

Child Sexual Exploitation

Disruption Toolkit for Professionals



Detective Inspector Steve Corbett

| | |
|---|----|
| Introduction | 4 |
| Definition | 5 |
| Guidance | 5 |
| Identifying and safeguarding children at risk of or are being sexually exploited | 5 |
| Intelligence Gathering and Information Sharing | 5 |
| Victim Based Considerations | 7 |
| Children Act 1989..... | 7 |
| Section 46 Police Powers of Protection (Victim)..... | 9 |
| Police and Criminal Evidence Act 1984 (PACE) | 10 |
| National Referral Mechanism (NRM) - Modern Slavery Act 2015 (Victim) | 10 |
| Forced Marriage Protection Order (FMPO) - Family Law Act 1996 - Section 63A (Victim)..... | 11 |
| Independent Sexual Violence Advisors (ISVA) and Sexual Assault Referral Centres (SARC) (Victim) | 12 |
| Health Services and Child Sexual Exploitation | 12 |
| Perpetrator Based Considerations | 13 |
| Injunctions to Prevent Gang-Related Violence and Drug-Dealing Activity Section 51 Serious Crime Act 2015 (Offender)..... | 13 |
| Section 1 Anti-Social Behaviour, Crime and Policing Act 2014 (Offender) | 13 |
| Criminal Behaviour Order - Section 22 Anti-Social Behaviour, Crime and Policing Act 2014 (Offender)..... | 14 |
| Child Abduction Warning Notices (CAWN) - Section 2 Child Abduction Act 1984 (Offender)..... | 14 |
| Abduction of Children in Care Section 49 Children Act 1989 (Offender)..... | 15 |
| Abduction of Child by Other Persons - Section 2 Child Abduction Act 1984 (Offender) | 15 |
| Recovery Order - Section 50 Children Act 1989 (Offender) | 16 |
| Sexual Offences Act 2003 (Offender)..... | 16 |
| Sexual Risk Orders (SRO) - Section 122 of SOA 2003 (as amended by section 113 Anti-Social Behaviour, Crime and Policing Act 2014) (Offenders) | 17 |
| Sexual Harm Prevention Orders (SHPO) - Section 103 of SOA (as amended by section 113 Anti- social Behaviour, Crime and Policing Act 2014) (Offender) | 18 |
| Notification Orders - Section 97 Sexual Offences Act 2003 (Offender)..... | 18 |
| Modern Day Slavery Legislation..... | 19 |
| Arrangements for assessing risks posed by certain offenders - Section 325 Criminal Justice Act 2003 (Offender)..... | 21 |
| Controlling or Coercive Behaviour in an Intimate or Family Relationship - The Serious Crime Act 2015 (Offender)..... | 22 |

| | |
|---|----|
| Restraining Orders & Non Molestation Orders - Section 42 Family Law Act 1996 & Section 12 Domestic Violence, Crime and Victims Act 2004 | 22 |
| Forfeiture of Detained Cash - Section 298 Proceeds of Crime Act 2002 (Offender) | 23 |
| Automatic Number Plate Recognition (ANPR) (Offender) | 23 |
| Asylum and Immigration (Offender) | 24 |
| Government Agency Intelligence Network (GAIN) (Offender/ Location) | 24 |
| Location Considerations | 25 |
| Community Protection Notice (CPN) - Section 43 Anti-Social Behaviour, Crime and Policing Act 2014 | 25 |
| Dispersal Powers - Section 35 Anti-Social Behaviour, Crime and Policing Act 2014 | 25 |
| Closure Orders - Section 80 Anti-social Behaviour, Crime and Policing Act 2014 | 26 |
| Absolute Ground for Possession - Section 94 Anti-Social Behaviour, Crime and Policing 2014 | 26 |
| Reviews of Licensed Premises - Licensing Act 2003 | 27 |
| Hotels in relation to Child Sexual Exploitation - Sec 116-118 Anti-Social Behaviour, Crime and Policing Act 2014 | 27 |
| Parks and Open Spaces | 28 |
| Public Spaces Protection Order (PSPO) - Section 59 Anti-social Behaviour, Crime and Policing Act 2014 | 28 |
| Town Centres | 29 |
| Night Time Economy | 29 |
| Taxi and Private Hire Vehicles | 30 |
| Children’s Homes/ Parents/ Carers | 30 |
| Schools and Educational Premises | 31 |
| Fire & Rescue Services Act 2004 | 32 |
| Technology Considerations | 34 |
| Other Considerations | 36 |
| Search Warrants | 36 |
| DNA and Forensic Examination | 36 |
| CCTV | 36 |
| Vehicle Telemetry | 37 |

Introduction

Child Sexual Exploitation (CSE) continues to pose a national threat which transcends geographical boundaries; the scale and nature of the problem can devastate the lives of individuals and impact upon entire communities.

