.uk/sites/default/files/Final%20JSCR%20Report%20160218%20PW.pdf).

- 1.9 A review of practices in Rotherham Metropolitan Borough Council reflected the reality of having been groomed:¹⁴

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

- 1.10 Grooming and abuse had undermined children’s trust in help. The extent to which a child felt able to trust adults in order to make a report could also be influenced by prior adverse experiences.¹⁵ For all these reasons, it had often been for those working with and supporting children to detect and report CSE and concerns related to it. Professional curiosity was required. Recalling going missing, one victim who was interviewed for the inspection said *‘[police] asked where I had been but didn’t try to get it out of you.’*

- 1.11 Peer-on-peer sexual exploitation required particular attention. Aside from issues about how to appropriately respond in this circumstance, there were concerns that the system had not adequately detected it. Stakeholders said that teenagers, who tended to understand CSE (if at all) as older men preying on young children, needed more support to identify this. Barnardo’s Northern Ireland had highlighted the need for *‘a wider conversation [...] about the ‘stereotypical predator’ and that many young people’s experiences do not fit this mould. Our service indicates that peer-on-peer cases are a common trend...’*¹⁶

- 1.12 Even when CSE was reported, the data was limited. At the time of the inspection, the Home Office Counting Rules required police in England and Wales to flag all offences related to child sexual abuse with a child sexual abuse crime flag, as well as a CSE crime flag where the crime was related to sexual exploitation.¹⁷ The collection was intended to help ‘close the gap in knowledge’ about the number of cases recorded by police.

14 Casey CB, L (2015) *Reflections on child sexual exploitation*, Department for Communities and Local Government, March 2015. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418394/Louise_Casey_report_into_CSE_template_format__4_.pdf).

15 Jeffs-Sharp, N., Coy, M., and Kelly, L. (2017) *Key messages from research on child sexual exploitation: Police*, Centre of Expertise on Child Sexual Abuse: London Metropolitan University, January 2017. (www.csacentre.org.uk/index.cfm/_api/render/file/?method=inline&fileID=9E408885-A389-4EEE-84CA2B4D69D8E45C).

16 Barnardo’s Northern Ireland (2019) *Response to the Review of the Law on Child Sexual Exploitation*, April 2019, at para. 1.2. (www.barnardos.org.uk/sites/default/files/uploads/DoJ%20Review%20of%20the%20Law%20on%20CSE.pdf).

17 This provides that because CSE is a subset of Child Sexual Assault (CSA), all offences flagged as being related to CSE should also be flagged child sexual abuse (See Home Office (2018) *Home Office Counting Rules for Recorded Crime: Crime Flags*, F6; and the current rules with effect from April 2019 here: (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791106/count-flags-apr-2019.pdf).

- 1.13 During April 2018 to March 2019 police across England and Wales recorded 60,685 crimes flagged as child sexual abuse and just over a fifth of these (13,133) as CSE.¹⁸ This was experimental data. Work by the Home Office and police to improve consistency and comparability of child sexual abuse and CSE crime flag data had been ongoing. It nevertheless contributed to knowledge about the scale of CSE.
- 1.14 Equivalent data was not available for Northern Ireland. Like in England and Wales, social care statistics and police recorded crime helped build a sense of the scale of sexual harm to children in Northern Ireland. The NSPCC had been collating and reporting annually on these.¹⁹ The most recent social care statistics showed that where the category of abuse had been recorded, sexual abuse was a concern for just under 10% of children on the Child Protection Register (CPR) in Northern Ireland.²⁰
- 1.15 The Police Service of Northern Ireland (PSNI) crime data included figures for sexual offences recorded where the victim was under 18 at the time of the offence.²¹ This showed an increase in recorded sexual crime against children. The 1,940 child sexual offences recorded in 2017-18, represented a 3.5% rise from the previous year and was much greater than the 1,060 offences recorded in 2012-13.
- 1.16 Suggested reasons for increased recording of child sexual offences included improved recording practices and better awareness of child sexual abuse.²² The PSNI also noted the potential influence of new sexual offence legislation in February 2009,²³ with *'offences relating to sexual activity where the victim is under 16 hav[ing] more than trebled'* since then.²⁴

18 Office for National Statistics, Crime in England and Wales, Year Ending March 2019 – Other related tables, Table F11. (available: (www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables).

19 See NSPCC (2019) Statistics briefing: child sexual abuse, April 2019 for the most recent at the time of writing (learning.nspcc.org.uk/media/1710/statistics-briefing-child-sexual-abuse.pdf).

20 On 31 March 2019 there were 191 children out of 2,211 on the Child Protection Register where sexual abuse was among the reason for registration (99 = sexual abuse only; 26 = physical and sexual abuse; 41 = neglect and sexual abuse; 25 = neglect, physical and sexual abuse). However, it was noted that the correct category of abuse had not been assigned to children in the Southern HSC Trust and work was ongoing to rectify this. This was noted as a classification issue that had not affected support for the child. See Quarterly Child Protection Statistics for Northern Ireland – January – March 2019, Excel (www.health-ni.gov.uk/publications/quarterly-child-protection-statistics-northern-ireland-january-march-2019).

21 Police recorded crime in Northern Ireland 1998-99 to 2017-18, Table 7.3. (www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police_recorded_crime_in_northern_ireland_1998-99_to_2017-18.xls).

22 NSPCC (2019) Statistics briefing: child sexual abuse, April 2019, p. 7 (learning.nspcc.org.uk/media/1710/statistics-briefing-child-sexual-abuse.pdf).

23 As in the Sexual Offences Northern Ireland Order 2008.

24 Police Service of Northern Ireland (2018) Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2017/18: Annual Bulletin published 31 October 2018, p. 5. (www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-recorded-crime-in-northern-ireland-1998-99-to-2017-18.pdf).

- 1.17 The rise was possibly also due to use of the internet making it possible for perpetrators to target children online.²⁵ In Northern Ireland, less than 10% of recorded sexual offences against children in 2017-18 were flagged as having been committed online (n, 171). However, this data had not been quality assured and depended on completion of a motivation 'tick box' on the PSNI recording system.²⁶
- 1.18 A proportion of child sexual offences recorded occurred when the victim was a child but reported when 18 or over. This figure tended to fluctuate but had remained less than 40% of sexual offence reports. As the PSNI publication stated, 'nearly 40% of the sexual offences recorded during 2013-14 occurred when the victim was under 18 but were reported to police when the victim was 18 or over'. This was the highest proportion in the data series compared to 18% in 2007-08 and 33% in 2017-18.²⁷
- 1.19 This data, while not enhancing understanding about the scale of CSE specifically, showed a rising trend in recorded sexual crime against children in Northern Ireland. Moreover, over half of all sexual offences recorded were against children (56.3% in 2017-18). For this reason, it has been highlighted that the proportion of victims who were children at the time the offence was committed stood out in relation to sexual offences over all other main crime types in Northern Ireland.²⁸

International focus on CSE

- 1.20 Recognising the gravity of sexual violence against children, a global indicator had been set against the UN Sustainable Development Goals for 2013. The target to end abuse against children included developing a global dataset for 'the proportion of young women and men aged 18-29 years who experienced sexual violence by age 18.' There was no global estimate for sexual violence against adolescent boys but around 15 million adolescent girls aged 15 to 19 had experienced forced sex in their lifetime.²⁹ Within the European Union (EU), around 21 million women reported some form of sexual violence by an adult before the age of 15.³⁰

25 NSPCC (2019) Statistics briefing: child sexual abuse, April 2019, p. 7. (learning.nspcc.org.uk/media/1710/statistics-briefing-child-sexual-abuse.pdf).

26 Police recorded crime in Northern Ireland 1998-99 to 2017-18, Table 4.2 and accompanying 'online crime definition.'

27 Police Service of Northern Ireland (2018) Trends in Police Recorded Crime in Northern Ireland 1998-99 to 2017-18: Annual Bulletin published 31 October 2018, p.5. (www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-recorded-crime-in-northern-ireland-1998-99-to-2017-18.pdf).

28 Police Service of Northern Ireland (2018) Trends in Police Recorded Crime in Northern Ireland 1998-99 to 2017-18: Annual Bulletin published 31 October 2018, p.30 (www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-recorded-crime-in-northern-ireland-1998-99-to-2017-18.pdf).

29 UNICEF (2017) *A Familiar Face: Violence in the lives of children and adolescents*, November 2017.

30 The survey asked 'before the age of 15, how often did an adult who was 18 years or over do the following to you, when you did not want them to? Expose their genitals to you; make you pose naked in front of any person or in photographs, video or an internet webcam; touch your genitals or breasts against your will; make you touch their private parts – genitals or breasts; force you to have sexual intercourse. FRA (2015) Violence against women: an EU-wide survey, Main results, pp.121 and 122 (fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf).

- 1.21 Government's international legal obligations to protect children from abuse including sexual exploitation were well established. The United Nations Convention on the Rights of the Child and its Optional Protocol applied,³¹ as did the 'Lanzarote Convention,' which the United Kingdom (UK) had more recently ratified.³² An expected part of practice pursuant to these obligations was that children would be central to the development of systems and processes designed to protect them, and paramountcy to their best interests would be guaranteed.
- 1.22 The Lanzarote Convention required domestic laws that criminalised child sexual abuse and violence for all under 18 years. Obligations specific to the criminal justice process included ensuring children the right to be informed about the progress of the case and to receive information in a manner and a language that they could understand. While these requirements were not new the Convention had provided a '*...comprehensive international instrument focusing on the preventive, protective and criminal law aspects of the fight against child sexual exploitation and abuse.*'³³
- 1.23 The United Nations Committee on the Rights of the Child had already provided the UK and devolved administrations with a series of recommendations to tackle CSE. This had included strengthening the capacity of law enforcement to detect and prosecute crimes,³⁴ amending the law on sexual offences to ensure appropriate protections for all under 18 years of age, and multi-disciplinary training that was properly resourced and evaluated.³⁵ An obligation of non-prosecution in the criminal justice system and treatment as victims rather than criminals was urged for child victims of offences outlined in the United Nations Convention on the Rights of the Child Optional Protocol (relating to the sale of children, child prostitution, and child pornography).³⁶

31 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, A/RES/54/263 of 25 May 2000.

32 The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, October 2012, ratified by the UK on 20 June 2018.

33 The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, Preamble.

34 UNCRC, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, 12 July 2016, CRC/C/GBR/CO/5. (tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en).

35 UNCRC, Concluding observations on the report submitted by the United Kingdom of Great Britain and Northern Ireland under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 8 July 2014, CRC/C/OPSC/GBR/CO/1. (tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fGBR%2fCO%2f1&Lang=en).

36 UNCRC, Concluding observations on the report submitted by the United Kingdom of Great Britain and Northern Ireland under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 8 July 2014, CRC/C/OPSC/GBR/CO/1. (tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fGBR%2fCO%2f1&Lang=en).

Learning from responses to CSE in England and Wales

- 1.24 Reports of practice within and across different Local Authority areas within England have contributed to learning on how to tackle CSE.³⁷ In 2014, the report of an inquiry into CSE in Rotherham covering the period 1997 to 2013 was published.³⁸ Concluding there had been collective failures in leadership, it identified inadequacies in the response by local agencies including that reported concerns had been dismissed. In its subsequent action plan, the Government described its response as a 'step change' with this key message:³⁹

'Any local authority or police force that denies that it has a problem, or thinks that it is only happening elsewhere, is wrong.'

- 1.25 Key actions included escalating child sexual abuse to the status of a national threat in the Strategic Policing Requirement. Improved information sharing was also highlighted. In addition, the accountability framework was refocused. Inspectorates were called upon to judge the impact of performance on the ground not whether action plans were in place.

- 1.26 A methodology for Joint Targeted Child Protection Inspections was finalised and implemented in 2016. Unlike in Northern Ireland, this joint inspection framework had a statutory basis and had been piloted between 2011 and 2013.⁴⁰ Focused areas or 'deep dive' themes covered within this framework had included CSE.⁴¹

- 1.27 This highlighted the importance of sharing information and intelligence between key agencies to understand local patterns, basing responses to missing children on assessment of all risks known to police and shared appropriately with the local authority, established multi-agency child protection procedures, and effective oversight and supervision.

- 1.28 A rolling programme of National Child Protection Inspections had covered each police force area in England and Wales and the Tackling CSE Action Plan urged that lessons would be learned from these. A continuing rise in child protection referrals to police and a consequent need to demonstrate high-quality safeguarding

37 For example, Coffey, A. and Lloyd, T. (2014) *Real Voices: Child Sexual Exploitation in Greater Manchester* (www.basw.co.uk/system/files/resources/basw_103119-3_0.pdf); OFSTED (2014) *The sexual exploitation of children: if couldn't happen here, could it?* (www.gov.uk/government/publications/sexual-exploitation-of-children-ofsted-thematic-report); Oxfordshire Safeguarding Children Board (2015) *Serious Case Review into Child Sexual Exploitation experiences of Children A, B, C, D, E, and F, 26th February 2015* (www.oscb.org.uk/wp-content/uploads/SCR-into-CSE-in-Oxfordshire-FINAL-FOR-WEBSITE.pdf).

38 Jay, A. (2014) *Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013*, (www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham).

39 HM Government (2015) *Tackling Child Sexual Exploitation*, March 2015 (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408604/2903652_RotherhamResponse_acc2.pdf).

40 Children Act 2004, s.20.

41 HM Inspectorate of Probation, HM Inspectorate of Constabulary, Care Quality Commission, Ofsted (2016) *'Time to listen' – a joined up response to child sexual exploitation and missing children* (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/676421/Time_to_listen___a_joined_up_response_to_child_sexual_exploitation_and_missing_children.pdf).

had been identified.⁴² By 2018, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has published 25 reports from its national child protection inspection programme and completed 23 follow-up reviews.⁴³

1.29 In 2017 the Children's Commissioner for England, focusing on the lengthy period for child sexual abuse investigations to conclude, made three recommendations: a licence to practice for professionals working on child sexual abuse cases; Crown Prosecution Service (CPS) Rape and Serious Sexual Offences specialists embedded in police child abuse investigation teams; and roll out of 'children's houses'.⁴⁴

1.30 The 'children's house' was based on the Icelandic Barnahus, a multi-disciplinary and interagency model in which children were supported to receive therapeutic help and access justice (see Appendix 3).⁴⁵ In the original model the trauma of attending court was avoided because the child's story, told at Barnahus, was then submitted in court as pre-recorded evidence. At the time of writing a version of this incorporating the therapeutic elements and some of the criminal justice work was being piloted in London as the Lighthouse.⁴⁶

1.31 In response to learning from inquiries in England, Scotland also introduced a National Action Plan to tackle CSE. Similar to England, this prioritised independent oversight and tasked Inspectorates to work jointly in scrutinising how CSE services had been delivered.⁴⁷ In 2017, the Scottish Government announced a Child Protection Improvement Plan. Pursuant to this the Care Inspectorate with partner Inspectorates had further developed joint inspection of services for children in need of care and protection. Since first piloting in late 2012, 25 joint inspections and seven progress reviews had been completed.

1.32 In contrast, there had not been routine joint child protection inspection in Northern Ireland. Reviews related to child protection had been completed by the Regulation and Quality Improvement Authority (RQIA), most recently on governance arrangements within health and social care.⁴⁸ Reform of the

42 HMIC (2015) *In harm's way: the role of the police in keeping children safe*, July 2015. (www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/in-harms-way.pdf).

43 HMICFRS (2019) *State of Policing: The Annual Assessment of Policing in England and Wales 2018* (www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/state-of-policing-2018.pdf).

44 Children's Commissioner (2017) *Investigating Child Sexual Abuse: The Length of Criminal Investigations*, April 2017 (www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Investigating-Child-Sexual-Abuse-CCO-April-2017-1.2-1.pdf); also Children's Commissioner, *Barnahus: improving the response to child sexual abuse in England* (www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Barnahus-Improving-the-response-to-child-sexual-abuse-in-England.pdf).

45 See 'The Children's House in Iceland – Barnahus' (www.bvs.is/media/almennigur/Barnahus,-an-overview.pdf); and related Quality Standards (www.childrenatrisk.eu/promise/wp-content/uploads/sites/4/2018/04/PROMISE-Barnahus-Quality-Standards.pdf).

46 www.uclh.nhs.uk/OurServices/ServiceA-Z/CYPS/lighthouse/Pages/Home.aspx.

47 See (www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2014/11/scotlands-national-action-plan-to-tackle-child-sexual-exploitation/documents/scotlands-national-action-plan-tackle-child-sexual-exploitation-pdf/scotlands-national-action-plan-tackle-child-sexual-exploitation-pdf/govscot%3Adocument/Scotland%2527s%2Bnational%2Baction%2Bplan%2Bto%2Btackle%2Bchild%2Bsexual%2Bexploitation.pdf).

48 RQIA (2018) *Review of Governance Arrangements for Child Protection in the HSC in Northern Ireland, Phase I*, May 2018 (www.rqia.org.uk/RQIA/files/11/114d0d50-eb71-47b5-bc55-ad1518643d44.pdf).

framework for assessing children's needs (Understanding the Needs of Children in Northern Ireland) was recommended. It stated that interagency working at an operational level may form part of future work. There was, however, still no statute or strategy that mandated routine joint child protection inspection and this was a gap.

The local response to CSE

- 1.33 CSE was highlighted as a serious concern for children in Northern Ireland in a 2011 exploratory study for Barnardo's.⁴⁹ Subsequently a PSNI major investigation, 'Operation Owl', identified 22 children at risk and the response to these children formed the basis of a subsequent review by the Safeguarding Board for Northern Ireland (SBNI). The review concluded that while police had located and returned children when they had been missing, efforts to investigate the extent of CSE and pursue abusers had been limited.⁵⁰
- 1.34 During this time, the former Scottish Children's Commissioner conducted an independent CSE inquiry (the Marshall Report). This similarly found sexual exploitation posed a serious risk to children in Northern Ireland.⁵¹ Recommendations ranged across education, health, social care and justice. The latter included a call to amend sexual offences law and the establishment of an interagency forum to examine how to achieve more successful prosecutions.
- 1.35 The most recent progress report listed actions undertaken to achieve recommendations for health, education and justice. The majority (64 out of 77) had been assigned 'completed' status with the remainder 'ongoing'.⁵² This was based on organisations' self-reports and not an independent assessment. Noting the tireless work of frontline professionals, the Northern Ireland Children's Commissioner highlighted that these progress reports lacked evidence to show if positive outcomes for children had been achieved.⁵³
- 1.36 Since the Marshall Report, the PSNI had been judged not fully prepared to tackle CSE.⁵⁴ Her Majesty's Inspectorate of Constabulary (HMIC, as it was then, now HMICFRS) said that, among other matters:⁵⁵

49 Beckett, H. (2011) 'Not a world away': the sexual exploitation of children and young people in Northern Ireland, October 2011, Barnardo's Northern Ireland. (www.barnardos.org.uk/13932_not_a_world_away_full_report.pdf).

50 Pinkerton J., Bunting L., Hayes D. and Lazenbatt A. (2015) Getting Focused and Staying Focused: "Looked After Children" Going Missing and Child Sexual Exploitation. SBNI, Belfast.

51 Marshall, K. (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry. Key Recommendation 9 (www.health-ni.gov.uk/sites/default/files/publications/dhssps/csereport181114_0.pdf).

52 DoE, DoH, DoJ: Fourth Composite CSE Implementation Plan Progress Report, 1 April 2017 to 30 November 2017 (www.health-ni.gov.uk/sites/default/files/publications/health/4th-Composite-Marshall-Report.pdf).

53 NICCY (2018) Reflections on the Government Child Sexual Exploitation Progress Reports (Third and Fourth Composite Reports) 14 December 2018 (www.niccy.org/media/3213/niccy-2018-review-of-cse-progress-reports-14-dec-18.pdf).

54 HMIC (2016) PEEL: Police effectiveness (vulnerability): An inspection of the Police Service of Northern Ireland 1-5 February 2016 (www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF).

55 HMIC (2016) PEEL: Police effectiveness (vulnerability): An inspection of the Police Service of Northern Ireland 1-5 February 2016, p.23 (www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF).

'The service, along with partners, has introduced a governance framework, and good links are developing between specialists and Social Workers. However, the service has work to do to train specialists and frontline staff, and develop links with the private sector companies (including hotels, fast-food outlets and taxi drivers) to prevent and gather intelligence about sexual exploitation.'

