



JOINT PROTOCOL:

Relating to

CHILDREN AND YOUNG PEOPLE AT RISK OF SEXUAL EXPLOITATION

Parties:

This protocol has been developed and agreed between representatives of Tayside Police, Dundee City Council, NHS Tayside, The Corner, Carolina House Trust and Barnardo's, acting together as the Sexual Exploitation Group under the auspices of the Dundee Child Protection Committee

Definition of Child Sexual Exploitation

Child sexual exploitation is any involvement of a child or young person in sexual activity for which remuneration in cash or in kind is given to the child or young person or a third person or persons. The perpetrator will have power over the child by virtue of one or more of the following – age, emotional maturity, gender, physical strength and intellect.

Children and Young People may not recognise that they are being sexually exploited but the relationship will generally be characterised by coercion and intimidation.

Based upon the definition provided in, “No Son of Mine”, Barnardo’s, 2001, and
“Vulnerable Children and Young People: Sexual Exploitation Through
Prostitution”, Scottish Executive, 2003

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INTRODUCTION

There are children being sexually exploited the length and breadth of the country. They may not be visible to a casual or even an informed observer. In some instances they may be visible on the streets; in others they may not. This is a hidden problem; it is not known how many children are involved. However, as a result of the combined experiences of many agencies and professionals it is certain a problem exists.

It is the aim in Dundee that Dundee City Council in partnership with Tayside Police, NHS Tayside and the voluntary agencies, provide a caring and appropriate response to children and young people who have been, or are at risk of being, sexually abused and exploited.

It is a tragedy for any child to become involved in sexual exploitation: it exposes them to abuse and assaults and may even threaten their lives. They can be robbed of their childhood, self esteem, opportunities for good health, education and training.

Children and young people are not prostitutes; they are children who are being sexually abused and exploited.

Children and young people cannot "consent" to their own abuse and exploitation.

Children and young people have the right to full protection from abuse and exploitation.

The criminal justice system should be targeted at adults who abuse and exploit children.

The welfare of children and young people will be the paramount concern in any decision making.

The views of children and young people should be ascertained and taken into account, however such views should be balanced with the duty to take positive action to ensure their safety and welfare.

This protocol is not a volume of inter-agency or agency guidance. It sets out the overarching roles and responsibilities of the police, relevant local authority departments, NHS Tayside and voluntary agencies in relation to such children and young people, taking into account best practice in relation to the response to children and young people who may be at risk of sexual exploitation. Each agency accepts a responsibility to ensure that it has and puts in place appropriate guidelines or procedures. The Dundee Child Protection Committee accepts a responsibility to publish inter-agency guidance relating to sexual exploitation. These procedures and guidelines will be compatible with the national guidance published by the Scottish Executive (*Vulnerable Children and Young People: Sexual Exploitation through Prostitution, 2003*).

The protocol takes into account the Waterhouse Report, "Lost in Care," published in February 2000, "Safeguarding Children involved in Prostitution", D.O.H. 2000 and best practice which exists elsewhere.

It also embraces the principles of the Children (Scotland) Act 1995, recognising the legal responsibilities and rights of parents and the needs of children. It takes account of the Human Rights Act 1998 which formally incorporated the European Convention on Human Rights into UK law in October 2000. The Human Rights Act 1998 requires that all actions taken by a public authority must be compatible with the provisions of the Convention and any legislation must be read and interpreted as if the provisions of the Convention had been applied to it.

Above all the protocol is designed to protect and promote the well being of children/young people who have been or at risk of being sexually exploited within Dundee.

This Protocol should be read in conjunction with Dundee Child Protection Committee Inter-Agency Guidelines "Front Line Document" and other relevant guidelines which are in place within each department and agency.

Key elements underpinning this protocol are that -

- The young person must be involved wherever possible and consulted on his/her views
- Workers must familiarise themselves with their own agency's child protection procedures and other relevant procedures/guidelines
- Early intervention is needed to ensure a proactive service
- Inter-agency working and planning is essential in providing positive outcomes for children and young people involved in sexual exploitation
- Commitment to sharing information and developing clear lines of communication across agencies is needed to protect children at risk
- Planning is a necessary component of any intervention. This must be constituted at the earliest opportunity and reviewed regularly throughout

OWNERSHIP

Officers responsible: Chief Executive, Dundee City Council
Divisional Commander, Central Division, Tayside Police
Commissioner for Children's Services, NHS Tayside

The ownership of this document lies with the above-named who will be responsible for ensuring that its effectiveness is maintained through the performance and review process outlined at page 15

CHILD OR YOUNG PERSON

There are a number of different definitions of a child in Scottish legislation. The United Nations Convention on the Rights of a Child defines a child as being under 18 years of age. For the purposes of this document, references to '*children*' and/or '*young people*' includes all those under the age of 18.

