

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 (the PBNI) in preparing pre-sentence reports and supervision will be considered where relevant. Inspectors will also engage with the Youth Justice Agency 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.

CJI was a key partner in the 2014 Independent Inquiry into Child Sexual Exploitation in Northern Ireland (the Marshall report)¹. The Inquiry made 17 key and 60 supporting recommendations many of which were applicable to the Department of Justice, 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.

Context

Child Sexual Exploitation 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

¹ Marshall, K (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, November 2014 (<http://www.cjini.org/TheInspections/Inspection-Reports/2014/October---December/Child-Sexual-Exploitationin-Northern-Ireland>).

impacted are for various reasons ‘already vulnerable’.² There are a number of seminal reports relating to Child Sexual Exploitation in Northern Ireland. This includes a 2011 study completed by Barnardo’s,³ the Marshall report (referenced above), and a thematic review of 22 alleged CSE cases completed on behalf of the Safeguarding Board for Northern Ireland.⁴ 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.⁵ There was also a concern that little was known about the perpetrators of CSE⁶ and the criminal justice system was urged to develop its response in this respect.⁷

Inspectors’ fieldwork will be informed by a number of contemporary measures and findings relating to CSE in Northern Ireland. This includes, among others, the NI 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,⁸ and CJI’s recent follow-up review of PPS’s response to strategic inspection recommendations two of which the ‘The Marshall Report’ had made.⁹

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 CJI 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.

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.

² 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.

³ Beckett, H. (2011) Not a World Away: The sexual exploitation of children and young people in Northern Ireland, October 2011, Barnardos: Belfast.

⁴ 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.

⁵ For example, Marshall, K (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, November 2014, supporting recommendation 43.

⁶ 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.

⁷ Marshall, K (2014) Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry, November 2014, recommendation 9.

⁸ HMIC (2016) PEEL: Police effectiveness (vulnerability): An inspection of the Police Service of Northern Ireland 1-5 February 2016.

⁹ 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.

- 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 CJA 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 Northern Ireland Policing Board 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, 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 NI Policing Board) 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.