- 1.37 A 2019 HMICFRS report noted progress in that the PSNI had developed its understanding of the scale and nature of CSE, trained officers to help identify children at risk, developed a joint risk assessment tool with Social Services, and joint governance arrangements.
- 1.38 In terms of the prosecution of CSE related crimes, CJI had reported progress in the structural response due to the formation of the Public Prosecution Service for Northern Ireland (PPS) Serious Crime Unit (SCU). Although a commitment to building cases around the credibility of the offence rather than the victim was found, gaining children's trust and informing them about the justice process would have benefited from additional support.⁵⁶
- 1.39 More broadly, resource challenges for the PPS and the PSNI had been identified by CJI in its thematic inspection of how the criminal justice system deals with sexual violence and abuse. Although not specific to CSE its findings and recommendations had been relevant. It called for a 'prosecution team' approach driven through early engagement by the PPS and the PSNI, and case strategies capable of planning for potential difficulties that might otherwise prevent prosecution being progressed.⁵⁷
- 1.40 The importance of supporting victims of child sexual abuse through the justice process was also highlighted in a report into sexual offence law and procedures in Northern Ireland (the Gillen Review). The review team received detailed submissions including from the Northern Ireland Commissioner for Children and Young People and the NSPCC Young Witness Service about the barriers to children's effective participation in the prosecution and court process.
- 1.41 Recommendations designed to better equip justice professionals to accommodate the particular needs of children, and to consider implementation of the therapeutic Barnahus system were made.⁵⁸ The responsible statutory agencies had been tasked to develop an assessment of the resources required to implement the recommendations and this work was in progress at the time of writing.

56 CJI (2018) A Follow-Up Review of the Public Prosecution Service for Northern Ireland's response to Strategic Inspection Recommendations Made Between 2013 and 2015, February 2018, pp. 15-16 (www.cjini.org/getattachment/ca8c5bc9-213d-4756-9eb2-7c5359fce085/PPS.aspx).

57 CJI (2018) Without Witness, Public Protection Inspection I: A thematic inspection of the handling of sexual violence and abuse cases by the criminal justice system in Northern Ireland, November 2018 (www.cjini.org/TheInspections/Inspection-Reports/2018/October-December/Sexual-Violence).

58 Gillen Review, Report into the Law and Procedures in Serious Sexual Offences in Northern Ireland, Part 2. Recommendations 185 to 219 related in particular to the 'voice of the child', (www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-recommendations.pdf).

This inspection

- 1.42 The inspection aimed to examine how the criminal justice system tackles CSE. The inspection fieldwork consisted of interviews with stakeholders from community and voluntary organisations who had supported or provided services to children and families or engaged in policy and legal issues impacting them. Inspectors also met with the CSE Social Workers from each of the five Health and Social Care Trusts (HSCTs) and also representatives of the SBNI.
- 1.43 Four children and young people who were victims or at risk of sexual exploitation worked with Voice of Young People in Care (VOYPIC) to share their experiences of having engaged with the criminal justice system. Inspectors also heard from a parent who told us about the family and child's journey through the police and prosecution process. Their insights informed the types of areas explored during fieldwork with justice agencies and the recommendations in this report.
- 1.44 Interviews were completed with the PSNI, the PPS, the Northern Ireland Courts and Tribunals Service (NICTS), the Youth Justice Agency (YJA) and the Probation Board for Northern Ireland (PBNI). A file review was completed with HMICFRS of 15 cases known to the police Public Protection Branch (PPB) Child Abuse Investigation Teams. This adopted a form of the file review methodology used by HMICFRS in its national child protection inspections. CJI Inspectors also completed a review of 14 missing reports relating to children. These were sampled randomly from calls reported to police over the period of a weekend.
- 1.45 A sample of 11 PPS files were also considered.⁵⁹ These had been selected from a combination of a sample of files the PSNI had passed to the PPS over a one year period from February 2017, and two further cases from within the PPS system. The PPS file review considered themes that had emerged from CJI's sexual violence inspection including case building and recording, myths and stereotypes, and evidence of communication with victims.
- 1.46 Analysis of the data from both file reviews was used alongside findings from Inspectors interview fieldwork and a review of the documentary evidence that the criminal justice agencies and others had supplied.
- 1.47 Unconnected to this inspection, the SBNI had commissioned an independent review of its member agencies response to and management of CSE. In light of this and particularly because of the multi-agency nature of tackling CSE, Inspectors liaised with the SBNI independent review team to share methodology and learning where appropriate and beneficial. The 15 police files examined for the CJI inspection were also assessed by the SBNI independent review team. The approach helped inform respective findings, although the evidence and recommendations remained separate to each.

59 12 files were reviewed; one of these had been identified by PPS but was excluded from Inspectors' analysis for the final report due the time that had passed since it was decided (2014).

CHAPTER 2: STRATEGY AND GOVERNANCE

UNDERSTANDING THE PROBLEM

- 2.1 Inspected agencies agreed that a more complete picture of CSE in Northern Ireland was needed. Knowledge about its scale and nature required data to be gathered from a range of publicly available sources as well as from partner agencies. This was a challenge and one that was not unique to Northern Ireland.⁶⁰
- 2.2 The PSNI problem profile showed 99 children identified at high risk of CSE in December 2015 compared to 38 in December 2017. The reduction in number was attributed to a change in risk assessment. Whereas in 2015 this relied on a quantitative scoring, since 2017 professional judgement had instead been used.
- 2.3 The lower number was of concern to CJJ. Issues relating to the detection and recording of CSE is explored further in Chapter 3. Given that the PSNI's approach was to only flag children assessed at 'high risk' of CSE, those assessed at low and medium risk had not been included. There was therefore no clear picture of the total children assessed and considered at risk of CSE.
- 2.4 As part of the package of measures to tackle CSE in England and Wales, the Home Office provided Police Transformational Funding, which had supported regional analysts to build 10 regional CSE 'problem profiles' across England.⁶¹ The profiles were developed using forces' intelligence information and data from statutory and non-statutory partners.

'Questionnaires were seen as a less intrusive method of including a response from partner agencies that did not require personal level data but added substantially to the current picture of CSE at a regional level. The result was the production of 10 comprehensive Regional Problem Profiles that for the first time included both police and partner data to enhance knowledge and understanding of the current scale and nature of CSE at a regional and national level.'

60 See for example the various CSE Strategies developed by Children's Safeguarding Boards in England, Manchester Safeguarding Board for example: while its problem profile was based on data drawn from police, health and social care work was still required to identify data gaps and build a more complete picture (Manchester Safeguarding Boards (2017) Child Sexual Exploitation Strategy 2017 to 2019, July 2017, www.manchestersafeguardingboards.co.uk/wp-content/uploads/2017/07/MSB-CSE-Policy-2017-07-10-published.pdf); see also challenges for police recorded data on CSE more generally in Allnock, D, Lloyd, J., and Pearce, J. (2017) Evidence based models of policing to protect children from sexual exploitation, December 2017, (www.basw.co.uk/system/files/resources/basw_84415-8.pdf).

61 CSE Police and Prevention: National Policing CSE Action Plan, (www.csepoliceandprevention.org.uk/home).

*The profiles presented detailed recommendations, which were actioned accordingly, through the construction of the Regional CSE Action Plan and subsequently driven by the Co-ordinator and Analyst network to ensure national consistency.*⁶²

- 2.5 The PSNI CSE 'problem profile' (based on information for the calendar year 2017)⁶³ had helped inform its scale and nature in Northern Ireland. However, it acknowledged limitations. A detailed plan to take forward the recommendations identified within the profile document was not apparent. The PSNI draft Child Sexual Abuse and Exploitation strategic action plan included tasks relevant to developing it and a specialist multi-agency workshop with PSNI Analysts had been held but it remained an area for development. It was Inspectors' view that a comprehensive problem profile was a strategic requirement. Although police led it was a multi-agency task, which required shared accountability and resource (see Strategic recommendation 2).

The strategy to target the problem

- 2.6 Following reports about the response to CSE in different areas of England, a strategy to tackle CSE was published by the Government in England and Wales, and the Scottish Government developed a National Action Plan that had been reviewed and updated annually.⁶⁴ While these focused initially on tackling CSE specifically, it was made clear as plans developed that:⁶⁵

'...the response to tackle child sexual exploitation should also be seen in a wider context, in terms of keeping children safe and allowing them to reach their full potential.'

- 2.7 The Scottish Government launched a Child Protection Improvement Plan in 2016 under which its response to CSE had since been included.⁶⁶ This aimed to develop a more holistic plan for how the emotional, physical and sexual abuse of children could be better prevented.

62 See CSE Police and Prevention: Threat assessments and problem profiles: what is a problem profile – (www.csepoliceandprevention.org.uk/prepare).

63 A 'problem profile' is a recognised police intelligence product. It was required to be current, updated and continued until the problem was addressed (see College of Policing Authorised Professional Practice on Intelligence Products (www.app.college.police.uk/app-content/intelligence-management/intelligence-products/#problem-profile)).

64 See the most recent in Scottish Government (2018) Scotland: national Action Plan to Prevent and Tackle Child Sexual Exploitation: progress Report 2017/18, April 2018. (www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2018/04/national-action-plan-prevent-tackle-child-sexual-exploitation-progress-report-9781788517010/documents/00534135-pdf/00534135-pdf/govscot%3Adocument/00534135.pdf).

65 Scottish Government (2018) Scotland: national Action Plan to Prevent and Tackle Child Sexual Exploitation: progress Report 2017/18, April 2018, pp. 3-4. (www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2018/04/national-action-plan-prevent-tackle-child-sexual-exploitation-progress-report-9781788517010/documents/00534135-pdf/00534135-pdf/govscot%3Adocument/00534135.pdf).

66 Available here: (www.gov.scot/policies/child-protection/child-protection-improvement-programme).

2.8 In 2017, a three-year strategic plan was outlined in the Tackling CSE Progress Report in England and Wales. This had included an investment of £40 million across various areas related to CSE including policing, criminal justice processes to address delay in child sexual abuse cases, and support services for children who had been victims of child sexual abuse and exploitation.⁶⁷

2.9 The Marshall Report recommended that the Department of Health (DoH), involving both the Department of Justice (DoJ) and Department of Education, 'should lead the development of a regional strategy to prevent, identify, disrupt and tackle CSE.' The third progress report on implementation of the Marshall recommendations stated that:

*'an exercise has been undertaken which maps all of the Marshall recommendations against the elements of a CSE strategy identified by Professor Marshall in Key Recommendation 15 (prevent, identify, disrupt and tackle). On the basis that all of those elements are reflected in the other Key and Supporting Recommendations, all three Departments (Health, Education and Justice) have agreed to delay implementation of Key Recommendation 15 until the end of implementation phase 3. At that stage, Departments will work jointly to assess whether any policy, practice or service gaps continue to exist and determine whether a further strategic response is required.'*⁶⁸

2.10 Inspectors acknowledge the work undertaken to tackle CSE pursuant to the Marshall recommendations. Progress reports showed significant activity through the cross-Departmental and interagency mechanisms established as a result, and a Child Protection Senior Officials Group had recently been set-up. Many of those we spoke to recognised this as a strategic framework and cited the Marshall Report as having been an important influencer at least for attitudinal change.

2.11 However, this was not a future strategy, and crucial strategic areas remained unaddressed. For example, there had been no regional information sharing protocol and an interagency forum to help develop prosecutions needed to be further progressed. Above all, there was no collective strategy that set out an agreed plan about how to measure and be accountable for children identified and helped.

67 HM Government (2017) Tackling Child Sexual Exploitation Progress Report, February 2017 (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592588/Tackling_Child_Sexual_Exploitation_-_Progress_Report__web_.pdf).

68 Third Composite CSE Implementation Plan Progress Report, 1 July to 31 March 2017.

- 2.12 Cross-cutting strategies that had been relevant to CSE had also not addressed this. The consultation for a Children and Young People's Strategy 2017-27 said that *'addressing child sexual exploitation remains a priority for the Executive.'* Continued challenges related to information sharing, detecting CSE and the development of a coherent data set were highlighted.⁶⁹ Specific goals or indicators to improve this or child protection were absent.⁷⁰
- 2.13 The DoJ and DoH *'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy'* was published in 2016. Accepting that measures within it were relevant to tackling CSE, it considered the response to CSE *'a distinct piece of work.'*⁷¹ Cross-referencing provisions related to modern slavery and the response to CSE was also important. As statutorily required the DoJ had published an annual modern slavery strategy but this did not refer explicitly to CSE.⁷²
- 2.14 It was Inspectors' view that unless evidence showed the problem had been eradicated, a future strategic response to tackling CSE was required. This should be located within a broader strategy to tackle child sexual abuse, and anchored within any existing and future plans to enhance child protection. The draft e-safety strategy presented a governance mechanism, which could be potentially replicated for this.⁷³
- 2.15 As already noted, Governments in Scotland and England and Wales had supported joint inspection frameworks, which included apprising how children including those who had been victims of, or at risk of, CSE had been protected. This was an area for improvement in Northern Ireland and one that a strategy should prioritise. Above all a 'step change' in leadership and accountability as had been pursued in England and Wales was required.

69 Department of Education (2016) Children and Young People's Strategy 2017-2027, Consultation Document, December 2016, at para. 6.7.14. (www.education-ni.gov.uk/sites/default/files/consultations/education/Children%20and%20young%20people%27s%20strategy%20%284%29.pdf).

70 CJI notes that the final document, published after the time of the inspection included an action to *'...continue to progress the work undertaken in response to the recommendations of the Marshall Inquiry and will take stock to determine what additional action is required to protect children and young people who have been sexually exploited or may be at risk of sexual exploitation.'* (DoE (2019) Children and Young People's Strategy 2019-2029, para. 6.82. (www.education-ni.gov.uk/sites/default/files/publications/education/2019-2029%20CYP%20Strategy.pdf)).

71 www.justice-ni.gov.uk/sites/default/files/publications/doj/stopping-domestic-sexual-violence-ni.pdf.

72 DoJ and OCTF (2019) Northern Ireland Modern Slavery Strategy 2019-2020 (www.justice-ni.gov.uk/sites/default/files/publications/justice/modern-slavery-strategy-2019-2020.pdf). See also National Referral Mechanism (NRM) data showed that 17 out of the 52 referrals sent to the PSNI by the NRM for crime recording in 2018 had been for children; exploitation had been sexual for four and unknown for a further four (see NCA (2019) National Referral Mechanism Statistics – end of year summary 2018, March 2019. (nationalcrimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file); it also stated it was *'...not an assessed intelligence report and does not, therefore, provide any analysis of the picture of modern slavery in the UK'*. Plans to reform the NRM to improve identification of victims had been announced by the UK Government in October 2018 (www.gov.uk/government/publications/national-referral-mechanism-reform)).

73 Keeping Children and Young People Safe Online: An e-strategy and three year action plan for Northern Ireland 2019-2022, Consultation document March 2019, Northern Ireland Executive (www.safeguardingni.org/sites/default/files/sites/default/files/imce/2.%20e-safety%20strategy%20consultation%20document%20March%202019.pdf)).

STRATEGIC RECOMMENDATION 1

Within six months of the publication of this report, the Department of Justice take forward a cross-Departmental strategic response to tackle child sexual abuse and exploitation, which is linked to any existing and future strategic plans for child protection. Targets for the development of a comprehensive problem profile and improved outcomes - measured by children identified and protected, and perpetrators disrupted - should be included, as well as multi-agency evaluated training as recommended by the United Nations Convention on the Rights of the Child, and a framework for independent joint child protection inspection.

TACKLING CSE IN NORTHERN IRELAND: THE LEGAL FRAMEWORK

Child protection

- 2.16 The main statutory duties in relation to child protection in Northern Ireland including the requirements for child protection investigations were contained within the Children (Northern Ireland) Order 1995. Regional child protection policy and procedures detailed the child protection functions to be discharged by various agencies including those within criminal justice. The SBNI was responsible for the development of these.
- 2.17 'Co-operating to Safeguard Children and Young People in Northern Ireland' provided the overarching policy framework. This had been revised in August 2017 and included 'exploitation' as a specific type of abuse. It addressed safeguarding in the specific circumstances of CSE. CSE was defined as:

*[...] 'a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.'*⁷⁴

It made clear that a response governed by core child protection policy and procedures was required: '...A report should be made to the relevant HSCT or the PSNI and a child protection investigation should be conducted in compliance with the requirements of the Joint Protocol.' Tackling CSE required a tailored approach within and not apart from the existing child protection framework.

74 DoH, Co-operating to Safeguard Children and Young People in Northern Ireland, August 2017, p.55
(www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland).

2.18 Information sharing for child protection purposes was deemed 'critical'.⁷⁵ Following the Marshall Report, the SBNI had been asked as a priority to finalise its regional information sharing protocol. This had not occurred. In May 2019 the DoH published a consultation for draft non-statutory guidance on 'sharing information for child protection purposes'.⁷⁶ Its draft version referred only to HSCTs and not to other sectors or agencies.⁷⁷

2.19 Some of those CJI spoke to were uncertain if the Northern Ireland legislative framework supported working together to safeguard children in the same way as in England and Wales. Specified agencies there had been required to discharge everyday functions having regard to child safeguarding and welfare.⁷⁸ Clear Ministerial direction about information sharing for child protection also existed. In response to CSE inquiry findings, a joint letter from Westminster Secretaries of State for relevant Departments emphasised the need for staff in local authorities, children's services and policing areas, General Practitioners etc to have clear information sharing guidelines, there being:

*'...no justification for failing to share information that will allow action to be taken to protect children. We know that skilled frontline staff can be hesitant and uncertain as to when and how they should be sharing information with other agencies. There can be many reasons for that, including a blame culture, bureaucracy and a fear of being challenged. Professional staff need to be able to make these crucial decisions on a day to day basis. They need clarity and simple guidelines about when and how personal information should be shared.'*⁷⁹

Updated information sharing advice for practitioners following General Data Protection Regulations (GDPR) retained the core message that 'fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect'.⁸⁰ An information sharing 'myth buster' had been included.⁸¹

75 DoH, Co-operating to Safeguard Children and Young People in Northern Ireland, August 2017, p.74

(www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland).

76 (consultations.nidirect.gov.uk/doh-fcpd-directorate/information-sharing-for-child-protection-purposes).

77 During factual accuracy check, the PSNI indicated that the SBNI Policy and Procedures Committee had since placed production of an Information Sharing Guide for operation staff on its agenda.

78 In England and Wales, in order to complement the general cooperative duty (as also existed in Northern Ireland within the Safeguarding Board Act Northern Ireland 2011 and the Children Services Co-operation Act Northern Ireland 2015), there was an 'everyday' duty on specified agencies within the Children Act 2004, s.11 intended to ensure early concerns about children's safety and welfare were shared and preventative action before a crisis developed (See Children Act 2004, Explanatory Notes, Section 11: Arrangements to safeguard and promote welfare).

79 (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408843/info_sharing_letter5.pdf).

80 HM Government (2018) Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers, July 2018, at p.6. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf).

81 HM Government (2018) Working Together to Safeguard Children: A guide to interagency working to safeguard and promote the welfare of children, July 2018 at p.19. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf).

- 2.20 In Northern Ireland, direction on information sharing for child protection purposes lacked the level of clarity and authority provided in England and Wales. **Authoritative direction, akin to the letter issued by Westminster Secretaries of State, and a regional protocol as recommended by the Marshall Report was required. This needed addressed without delay. Having already been urged, it should not require a further recommendation from CJI and is highlighted here as an area for improvement.**

Criminal law

- 2.21 CSE required a multi-agency child protection response. For this reason, criminal law alone was not enough to tackle it. It was, however, an essential part of dealing with and disrupting CSE:

*'The perpetrators are responsible for the serious sexual offences which make up CSE and our starting point should be stopping them through disruption, arrest and prosecution. This must be underpinned by an absolute intolerance of this abuse by perpetrators, not an acceptance that this can happen to certain children and their risks need to be managed.'*⁸²

- 2.22 Police protective and investigative duties were central to this.⁸³ Effective criminal law measures were also required. As there was no standalone offence of CSE, a wide range of criminal offences were applicable. This included the law on sexual offences contained primarily within the Sexual Offences (Northern Ireland) Order 2008, Part 3 applying specifically to children, the laws relating to child abduction, human trafficking and exploitation, and other related crimes, as the following case study demonstrated.⁸⁴

82 Casey CB, L (2015) Reflections on child sexual exploitation, Department for Communities and Local Government, March 2015 on 'What is CSE'. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418394/Louise_Casey_report_into_CSE_template_format__4_.pdf).