The foregoing statement concurs with the national guidance issued by the Scottish Executive (Vulnerable Children and Young People: Sexual Exploitation through Prostitution, 2003).

PURPOSE, AIMS AND GOALS

Purpose

The purpose of the joint Protocol is to recognise the existence of child sexual exploitation and to treat the child or young person primarily as a victim of abuse. It is to safeguard children and young people and promote their welfare and to identify a series of agreed and determined actions which should be considered by Police, Social Work, Education, Health and other relevant agencies when a child or young person is being sexually exploited or at risk of being sexually exploited.

Aims

- Prevent children and young people being sexually abused and exploited through prostitution.
- Protect children and young people who have experienced sexual exploitation by early intervention to reduce or eliminate the extent to which they may be at risk of significant harm.
- Support and encourage a child/young person's recovery from sexual exploitation and offer protection from further abuse.
- Investigate and prosecute those who sexually exploit children and young people.
- Challenge and change negative perceptions of children and young people who are sexually exploited, which may be held by the media, the general public and agencies collectively.
- Raise consciousness of the possible heightened vulnerability of children and young people who are affected by disability or learning difficulties and those who are or have been Looked After away from home.

Goals

- To improve the quality of response provided by Police, Social Work, Education and other statutory and voluntary agencies, to provide a strategic proactive response to children and young people at risk of sexual exploitation.
- To have each relevant local agency develop appropriate guidance or procedures for staff on dealing with the sexual exploitation of children and young people, and that these be published in child protection procedures.
- To develop systems whereby relevant professionals can be alerted to the fact that a child or young person is at risk of sexual exploitation.
- To ensure the child or young person is seen as a "child in need" and accorded appropriate priority by the agencies involved.
- To ensure responses by all agencies are appropriate so that all the needs of the child or young person can be met. A child protection case conference, or other more appropriate multi-agency planning forum, should take place at the request of any agency having significant concerns about a young person.
- That all agencies work together to identify those at risk, prevent abuse and exploitation and provide children and young people with opportunities and strategies to recover from and minimise the risk of future, sexual exploitation.

- To train appropriate staff to recognise and respond to children and young people who have been sexually exploited and to be skilled in discussing matters of sexual exploitation with them.
- To achieve a reduction in the number of children and young people placed in secure accommodation/residential care because of factors associated with sexual exploitation.
- To work for an increase in the number of prosecutions against adults who sexually exploit children.

PERFORMANCE MEASURES

The Sexual Exploitation Group recognises the need to ensure robust performance measures are incorporated into practice. These will be included, in detail, in accompanying guidance and/or specific intervention programmes. The list below is indicative of the performance measures that will be incorporated into our interventions.

- The number of young people placed in secure accommodation/residential care as a result of having been or being at risk of sexual exploitation.
- The number of children and young people identified as at risk of sexual exploitation who are receiving appropriate services.
- The number of staff who have received training to recognise and respond appropriately to children and young people who have been sexually exploited.
- The number of children and young people identified as being at risk, who are engaged with health services.
- The number of young people whose circumstances are the subject of a joint child protection inquiry.
- The number and diversity of preventative responses which have been developed and implemented.
- The number of persons reported for offences relating to the sexual exploitation of children and young people.

POTENTIAL INDICATORS

Adults should be aware that children or young people vulnerable to, and involved in, sexual exploitation may be unable to comprehend the extent to which they have become involved or are at risk of harm.

This list is not conclusive, nor should one or more indicator be taken, of themselves, as 'proof' of risk of sexual exploitation. Rather, the indicators need to be woven into a proper assessment of the child or young person's circumstances.

Many children/young people, both male and female, involved in prostitution will not be found on the streets. It is important that staff are aware of the potential indicators that a child/young person may be involved in prostitution or other forms of sexual exploitation. These may include.