In Suffolk we are committed to protecting children and young people from harm and prosecuting those who commit sexual crimes against them. We will do this by working with partners to:

- Identify children at risk of sexual exploitation;
- Intervene with children and families to safeguard those at risk of exploitation;
- Adopt proactive problem solving measures to identify, disrupt and prosecute those seeking to sexually exploit children;
- Train staff to recognise signs that a child is being exploited;
- Raise public awareness of child sexual exploitation;
- Follow child protection procedures on child sexual exploitation if a child is identified as suffering or is at risk of sexual exploitation

The links between CSE and other emerging threats and hidden crimes; domestic abuse, modern slavery, trafficking, cybercrime, gangs and criminal exploitation are becoming increasingly apparent. There is a requirement on agencies to respond to increasingly complex safeguarding and public protection risks. As offenders use more sophisticated methods to commit crime, identify, groom and exploit children, so must partners and agencies work together to explore innovative and creative opportunities for intervention.

Any meeting in respect of individual children at risk of harm from sexual exploitation should consider the disruption of offenders as routine practice. The plan should identify who is responsible for undertaking the work and should be shared with the agencies involved with timescales for review agreed.

Practice is constantly evolving with the exploration of new tactics, covert and overt, to identify and pursue offenders. Incorporating current learning from; legislation, prosecutions, investigations and applications for civil orders, this toolkit aims to provide guidance for relevant agencies to combat CSE. It will provide a menu of options to consider in developing disruption plans. This should not be viewed as an exhaustive list and where new and creative options are used, we would urge you to share this practice widely.

Definition

Suffolk has adopted the following definition of sexual exploitation taken from statutory guidance:-

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

Guidance

Identifying and safeguarding children at risk of or are being sexually exploited

In Suffolk the MASH review all referrals in liaison with other agencies to identify children and young people at risk of, or being, sexually exploited. Recognised child protection procedures must be followed in cases where risk of harm from sexual exploitation is identified.

Local CSE Co-ordinators, teams or Children's Services front door teams can provide further advice and guidance for professionals or members of the public who have concerns about a child who may be at risk of or experiencing CSE.

Intelligence Gathering and Information Sharing

Effective multi-agency collaboration is vital and whilst law enforcement agencies lead on the pursuing offenders, it is essential for partner agencies to gather and share information regarding CSE.

Effective information sharing and intelligence gathering can:

- Contribute to the identification and understanding of links between different forms of exploitation and hidden crimes therefore improving safeguarding and disruption;
- Identify networks or individuals who pose a risk to children;
- Identify locations being used for the purposes of sexual exploitation;
- Provide evidence in applications to the Court for Civil and Criminal orders

Engagement with victims and witnesses by support agencies, including the voluntary sector, particularly regarding Return Home Interviews following missing episodes, has provided insight into networks of CSE perpetrators and should be viewed as a vital source of information and intelligence, and recorded appropriately on Police and Local Authority systems.

The provision of information to the Police can be submitted in the following manner.

- Use of own agency referral form and submit to Customer First for review and action. If unsure whether to submit a referral, ensure that MASH Professional Consultation line is used for further advice.
- Contact Suffolk Police Control Room and pass information.
- Intelligence submission to be sent to Central Intelligence Bureau Suffolk Police via e mail.

It is important that each agency submits information promptly and accurately. Customer First will review the referrals received and forward to Suffolk MASH to allow for effective information sharing and planning.

Points of contact:

- **Customer.first@suffolk.gcsx.gov.uk – 0800 800 4005**
- **Suffolk Police 101 (number to be used for non-emergencies only)**
- **CIB@suffolk.pnn.police.uk**
- **mash@suffolk.pnn.police.uk**
- **MASH Professional Consultation Line 0345 6061499**

The approach should be to record all information no matter how insignificant it may appear in the first instance as it may often contribute to greater clarity around what are often extensive and complex CSE networks.

- Vehicle details including registration/make/model/colour etc.
- Physical descriptions including names/nicknames, of suspected perpetrators;
- Details/descriptions of unusual/regular callers to children’s homes;
- Phone numbers and Social Media details of suspected perpetrators;
- Address details of suspected perpetrators; and
- Details of addresses or locations that children at risk or being exploited may be being taken or where there has been suspicious activity relating to CSE

Victim Based Considerations

Children Act 1989

Care Order - Section 31 Children Act 1989 (Victim)

A local authority or authorised person (an authorised person being the NSPCC or a person authorised by the Secretary of State) may apply for a Care Order. This would allow for a child to be placed into the care of a designated local authority and enables the local authority to share parental responsibility for the child. The application must be made prior to the child reaching the age of 17. Applications for a Care Order may only be made by a court if it is satisfied that threshold is met and the child concerned is suffering or likely to suffer significant harm or the child is beyond parental control.

Scenario

A 14 year old boy has regular missing episodes, which his parents often do not report and they actively obstruct attempts to complete welfare return interviews or offers of follow up support. The child is associated with a number of people known to the police for drugs offences, he does not adhere to any boundaries and his parents are unable to safeguard him. They are also not adhering to the Child Protection Plan which is in place to safeguard him. The parents will not agree to the child being voluntarily accommodated. An application for a Care Order is considered to enable the local authority to share parental responsibility for the child in order to improve the safeguards around him and reduce the level of risk to which he is exposed.

Secure Accommodation Order - Section 25 Children Act 1989 (Victim)

Should a local authority deem a child to be at such significant risk of harm then it can accommodate a child in secure accommodation for a period of no more than 72 hours without an Order of the Court.