83 In particular, in the run up to publication of this report a Northern Ireland High Court judgment reinforced locally the UK Supreme Court finding that in cases of rape the Article 3 ECHR investigative duty applied (Commissioner of Police of the Metropolis (Appellant) v DSD (Respondents) [2018] UKSC 11; and BBC, 'Alleged rape victim awarded £15k over PSNI failings' 13 Jan 2020 (www.bbc.co.uk/news/uk-northern-ireland-51098819)).

84 Case study based on anonymised case examples provided to CJI by the PSNI.

CASE STUDY

An older male had a photograph of a 17-year-old and used this to gain compliance with demands including sex in exchange for alcohol and attempted demands for sex with another adult male. The range of offences considered included:

Offences under the Sexual Offences (Northern Ireland) Order 2008:

- Paying for sexual services of a child;
- Controlling, arranging or facilitating child prostitution;
- Paying for sexual services of a person;
- Attempting to pay for sexual services of a person; and
- Possession of an extreme pornographic image.

Other offences:

- Improper use of public communications network (s. 127(1) of the Communications Act 2003);
- Human Trafficking (s.2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015);
- Purchasing alcohol for delivery to a minor (Article 60(3) of the Licensing (Northern Ireland) Order 1996);
- Permit a minor to consume alcohol (Article 60(3) of the Licensing (Northern Ireland) Order 1996);
- Possession of an extreme pornographic image (s.63 of the Criminal Justice and Immigration Act 2008);
- Indecent photographs of a child (Article 15 of the Criminal Justice (Evidence Etc.) (Northern Ireland) Order 1988; and
- Being concerned in the supply of Class B/C drugs (Misuse of Drugs Act 1971).

There was a conviction for possession of an extreme pornographic image and indecent image of a child, contributing towards disruption of the perpetrator. While police continued to pursue other potential crimes including drugs related, there was no conviction for any of the sex crimes related to the sexual exploitation.

2.23 As highlighted in Chapter 1, the international legal community had already indicated its dissatisfaction with the current legal framework as it had not adequately protected all children under 18 years of age. This was a shortfall highlighted in the Marshall Report, which recommended amendments to a number of criminal law offences be proposed. In February 2019, the DoJ published a consultation document seeking views on changes it proposed to various legal provisions relating to CSE.⁸⁵ This closed in April 2019 with the DoJ's response to the views submitted awaited at the time of writing.

85 Documents available here: (consultations.nidirect.gov.uk/doj-corporate-secretariat/review-of-the-law-on-child-sexual-exploitation/).

2.24 The consultation while overdue was a positive step. Nevertheless, Inspectors were aware that at the time of the inspection, the absence of a functioning Northern Ireland Executive had hindered progress on any proposed legislative change.⁸⁶ During the inspection, it remained the case that legislative gaps and hurdles left children, particularly older children, unprotected. This included the ability of a defendant to say, and a requirement for prosecutors to disprove, in a charge of 'sexual activity with' a child aged 13, 14 or 15 years he or she reasonably believed the child was aged 16 or over.⁸⁷

2.25 The law on consent said that children aged 16 could consent to sexual activity. But to respond effectively the system was required to appreciate how exploitation undermined consent. As learning from responses to CSE in England had already identified:⁸⁸

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

2.26 There were also protective anomalies in that child abduction law applied to children in the care of the state until they reached 18 years of age, however, children not in care were safeguarded by a similar law only to the age of 15 years.⁸⁹ This meant, for example, that children aged 16 or 17 living at home or voluntarily in supported accommodation, could not benefit from important protective measures such as the issue of a 'CAWN' and/or the arrest of a perpetrator for child abduction.

This all required remedial action and was an area for improvement, which required the Northern Ireland Executive to fully progress.

2.27 While police could pursue criminal measures to safeguard children and prosecute perpetrators, Inspectors were aware that legal deficiencies had made this an additionally challenging task. Stakeholders talked about police having to 'think abstractly' about their powers to ensure children had been protected. This meant there were children who had no experience of perpetrators being prosecuted for offences against them. The message to these children was that they 'were expected to be the fix.'

86 There was full restoration of the Northern Ireland Assembly and Executive on Friday 10 January 2020.

87 Articles 16 to 21 of the Sexual Offences Northern Ireland Order 2008. Articles 22 and 22A relating to grooming and sexual communication also include a rebuttable presumption in relation to children under 16 years that the defendant believed the child was aged 16 or over.

88 Casey CB, L (2015) Reflections on child sexual exploitation, Department for Communities and Local Government, March 2015. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418394/Louise_Casey_report_into_CSE_template_format__4_.pdf).

89 Article 4 of the Child Abduction (Northern Ireland) Order 1985.

Child suspects who are victims of CSE

- 2.28 There was no specific statutory defence for offences committed by children as a direct result of being a victim of CSE, and this was not an area that the DoJ consultation on law and policy related to CSE addressed. A statutory defence was available to child suspects if an offence (with certain offences excluded) had been committed as a direct consequence of being a victim of 'modern slavery'.⁹⁰ Both the police and the PPS needed to examine the potential for this to apply in each case.
- 2.29 Outside of this context, there was no legislative direction. PSNI internal guidance related to CSE advised that offences might be an attempt by the child to pay back money owed, to attract attention of law enforcement in order to 'get away,' or as a means of surviving. The PPS Code for Prosecutors referenced offences committed by children as a factor to consider against prosecution when applying the 'public interest test' more generally.⁹¹ Accepting that the factors listed within the PPS Code were not exhaustive, CJI notes that the Code for Crown Prosecutors stated that 'a suspect is likely to have a much lower level of culpability if the suspect has been compelled, coerced or exploited, particularly if they are a victim of a crime that is linked to their offending.'⁹²
- 2.30 Draft Guidelines for the Prosecution of Young Offenders stated 'factors to be considered in respect of diversion' included where the child had been a victim of sexual assault and/or exploitation.⁹³ PPS Youth Prosecutors reported to CJI a small number of instances in which they had been aware a child suspect was also a victim of CSE. It was said this was factored into decision-making but required timely sharing of information from the PSNI. Information from the YJA was also important where it had previously worked with the child.
- 2.31 There was no formal process for the YJA to share information with the PPS prior to a prosecutorial decision being made. Informal contact was said to have worked well due to good working relationships. The PPS and the YJA held annual meetings to discuss a range of interface issues with practice workshops involving the PPS, the PSNI Youth Diversion Officers (YDOs) and the YJA convened as appropriate.

90 The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act Northern Ireland 2015, Section 22 Subsections (6) and (7) made provision for victims who were children with the effect that a victim who was a child at the time when the offence took place would be able to use the defence where the offence was committed as a direct consequence of being a victim of a slavery-like offence or of "relevant exploitation." The defence only applies to offences which attract a maximum sentence of less than five years, as well as to a small number of additional specified offences which are particularly linked with trafficking and exploitation.

91 PPS (2016) Code for Prosecutors, July 2016, pp.18-19 ([www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Code%20for%20Prosecutors/Code%20for%20prosecutors%20\(Interactive\)%20v3.pdf](http://www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Code%20for%20Prosecutors/Code%20for%20prosecutors%20(Interactive)%20v3.pdf)).

92 4.14b of the Code for Crown Prosecutors, 26 October 2018. (www.cps.gov.uk/publication/code-crown-prosecutors).

93 PPS Guidelines for the Prosecution of Young Offenders: Draft for Consultation (February 2019), p.17. ([www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Public%20Consultations/Guidelines%20for%20the%20Prosecution%20of%20Young%20Offenders%20\(February%202019\).pdf](http://www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Public%20Consultations/Guidelines%20for%20the%20Prosecution%20of%20Young%20Offenders%20(February%202019).pdf)).

CJI suggest these are used as a forum to keep the process for pre-decision information exchange including between the YJA and PPS under review.

More broadly, within the police and PPS guidance on how to respond to offence behaviour by victims of CSE that included child protection actions and the consideration of exploitation as a factor in decision-making was an area for improvement.

- 2.32 Harmful sexual behaviour by children was also an issue. This was referenced in draft PPS Guidelines: *'when sexual crimes are alleged to have been committed by young people, the PPS is required to balance the strong public interest factors in favour of prosecution of such crimes with its obligations to have regard to the best interests of the child who has been accused of this type of offending.'*⁹⁴
- 2.33 Although the PPS SCU decided these cases, they were presented in court by Youth Prosecutors. Direction and support to address these cases appropriately, especially given the potential for CSE within peer contexts, was required. The PPS draft guidance on the prosecution of young offenders set out a number of relevant considerations. **The inclusion of child protection considerations for both the suspect and victim was an area for improvement.**
- 2.34 As the extended guidance in England and Wales had set out: *'Young people who perpetrate child sexual exploitation require a different response to adult perpetrators. This does not in any way suggest that the harm experienced by children or young people abused by their peers is any less significant than the harm experienced by those abused by adults (nor that this harm does not need to be addressed), but rather that there are numerous factors that should be considered when working with young people who perpetrate child sexual exploitation (and therefore display harmful sexual behaviour). While such responses may involve criminal justice pathways/sanctions at times, and the legislation provides for this, every child or young person who displays harmful sexual behaviour should also have their safeguarding and welfare needs actively considered.'*⁹⁵

94 PPS Guidelines for the Prosecution of Young Offenders: Draft for Consultation (February 2019), p.25. ([www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Public%20Consultations/Guidelines%20for%20the%20Prosecution%20of%20Young%20Offenders%20\(February%202019\).pdf](http://www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/Public%20Consultations/Guidelines%20for%20the%20Prosecution%20of%20Young%20Offenders%20(February%202019).pdf)).

95 See Section 9 on Peer-on-peer exploitation in Department for Education (2017) Child Sexual Exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from sexual exploitation, February 2017. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/591903/CSE_Guidance_Core_Document_13.02.2017.pdf).

TACKLING CSE IN NORTHERN IRELAND: GOVERNANCE

Corporate direction

- 2.35 The 2019-20 Policing Plan contained a measure to improve the service and outcomes for vulnerable people in relation to child sexual abuse and exploitation.⁹⁶ Reports to the Northern Ireland Policing Board (NIPB) from the PSNI pursuant to the 2017-18 Policing Plan had included a focus on numbers of children assessed at 'high risk' of CSE, measures to identify 'persons of concern,' and responses relating to children reported missing.
- 2.36 The NIPB Annual Report cited an intention to reframe how CSE threat and outcomes for children were measured. This was in '*recognition that the performance monitoring framework for 2017-18 and 2018-19 did not ask the right questions.*' Inspectors welcomed the NIPB approach to examine gaps in the PSNI's knowledge about CSE and associated challenges related to information sharing,⁹⁷ as these are issues that this inspection identified.
- 2.37 In its 2011 study, Barnardo's had urged the NIPB to include child protection including CSE as a priority in forthcoming Policing Plans.⁹⁸ In its first sexual violence inspection, CJI had also recommended cognisance of child protection issues within planning processes for the Policing Plan.⁹⁹ The 2019-20 Northern Ireland Policing Plan specifically referenced, '*Children at risk, which includes protecting missing children and victims of Child Sexual Abuse and Exploitation.*'¹⁰⁰ Given the inspection findings, how the PSNI demonstrated the quality of its child safeguarding work was an important matter for the NIPB to keep under review.
- 2.38 The PSNI completed an annual strategic assessment, which sought to combine its own intelligence with other bodies' data.¹⁰¹ This was revised in February 2019 with a proposal to include 'child sexual abuse and exploitation' as a service strategic priority under 'vulnerability'. This was a positive step and helped better align the priority the PSNI attached to child sexual abuse with the national policing approach in England and Wales.

96 NIPB (2019) Annual Policing Plan 2019-20, April 2019, measure 2.1.2. (www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf).

97 NIPB (2019) Annual Report and Accounts for the period 1 April 2018 - 31 March 2019, July 2019, at pp. 113 to 14. (www.nipolicingboard.org.uk/sites/nipb/files/publications/Northern%20Ireland%20Policing%20Board%20Annual%20Report%20and%20Accounts%201%20April%202018%20-%2031%20March%202019.PDF).

98 Beckett, H. (2011) 'Not a world away': the sexual exploitation of children and young people in Northern Ireland, October 2011, Barnardo's Northern Ireland, and Recommendation 6. (www.barnardos.org.uk/13932_not_a_world_away_full_report.pdf).

99 CJI (2010) Sexual Violence and Abuse: A thematic inspection of the handling of sexual violence and abuse cases by the Criminal Justice System in Northern Ireland, July 2010. (cjini.org/getattachment/0ad6b7e4-0810-4151-8bb0-e28789591efc/picture.aspx).

100 NIPB Annual Policing Plan for Northern Ireland 2019-20, at p.8. (www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf).

101 See the latest HMICFRS PEEL report, which noted that the PSNI Service Strategic Assessment had generated a wide understanding of threats and risks, and had applied the recognised approach to management of risk in law enforcement (MoRiLE) to inform the Service's decision-making (HMICFRS (2019) PEEL: Police efficiency and effectiveness 2018: An inspection of the Police Service of Northern Ireland, June 2019, at p.9).

2.39 During the inspection the PSNI had been developing a Child Sexual Abuse and Exploitation strategic action plan in consultation with partners. It was intended to co-ordinate and drive delivery across the service. The PSNI strategic leads were identified with corresponding stakeholder roles. Responsibility for messaging had been set at senior level within the PSNI:

'The Service Executive Team supported by the Gold Commander to deliver a strategic message across the PSNI that everyone has a crucial part to play in safeguarding children and young people at risk of sexual exploitation and identifying and target those who pose a risk to children.'

2.40 At the time of the inspection proposals and timescales for delivery had yet to be established. While it was correct that partners had been included, Inspectors were concerned that the PSNI was not in a position to direct or account for partners' work. A cross-Departmental multi-agency strategy and accountability framework was required for this purpose (see Strategic recommendation 1).

2.41 The PPS Business Plan 2017-18 had not included CSE as a priority area. Actions related to certain classes of crime specifically serious sexual offences were relevant, as were measures relating to delivery of service for victims and witnesses more generally. CJI's recent inspection of the system's handling of sexual violence and abuse cases recommended that the PPS:

*'develop their next and future corporate and business plans to reflect the priority the organisation places on dealing with domestic and sexual violence and abuse, through action planning and key performance indicators specifically related to this area of business.'*¹⁰²

Child sexual abuse and exploitation being a form of sexual abuse, CJI would anticipate this to be included.

2.42 The NICTS Business Plan 2019-20 had not included any references to children although Inspectors considered that child safeguarding was relevant to its business objective to *'maintain and deliver a secure court estate to ensure value for money and statutory compliance.'*¹⁰³

2.43 The YJA Corporate Plan 2013-16 had not explicitly referenced CSE but included delivering its statutory responsibility to engage fully with the SBNI. In 2016-17, it developed a CSE Action Plan and had implemented a governance framework to monitor delivery. This was an example of an agency having set a corporate direction with sustained focus on improving delivery.

102 Strategic recommendation 1, CJI (2018) Without Witness: Public Protection Inspection I: A thematic inspection of the handling of sexual violence and abuse cases by the criminal justice system in Northern Ireland, November 2018 ([cjini.org/TheInspections/Inspection-Reports/2018/October-December/Sexual-Violence](https://www.cjini.org/TheInspections/Inspection-Reports/2018/October-December/Sexual-Violence)).

103 NICTS (2019) Business Plan 2019-20, at p.18 (www.justice-ni.gov.uk/sites/default/files/publications/justice/Business%20Plan%20-%20July%202019.pdf).

CORPORATE RESPONSE TO CSE: A YJA CASE STUDY

The plan

YJA developed CSE Action Plans starting 2016-17.

Internal governance

A CSE Working Group and a CSE Champion model.

CSE Champions: a point of reference for YJA staff, reporting to the Working Group on gaps and good practice.

The CSE Working Group linked to the bi-annual YJA Safeguarding Group, which was chaired at the most senior level by the Chief Executive Officer.

Links with external governance arrangements

CSE Champions built links with the CSE Social Work and PSNI leads in each HSCT area, and had begun attending the PSNI/HSCT CSE Operational meetings.

Delivery

Initial actions included building the capacity of YJA staff to be aware of and respond to the signs of CSE, and to review child protection policy and procedures.

Monitoring

As well as reports to the CSE Working Group, there was an internal audit to examine how actions had impacted the Agency's response to CSE.

Outcomes

The audit showed improved staff awareness. This was reflected in increased detection of children admitted to the care of Woodlands JJC for whom sexual exploitation was a risk.

(Year 1, risk identified in 10% of cases; Year 2 this increased to 35%).

Future planning

Subsequent actions focused on maintaining and embedding what had been learnt, supporting staff in taking disclosures, and exploring how to increase reporting of concerns from boys.

Areas for continual learning and development highlighted talking about CSE in a trauma informed way and being alert to complex circumstances where for example a child may be assessed for risks of domestic violence and CSE in the context of the same 'relationship'.

A screening tool for children admitted to Woodlands JJC on overnight 'PACE' (Police and Criminal Evidence (Northern Ireland) Order 1989) remand was being piloted.

Through review, staff recognised that the survey used for children admitted to custody was not always suited to children in this particular circumstance.

2.44 Prioritising service delivery on perpetrators of crime against vulnerable people had been included within the PBNI Corporate Plan 2017-20. This referenced children, although there was no specific reference to CSE. The PBNI had a role in detecting and responding to child protection issues including CSE through its supervision of adult offenders, as well as potentially detecting victims in the small number of 16 and 17-year-olds it supervised. It was CJI's view that the PBNI should keep under review how it prioritised child protection corporately including tackling CSE.

Multi-agency structures

2.45 A multi-agency CSE subgroup chaired by the Head of the PSNI PPB formed one of the SBNI's subgroups. There was also a SBNI e-safety forum, the work of which was relevant to tackling CSE. Although the PPS was not a member of the SBNI, it had been included in a number of awareness raising sessions. Due to the multi-agency co-operation required in addressing CSE this was an important strategic forum. In 2017-18 it had sought to strengthen strategic leadership 'by ensuring consistency of messaging, raising general and professional awareness and media engagement.'¹⁰⁴

2.46 There was an established governance structure described as 'interface meetings between the PSNI and Social Services.' This included ad-hoc, bi-monthly and operational meetings at which individual cases were to be discussed and managed, quarterly team meetings, strategic partnership group meetings, and HSC/PSNI Strategic Co-ordination Group Meetings. The latter two meetings were intended to focus on broader strategic issues to ensure regional consistency and address any identified gaps (see Figure 1).

Figure 1: Interface meeting between the PSNI and Social Services



104 SBNI (2018) Annual Report 2017-18, at p. 29. (www.safeguardingni.org/sites/default/files/sites/default/files/imce/SBNI%20Annual%20Report%202017-2018%20Final%201.0-min.pdf).

105 The DoH define a 'Looked After' child as follows: A child is looked after by an authority if he or she is in their care or if he or she is provided with accommodation for a continuous period of more than 24 hours by the authority in the exercise of its social services function. Children are taken into care for a variety of reasons, the most common being to protect a child from abuse or neglect. In other cases their parents could be absent or may be unable to cope due to disability or illness. See www.health-ni.gov.uk/articles/looked-after-children.

- 2.47 Minutes showed meetings were generally well attended. However, these suggested that attendance at the strategic partnership group had at times been an issue in some PPU areas. The meeting structure was described as well-established and considered an important forum for information sharing.
- 2.48 A broader strategy (as recommended by CJI) with specific indicators against which to measure benefits for children would have benefited the SBNI CSE subgroup and the 'interface meeting' structure. Membership was also an issue, with the operational meetings having been bi (Social Services and police) as opposed to multi-agency. The YJA CSE Champions had begun attending operational meetings and this was positive particularly given the potential for it to have intelligence about CSE.
- 2.49 Deficiencies in the response by local authorities in England had been related to a focus on containing risks associated with the children '*...rather than pursuing the men who were abusing them.*'¹⁰⁶ It was important to demonstrate that perpetrators were also firmly in focus. Specifically, the absence of representation from the PBNI on the CSE subgroup and interface meetings was an area for improvement.¹⁰⁷ A plan to include the PPS on any matters that would benefit from prosecutorial input was also important.