- Physical symptoms (bruising suggestive of either physical or sexual assault).
- Prevalence of sexually transmitted infection
- Young person known to be inappropriately sexually active.
- Reports from reliable sources suggesting the likelihood of involvement in prostitution.
- Reports that the child has been seen in places known to be used for prostitution.
- Evidence of substance misuse.
- Leaving home/care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older young people).
- Repeatedly consorting with unknown adults outside the usual range of contacts and/or other children known to be involved in sexual exploitation.
- Phone calls or letters from adults outside the usual range of social contacts.
- Adults loitering outside the child's usual place of residence.
- Accounts of social activities with no plausible explanation of the source of necessary funding.
- Persistently missing or returning late with no plausible explanation.
- Returning after having been missing, looking well cared for in spite of having no known base.
- Missing for long periods, with no known base.
- Possession of large amounts of money without plausible explanation.
- Acquisition of expensive clothes or other possessions without plausible explanation.
- Low self image.
- A history of physical, sexual, emotional abuse and neglect.
- Truancy.
- Entering or leaving vehicles driven by unknown adults.

- Going missing and being found in areas where the child or young person has no known links.
- Possible inappropriate use of the Internet, including forming relationships particularly with adults via the Internet.

CONFIDENTIALITY

The sharing of information between agencies is both desirable and essential for the protection of children and young people.

The approach to caring for and supporting children and young people at risk of sexual exploitation will be multi-agency. As such, the appropriate sharing of information between those agencies will be important.

Appropriate care and support is dependent on those providing that care and support having ready access to relevant information.

Everyone engaged in caring and supporting young people who may be at risk of sexual exploitation has an obligation to safeguard the confidentiality of personal information. In specific circumstances information may be shared, with the approval of the child or young person, to ensure the best interests of the child or young person, or to ensure the best interests of the child are maintained.

It is neither practical nor necessary to seek an individual's consent each time information needs to be shared for a particular purpose related to caring for and supporting a child or young person at risk. It is, however, contingent upon those individuals having been fully informed of the uses to which information about them may be put. All agencies concerned with the care and support of individuals or in the use of personal information must satisfy themselves that this requirement is met.

Access to personal information must be controlled on a strict need-to-know basis to appropriate staff working in the field of child protection and child welfare. Only minimum identifiable information sufficient to satisfy the purposes required should be made available.

Where an individual child or young person states that they do not want their personal information divulged this should be respected unless there are exceptional circumstances. Such circumstances would be where information is required to ensure the safety and well-being of the child or young person, or other children or young people. This may be by virtue of statute or court order, where there is serious risk to public health, or for the prevention, detection or prosecution of serious crime. When information is shared, the child or young person should be informed and advised of who the information was shared with and why.

ROLE OF RELEVANT AGENCIES

Voluntary Sector

The voluntary sector is diverse. The approaches taken will also be diverse. Voluntary and statutory sector agencies are committed to working together within a framework which respects each agency's role and remit and confidentiality policy.

The voluntary sector has a significant part to play in identifying and working with children and young people who are involved in sexual exploitation. As a result of their lifestyle and past family experiences many children and young people are reticent to engage with statutory services and find voluntary agencies more approachable sources of help. By working in partnership with statutory bodies voluntary agencies are able to offer support and services to reduce the harm to children and young people and in helping protect them from sexual exploitation.

Health

Children and young people for whom there are child protection concerns may come to the attention of a wide number of health professionals, including General Practitioners, Family Planning, Genito-urinary Medicine, Obstetrics and Gynaecology, Accident and Emergency, Child and Family Psychiatry, Child Protection Services and Community Child Health. The Child Health Strategy 2002 – 2005 has identified raising awareness of child protection issues as a key component of the Child Health Implementation Plan. This will be undertaken through a programme of child protection training and education for specialist child protection staff and staff working with children and families.

Steps will also be taken to encourage sharing of appropriate information between specialities, in order to promote holistic management, along with the identification of key professionals for each young person to prevent any unnecessary duplication of investigation or involvement. Health care staff in key areas will be made aware of issues relating to child protection including indicators about: how confidentiality rules apply around child protection and how to pursue any child protection concerns.

Police

Children and young people who are being sexually exploited will be treated as victims and social services will be informed. Efforts will be made on all occasions to establish who is coercing the child/young person into that situation, whether that be from intelligence or from police observation and the circumstances will be fully investigated and a report submitted to the Procurator Fiscal.