CRIMINAL JUSTICE AGENCIES' POLICIES AND PROCEDURES

Child Protection

- 2.50 The PSNI Child Protection Service Procedure stated that child protection was a '*fundamental part of the duties of all Police Officers and Police Staff.*'¹⁰⁸ This referenced specific areas of work including Officers' duties in relation to missing children, child abuse, sharing information for child protection, children as perpetrators of crime, and child abduction.
- 2.51 A staff instruction on child safeguarding had not been made available for the PPS prosecutors. In England and Wales, the CPS had published legal guidance for its prosecutors on '*safeguarding children as victims and witnesses.*'¹⁰⁹ CJI would suggest that the PPS consider this a helpful starting point for the development of a tailored PPS child safeguarding instruction.

106 Casey CB, L (2015) Reflections on child sexual exploitation, Department for Communities and Local Government, March 2015. (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418394/Louise_Casey_report_into_CSE_template_format__4_.pdf).

107 In response to factual accuracy check, the PBNI highlighted that as of 8 October 2019, it is represented by the Assistant Director (Risk) on the SBNI CSE subgroup.

108 PSNI (2017) SI3417 Child Protection (www.psnipolice.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/child-protection-260118-external.pdf).

109 CPS (2008) Safeguarding Children as Victims and Witnesses (www.cps.gov.uk/legal-guidance/safeguarding-children-victims-and-witnesses).

- 2.52 The NICTS had not developed a child safeguarding procedure. The Equal Treatment Bench Book (ETBB) in England and Wales referred to the safeguarding responsibilities of its court service and the judiciary.¹¹⁰ The Gillen Review recommended each Crown Court judge to be given a copy.¹¹¹ A tailored child safeguarding procedure would present an opportunity to instruct the NICTS on all relevant safeguarding matters including those outlined within the ETBB and related Gillen Review recommendations.¹¹²
- 2.53 The YJA had reviewed its child safeguarding policy pursuant to its CSE Action Plan. This had resulted in amendments to outline safeguarding in the specific circumstance of CSE. The PBNI Policy and Procedure had also included CSE within the types of abuse outlined. However, CSE was not covered in the procedure's instructions about safeguarding in specific circumstances and this was a gap. CJI suggests that risks of sexual harm to 16 and 17-year-olds also required better reflection.
- 2.54 Information Sharing Agreements (ISAs) applied where there was regular sharing of personal data between organisations. It was crucial that sharing of material for child protection purposes between the PSNI and its partners including the PBNI, the YJA and the HSCTs was supported. As the Youth Justice Service Instruction stated, *'in many cases it is only when information from a number of sources is put together that a child can be seen to be in need or suffering or at risk of harm'*.
- 2.55 The PSNI had developed an updated ISA for child safeguarding, which had been refreshed to encompass the role of its Central Referral Unit (CRU). A planned update to the PSNI IT system had been intended to enable automatic sharing of child protection information between the PSNI and Social Services. It was hoped this would negate the need for an ISA and in consequence the PSNI ISA had remained in draft. **The agreement and review of ISAs by each inspected agency in relation to those organisations it regularly shared information for child protection purposes was an area for improvement.**

OPERATIONAL RECOMMENDATION 1

The Police Service of Northern Ireland introduce without delay the proposed IT process to alert within its system children on the Child Protection Register.

110 Judicial College (2018) Equal Treatment Bench Book, February 2018, see page 2-8 'Safeguarding in courts and tribunals'; page 2-9 'the judiciary's role in safeguarding.' (www.judiciary.uk/wp-content/uploads/2018/02/ETBB-February-2018-amended-March-2019.pdf).

111 Gillen Review (2019) Report into the law and procedures in serious sexual offences in Northern Ireland, at pp. 458 and paragraph 187 respectively (www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf). The Lord Chief Justice's Office stated that a decision has since been made that the ETBB remains available to judges electronically rather than in hard copy as it would be manually intensive to keep updated.

112 See recommendations 209 to 217 relating to NICTS: Gillen Review (2019) Report into the law and procedures in serious sexual offences in Northern Ireland, (www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf).

Operating policies and procedures related to CSE

- 2.56 Several PSNI corporate documents applied to CSE.¹¹³ These required to be appropriately cross-referenced, aligned and embedded within child protection. The core procedural document was the 'Joint Protocol.'¹¹⁴ This required immediate referral to the PSNI CRU where concerns about child abuse including CSE had been detected.
- 2.57 PSNI instructions conflicted and contained concerning gaps. For example, the Child Protection Service Procedure referred to the CRU operating protocol which had not existed during the inspection; it directed Officers to the Missing Person Service Procedure and the 'Missing Children Protocol.'¹¹⁵ These differed in relation to the circumstances in which a 'safe and well check' was required, the risk categories permitted to be used for children generally and for CSE specifically, and in specifying when a referral to Social Services was required.
- 2.58 A more comprehensive operating procedure for CSE linked to child protection was required. The CSE Process Map did not reference the requirement for a child protection investigation. The Modern Slavery and Human Trafficking Unit (MSHTU)¹¹⁶ and also the public protection framework applicable in relation to persons of concern needed embedding. Links to the Reducing Offending Unit (ROU), PPANI and with the PBNI were crucial. A missed alert to Public Protection Arrangements Northern Ireland (PPANI) and the PBNI about supervised offenders' contact with a child was found during this inspection. In another case, liaison with the MSHTU was overlooked.
- 2.59 The PPS provided staff instructions applicable in the context of child sexual abuse and exploitation although none were dedicated to it. This had included its Human Trafficking Service Instructions, and guidance on 'sexual violence and rape myths.' Within each CSE lacked explicit reference. Particular factors relevant for decision-makers' rationale in cases related to CSE, specifically the nature of exploitation and the impact on children of having been groomed, required attention. Expectations in relation to child suspects who were victims of CSE was also important.

113 For example, relevant documents included the Youth Justice Service Procedure, the Missing Persons Service Procedure and the protocol agreed with HSC Trusts for responding to reports of missing children. CSE Specific Procedural and Investigative Guidance, and the CSE Process Map was available as internal guidance. The Sexual Violence and Abuse Service Instruction and HSC/PSNI guidance applicable in the context of Human Trafficking were also relevant.

114 HSC and PSNI; Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected cases of Child Abuse – Northern Ireland, updated July 2018.

115 HSC and PSNI (2015) Runaway and missing from home and care: Missing children protocol, June 2015 (www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Missing-Children-Protocol-June-2015.pdf).

116 CJ's modern slavery and human trafficking inspection had been scheduled for later in 2019 and will examine the approach to this more broadly.

2.60 Although prosecutors had been using '*CPS Guidelines for Prosecuting Cases of Child Sexual Abuse*', CJI considered that a dedicated PPS child sexual abuse and exploitation service instruction was required. This would assist prosecutors across the service. At the time of the inspection, a misperception that CSE cases existed only within the PPS SCU was at times evident and this was not in fact the case (see discussion on structures in Chapter 3).

2.61 The YJA safeguarding procedure had been updated to encompass and reflect CSE. The PBNI had not developed a dedicated CSE procedure, as this had been encompassed primarily within its safeguarding policy and procedure. This was not problematic in itself but was required to appropriately reflect child protection in the specific circumstances of CSE. As already noted, it was CJI's view that risk of sexual harm to 16 and 17-year-olds would benefit from better reflection.

OPERATIONAL RECOMMENDATION 2

All agencies should review and update procedures applicable to tackling child sexual abuse including child sexual exploitation, and ensure alignment with child protection policy and procedures. In particular:

- the Public Prosecution Service for Northern Ireland and the Northern Ireland Courts and Tribunals Service each require a child safeguarding procedure. This should be tailored to their particular functions and regularly reviewed;
- the Probation Board for Northern Ireland should review its existing child safeguarding procedures to ensure safeguarding in the specific circumstances of child sexual exploitation is covered, and that instruction about the risks of sexual harm to 16 and 17-year-olds is clear;
- the Police Service of Northern Ireland develop a child sexual exploitation operating procedure that is grounded within child protection, and ensure that all other related police procedures and instructions are cross referenced and aligned; and
- the Public Prosecution Service for Northern Ireland develop a staff instruction for prosecutors on child sexual abuse and exploitation. This should include its approach to child suspects who are victims of child sexual exploitation.

CHAPTER 3: DELIVERY

RESOURCING AND STRUCTURE

- 3.1 While CSE was everyone's business, the PSNI PPB was responsible for the proactive and investigative response to it. It consisted of five Public Protection Units (PPUs) aligned with the geography of the HSCTs. At the time of fieldwork, cases involving CSE were assigned to Child Abuse Detectives or CSE Officers within the relevant Child Abuse Investigation Unit (CAIU).
- 3.2 **The PSNI case allocation policy did not reference CSE and this was an area for improvement.** Local Policing Team (LPT) Officers talked about occasions when they had been allocated cases involving grooming, which should have gone to the PPU. Inspectors encountered this in one of the files reviewed.

CASE STUDY: CASE ALLOCATION TO DISTRICT

An investigation was initiated in relation to alleged grooming of a 12-year-old girl by an older adult male. There was evidence to indicate other children had been in contact with the man, which was confirmed by material obtained from his phone. The case was allocated to District police. From this initial date, there was a lack of supervisory oversight to direct meaningful inquiries in relation to risks to the other children. There appeared to be a lack of partnership working and a delay in CSE risk assessment. It was almost two months after the initial report before the child was identified at risk of CSE.

- 3.3 During fieldwork, the CAIUs were generally under resourced and CJI acknowledge that its file review was completed in this context. The actual compliment of Child Abuse Detectives and CSE Officers matched the established resource in only one PPU area. In practice, this meant caseloads varied from 14 to 30 cases per Officer. This risked Officers' welfare and those we spoke to generally cited workload rather than its nature as a source of stress. CJI had already recommended the PSNI assess and evidence resource distribution across its PPB areas including child abuse.¹¹⁷

117 See CJI, Without Witness, Public Protection Inspection 1: Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the CJS in Northern Ireland, Operational Recommendation 1 (cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx).

- 3.4 Having recognised these particular issues, the PSNI had led an internal recruitment 'aideship'. This called for expressions of interest internally for the Child Abuse Detective role. Successful applicants commenced post in March 2019, which resulted in a near full complement of CAIU Officers. A tenure clause required Officers to remain in post for two years on gaining Detective status. This was welcomed by Officers and anticipated to have a significant positive impact on workloads, although due to its recency, Inspectors had been unable to test this out.
- 3.5 Each PPU had embedded CSE Officers within its CAIU. At the time of the inspection, CSE Officers had been operating at just over half the expected capacity (8.7 out of an expected 14). There had been 56 ongoing Child Abuse Investigations some of which included CSE.¹¹⁸ Because of the varied nature of CSE Officers' roles it had been difficult to assess impact on workload from this alone.
- 3.6 In one PPU the role in relation to CSE cases was purely proactive and investigation of offences was undertaken by other Child Abuse Detectives; in other PPUs, the CSE Officer completed proactive and investigative work for CSE. But CSE Officers also held work for other child abuse cases including assisting with Pre-interview Assessments and Achieving Best Evidence (ABE) interviews, scene attendance and suspect interviews. A small number also had child abuse investigations.
- 3.7 A CSE Officer role profile had not been developed. PSNI internal documents and information provided to Inspectors outlined the type of routine proactive work that had been expected. However, CJI heard that CSE Officers had been reacting to daily occurrences relating to children identified at high risk of CSE with little capacity for proactivity. In 2016, HMIC warned that allocation of investigations to CSE Officers within staffing and supervision structures that had existed at that time risked diluting proactive work.¹¹⁹
- 3.8 At the time of the inspection, the PPB had reviewed its operational response to CSE and proposed but not yet agreed a dedicated way forward. In discussions with PPUs, it was explained that the dedicated CSE Officer role was required to protect proactive work. There was broadly support for CSE Officers to undertake investigation of offences. CJI would support this provided that teams are properly resourced, skilled and supervised to undertake proactive and investigative work.
- 3.9 Each PPU worked with a CSE Social Worker. The model intended this to be co-located. It had been hugely beneficial both in terms of enhanced working relationships and information shared. The extent of physical co-location varied across PPUs. The PSNI proposed way forward for dealing with CSE had identified consistent implementation of the co-located model as an opportunity for development, which CJI would also support.

118 Figure taken from internal PSNI documentation dated May 2019.

119 HMIC (2016) PEEL: Police effectiveness (vulnerability): An inspection of the Police Service of Northern Ireland 1-5 February 2016, at p. 24 (www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF).

- 3.10 The PSNI CRU was part of the PPB and received referrals relating to child abuse allegations. The CRU's role had been to assess referrals pursuant to the 'joint protocol' and decide if a joint (PSNI and Social Services) or single agency (PSNI alone or Social Services alone) investigation was required. Referrals had been from Social Services, education, third sector organisations and individuals, as well as from within the PSNI. It was a key site of detection, which required better prioritisation within PPB plans and procedures related to CSE (highlighted further in the file review discussion below).
- 3.11 The PPB Child Internet Protection Team (CIPT) received referrals from the National Crime Agency and undertook proactive activity to target offences related to indecent images of children. Any offences it detected involving grooming or contact with a child were referred to the relevant CAIU. It reported good links with Child Abuse Detectives and CSE Officers. Due largely to the availability of digital evidence for the offences it investigated, it reported a 97% conviction rate.
- 3.12 The PPS SCU caseload had included child sexual offences. In September 2018, the PPS amended the list of the SCU's offences to help with managing its workload. As a result, certain child sex offences had been allocated to the PPS Regional Offices including actual and attempted sexual communication with a child. This combined with the fact that a proportion of CSE related investigations had included child abduction meant that dealing with CSE had not been limited to the SCU. This was a matter for the PPS to consider in assessing how it was responding to CSE.
- 3.13 Tackling CSE was for all the YJA's frontline staff but CSE Champions had provided an important point of contact and expertise for staff and senior management, as well as external agencies. The PBNI Intensive Supervision Units managed those in the community subject to an order or licence who had been convicted of sexual offences. Detecting and responding to CSE risks had been applicable in this context and also as part of Probation Officers' broader supervision and safeguarding duties, which had been managed through the normal exercise of PBNI functions. Inspectors had not tested how this worked in practice, as a forthcoming PBNI inspection by CJI was planned.

OPERATIONAL RECOMMENDATION 3

Within six months of the publication of this report, the Police Service of Northern Ireland implement a consistent approach to child sexual exploitation across its five Public Protection Units within a model that is adequately supervised and resourced.

Training

- 3.14 The dedication and drive to help children was evident across the full range of PSNI Officers and criminal justice agency staff that CJI spoke to. In support of this, there was an openness and desire to learn with seminars and contact with subject experts apparent especially within the PSNI and the PPS.
- 3.15 Stakeholders emphasised the importance of trauma-informed training that included but was not limited to CSE. Children and young people who spoke to VOYPIC emphasised that because of past experiences measures intended to protect children could be viewed as punitive and greater understanding was urged: *'[...] before I came into care I was terrified of the cops. Cops came into my house lots when I lived at home, they used to have their guns, I was terrified. The time they came to take me into care I just built up a strength and anger and I was not afraid of them anymore'*.
- 3.16 The challenges for police building trust with children in this context were recognised particularly for frontline Officers, and the importance of communicating an ethic of care was emphasised. As one young person who spoke with VOYPIC for this inspection explained: *'There have been a couple of good Officers that work well with me and they were very good. In fact, they still call in to see me now. They were very nice and tried to help me. I have met others who don't care, they just said I was wasting their time.'*
- 3.17 The PSNI Student Officer Training programme had included CSE within different lessons. A post foundation exercise required Officers to explore issues related to CSE and child safeguarding. The SBNI and the PPB in collaboration with the PSNI College had also introduced a CSE awareness workshop, which included performance of the play 'Chelsea's Story.' This had been attended by Student Officers, Police Officers and Police Staff with CJI Inspectors and other partner agencies¹²⁰ also invited to observe. Real life examples discussed at its conclusion informed attendees about a range of scenarios in which grooming had taken place.
- 3.18 Most District Officers that CJI spoke to had received a specific CSE awareness lesson in 2016-17. At this time, CSE had been prioritised for District Training and the session was made available to all frontline Constables and Sergeants over a four month period. The lesson included a scenario-based exercise, which encouraged participants to investigate broader circumstances and emerging risks for a missing child. A number of PSNI Inspectors that CJI spoke to had not undertaken an equivalent lesson and it was important that the provision of training to all eligible Officers was kept under review.

120 This had included Social Services, Women's Aid, NSPCC, CEO Hospitality Ulster, Barnardo's and the Rowan Sexual Assault and Referral Centre.

- 3.19 Call handling staff received training on the 'THRIVE'¹²¹ model, which included responding to calls about children reported missing and also CSE. There had not been a dedicated CSE lesson. Some of those Inspectors spoke to readily identified scenarios in which CSE risks had arisen in their work and felt equipped to respond. **However, CJI was not confident CSE was understood in the same way by all and a specific session on CSE for call handling was a further area for improvement.**
- 3.20 Other roles such as YDOs, Custody Officers and the CRU required CSE related training. YDOs had not been included routinely in PPB mail lists about training and awareness raising and Inspectors had been informed this was being addressed. A tailored CSE lesson for the CRU team had been developed and was due to be delivered. E-learning had been available for Custody Officers but was no longer accessible on moving to a new e-learning platform. CJI understood a lesson was being developed in consultation with the PPU but would query if e-learning was sufficient given the high risk of harm CSE entailed.
- 3.21 Officers commencing Detective roles within the PPB were required to undertake an initial four week 'Initial Core Investigators Development Programme (ICIDP),' which had included child sexual abuse and exploitation within the lesson on Child Protection. There was also a 'Specialist Child Abuse Investigators Development Programme (SCAIDP). Sixty three of the 114 Child Abuse Detectives had completed the ICIDP and 43 SCAIDP. A total of 33 had been SCAIDP and ICIDP trained.¹²² Crime trainers had been newly appointed and training content was being reviewed. A targeted programme of delivery was planned to prioritise Detectives longest in post.
- 3.22 Detective Sergeants undertook the Investigative Supervisors Development Programme, which included supervision of child sexual offences. However, given the issues that arose from Inspectors' file audit (discussed further below), supervision in cases related to child sexual abuse and exploitation required development. **While capacity was said to be the main reason for this, it was Inspectors view that provision of a tailored child sexual abuse and exploitation lesson for CAIU supervisors was an area for improvement.**
- 3.23 Other agencies had facilitated CSE awareness raising sessions including the PPS and the YJA. Prosecutors had also attended a workshop by VOYPIC covering issues for care-experienced children. CSE specific training had not been available for the PBNI, although refreshed child protection training had been provided. Given CJI's concern that child protection in the specific circumstances of CSE had not been covered within its Child Protection procedure, Inspectors suggest CSE awareness was an area for the PBNI to review.

121 THRIVE (Threat, Harm, Risk, Investigation, Vulnerability and Engagement) is a model used to assess the appropriate initial police response to an emergency call.

122 Information provided by the PSNI.

- 3.24 Multi-disciplinary and evaluated training had been recommended by the UNCRC and this was ultimately what was required. The Gillen Review had also called for criminal justice providers to undertake regular mandatory training to include children's rights and child protection specifically informed by the UNCRC and the Lanzarote Convention.¹²³
- 3.25 Examples of cross-disciplinary or multi-agency training heard by Inspectors had included ABE and 'joint protocol' training and a SBNI funded Adverse Childhood Experiences (ACEs) training pilot within 'H' District, which included a plan to roll out awareness training to all frontline Officers in 2020. Some local initiatives at District level were also said to have involved care home staff and voluntary sector providers. **Generally, however, the multi-agency training identified had mostly been bi-agency (Social Services and police) and training with other justice partners including the PPS, the NICTS, the PBNI, the YJA was an area for improvement.** This should be addressed through a Child Sexual Abuse and Exploitation strategy and evaluated against measures capable of demonstrating better outcomes for children.

OPERATIONAL RECOMMENDATION 4

Within six months of the publication of this report, each inspected agency - the Police Service of Northern Ireland, Public Prosecution Service for Northern Ireland, Probation Board for Northern Ireland, Youth Justice Agency and Northern Ireland Courts and Tribunals Service - should complete a child protection (including child sexual exploitation) training needs assessment and time bound risk assessed plan for delivery.