Reports of lewd, indecent and libidinous practices which relate to children under 12 years under common law and of adults having sexual intercourse with children under 16 years of age under statute law will be fully investigated. The child/young person may be required as a witness and a report sent to the Reporter. The perpetrator will be charged and reported to the procurator Fiscal

Police officers will be aware that children on the fringes of sexual exploitation and those vulnerable to prostitution may be missing persons, absconders, runaways and children

outwith parental control. Officers will recognise this when dealing with children in these categories and investigate this on their return.

All children who have been reported missing or having absconded will be subject of a debrief interview by the police. Whilst such an interview is voluntary it provides an important opportunity to discuss the activities of the child during their period of absence.

Such interviews will be recorded by the police officer who interviews the child/young person. Their purpose is to assist in establishing whether any harm has come to the child, whether they have been involved in crime, prostitution or other activity which might have placed them at risk and to glean information which may assist in tracing the child should they be absent in future.

Officers from the Family Protection Unit should conduct interviews which may involve allegations of sexual or other abuse.

Press releases relating to children missing from residential care will be authorised by the Divisional Commander or Senior Investigating Officer and will be made through the Tayside Police Information Office. A copy of that press release will be made available to the senior manager of the respective Social Work Department.

Social Work

The Social Work Department has particular duties and responsibilities in relation to young people who may have been or who may be at risk of sexual exploitation. These include a duty and responsibility:

- To give paramount consideration to safeguarding and promoting the welfare of such children and young people.
- To inquire into the circumstances when information is received suggesting that the child or young person may be at risk of being subject to sexual abuse.
- To properly consider how best to intervene in the life of the child or young person and his or her family.
- To seek the views of the child or young person and take account of these.
- To inform and involve parents / guardians.
- To refer a child or young person to the Reporter if he or she may be in need of compulsory measures of supervision.
- To develop and implement, along with other agencies, a protection plan for those young people deemed to be at risk of significant harm. This plan to include references to how a sexually exploited young person should be helped to recover from sexual exploitation.
- To recognise that children and young people looked after away from home require advice on sexual health and to work with other agencies towards providing that.

Referrals will be dealt with under the department's Child Protection Procedures by the child protection team based at Seymour Lodge. The police will be informed and joint and Initial Referral Discussion (IRD) will inform planning and subsequent action.

The first priority will be the safety of the child. If assessed to be unsafe, appropriate interventions will be taken immediately. When the safety of the child has been considered and addressed, then a fuller assessment of the child's circumstances and the risks to the child will proceed. Liaison with other agencies will be instigated at an early stage and arrangements will be made for the staff involved to maintain contact with each other throughout the joint investigation. Following the initial inquiry phase of the work, a child protection case conference or other more appropriate multi-agency planning forum may be arranged to consider the circumstances, establish an intervention plan and consider the need to make a referral to the Reporter.

On a child or young person's return after being missing or having absconded, every effort will be made to talk to the child to ensure that they are physically safe and well and to establish whether any harm has occurred to them during their absence. The medical condition of the child will be discussed immediately and an offer made to arrange medical attention if necessary.

Education

Education staff can respond in a variety of ways to the issue of children and young people involved in sexual exploitation. Most commonly this would be in terms of Prevention, Recognition, Referral and Post Referral.

- **Prevention**: A long term strategy which would seek to change attitudes and raise awareness. Abuse prevention programmes would go some way in achieving this aim, alongside the issue based work already being done in Personal and Social Development.
- **Recognition**: Daily contact with children and young people allows teachers to recognise concerning behaviour and respond. Every school has a trained Child Protection Officer who provides support/advice to school staff.
- **Referral**: Concerns about a child or young person's involvement in sexual exploitation will be reported to the Designated Child Protection Officer who will follow the Education Department's Child Protection Guidelines. This will involve liaising with the joint Police and Social Work Team at Seymour Lodge, in order to ascertain the best course of action for the young person involved.
- **Post Referral**: Education should remain a priority for children and young people involved in sexual exploitation and education staff should be closely involved with any Child Protection Plan/Assessment.

PERFORMANCE AND REVIEW

Performance review will take place every six months to measure performance in respect of the areas identified on page 8.

The review meeting will also be used to re-assess the current goals in light of developing trends or local issues arising over the previous six months. Should the current goals remain relevant they will be endorsed. Should re-appraisal identify a need for change or re-alignment then this will be agreed at this meeting.

The review will be conducted by a multi-agency group, who will report directly to the Dundee Child Protection Committee. An annual report will be presented to all partner agencies.