Disruption

- 3.26 The PSNI's ability to undertake effective analytical work to direct activity, including disruption of CSE depended on translating information and intelligence to police systems. During the file review for this inspection, CJI found most information appeared to come from Social Services with limited evidence of Police Officers routinely recognising CSE risk and submitting intelligence. Intelligence shared at CSE risk assessment meetings had not always been transferred to police systems.
- 3.27 In the following example, CSE related intelligence was not made available to the wider police community.

123 Recommendation 185.

CASE STUDY: DISRUPTION

The risk of CSE posed to a 15-year-old girl was assessed. This was primarily because the girl and other children had been drinking at the home of an adult male known to misuse alcohol. On one occasion another man had been present and attempted 'sexual activity'. After initial disclosure, she would not engage with police. This man was arrested but denied the offence. Almost a month passed before a joint risk assessment meeting was held. It was decided the CSE risk was not high. The risk assessment was in a paper file and not added to the police system. The rationale for the 'high risk' threshold not having been met was not recorded. There was a lack of evidence to show proactive steps to disrupt activity at the man's home where other children had been visiting. Wider safeguarding concerns could not be ruled out.

- 3.28 Opportunities to gather CSE related intelligence, which could then be used to disrupt perpetrators' activity extended across the PSNI. While this was important for Response Officers in Local Policing Teams, it was also pertinent for Neighbourhood Policing Teams, the Reducing Offending Unit including YDOs and PPANI, Custody Officers, and the Modern Slavery and Human Trafficking Unit, as well as area specific teams such as the Missing Person Support Unit (MPSU) in Belfast and area specific Support Hubs. These units and teams were of particular but not exclusive relevance.
- 3.29 Ensuring everyone was alert to this was a role for the PPB. Senior leaders recognised this and had issued a service-wide email instruction to raise awareness. Nevertheless, it was generally agreed that the submission and use of CSE related intelligence required development. The PSNI C3 intelligence branch and PPU Officers had held a joint learning event to help advance this and together had delivered briefings to District police. Other areas of policing were important too.
- 3.30 During file review, it became apparent that one child was referred to the PPU from the YJA. This suggested police had already been in contact with the child for offending related behaviour. There had also been contact with the LPT as a result of repeated missing children reports.

CASE STUDY: DISRUPTING CSE

A referral to police by the YJA highlighted concerns about a 15-year-old girl, who was reported to be in a 'relationship' with an older man. There was no risk assessment for CSE evident on the police system at this stage and therefore nothing to inform the wider police community. There were reported incidents involving the child but each had been referred to Social Services despite allegations of sexual offending. There were also missing children reports but the response was not informed by the wider CSE risk. A CAWN was signed, but it was not served because Officers had been unable to locate the suspect. By chance encounter, he was stopped outside Northern Ireland by another UK police force. He had plans to leave the jurisdiction. The girl had been abducted and was with him. The risk of CSE was assessed at this point and deemed high. Appropriate follow-up actions, which should have included the PSNI MSHTU were not evident.

3.31 Inspectors met with a number of YDOs who outlined child safeguarding as central to their role. **Not all YDOs had been well linked with the PPU and this was an area for improvement.**

3.32 The receipt and processing of information from third parties required further consideration by the PSNI. Information from children's supporters, for example, parents, carers, key workers in supported accommodation or community projects had potential crucial value for disrupting CSE. Inspectors heard this had mostly been provided to CSE social work leads but also at times to a PSNI lead if one had been known. Instances of information passed to the Missing Persons Support Unit (MPSU) was mentioned.

3.33 **This type of information was for the PPU to consider and action, and a procedure to manage this was an area for improvement.** In Rotherham it was described as precisely the kind of information 'which forms the mosaic of CSE activity':¹²⁴

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

124 Casey CB, L (2015) Reflections on child sexual exploitation, Department for Communities and Local Government, March 2015 on 'What is CSE', (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418394/Louise_Casey_report_into_CSE_template_format__4_.pdf).

- 3.34 In terms of disruption tools available, Child Abduction Warning Notices (CAWNs), Risk of Sexual Harm Orders (RoSHOs), and Sexual Offences Prevention Orders (SOPOs) were applicable. Those CJI spoke to generally agreed use of these was an area for improvement. At the start of fieldwork, PSNI data showed 20 active CAWNs. Importantly, the PBNi had issued a staff memo instructing Probation Officers to review those subject to supervision where a CAWN had been issued. This was positive but depended on timely information being provided to it by the PSNI.
- 3.35 Establishing the number of RoSHOs and SOPOs related to CSE would have required a trawl through the wording of each Order. At the time, there had only been three RoSHOs and none related to CSE. It was not possible to easily retrieve this data for SOPOs.

Police first response



125 These quotes are the views of children and young people and their supporters who engaged with and shared their experiences to inform this inspection.

- 3.36 In the main, frontline Officers cited children reported missing as the scenario in which CSE was encountered. Similarly call handling staff talked about missing children reports and were mindful of the potential for these to be related to CSE. **However, awareness of the potential to detect CSE during frontline duties other than those related to missing children reports was an area for improvement.**
- 3.37 The PSNI analysis showed 30 missing person reports daily to police in 2018-19.¹²⁶ Half of these had been about children (51%) and almost three quarters of missing children reports had been attributable to repeat missing episodes. Almost two thirds (63%) of the 87 children flagged at risk of CSE during 2018-19 had been reported missing, 15 times each on average. Going missing repeatedly increased the risk of harm. PSNI data showed sexual harm had been more likely for the most frequently missing children.
- 3.38 A number of initiatives, ongoing and planned, had been intended to improve the police response to frequently missing children. The Belfast MPSU had developed engagement and diversionary activities with care homes in its area. Some Neighbourhood Policing Team Single Point of Contacts had undertaken similar initiatives. HSCTs had also commenced a pilot peripatetic support service for children, and an analysis of the human rights of missing children was being developed by the Northern Ireland Human Rights Commission.
- 3.39 Despite the level of demand from missing person reports, the PSNI was required to ensure its response had not become routine and that risks including of sexual harm were detected. Frontline Officers who spoke to Inspectors said their understanding about these risks had improved in recent years. Mostly, the language used to talk about missing children demonstrated this although there was a continued need to embed and support awareness.
- 3.40 Although aware of the risks, remaining mindful about these had been a challenge for frontline Officers. This was attributed to a combination of heavy workload and frustration at repeatedly returning children without any sense of having helped. **Regular briefings from PPU Officers and awareness sessions with Social Workers and care home staff were said to have helped. But this was an area for improvement as it had not always occurred regularly nor taken place in all Districts.**
- 3.41 Inspectors reviewed 14 missing children reports in three of which CSE risks had been evident.¹²⁷ None had been initially assessed as 'high risk' missing cases. In two, the CSE risk had been identified with warning flags. In one of these cases, a full risk assessment was delayed, and a Supervisor entry noted that going missing

126 Internal PSNI report provided to CJI.

127 Inspectors reviewed 14 call logs for children reported missing (sampled from the total 49 missing children reported to the PSNI over the period of a weekend in early March 2019). The risk assessment, use of flags, activity when CSE risk had been identified, and completion of the return interview was considered. Out of the calls reviewed, the children's age ranged from 12 to 17 years, eight were male and six female.

had been a regular thing for the child to do. Evidence to show how proper risk assessment influenced activity was lacking. Going missing regularly was an indicator of risk, and it was important that Supervisors appreciated this.

- 3.42 This was in contrast to a further case in which there was evidence of good risk assessment and direction given for follow-up activity.

CASE STUDY: MISSING CHILD ALERTED AT HIGH RISK OF CSE

A 16-year-old female was reported missing from her care home. There was good use of flags on the PSNI system to indicate she was at high risk of CSE. An initial risk assessment was completed by the call handler; the reviewing Sergeant copied all warning flags onto the Officers' log, which ensured they were readily apparent. Activity to locate the child was recorded including circulation of details, CCTV, and attempted mobile phone contacts. The child was linked to another girl with whom she was known to go missing and there was evidence that these links had been made and considered in seeking to locate her. Approximately three hours after the initial call the child returned home of her own accord. There was a return interview, which recorded she was safe and well. The content of the return interview was limited but there was evidence that the child's Social Worker and the police had been informed and tasked to follow-up.

- 3.43 The 'Missing Children Protocol' required a high risk classification for any missing reports in relation to children at risk of CSE. In practice, a 'medium risk' category was assigned. CJI was informed that suspecting the child to be with a person of concern would very likely but not necessarily warrant 'high risk.' This was supported by CJI's review of the 15 sampled CSE cases. Several contained repeated missing reports. In most cases these had been graded medium risk and it was not evident how CSE risks informed activity.
- 3.44 HMIC had similar concerns in its 2017 Police Effectiveness, Efficiency and Legitimacy (PEEL) report. At that time it stated *'We would expect that these children [at high risk of sexual exploitation] would also be graded as high risk if missing, unless there was a clear rationale why they were not at risk of sexual exploitation. Although in the main, the service had identified and followed up all lines of enquiry in these cases, setting the risk level at medium means there is a risk that the service may not respond appropriately to missing children at risk of sexual exploitation in all cases.'*¹²⁸

128 HMIC (2017) PEEL: Police effectiveness (vulnerability): An inspection of the Police Service of Northern Ireland, 1-5 February 2016 p. 12. (www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF).

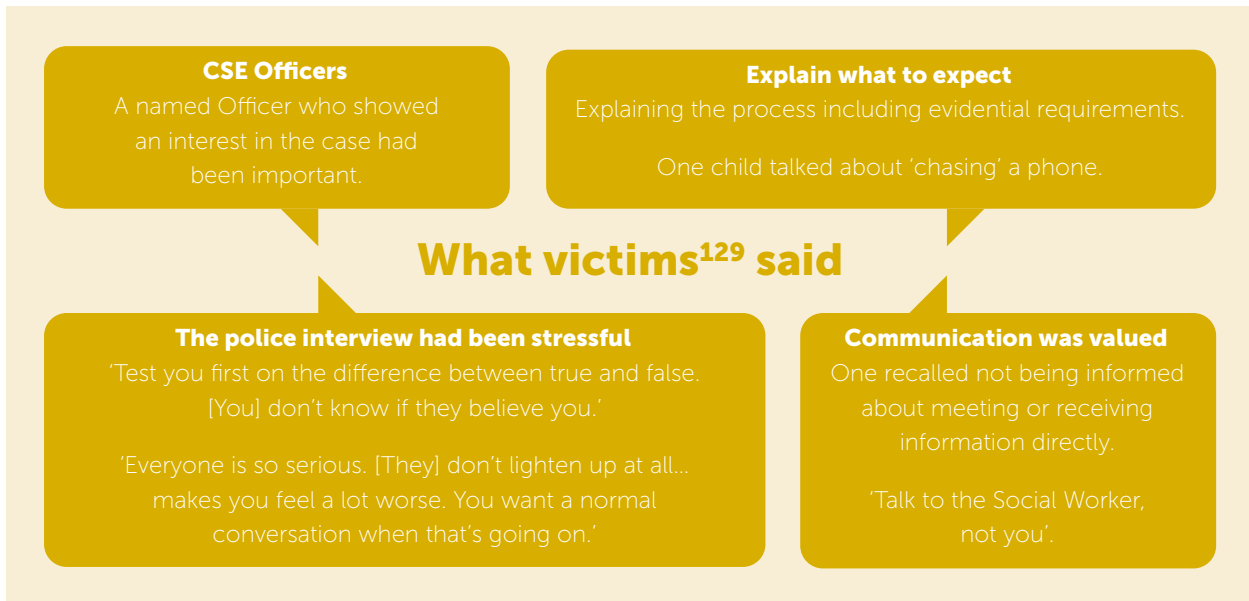
- 3.45 Internal procedure required a 'young person profile' with fast track actions to assist with locating the child at risk of CSE. This had been the responsibility of CSE/Child Abuse Officers within the PPU. **District Officers found that children's profiles had often been dated and had not been tailored to the child's particular circumstances and this was an area for improvement.** This was also confirmed in CJI's review of the 15 sampled CSE files.
- 3.46 Practice and policy in relation to 'return interviews' had also not aligned. Although the policy permitted this up to 72 hours after the child's return, Officers talked about pressure to close the call. Contact management's concern was to ensure the child was safe and well. Potential to complete a return interview with a trusted adult after the 'safe and well' check required greater exploration. Save in one missing case reviewed by Inspectors, returns lacked detail. **As an area for improvement, the PSNI needed to progress its plans to develop these including recording observations about the child and the circumstances of their return.**
- 3.47 The PSNI referred children to Social Services if missing three times or more within a six month period. This was recognition that going missing frequently presented risks including of CSE. These children were identified at the end of each month by a PSNI analyst. It was important to also pick up on missing reports that escalated in month, concerns emerging on a first missing occurrence, or where 'concern for safety' had been recorded. The latter had not counted in the 'three plus missing' criteria.
- 3.48 The following case demonstrated concerns apparent following a missing occurrence that had not been escalated to the PPU.

CASE STUDY: ALERTING PPU ON CLOSING A MISSING REPORT

A 15-year-old child was reported missing. There were no warning flags for the child but information from the caller indicated concerns about depression and relationship problems. There was evidence of supervision and actions undertaken to locate the child. However, with agreement of police, the child was collected by an adult known to her and returned home. She had been missing through the night. The return interview recorded that the child said she stayed in a disused premises overnight. Available information showed she was located in the morning with an older male. A name and address for this male was provided but could not be located. The call was closed as 'safe and well; no concerns for safety.' There was no further follow-up on the police system.

- 3.49 Occurrences recorded as incidents only were not being routinely linked to children on the PSNI system. This risked missing opportunities for early intervention signalled by lower level incidents. CJI also heard that the system had not always linked children with persons of concern. **This required improvement in order to inform frontline Officers' response.**

Risk assessment and investigation



3.50 On detecting CSE risks, a 'CSE risk assessment' was undertaken. The CSE process map stated this was completed jointly by the PSNI and Social Services. PSNI internal specific procedural and investigative guidance said that initial assessment would be undertaken by the CSE team and, if child abuse was suspected, the Social Worker, in agreement with a manager, would refer to the PSNI's CRU. Both approaches had been outlined among those CJI spoke to. It was therefore not clear if the decision about the CSE risk was always joint.

129 These quotes are the views of children and young people and their supporters who engaged with and shared their experiences to inform this inspection.

- 3.51 It was also not possible to tell from the PSNI system how CSE assessments had been initiated. CJI heard that not all completed assessments were provided to the PSNI. Police held these mostly only for children where the risk was deemed high. The process for 'high risk' required a warning marker or flag on the PSNI system and the child would be allocated a CSE Officer or Child Abuse Detective within the relevant PPU. Children assessed at low or medium risk of CSE were not flagged and there was no formal process for the PSNI to work with these children and/or associated risks.
- 3.52 CJI along with HMICFRS examined 15 PSNI cases that had been assessed for CSE risks.¹³⁰ In 12 the risk was assessed high and in three this threshold was not met. The PSNI response was assessed as good in one, required improvement in three, and inadequate in the remainder. The following case showed a good response with investigative activity.

CASE STUDY: INVESTIGATING CSE

A 16-year-old was confirmed at 'high risk of CSE'. This followed a report by a partner agency to indicate evidence of sexual assault by an older man. Although the child did not wish to engage with police, timely investigative opportunities were pursued including seizing CCTV, forensic evidence, and interviewing the suspect, and statements from witnesses. There was good recording of supervisory oversight and liaison with the CAIU, and evidence of an investigation plan. The referral to Social Services was recorded and a joint investigation agreed. The CSE risk assessment was reviewed and updated and a personal profile for the child created. Joint risk strategy meetings with Social Services were also recorded and it was clear that the PSNI CSE Officer had attended these. Good partnership working focused on helping the child was apparent.

- 3.53 In all three cases in which the threshold for 'high risk' had not been crossed, information in the CSE risk assessment form gave rise to suspicion of sexual harm. The Joint Protocol stated that joint investigation could begin where there was an allegation or reasonable suspicion that a child had suffered abuse in the context of any sexual offence or when children had been reported to be displaying sexualised or harmful sexual behaviour.¹³¹ Despite this, all three cases had been closed as 'single agency' for follow-up by Social Services only. In one, it appeared that a narrow focus on the definition of CSE had limited the response.

130 Of the fifteen cases, all children were female ranging in age from 12 to 17 years. Eight were 'looked after' by Social Services.

131 Joint Protocol, para. 4.32, p. 17.

CASE STUDY: A NARROW FOCUS ON 'EXCHANGE'

The risk of sexual exploitation to a 14-year-old girl was jointly assessed. The outcome was that there was 'no evidence of sexual activity being exchanged for anything' and she was not flagged on the PSNI system to be at CSE risk. There were several factors that indicated possible sexual abuse by an older male including information from a third party that he had been arranging to meet for sex; a missing episode when the child was away overnight but would not disclose where; and her presentation at a health care establishment believing she was pregnant. There was no evidence that police had been working with the child or exploring evidential opportunities in relation to these reported concerns.

- 3.54 Following Inspectors' file audit the PSNI agreed that all single agency Social Services decisions made by the CRU would be reviewed and subject to supervision. A fresh instruction to CRU outlined the signs of CSE and directed all such cases to be investigated jointly by the police and Social Services. The CRU daily decisions would be reviewed by the PPU. Although the PSNI had already proposed to flag all children at risk of CSE, it informed CJJ this would be implemented where possible immediately. This was, however, dependent on resources.
- 3.55 When assessment determined the threshold for 'high risk CSE' had been met, there had been a time lag in adding a CSE warning flag to the system to inform other PSNI Officers in contact with the child (in five cases). Delay ranged from two weeks to four months. Evidence of activity to reduce risk had also been lacking. In four cases there was little record of multi-agency work to address CSE concerns. In seven cases, it was unclear how identification of risk had generated activity from a CSE Officer. 'Young person profiles' had been either unavailable or standard in nature.
- 3.56 A five-month delay in initiating CSE risk assessment was evident in another case with no evidence that information within the form (concerns have been shared by other children that the child is engaging in sexual activity in exchange for something) was being investigated by police. In both this and another case, evidence of safeguarding the child identified and potentially others had been lacking.
- 3.57 Poor supervisory oversight was apparent in five cases. In one such case there had been no supervisory activity recorded in over eight months. There had been over 60 occurrences on the PSNI system relating to the child. The following case example was one in which supervision had been limited.

CASE STUDY: IMPROVED SUPERVISION REQUIRED

The risk of CSE to a 16-year-old girl was first assessed as 'high' in 2016. There was a delay of over three months in creating the PSNI Niche¹³² occurrence. The system recorded extensive activity around criminal allegations made that involved the child either as a victim or suspect but each appeared dealt with in isolation to the CSE risk. At the time of review, CSE risks remained high although a further assessment was overdue. There was little recorded evidence of multi-agency work to address CSE concerns and no evidence of the Investigating Officer for the CSE investigation ever having spoken to the child. Supervisory input to drive investigative activity was limited. The child had been at risk of CSE for over three years and there was a lack of recorded joint investigative activity on the police system to show how risk had been reduced.

- 3.58 CSE cases were supervised by Child Abuse Detective Sergeants (DS). CJI was informed that a Child Abuse DS could have oversight of 140 cases (made up of child abuse cases including CSE). This was said to be a stretched resource. Effective supervision was labour intensive for many types of case and CJI acknowledge that material in CSE cases tended to be large in volume and of a changing nature. Nevertheless, CJI was concerned that basic safeguarding and investigative opportunities had been missed.
- 3.59 The PSNI future operational direction for responding to CSE needed to support better supervision. A prior CJI report on file quality and disclosure and a more recent HMICFRS PEEL report had highlighted required improvement of PSNI supervision of crime investigations.¹³³ As in its sexual violence inspection, CJI emphasises the need for this recommendation (that the PSNI provide further support to supervisors) to be addressed.¹³⁴
- 3.60 Across the files audited the process for evidencing referrals to or requiring child safeguarding information from Social Services required clarity and improvement.¹³⁵ A 'Form 0' (sent by the PSNI to HSCTs to provide or gather safeguarding information) was attached to the system in only one instance. Inspectors heard examples of Officers contacting Social Workers to ask what material police colleagues had sent. There appeared no formal mechanism for the PSNI to assess the quality of its child safeguarding work in this respect.