This report will contain results in terms of performance indicators and highlight any trends or issues which have arisen over the previous six months. The report will also indicate whether the existing goals remain relevant or require adjustment to address developments that have occurred over the review period.

Where new goals are set, these will be appropriately endorsed.

Recommendations for improved practices should also be considered at this meeting and, if approved, formally adopted at this forum. This does not preclude recommendations being made at any time and ad hoc arrangements being made to adopt those deemed to be urgently required. Formal ratification will thereafter take place at the six monthly Review meeting.

The above process will be supported by local arrangements to monitor the effectiveness of the protocol in terms of working practices. This will entail regular meetings between staff at operational level.

Appendix “A” DEFINITIONS

The term ‘child’ means:

- a person who is not yet 16 years old,
- a person who is over 16 but not yet 18 and subject to a Supervision Requirement issued by a Children’s Hearing or a Court order from England, Wales or Northern Ireland.

For the purposes of this protocol the definition of ‘child’ reflects the principles of the UN Convention on the Rights of the Child.

‘Child protection’ is the general term given to the efforts of individuals, families, communities and professional agencies to care for children, to keep them safe and happy throughout their childhood and to help them maximise their potential.

Each child has “the right to physical and personal integrity, to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents or other carers” (Article 16, UN Convention on the Rights of the Child 1989)

Article 34, UN Convention on the Rights of the Child 1989

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

The child also has rights:

to be consulted,

to obtain information,

to express an opinion. and

to have his or her privacy respected

(Articles 12, 13 and 16 UN Convention on the Rights of the Child 1989)

Article 39, UN Convention on the Rights of the Child 1989

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Any actions taken in respect of the child should take account of the child’s best interests. We must be aware of the need to balance the right to protection with these equally important rights, especially in view of the implementation of the Human Rights Act on 2 October 2000. This Act requires compliance with the Articles and Protocols of the European Convention on Human Rights.

‘Children at risk’ includes children who by their own behaviour may place themselves and other young people in danger (e.g., by running away, consumption of harmful substances, self-injury to health, prostitution, harmful sexual activity, high-risk offending like taking and driving cars or fire-raising or the commission of offences against other children). We may want to think about whether such a child’s circumstances should be considered in terms of ‘child protection’ (* see child protection procedures).

‘Children in need’ are defined in the Children (Scotland) Act are those children who are:

- unlikely to achieve or maintain (or have the opportunity of achieving or maintaining) a reasonable standard of health or development unless provided with services by a local authority; or
- whose health or development are likely significantly to be impaired unless such services are provided; or
- who are disabled; or
- who are adversely affected by the disability of any other person in their family; or
- who are being “looked after” by a local authority.

“The Children’s Services Plan” gives detailed information about how our agencies are working together to try to meet the needs of these children, some of whom are or are likely to be in need of protection.

“Police” shall mean Tayside Police as a police force or officers of Tayside Police acting as individuals.

“Secure Accommodation” as defined in the Children (Scotland) Act 1995, Section 93(1): “accommodation provided in a residential establishment in accordance with regulations made under section 60(1)(bb) or under paragraph 4(2)(i) of Schedule 4 to the Children Act 1989, for the purpose of restricting the liberty of children.”

“Social Work” shall mean those departments or personnel in each of the responsible local authorities, that are required to fulfil the local authority’s various social work responsibilities.

“Social Work Out of Hours Service” shall mean those arrangements existing within each of the local authority areas to provide a social work service outwith normal office hours.

“Prostitution” is the provision of sexual services in exchange for some form of payment such as money ,drink, drugs or even a bed and a roof over ones head for a night (GREEN 1992).

“Prostitution of Children “ is a form of sexual exploitation involving payment or reward of some kind. However children or young people, either because of their age or need, are unable to give truly informed consent to this activity (Nottingham Social Services 1998)

“Exploitation” , i.e. commercial or other exploitation of a child, refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and prostitution. These activities are to the detriment of the child’s physical or mental health, education, or spiritual, moral or social-emotional development.

Relevant Legislation includes:

Children (Scotland) Act 1995, Sections 25, 57, 61, 66, 67, 68(10), 70, 82, 83 and 86
Criminal Procedure (Scotland) Act 1995, Sections 44 and 208

Relevant Social Work Regulations include:

Secure Accommodation (Scotland) Regulations
Arrangements to Look after Children (Scotland) Regulations 1996