132 Niche is a records management system used by the PSNI.

133 CJI, An inspection of the quality and timeliness of police files (incorporating disclosure) submitted to the PPS, November 2015 (www.cjini.org/getattachment/9faaa7ad-b1a9-4d66-bd35-79ff20848c7c/picture.asp); HMICFRS, PEEL, Police effectiveness 2017: An inspection of the Police Service of Northern Ireland, March 2018 (www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-effectiveness-2017-psni.pdf).

134 CJI, Without Witness, Public Protection Inspection 1: Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the CJS in Northern Ireland, p. 53. (cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx).

135 HMICFRS asked the PSNI to consider a single standard form for the referral of vulnerable people to ensure greater consistency in safeguarding support provided. See HMICFRS, PEEL: Police efficiency and effectiveness 2018: An inspection of the Police Service of Northern Ireland. (www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf).

- 3.61 The PSNI needed to demonstrate that all child protection risks within a CSE risk assessment had been actioned. CJI acknowledges the role of Social Services in respect of child protection procedures and safety planning, but it was not apparent from the PSNI system that child protection procedures had been routinely followed for all children assessed at high risk of CSE and the consequent outcome; it was also unclear what if any safeguarding actions had been undertaken for children assessed at medium or low risk of CSE. Longer term safeguarding/safety plans for children were not evident on the PSNI system and this was an area for improvement.**
- 3.62 Internal PSNI referrals about known offenders and persons of concern also appeared to be an issue. As highlighted in Chapter 2, this had not occurred in one case and a necessary alert to the PBNi was missed.
- 3.63 Evidencing referrals to the Rowan Sexual Assault Referral Centre (the Rowan) had been important too. Inspectors heard some children preferred not to attend due to travel distance or not wanting to engage further. The Rowan offered non-intrusive health checks as well as advice, and it was important to inform children about this. The PSNI Sexual Violence and Abuse Service Instruction said that in cases where the victim had not wanted to attend the Rowan, a 'Your Wellbeing' document was to be completed and a note entered on the log.
- 3.64 As an example of good practice, CJI was informed about an Officer who had been working with a child at the stage of considering, but not yet certain about disclosing sexual abuse. The Officer arranged a familiarisation visit at the Rowan and attended along with the child to help reassure him about the process.
- 3.65 While acknowledging the need to deal sensitively with sexual activity between older children, the potential for abuse including CSE within peer groups required careful scrutiny. PSNI CSE training materials indicated this type of case would remain with District. But the Joint Protocol provided the CRU would oversee decision-making. If satisfied there had been no coercion or power imbalance in cases involving 14 or 15-year-olds, CJI was informed that the PSNI had closed cases for investigation by Social Services only and without referral to the PPS. Inspectors could not find any supporting documentation for this. It was not in keeping with Joint Protocol, which required pre-prosecutorial advice for all such cases in which 'No Further Action' was proposed.
- 3.66 On meeting with PPU Officers, Inspectors heard that the inconsistent approach to CSE across PPU areas had not helped the response. An opportunity to unify the approach and ensure CSE Officers were sufficiently resourced to conduct investigations would have been welcomed. There was also broad agreement with proposals for dedicated CSE supervision. Learning and sharing of good practice had been a standing item on the quarterly CSE meetings. It was important that opportunities to share learning, as well as quality assurance, was supported.

OPERATIONAL RECOMMENDATION 5

Within three months of this report, the Police Service of Northern Ireland's Public Protection Branch should develop a routine quality assurance process for how it manages the police response to child sexual exploitation with the aim of ensuring adequate and timely risk assessment and investigative activity including child protection investigation. CJI suggests this includes:

- sampling from the full range of child sexual exploitation risk assessments (risks assessed high, medium, low and no risk);
- Central Referral Unit decision-making particularly decisions for single agency Social Services investigation;
- missing reports including the quality of return interviews, and 'concerns for safety' recorded for children;
- adequacy of referrals to the Rowan Sexual Assault Referral Centre;
- the quality of safeguarding actions including referrals to Social Services;
- the submission and sharing of child sexual exploitation related intelligence;
- the use of disruption tools including Child Abduction Warning Notices and the appropriate alerting of these to the Probation Board for Northern Ireland; and
- information exchange and liaison internally within the Police Service of Northern Ireland including with the Public Protection Arrangements Northern Ireland and the Modern Slavery and Human Trafficking Unit and Youth Diversion Officers.

OPERATIONAL RECOMMENDATION 6

The Police Service of Northern Ireland address immediately the process of how it deals with cases of sexual activity between 14 and 15-year-olds so that practice is in keeping with the joint protocol.

Prosecuting CSE

What victims¹³⁶ said

Communication

Keeping in contact about the case was important. Explanations about next steps were welcomed.

Help children prepare

'[I was] not prepared. I was shown pictures and got agitated. I thought it was about court not that' (recalling a meeting at the PPS).

Improve case building

'evidence gathering is shite. [They] always managed to say there was nothing they can do, you were under the influence; not enough evidence.'

Accessible and sensitive letters

In one instance, an initial letter to the victim was said to have been inaccurate. A second letter referred to consumption of alcohol and was perceived to have blamed the child.

What stakeholders said

Communication

Positive strategic engagement and openness to listen from PPS. But PPS communication with children needed to improve. Children often felt not believed, blamed or confused by legal terminology.

Address myths and stereotypes

...about victims of CSE in PPS decisions and at court. ... about offences viewed as a criminal past rather than evidence of victimhood. ...about offending when this had occurred in the context of having been heavily groomed.

Barriers to prosecution

(Mis)perceptions about credibility: 'the children's lives and circumstances don't always lend themselves to making someone amenable for prosecution.'

Delay was problematic

As an example, PPS made contact with a stakeholder to locate the child; the offence had occurred more than two years previous; the child no longer lived in the same accommodation and had been moved from 'pillar to post' since then.

3.67 Inspectors heard from stakeholders and the police that dealing with age distinctions within sexual offence laws had been challenging. Cases involving 16 and 17-year-old victims had been most difficult due to how the law on consent was construed. For 13 to 15-year-olds, the rebuttable presumption of reasonably believing the child was older had also been an issue.

136 These quotes are the views of children and young people and their supporters who engaged with and shared their experiences to inform this inspection.

LIST OF ABBREVIATIONS

REPORT TERMINOLOGY

CHIEF INSPECTORS FOREWORD

EXECUTIVE SUMMARY

RECOMMENDATIONS

CHAPTER 1: INTRODUCTION

CHAPTER 2: STRATEGY AND GOVERNANCE

CHAPTER 3: DELIVERY

CHAPTER 4: OUTCOMES

APPENDICES

- 3.68 One Officer recalled a case in which a successful prosecution had been anticipated. The case involved a 16-year-old girl with a history of victimhood and at high risk of CSE. There was forensic evidence and, for the first time, full engagement from the child. It appeared that due mostly to evidential issues related to the law on consent there was no prosecution. The Officer said informing the child had been devastating.
- 3.69 To get a sense of case building by the PSNI in CSE related files, as well as PPS decision-making and court outcomes, Inspectors requested a sample of files from the PPS based on a number identified by the PSNI. A sample of 33 offences were identified over a year period (ranged from February 2017 to February 2018; see Appendix 4). Most of the crimes had been sexual in nature but for a small number the primary offence had not been sexual. These were child abduction, supply of a Class 'B' controlled substance and sending menacing messages.
- 3.70 In the majority (24), there was no prosecution because the Evidential Test had not been met. For nine with a decision to prosecute, two were pending an outcome on the primary offence; one was pending an outcome on other related charges and the primary offence not having been proceeded with. The remaining six files had a guilty plea for at least one of the offences listed; in three this was for child abduction. Although only a snapshot, this showed that progressing sexual offences in CSE cases had been challenging.
- 3.71 Nine of these files were sampled for the purpose of review by CJI; and two further files identified from the PPS system.¹³⁷ In three, the offence was child abduction; the remainder had been sexual offences. The file audit highlighted areas for improvement including accessibility of communications, early engagement with the PSNI, and ensuring that exploitation and coercion had been properly understood and considered.
- 3.72 The file sample also provided some evidence to show that in cases progressed by the PSNI there, at times, had been good identification of CSE related issues and liaison between police and the PPS to progress prosecution. This included one case in which there was sustained contact with the aim of presenting the case without the victim. Refusal by the court to admit a hearsay application demonstrated the challenges presented in this type of case.

¹³⁷ Of the eleven files considered, the children's age ranged from 10 to 17 years of age at the time of the offence alleged, nine were female and three male (one file related to two children).

CASE STUDY: PROGRESSING TO COURT WITHOUT THE VICTIM

A 14-year-old girl described to a Social Worker sexual activity where concerns about exploitation existed. She would not engage with police and refused to give the suspect's name, known to be a 19-year-old male. The girl was known to be at high risk of CSE and prior reports to police alleged sexual exploitation by this same male. This time a friend came forward and gave the male's name. During interview, he stated his belief that the victim was 18 and that sex was consensual. The friend also gave a statement. She said the suspect met the victim previously and knew she was not 18. The police and the PPS liaised regularly to progress prosecution without the victim's evidence. Approaching the court date the friend was scared about giving evidence. She outlined her reasons including threats, which she said had been made against her. The witness was a child and for other additional reasons in vulnerable circumstances. A hearsay application to submit her evidence in writing was refused. The case did not proceed. There was unfortunately no information on file to show what had occurred during the hearsay application and why it had been refused. This was an important area for learning.

- 3.73 Most of the 11 PPS cases reviewed by CJI Inspectors appeared to have been actively managed from the date the file was received by the PPS. Nevertheless, 'Decision Information Requests' (DIRs) and 'post DIRs' from the PPS to the PSNI were required often. While good communication and direction was apparent, it was an indication that the quality of files required improvement. In more complex cases, earlier engagement might have helped address this. But some DIRs had included requests for routine evidential items such as witness statements.
- 3.74 Retrieval of mobile phone evidence had caused lengthy delay in one case. Lengthy waits of up to 18 months for processing mobile phone data had been highlighted by the PSNI. This reflected broader issues for the PSNI in progressing digital cases, which had already been reported by CJI.¹³⁸
- 3.75 In two cases safeguarding considerations had been central to prosecutors' decision-making and this had been well evidenced in their communications with the PSNI. Safeguarding had also been evidenced through recording of requirements for assistance or special measures at court. In most instances, this had been well outlined by the PSNI and requested by the prosecutor in advance of court. **Bail considerations were relevant to child safeguarding and CJI suggests as an area for improvement that the PPS consider how to better record this.**

138 CJI (2017) An Inspection of How the Criminal Justice System Deals with Cyber Crime in Northern Ireland, June 2017. (www.cjini.org/TheInspections/Inspection-Reports/2017/April-June/Cyber-Crime).

3.76 Across the cases, factors relevant to exploitation required better reflection. CJI acknowledge that CSE was not always highlighted to the PPS, and this was an area for police to improve. For example, in one case CSE concerns were only apparent on reading copies of police log entries for a missing report. These logs would not have been provided routinely to the PPS. **The opportunity to build prosecutorial decisions around factors related to CSE was limited if sexual exploitation was not highlighted clearly to the PPS and this was an area for improvement.**

3.77 Even when CSE was well set out by police, an account of the nature of exploitation and how grooming impacted behaviour was not evidenced in decision-making. In one file, there was a note about the manner in which seeming demonstrations of affection and apparent misrepresentation by the child might be interpreted, without any account of how this might be expected as a result of having been sexually exploited.

CASE STUDY: FACTORING CSE IN DECISION-MAKING

A file about a report of 'sexual activity with' a child and rape was received by the PPS. Information showed the child, aged 15, was at risk of CSE. Concerns about the suspect's accommodation being used as a 'party house' for young girls and associated issues were highlighted by the PSNI. There was no prosecution in relation to both charges due to the Evidential Test having not been met. Discrepancies in the evidence were noted in relation to the charge of rape. Evidential issues recorded for the charge of 'sexual activity' related mainly to the suspect's stated presumption that the child was 18. There was also a note, however, to indicate there had been social media communication between the child and suspect in which affection had been apparent, as well as evidence of contact between the child and the suspect before the child said it first took place. These were noted as factors, which could be considered to go against the case. These are behaviours associated with having been groomed but there was no account of this on the record.

3.78 CJI's view was that these factors should form part of identifying potential challenges and opportunities in presenting such cases at court. Inspectors highlight the CJI recommendation from its sexual violence and abuse inspection for the development of a prosecution team approach to cases involving sexual offences. This should be capable of surmounting issues raised by prevailing myths and stereotypes about child victims of child sexual abuse including CSE.¹³⁹

139 CJI, Without Witness, Public Protection Inspection 1: Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the CJS in Northern Ireland, Strategic Recommendation 1. (cjni.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx).

- 3.79 The PPS communication of decisions in cases reviewed by CJI had mostly been by standard letter. Court outcome letters were particularly problematic. These had not always reflected what occurred at court (for example, noting the offender's right to appeal on a finding of guilt when he had pleaded guilty), and contained sentencing information generated automatically by the courts. The NICTS templates included complex legal terms and some had Latin phrasing, which was not appropriate.
- 3.80 However, in two instances the prosecutor drafted a tailored letter. In one case, this included an explanation of how the evidence had been considered.

CASE STUDY: TAILORED COMMUNICATION FROM THE PPS

The case involved a complaint of sexual assault by an adult male on a 16-year-old girl. The complaint outlined that sexual activity had been coerced in return for something. PSNI material highlighted a history of reported sexual assaults, and the child had been identified at high risk of CSE. The prosecutor's consideration and reasoning had been recorded on the system. A decision not to prosecute was made. A personal letter was drafted. In it the prosecutor explained some of the evidence and why this had led to the decision. The prosecutor also made clear: **'I am not saying you have lied about what happened'** and **'I realise how hard it is to tell the police about an incident like this.'** Further records on the file showed communication needs had been considered including a note to request that standard letters about further matters were not sent to the child.

- 3.81 Prosecutors talked about a commitment to progress cases with a view to enhancing learning and opportunities for prosecution in the future. Third party disclosure was identified as a challenge and often caused delays and problems with the case. Information recorded by care homes about children was highlighted. Notes about missing occurrences, challenging behaviour, and incidents involving other children and staff had the potential to disadvantage children in some instances.
- 3.82 It was CJI's view that this was an issue that multi-agency training could help address, and was informed that the PPS had in the past engaged in awareness raising with Social Services on this issue.
- 3.83 Access to internal PPS information was important. Prior or ongoing cases relating to the same child or suspect had been essential information for decision-makers. This was evident in files reviewed by CJI where there had been other linked cases. A 'party note' facility on the IT system had been welcomed. Although recently introduced, it provided an opportunity to signal pertinent information for other prosecutors.

- 3.84 The PPS quality assurance process had not purposively sampled child sexual abuse cases and this was an area for development. Given the need for learning to help progress CSE related cases in particular (as identified in the Marshall Report), CJI would urge a quality assurance process in conjunction with the PSNI focused on CSE related files. This would require relevant non-sexual files to be included such as child abduction. Inspectors noted the recent Gillen Review recommendation for the PPS to appoint prosecutors with a special expertise in child sexual offences with oversight from the time of police report to conclusion of trial.¹⁴⁰ **In implementing this, CJI would urge as an area for improvement that expertise and dedicated oversight of CSE cases is specifically included.**
- 3.85 Progressing more successful CSE related prosecutions required broader strategic direction, with timeframes and goals established. Developing cases using evidence other than the victim's testimony was required to be a core element of this. An interagency forum dedicated to this purpose had been recommended by the Marshall Report. Inspectors acknowledge that a CSE expert facilitated workshop with criminal justice agencies had been held and was informed that actions had been updated to the Child Protection Senior Officials Group. It was important that the recommendation for an interagency forum was progressed.

OPERATIONAL RECOMMENDATION 7

In developing its quality assurance of decision-making in sexual offence cases, the Public Prosecution Service for Northern Ireland should:

- purposively sample child sexual abuse cases;
- work with the Police Service of Northern Ireland to develop quality assurance of child sexual exploitation related cases including where the offence is not sexual such as child abduction, or where the child comes to the Public Prosecution Service for Northern Ireland's attention as a suspect; and
- within this assess how understanding about exploitation and grooming is reflected in decision-making with a view to informing practice improvements.

The child's best interests at court

- 3.86 Inspectors heard a broad view that the court system was ill-suited to deal with CSE particularly for older children where the prevalence of rape myths and stereotypical views about teenagers 'putting themselves at risk' had been an issue. Writing about the approach to CSE in Rotherham it was noted that:¹⁴¹

140 Gillen Review (2018) Report into the law and procedures in serious sexual offences in Northern Ireland: Part 2, Sir John Gillen, Recommendation 202. (www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf).

141 Casey CB, L (2015) Reflections on child sexual exploitation, Department for Communities and Local Government, March 2015.

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

- 3.87 There was concern that recommendations aimed at amending the existing court process represented changes to a system not ideally suited to the child's best interests, and a model that replicated the Barnahus set-up was urged. Inspectors agreed and given the risks of children's re-traumatisation through the criminal court process, suggests this forms part of commitments within a future strategic response to child sexual abuse and exploitation (see Strategic recommendation 1).
- 3.88 Representatives from the NICTS who spoke to Inspectors recognised that CSE related cases had potentially existed across its estate and not only in Crown Courts. Initiatives focused on serious sexual offence cases had the potential to benefit some CSE victims but not all. Inspectors heard about the Crown Court Pilot for child sex abuse cases, which aimed to fast track sexual offence cases for children under 13 years old. This had been an important initiative from which it was hoped broader lessons for other child sexual abuse and CSE cases could be learned.
- 3.89 Direct committal was highlighted as an important mechanism to address delay in indictable cases. But it was an example of an initiative in which the particular needs of sexually exploited children risked being overlooked. CJI heard that its conditions meant offences could not be 'left on the books,' which removed the choice to have a period of recovery before progressing further with the case. This could be an important safeguard in some cases.
- 3.90 The Gillen Review recognised the need for urgent procedural change to safeguard children in criminal proceedings for serious sexual offences. Familiarisation with the ETBB, better training and an increased understanding of children's needs was highlighted.¹⁴² This along with intervention by courts to safeguard children and the potential to report concerns to the Northern Ireland Bar Council Professional Conduct Committee, for example, for intimidating or badgering questions were each highlighted by stakeholders as important tools for protecting children at court. CJI suggests consideration should be given to how appropriate aspects of the ETBB relating to the safeguarding of children could be reviewed with a view to understanding more about how this element of child protection was being applied.

142 See the Gillen Review, Report into the law and procedures in serious sexual offences in Northern Ireland, Part 1, para 14.152 in reference to Ground Rules Hearings and other steps that can be taken by the judiciary. (www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf).

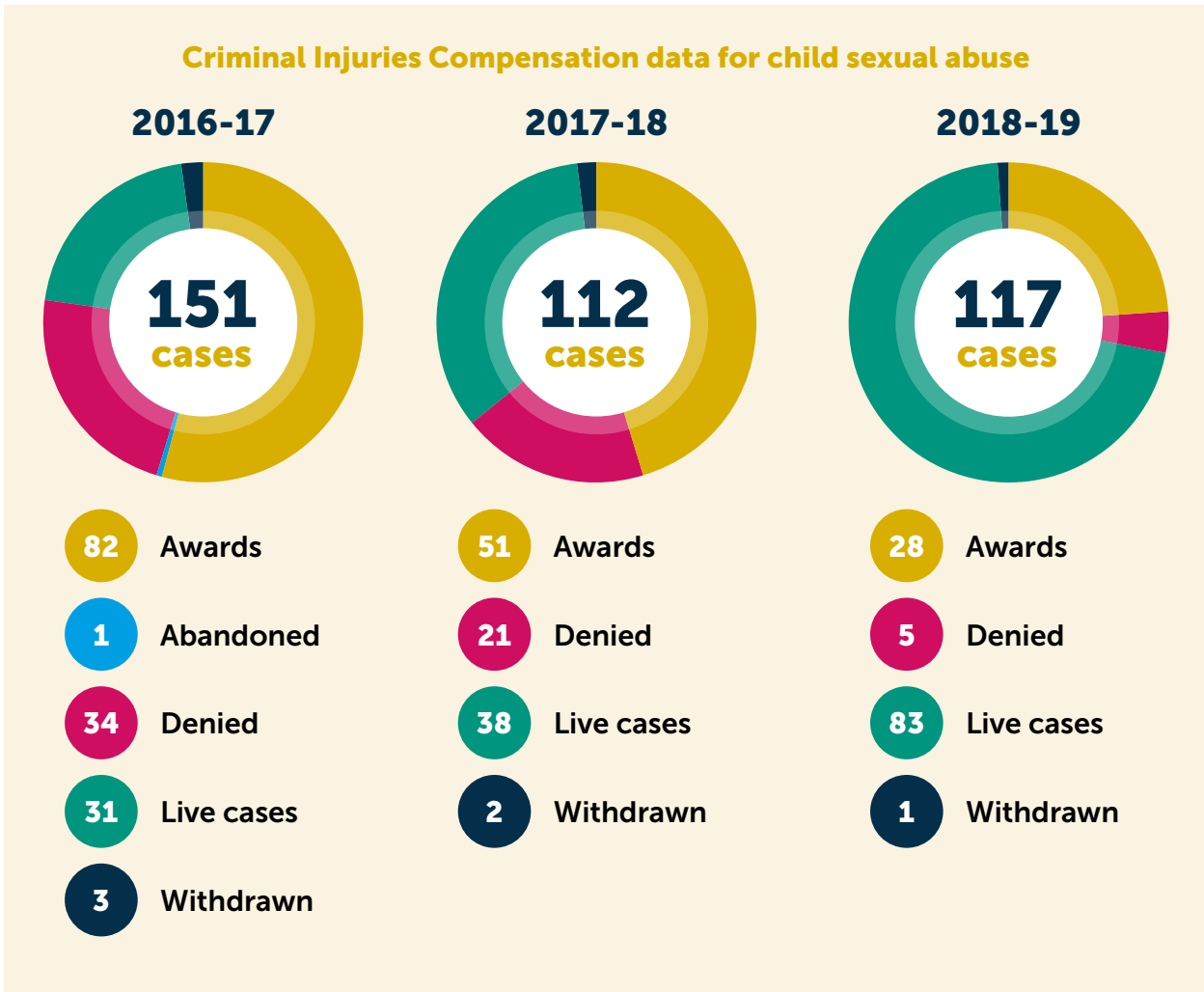
Support and compensation for victims

- 3.91 During fieldwork for this inspection, Victim Support Northern Ireland had applied successfully for charity funding to pilot a Children's Independent Sexual Violence Advocate service (CHISVA). This model existed in England and Wales where dedicated child and young person's independent workers provided emotional and practical support to children including through the criminal justice process. It was an important development but given the Government's human rights obligations to ensure child victims access to support, CJI would urge the DoJ to resource this.
- 3.92 The NSPCC operated a Young Witness Service available to all child victims and witnesses to support and assist them in attending court, which had included information and advice before, during and after trial. The Young Witness Service reported few cases within its caseload related to CSE. This was likely due to few cases ever reaching court stage, but also possibly because CSE was not flagged by the PPS within its system.
- 3.93 Barnardo's Safe Choices Project provided specific services to children at risk of CSE.¹⁴³ Referrals were made by CSE Social Workers. As the approach to tackling CSE develops it is important that tailored support and therapeutic services are enhanced too. This is a strategic issue for the DoJ and DoH to review. Support for parents, carers and guardians was also crucial. Parents Against Child Exploitation UK existed in England and Wales, and CJI heard it had supported some parents in Northern Ireland. Learning had identified that *'in considering services for victims of child sexual exploitation, the need for care and support for parents and the child's family is an important part of the picture. These are children - their families matter.'*¹⁴⁴
- 3.94 Reports that claims for compensation by victims of child sexual abuse had been hampered by outdated rules including inappropriate ones related to consent and unspent criminal convictions prompted a review of the Criminal Injuries Compensation Scheme in England.¹⁴⁵ CJI met with the DoJ Compensation Services whose representatives highlighted these developments in England and new guidelines the service had introduced in response.
- 3.95 Direction for staff on assessing grooming as a crime of violence, as well as any signs that indicated CSE was included. All child sexual abuse cases considered ineligible due to consent required referral to the Head of Operations. Three year data provided to CJI by the DoJ Compensation Services in June 2016 showed a reduction in child sexual abuse claims received since 2016-17.

143 CJI notes the 'Independent Guardian Service' launched on 1 April 2018, run by Barnardo's Northern Ireland and funded by the Health and Social Care Board. In appropriate cases pursuant to Article 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 this service was potentially applicable too.

144 Casey CB, L (2015) Reflections on child sexual exploitation, Department for Communities and Local Government, March 2015.

145 Liberty (2018) Campaigners and MPs demand urgent reform as child sexual abuse victims are refused compensation. (www.libertyhumanrights.org.uk/news/press-releases-and-statements/campaigners-and-mps-demand-urgent-reform-child-sexual-abuse). See Press release 9 September 2018, 'Justice Secretary Announces CICS Review, scraps unfair rule' (www.gov.uk/government/news/justice-secretary-announces-victim-compensation-scheme-review-scraps-unfair-rule).



3.96 CJI considered this was an important area that required monitoring, particularly in light of ongoing learning in England most recently from the Independent Inquiry on Child Sexual Abuse.¹⁴⁶ However, the development of new guidelines by the DoJ Compensation Services had been positive.

146 BBC 'Child sex abuse inquiry: Victims with criminal records denied compensation' 19 September 2019 (www.bbc.co.uk/news/uk-49755421).

CHAPTER 4: OUTCOMES

HOW MANY CHILDREN HAVE BEEN HELPED?

- 4.1 Setting and measuring outcomes from the child's perspective was a challenge. The numbers of children helped as a result of activity to deal with CSE was the vital measure. This required a cross-Departmental and multi-agency approach, as it was about outcomes that no one agency could achieve alone.
- 4.2 Understanding the numbers of children protected and offenders disrupted and prosecuted was crucial. Although primarily the responsibility of police and Health and Social Care sector, input from various statutory and non-statutory partners was needed. An underdeveloped picture of the scale and nature of CSE had hindered this type of measurement.
- 4.3 Elsewhere signs of success had been reported. For example, as a result of actions to tackle CSE in Greater Manchester flagged CSE offences had quadrupled from 146 in 2013 to 714 in 2016. Almost three times the number of children who had been victims or at risk of sexual exploitation had been identified within the Greater Manchester Police system (from 650 in February 2015 to 1,732 in October 2016).¹⁴⁷ There had also been increased examples of children informing and co-designing services.
- 4.4 The Tackling CSE Progress Report in England and Wales stated that its intended 'step change' in the response to CSE had been marked by, inter alia:¹⁴⁸
- the culture of denial tackled within professions about the scale and nature of more victims of child sexual abuse identified;
 - in March 2016, a 24% increase in recording of contact child sexual abuse offences by police since the previous year;
 - a 3.5% increase in the number of children with a Child Protection Plan as a result of sexual abuse; and
 - 1,000 more offenders convicted of child sexual abuse offences in 2015 than in 2014 (5,879 offences in total).

147 Coffey, A. MP. (2017) Real Voices: Are they being heard? Child sexual exploitation in Greater Manchester, a follow-up report by Ann Coffey M.P. March 2017. (www.basw.co.uk/system/files/resources/basw_92051-5_0.pdf) and (anncoffeyp.com/archives/263).

148 HM Government (2017) Tackling Child Sexual Exploitation: progress Report, February 2017 (assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592588/Tackling_Child_Sexual_Exploitation_-_Progress_Report__web__pdf).

- 4.5 The PSNI had sought to enhance performance measurement of child sexual abuse cases more broadly. Monthly monitoring had included a focus on crime outcome rates for selected sexual offences recorded by the service, which had been disaggregated by District and for victims aged under 18 and under 13 years. This had been positive but it had not yet been possible to establish trends. Monitoring CRU decisions, PPS Sexual Assault Advice Clinic and the Child Abuse Advice Clinic outcomes, and numbers of intelligence submissions had also been included.
- 4.6 Breakdown of this data for child sexual abuse and exploitation cases specifically had been a gap and this was being developed by the PSNI. PPU's had also been directed to provide monthly quality assurance information about a sample of child sexual abuse and exploitation cases. As already noted, changes to the CSE risk assessment had resulted in a reduction of children identified at risk of CSE (99 children in December 2015 compared to 38 in December 2017). More recent data showed a total of 87 children with a warning flag for CSE risk for the year 2018-19.
- 4.7 Knowledge about child protection outcomes required development. These had not been apparent from the PSNI system. As already discussed, it was not evident that all children assessed at risk of CSE had also been assessed for child protection. Understanding the number of trafficked children among those at risk of CSE and referrals to the National Referral Mechanism was also important. In 2018, out of 17 child victims referred to the National Referral Mechanism from Northern Ireland, data showed that the PSNI had referred one.¹⁴⁹ It was also important to understand outcomes for child suspects who were also victims of CSE.
- 4.8 CJI's view is that in order to properly develop understanding about the scale and nature of CSE in Northern Ireland, and target actions capable of helping children, a temporary investment in resource equivalent to that provided by the Home Office to police in England and Wales would be beneficial. Over time, trend data should be developed, for example, by geography and equality characteristics. A longer term measure of whether CSE victims had been helped would be, for example, the numbers of children no longer on a Child Protection Plan because there was no longer a risk of significant harm.
- 4.9 Importantly, the PSNI strategic action plan included a task to engage with victims in order to understand more about how it had been responding. **As an area for improvement, CJI suggests this should also be pursued on a strategic level to include the entirety of victims' experiences encompassing for example the PPS, the courts, social care and support services. Input from parents, carers and guardians is also required.**

149 NCA (2019) National Referral Mechanism Statistics – end of year summary 2018, March 2019. (nationalcrimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file).

Prosecution outcomes

- 4.10 Achieving more successful prosecutions related to CSE was an area that the criminal justice sector had been called upon to improve.¹⁵⁰ Nevertheless, the data required to assess progress or even establish a benchmark was not available.
- 4.11 Data related to reported sexual offences showed that the PSNI recorded outcome rates for all ages of victim had fallen from 25.5% in 2011-12 to 11.5% in 2017-18.¹⁵¹ This corresponded with the increased recording of sexual crimes. A similar trend was apparent for children. The police recorded outcome rate against sexual offences where the victim was under 18 years of age fell from 26% in 2011-12 to 10.5% in 2017-18. This data series had reported on crimes resulting in a sanction.¹⁵²
- 4.12 Since April 2015, a broader outcomes framework required every crime recorded to be given an outcome even if there had been no criminal sanction.¹⁵³ This did not breakdown crime type outcomes by age. Nevertheless, this showed evidential difficulties as the outcome for around half of sexual offences since 2015-16.¹⁵⁴ And sexual offences showed the highest proportion of crimes with an outcome yet to be assigned (26.8% of sexual offences in 2017-18 compared to 7.6% for all offences).
- 4.13 The PPS published an annual statistical bulletin for cases involving sexual offences. The data series did not disaggregate by age. There was therefore no publicly available prosecution data for child sexual abuse in Northern Ireland. The PPS was not able to extract figures relating to CSE, which would have required a labour intensive manual trawl. But it provided figures relating to Part 3 of the Sexual Offences (Northern Ireland) Order 2008 from its internal recording system.
- 4.14 Although not quality assured, this gave a sense of prosecution decisions related to child sexual offences over the 2018-19 business year. Files received with an offence under Part 3 of the Sexual Offences (Northern Ireland) Order 2008 (based on first papers received date):

150 Marshall, K. (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry. Key Recommendation 9 (https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/csereport181114_0.pdf); Department for Education (2011) Tackling Child Sexual Exploitation: Action Plan, pp. 26-27 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/180867/DFE-00246-2011.pdf).

151 Outcome rates refer to the number of outcomes recorded in a given year expressed as a percentage of the total number of crimes recorded in the same period. Police Service of Northern Ireland (2018) Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2017/18: Annual Bulletin published 31 October 2018, p.38, and accompanying spreadsheet, Pivot Table 3) www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-recorded-crime-in-northern-ireland-1998-99-to-2017-18.pdf.

152 Outcome figures referred to crimes that had resulted in the following: charge/summons, cautions (adult and juvenile), community resolutions, penalty notices for disorder, offences taken into consideration and indictable only offences where no action was taken against the offender (died before proceedings) or PPS did not prosecute.

153 This followed the introduction of the new outcomes framework in England and Wales in April 2014. See PSNI (2018) Outcomes of Crimes recorded by the Police in Northern Ireland 2015/16 to 2017/18: Annual Bulletin published 30 November 2018, and accompanying spreadsheet. www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-crime-outcomes-in-northern-ireland-2015-16-to-2017-18.pdf.

154 See PSNI (2018) Outcomes of Crimes recorded by the Police in Northern Ireland 2015-16 to 2017-18: Annual Bulletin published 30 November 2018, p. 7 and accompanying spreadsheet, Table 3.3, www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police-crime-outcomes-in-northern-ireland-2015-16-to-2017-18.pdf.

398
SUSPECTS

398
SUSPECTS

As of 12 August 2019 there were 320 of these suspects with a decision. Of these, 304 were decisions for offences under Part 3 of the Sexual Offences (Northern Ireland) Order 2008. In around three quarters of offences there was no prosecution.¹⁵⁵

231
NO
PROSECUTION

39
INDICTABLE
PROSECUTION

26
SUMMARY
PROSECUTION

8
DIVERSION

4.15 The PPS also provided disposal figures for 2018-19 signalling court outcomes in year. This showed 74 court disposals in 2018-19 for offences under Part 3 of the 2008 Order across Crown and Summary courts. Two thirds of cases heard in the Crown Court and over a half in Magistrates' Courts had a plea or finding of guilt (see Tables 1 and 2).

Table 1 Crown Court Disposals

Offences under Part 3 of the Sexual Offences (Northern Ireland) Order 2008, for 2018-19 (Based on indictable disposal date)

Overall outcome (indictable)	No. of defendants
Plea of guilty on all charges	5
Not guilty plea on at least one charge – found guilty on at least one	28
Not guilty plea – acquitted on all charges	15
Other	1
Total	49

155 Outcomes for the indictable prosecution decisions: guilty plea on all charges: 1; not guilty plea on at least one charge – found guilty on at least one: 5; not guilty plea – acquitted: 3; pending decision: 30. Outcomes for the summary prosecution decisions: guilty plea on all charges: 2; not guilty plea on at least one charge – found guilty on at least one: 4; not guilty plea – acquitted: 2; other: 2; outcome pending: 16.

Table 2 Magistrates' and Youth Court Disposals

Offences under Part 3 of the Sexual Offences (Northern Ireland) Order 2008, for 2018-19 (Based on summary disposal date)

Overall outcome (summary)	No. of defendants
Guilty plea on all charges	5
Not guilty plea on at least one charge – found guilty on at least one	9
Not guilty plea – acquitted on all charges	6
Other	5
Total	25

4.16 This was internal PPS business information. The absence of official and quality assured statistical data represented a gap in knowledge. Specifically, in respect of CSE, the importance of data collection had been highlighted by the international community. In 2016, the UK Government and each of the devolved administrations had been urged to 'systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse in all settings'.¹⁵⁶

STRATEGIC RECOMMENDATION 2

A comprehensive child sexual exploitation problem profile to properly understand its scale and nature in Northern Ireland should be developed. This should be police led in conjunction with the Department of Justice with input from partners and should include:

- collation of anonymous data from statutory and non-statutory partners about child sexual exploitation risks;
- the number of children assessed at risk of child sexual exploitation;
- the outcomes of these assessments (numbers at risk, numbers not at risk, and child protection events);
- the number of children and parents/carers supported;
- police investigations; and
- offenders disrupted and prosecuted.

156 UNCRF, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, 12 July 2016, CRC/C/GBR/CO/5, Para. 45(a), (tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en).

APPENDIX 1: METHODOLOGY

DESKTOP RESEARCH AND DOCUMENTARY REVIEW

Research literature and guidance was reviewed in relation to CSE. This was used to inform the development of terms of reference for the inspection and fieldwork planning. A review was also completed of external and internal CSE related documentation provided to CJI by inspected agencies. This was used during fieldwork planning and analysis.

VICTIMS AND THOSE AT RISK OF CSE

Four children and young people who were victims or at risk of CSE worked with Voice of Young People in Care (VOYPIC) in order to provide CJI with insights from their experience engaging with the criminal justice system. Other young people considered taking part in the inspection and for various reasons including the ongoing impact of trauma decided not to do so. CJI is grateful for the strength they showed in contemplating this.

CJI was also contacted by a parent who took the time to meet with Inspectors to share the child and family's criminal justice journey. Inspectors were incredibly grateful to all those who took part. Inspectors were struck by their selflessness as they shared what had often been a challenging and at times traumatic criminal justice journey aware that the inspection would not benefit them directly.

FIELDWORK

One to one interviews and focus groups with inspected agencies were completed and Inspectors very much appreciated the time and efforts involved in organising these. The bulk took place with the PSNI and to a lesser degree the PPS, the PBNI, the NICTS, and the YJA. Inspectors also met with representatives from the DoJ and the judiciary and were grateful for the information provided by each. Both the PPS and the PSNI invited CJI to attend CSE training seminars each had commissioned (PPS session was delivered by Dr Helen Beckett and the PSNI was a screening of the play *Chelsea's Story*).

Representatives from the following areas in each agency were interviewed:

Department of Justice

- Community Safety Division.
- Criminal Policy Branch.

Northern Ireland Courts and Tribunal Service

- Operational Policy Branch.

Probation Board for Northern Ireland

- Assistant Director – Risk.

Public Prosecution Service for Northern Ireland

- Assistant Director, Belfast and Eastern Region.
- Assistant Director, Serious Crime Unit (SCU).
- Assistant Director, Western and Southern Region.
- PPS Prosecutors Belfast and Eastern – Focus group.
- PPS Senior and Junior Counsel – Focus group.
- PPS Senior Prosecutors – Western and Southern – Focus group.
- PPS Senior Prosecutors Belfast and Eastern – Focus group.
- PPS Youth Prosecutors – Focus group x 2 (one in each region).
- Public Prosecution Service.
- SCU Prosecutors – Focus group.
- Senior Assistant Director (Serious Crime and Regions).

Police Service of Northern Ireland

- T/ACC Crime Operations and Head of Public Protection Branch (PPB).
- Belfast District (District Commander; Chief Inspector and leads for the MPSU; focus groups Sergeants, Constables and District Inspectors).
- C3 Intelligence Branch – focus group x 2.
- Central Referral Unit – half day visit and focus group x 1.
- Missing Person Support Unit Belfast – meeting.
- PPB CAIU Detective Inspectors (individual meetings in each of the five PPU).
- PSNI Analysts – Focus group.
- PSNI Armagh, Craigavon & Banbridge District (District Commander and focus groups with Constables, Sergeants and Inspectors).
- PSNI C7 PPB focus groups (Including Detective Constables, Sergeants, and Inspectors from across the five Trusts covering areas of child abuse/CSE and Rape Crime).
- PSNI Contact Management Centre – half day visit and meetings.
- PSNI PPB Child Safeguarding Officer.
- PSNI PPB Child Internet Protection Team lead.
- PSNI Crime Training (ABE and Joint Protocol).
- PSNI Custody (Policy Lead/Supervisors x 3).
- PSNI Derry City & Strabane (District Commander, and focus groups with Constables, Sergeants and Inspectors including Missing Person leads from the local Support Hub).
- PSNI PPB Detective Inspectors – Policy C7.
- PSNI District Trainers.
- PSNI Missing Persons Policy Lead and Service Lead.
- PSNI Detective Superintendent Head of Criminal Justice Performance PPB.
- PSNI YDOs x 3 meetings (in three District areas).
- PSNI Call handlers/dispatchers- focus group.

Youth Justice Agency

- YJA CSE Champions – Focus group.
- YJA Practitioners (community and custody – Focus groups).
- YJA senior managers (for community and custody services).

Stakeholder interviews

Interviews and focus groups were also undertaken with stakeholder organisations who had been involved in supporting and working with children at risk or who had been victims of CSE, or had engaged in policy and laws related to them. Academics including Dr Helen Beckett, author of the Barnardo's Northern Ireland 2011 report¹⁵⁷ and a number from Queen's University Belfast also spoke to CJI through the QUB Centre for Children's Rights and individually, and provided information to help inform the inspection.

CJI also met with the NIPB, the HSC Trust CSE Social Work leads, representatives of the SBNI and the HSCB. There was also regular liaison with the office of the Northern Ireland Children's Commissioner due to its ongoing work monitoring implementation of recommendations from the Marshall Report.

To further inform learning Inspectors also liaised with representatives of the Icelandic Barnahus who provided information to CJI. Staff from the London Lighthouse model also kindly met with CJI.

File review

A review of 15 files held by the PSNI was undertaken with support from colleagues in the HMICFRS vulnerability team who had particular expertise in child protection inspection. HMICFRS provided its advice and expertise to CJI during the review as well as during a number of meetings and visits with the PSNI and CJI was particularly grateful for its input. The files were sampled from a list identified by the PSNI during the week of file review (commencing 4 March 2019). This included children assessed at high risk of CSE and a small number (three) where the 'high risk' threshold was deemed not met.

CJI also reviewed a sample of 14 missing children reports drawn randomly from 49 calls recorded by the PSNI system from just after midnight on 1 March to 5 March 2019. The purpose was to supplement CJI's understanding of how frontline Officers had identified and responded to CSE risks.

At the PPS, 11 files were reviewed. These were sampled from a list of 33 cases identified by the PSNI ranging over a year from February 2017 (nine of these) and two cases identified at the PPS.

157 Beckett, H. (2011) 'Not a world away: The sexual exploitation of children and young people in Northern Ireland', Barnardo's Northern Ireland. ([b.barnardos.org.uk/13932_not_a_world_away_full_report.pdf](https://www.barnardos.org.uk/13932_not_a_world_away_full_report.pdf)).

APPENDIX 2: TERMS OF REFERENCE

AN INSPECTION OF HOW THE CRIMINAL JUSTICE SYSTEM DEALS WITH CHILD SEXUAL EXPLOITATION IN NORTHERN IRELAND

Terms of Reference

Introduction

Criminal Justice Inspection proposes to undertake an inspection of how the criminal justice deals with Child Sexual Exploitation (CSE) in Northern Ireland.

The inspection will focus on the three main elements of the CJI inspection framework as they apply to Child Sexual exploitation: Strategy and Governance, Delivery and Outcomes.

The Police Service of Northern Ireland (PSNI) is the main organisation to be inspected, as this is where the volume of criminal justice work related to CSE is greatest. The work of the Public Prosecution Service (PPS) and the Northern Ireland Courts and Tribunal Service (NICTS) in relation to CSE will also be examined. In addition, the role of the Probation Board for Northern Ireland (PBNI) in preparing pre-sentence reports and supervision will be considered where relevant. Inspectors will also engage with the Youth Justice Agency (YJA) in so far as issues relating to Child Sexual Exploitation may be emerging in its work with children and young people. The inspection will review the overall criminal justice response to CSE including co-operation and partnership working, which may include national agencies such as the National Crime Agency (NCA) as applicable.

CJI recognises the potential overlap with its other inspection work. This includes the recent CJI inspection on sexual violence and its proposed inspection of Human Trafficking and Modern Slavery. In completing the CSE inspection, Inspectors will undertake measures to avoid duplication of work including undertaking joint fieldwork for the CSE and Human Trafficking and Modern Slavery inspections where feasible.¹⁵⁸

CJI was a key partner in the 2014 Independent Inquiry into Child Sexual Exploitation in Northern Ireland (the Marshall Report)¹⁵⁹. The Inquiry made 17 key and 60 supporting recommendations many of which were applicable to the DoJ, the PSNI and the PPS. While this CJI inspection is not a follow-up review of the Marshall Report it will take due cognisance of the criminal justice related recommendations.

158 This was not possible as, due to a request for CJI to complete other inspection work the agency fieldwork for the HTMS inspection was postponed until late 2019.

159 Marshall, K (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, November 2014 (www.cjini.org/TheInspections/Inspection-Reports/2014/October---December/Child-Sexual-Exploitationin-Northern-Ireland).

Context

CSE can have a devastating impact on the lives of children and families. Research shows that CSE can affect children regardless of background but that often those impacted are for various reasons 'already vulnerable'.¹⁶⁰ There are a number of seminal reports relating to CSE in Northern Ireland. This includes a 2011 study completed by Barnardo's,¹⁶¹ the Marshall Report (referenced above), and a thematic review of 22 alleged CSE cases completed on behalf of the Safeguarding Board for Northern Ireland.¹⁶² Within this work a key line of inquiry included understanding the extent of CSE in Northern Ireland, which was related to, among other matters, definitions used and the development and use of appropriate risk assessment tools. Professional mind-set was important too, particularly where there had been offending behaviour associated with abuse.¹⁶³ There was also a concern that little was known about the perpetrators of CSE¹⁶⁴ and the criminal justice system was urged to develop its response in this respect.¹⁶⁵

Inspectors' fieldwork will be informed by a number of contemporary measures and findings relating to CSE in Northern Ireland. This includes, among others, the Northern Ireland Policing Plan 2017-18 measure: to '*demonstrate an effective contribution to protecting young people by implementing initiatives and interventions to improve outcomes in collaboration with partners in relation to child sexual exploitation and abuse; and children who go missing*'; the 2016 HMIC PEEL review which examined PSNI's preparedness to tackle CSE,¹⁶⁶ and CJl's recent follow-up review of PPS's response to strategic inspection recommendations two of which the 'The Marshall Report' had made.¹⁶⁷

Aims of the inspection

The aim of the inspection is to examine the approach of the criminal justice system in preventing and responding to CSE. As with the CJl domestic abuse and sexual violence inspections, it will follow the timeline of the 'victim journey' from initial report through to the conclusion of court proceedings.

160 See for example Pinkerton, J., Bunting, L., Hayes, D., and Lazenbatt, A. (2015) 'Getting Focused and Staying Focused: 'Looked After Children' Going Missing and Child Sexual Exploitation: A Thematic Review, August 2015, p.25.

161 Beckett, H. (2011) Not a World Away: The sexual exploitation of children and young people in Northern Ireland, October 2011, Barnardos: Belfast.

162 Pinkerton, J., Bunting, L., Hayes, D., and Lazenbatt, A. (2015) 'Getting Focused and Staying Focused: 'Looked After Children' Going Missing and Child Sexual Exploitation: A Thematic Review, August 2015.

163 For example, Marshall, K (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, November 2014, supporting recommendation 43.

164 Pinkerton, J., Bunting, L., Hayes, D., and Lazenbatt, A. (2015) 'Getting Focused and Staying Focused: 'Looked After Children' Going Missing and Child Sexual Exploitation: A Thematic Review, August 2015, p.10.

165 Marshall, K (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, November 2014, recommendation 9.

166 HMIC (2016) PEEL: Police effectiveness (vulnerability): An inspection of the Police Service of Northern Ireland 1-5 February 2016.

167 CJl (2018) A Follow-Up Review of the Public Prosecution Service for Northern Ireland's Response to Strategic Inspection Recommendations Made Between 2013 and 2015.

The broad aims of the inspection are to:

- Examine the effectiveness of organisational strategies with regard to CSE, including the approach to prevention and enforcement, and the definitions used.
- Examine the operational response to CSE by criminal justice agencies, which will include the PSNI and its approach to risk assessment and investigation.
- Examine the approach to CSE cases by the PPS.
- Examine how operational delivery is structured to meet the needs of stakeholders and victims.
- Examine and assess the outcomes of strategies and delivery mechanisms for CSE against identified targets and expectations.

Other matters of significance as they arise during inspection will also be considered.

Methodology

The inspection will be based on the CJI Inspection Framework for each inspection that it conducts. The three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. CJI inspection methodology can be found at www.cjini.org.

Design and Planning

- Collection of benchmarking information and data by review of existing inspection and research reports applicable to the UK.
- Collection and review of relevant documentation available in Northern Ireland such as previous inspection and other reports, the PSNI, PPS, NICTS, PBNI, YJA and other Criminal Justice Agencies (CJAs) strategy, policies and procedures, management information, data, minutes of meetings and related documentation.

Delivery

Delivery will include:

- Preparation and sharing of Terms of Reference with the PSNI, the PPS, the NICTS, the PBNI, the YJA and the NIPB and the DoJ prior to the initiation of the inspection. Liaison Officers from the CJAs should be nominated for the purposes of this inspection.
- The PSNI as the main organisation to be inspected will be given the opportunity to complete a self-assessment of its approach in dealing with CSE and any management information deemed relevant.
- Requests for and review of relevant documentation and management information deemed relevant.

- Interviews and focus groups with relevant stakeholders (e.g. victims organisations, advocacy services, Non-Governmental Organisations (NGOs) etc.) to give an insight into current CSE issues. Where possible, and with appropriate supports, the views of victims will be sought directly.
- Case file reviews of a sample of the PSNI and the PPS CSE files.
- Interviews and focus groups with the PSNI, the PPS, the NICTS, the PBNI and the YJA staff; representatives of other criminal justice organisations (for example the DoJ, the NIPB) will be approached to obtain further evidence on the criminal justice system's response to CSE.

Publication and Closure

Following completion of the fieldwork and analysis of data a draft report will be shared with inspected organisations for factual accuracy check. The Chief Inspector will invite the relevant CJAs to complete an action plan within six weeks to address any recommendations. If the plan has been agreed and is available it will be published as part of the final inspection report.

Permission to publish the report will be sought from the Minister of Justice. Once this is received the inspection report will be shared, under embargo, in advance of the publication date with the DoJ and relevant CJAs along with a press release.

APPENDIX 3: DATA RELATED TO BARNAHUS - INFORMATION PROVIDED BY THE GOVERNMENT AGENCY FOR CHILD PROTECTION IN ICELAND

(By email on 7 December 2018 in response information request from CJI).

Referrals

Cases involving child abuse are referred to Barnahus from local Child Protection Committees and from the courts.

Icelandic law advises the use of child friendly settings and the use of best practice resources; today every judge comes to Barnahus with their cases including all child sexual abuse (SA) and physical violence also, when children are younger than 15 years of age.

Total referrals per year

2013	2014	2015	2016	2017
322	285	272	310	294

Total testimonies and interviews

	2013	2014	2015	2016	2017
Total Testimonies for Court Judges	96	76	127	116	117
Of which testimonies for Court Judges (Sexual abuse*)	96	76	77	60	70
Of which testimonies for Court Judges (Physical/Domestic Violence from 2015)			50	56	47
Exploratory interviews**	157	144	114	119	116
Investigative interviews total**	253	220	241	235	233

*Barnahus does not make a distinction between CSE and Child Sexual Abuse. All cases are classified as Child Sexual Abuse.

**There are more referrals than exploratory and investigative interviews because some children are referred to Barnahus for therapy only, and children who are older than 15 years of age are interviewed by the police. In some instances, cases are referred that are not Barnahus cases (that is, not abuse) and are declined but they are still counted in referrals. Also in few cases there is only medical examination because the child is under 3 and a half years of age and therefore below the age for forensic interviews.

Convictions

Barnahus was established in 1998. Here is information about the conviction rate for child sexual abuse prior to Barnahus and after:

	1995-1997	2006-2008	2011-2013
Investigations	146	315	296
Indictments	51	155	170
Convictions	49	108	134

APPENDIX 4: PRIMARY OFFENCE OUTCOMES

(Sample of CSE related cases from February 2017 to February 2018)

Data from the PSNI and the PPS

Primary Offence	Decision Type	Outcome
Child abduction (by other person)	Summary prosecution	Guilty plea - 5 months imprisonment concurrent with 9 year sentence being served for other offences.
Sexual assault (offences after 01-02-09)	Indictable prosecution	Primary offence was not proceeded with. Case ongoing.
Sexual activity with a child family member involving penetration	No prosecution	
Offering to supply Class B Controlled Drug	No prosecution	
Rape (offences after 01-02-09)	No prosecution	
Sexual assault (offences after 01-02-09)	No prosecution	
Child abduction (by other person)	No prosecution	
Child abduction (by other person)	No prosecution	
Child abduction (by other person)	Summary prosecution	Guilty plea. 5 months imprisonment suspended for 3 years.
Rape (offences after 01-02-09)	No prosecution	
Child abduction (by other person)	Summary prosecution	Guilty plea. 5 months imprisonment suspended for 3 years.
Abduction of a Child in Care	No prosecution	
Abduction of a Child in Care	No prosecution	
Causing a person to engage in sexual activity without consent (offences after 01-02-09)	No prosecution	
Causing a person to engage in sexual activity without consent (offences after 01-02-09)	No prosecution	
Causing a person to engage in sexual activity without consent (offences after 01-02-09)	No prosecution	
Causing a person to engage in sexual activity without consent (offences after 01-02-09)	No prosecution	
Abduction of a Child in Care	No prosecution	
Rape	No prosecution	
Sexual communication with a Child	No prosecution	
Sexual communication with a Child	No prosecution	

Primary Offence	Decision Type	Outcome
Rape	No prosecution	
Rape (Offences after 01-02-09)	Indictable prosecution	Primary offence not proceeded with. Other offences combined with a related case. Guilty plea to Child abduction. 1 year 8 months imprisonment, 10 months on licence.
Sexual communication with a Child	No prosecution	
Sexual activity by an Adult with a Child between 13 and 16 years (offences after 01-02-09)	Indictable prosecution	Complaint left on books.
Rape	No prosecution	
Rape (offences after 01-02-09)	No prosecution	
Administering a substance with sexual intent (offences after 01-02-09)	No prosecution	
Sending menacing messages through a public communications network	Pending decision	No prosecution issued.
Sending menacing messages through a public communications network	Pending decision	No prosecution issued.
Causing a person to engage in sexual activity without consent (offences after 01-02-09)	Indictable prosecution	Guilty plea to some offences including primary offence, others left on books. Overall sentence of 3 years 9 months.
Rape	Pending decision	Prosecution decision issued, case ongoing.
Rape	Pending decision	Prosecution decision issued, case ongoing.

APPENDIX 5: VOYPIC REPORT – YOUNG PEOPLE'S VIEWS AND EXPERIENCES



CJINI INSPECTION ON RESPONDING TO CHILD SEXUAL EXPLOITATION 2018

YOUNG PEOPLE'S VIEWS AND EXPERIENCES

SEPTEMBER 2018

Introduction

The Criminal Justice Inspection Northern Ireland (CJINI) is undertaking an inspection of how the criminal justice system responds to child sexual exploitation (CSE).

The CJI invited VOYPIC to gather the views and experiences of children and young people who have been involved with the criminal justice system either as alleged victims, victims or witnesses of child sexual exploitation. We will explore their views and experience of:

- Contact with any part of the CJS in response to suspected or alleged CSE.
- Communication from any part of the CJS to them as part of an investigation into CSE.
- The nature, impact and effectiveness of support provided to them as an alleged victim, victim or witness of CSE.

Who we spoke to?

We spoke to four females, aged 17- 20 years from Belfast, Southern and South Eastern Trust areas. We were unable to gather views and experiences from young people in Northern and Western Health and Social Care Trusts.

Two of the young people were living independently and two were living in supported accommodation.

Methodology

We identified young people known to VOYPIC through our MIS (Management Information System) using a series of keywords. We developed a spreadsheet outlining the case code and synopsis of each case.

We asked staff members working with each young person to invite them to participate in a short interview. Participants received a £10.00 gift card as a token of appreciation for their time.

We were unable to identify any young people in the Western Health and Social Trust area. We reached out to the named CSE lead in WHSCT to see if they could identify any young person to take part. Unfortunately, due to a number of reasons (discussed below), we were unable to carry out any interviews with young people in the WHSCT.

Barriers to participation

We had anticipated a higher response rate. Fifteen young people were invited to take part. However there were several barriers to participation:

- Some young people did not want to take part in an interview.
- Some young people did not want to talk about CSE issues from the past.
- For others there were ongoing police investigations.
- One young person was currently experiencing issues that impacted on their vulnerability and ability to take part in an interview.

Initial perceptions of CSE

In our response to the Marshall Inquiry (2014), we highlighted while the majority of young people recognised the term CSE, there was not an accurate understanding of what sexual exploitation is. While young people may know what child abuse is, they do not fully understand the nature and process of exploitation. They do not recognise how they personally could be vulnerable to being exploited over time.

This is evident when we asked young people about CSE. One young person said:

What is CSE?

One young person we interviewed told us that people worry too much when she goes missing; she didn't see herself as a victim. She told us that police and social workers think something bad is going to happen if she goes missing:

I think people worry too much as I can look after myself. I am my own person

It's all a bit craic, we go missing for a reason. I don't see myself as a victim of CSE, I choose to do whatever whether it's risky or not

Engagement with the police

One young person spoke positively about how they had specific CSE officers who visited her children's home. She described the officers as:

They were really nice... really friendly... good to have a direct officer to have relationship with

This young person told us she had a good relationship with these officers and felt they were:

Always on your side and realistic

Another young person talked about how she had had positive and negative experiences with police officer:

There have been a couple of good police officers that work well with me and they were very good. In fact, they still call in to see me now. They were very nice and tried to help me..... I have met others who don't care; they just said I was 'wasting their time'

One young person talked about how her earlier life experiences shaped how she view the police:

Before I came into care I was terrified of the cops. Cops came into my house lots when I lived at home; they used to have their guns, I was terrified. The time they came to take me into care I just built up a strength and anger and I was not afraid of them anymore

This young person described having negative experiences with the police:

If I see a police officer who is nice to me, I will be nice to them. I don't feel the police listen to me, they look at me like I am a piece of crap because I am in care

There are some police officers that do need to be spoke to about their attitude and how they deal with young people who do go missing

Two of the young people spoke positively about how the police explained what was happening and the different stages of the investigation process:

Yes, they explained and visited me once a week

Everything explained, good that way. A lot of stages

However, one young person told us that post interview, communication with her was not good and she was not updated on progress.

Don't explain update.. talk to social worker, not you. Meetings.. I wasn't told they were happening...

One young person explained how she felt that the priority for the police was to get you home and not to find out why you went missing:

Don't investigate... want you home and that's it

Frustration taken out on young people. Staff report missing, not young people

Always just took me and brought me home. They asked where I had been but don't try to get it out of you. Just take you home and close missing report

ABE interview

One young person stated that she found the ABE interview awkward and stressful. She talked about how she felt the police did not believe her:

Don't indicate if they believe you or not.. stressful

Test you first, difference between true and false. Don't know if they believe you

This young person felt that this was compounded by the body language of the police officers:

Intimidating, they look angry. Better to crack a smile and be nicer

Everyone is so serious. Don't lighten it up at all... makes you feel a lot worse. You want a normal conversation when that's going on

Communication

Two young people described communication with the police post interview, with one speaking positively and one speaking negatively about this experience. One young person said that the police gave an explanation of the next steps and kept in contact with her either by calling her or the children's home she was living in.

One young person talked about the lack of communication and her frustration about her phone being taken away:

Didn't explain... chasing phone.. don't get it back for month

This highlights the importance of regular feedback between the police and the young person to ensure they are aware of the investigative process at each stage. It is important that the police communicate with young people regarding their property and when they can expect to have it back.

Another young person said that the police explained that her case would go to the PPS but:

Kept in contact with social workers, not me

She explained how she had to contact the PPS to get an update of her case. She described how she was told to go to the PPS office but did not understand the reason why and felt she was not prepared:

Not prepared. I was shown pictures and got agitated. I thought it was about going to court, not that.... It was all through social worker, not me

She said she was told that there was no case due to lack of evidence and that she walked out after hearing this.

Evidence gathering is shite. Always managed to say nothing they can do. You were under the influence. Not enough evidence

What support works, what doesn't work?

We can see again that relationships are crucial for young people to help them feel comfortable to disclose sexual exploitation. When asked what helps, the importance of trusting relationships and good communication were key. Young people want police officers to make them feel more at ease, be more informal and not to judge them.

More support from social workers. Police leave it to social workers to hand over information

Community police in the local areas of one of the children's homes I lived in came out to the home and met with the young people living there. At least you have a face that you know

What doesn't work is police getting out of their cars and shouting at you to get into the car.. no need to be put in handcuffs

What advice would you give to staff?

Be kind. Be kind to one another- you don't know what they are going through

Don't be so serious, loosen up.. make the young person feel more comfortable and you'll get more out of them

Don't judge us

What needs to be done to help young people report CSE?

Support from (children's home) staff- they felt like family to me

Nothing to make it easier. Legal highs, can't report if under the influence so no point. Drugs and alcohol put a downer on it and young people in care are on drugs and alcohol all the time

What advice would you give young people who are being sexually exploited?

Two young people gave very different advice:

Talk about it, get the right support. You feel better- even though you are scared and feel you might be judged- you won't

Don't put yourself through it, it's not worth it for your mental health



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