A Secure Accommodation Order will only be granted where:

- the child has a history of absconding and is likely to abscond from accommodation which isn't secure; and
- if he/ she runs away, he/ she is likely to suffer significant harm; or
- if he/ she isn't in secure accommodation, he/ she is likely to injure himself or someone else.

The first Order will be for a maximum period of three months. If the child continues to meet the criteria for secure accommodation then an application for a further Order can be made.

Accommodating a child in secure accommodation leads to the restriction of liberty and should only be made when there is no alternative. Less restrictive options should have been exhausted where possible and only where a child can be adequately safeguarded.

Scenario

A 16 year old is persistently missing for lengthy periods of time and has had numerous placement moves. When she returns she often has physical injuries and has recently been arrested after fighting with a peer and causing significant injuries. There is concern over gang affiliation. The most recent missing episode was for seven nights and she took another young person from the residential unit with her who had never been missing before and threatened her with violence if she didn't go. When they returned they reported being raped by numerous people over the course of the missing episode but refused to give any further details of locations or offenders. Attempts at engagement by specialist agencies have yet to be successful. The unit is unable to keep the child or other residents safe and although investigations are on-going into the offenders there are yet to be any arrests.

Emergency Protection Order - Section 44 Children Act 1989 (Victim)

An Emergency Protection Order enables the immediate removal of a child from the care of their parent or carer therefore the evidence must demonstrate that the child is at imminent risk of harm and allows a child to be removed to a place of safety, for up to a period of no more than eight days. The court will only grant an Order where it can be evidenced that the child is at imminent risk of harm.

The local authority or authorised person³ can make an application where they are satisfied that the child is likely to suffer significant harm if;

- he/ she is not removed to accommodation provided by or on behalf of the applicant; or
- he/ she does not remain in the place in which he is then being accommodated.

An application may also be made by a local authority where s47 enquiries are on-going and those enquiries are being frustrated by access to the child being unreasonably refused to the Local Authority and access to the child is required as a matter of urgency

³ Authorised Person: officer of the NSPCC or any other person authorised by the Secretary of State to bring care proceedings; a designated Police Officer

Inherent Jurisdiction - Section 100 Children Act 1989 (Victim)

There may be circumstances where a local authority considers it necessary to make an application to the High Court under the Inherent Jurisdiction. An application under this section should only be

made where there are no other Orders under the Children Act 1989 available to safeguard a child and can only be made with the permission of the Court.

In cases where there is evidence that a child has been or is being sexually exploited and the perpetrators are known then an application may be made under the Inherent Jurisdiction to seek an injunction against the perpetrator(s). This injunction can be wide ranging and can seek to impose restrictions on named individuals to prevent them from; for example making any direct or indirect contact with the subject child; excluding them from the area where the child lives or the area / property where the exploitation occurred. Further restrictions may also be to prevent the perpetrators from using social media.

The evidential basis must be robust and requires comprehensive information sharing between all partner agencies and in particular between the police and the Local Authority.

NB: there have been a number of reported cases where Injunctions under the Inherent Jurisdiction have been sought. There is a difference of opinion between the judiciary regarding how wide ranging these orders should be and whether there are more appropriate powers that could be used.

Section 46 Police Powers of Protection (Victim)

If a police constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, they may:

- Remove the child to suitable accommodation and keep him there
- Take such steps as are reasonable to ensure that the child's removal from any hospital, or other such place, in which he is then being accommodated is prevented.

A child in this context is a person under 18 years.

This is a key power which should be considered whenever potential victims are found in the company of potential perpetrators. Where the victim does not present as willing to accompany the police voluntarily, this power can be used to remove the victim to suitable accommodation.

Suitable accommodation can include the child's home address or care placement where it is deemed safe and appropriate. A police station is not suitable accommodation. A child under police protection should not be brought to a police station except in exceptional circumstances, e.g. lack of immediately available local authority accommodation. If it is necessary to take the child to a police station every effort should be made to ensure their physical safety, comfort, access to food and drink and access to toilet and washroom facilities.

Scenario

A Police Officer witnesses a child approximately 13 years old in the company of two significantly older males at 10pm. The males have no reasonable association with the child. The child presents as unwilling to leave voluntarily with the Officer, however there is reasonable cause to believe that the child is at risk of harm. The Police Officer, with the agreement of a Senior Officer, is able to exercise their Powers of Protection by removing the child to suitable, safe accommodation.

Police and Criminal Evidence Act 1984 (PACE)

Section 17 (1) Police and Criminal Evidence Act 1984 (PACE) (Victim)

S17 (1) PACE provides the police with the power of entry and to search a premises where they have reasonable grounds to believe a person they seek are within the dwelling. If a child is present in the dwelling and the police believe the child to be at risk of harm, then the police may exercise their powers of protection to remove the child from the dwelling to a place of safety.

Scenario

Police attend a property where they believe a missing child may be. The occupant states that the child is not there and refuses to allow the Officers to enter the property to look for them. Police are able to exercise their power of entry under S17 PACE to enter the property.

National Referral Mechanism (NRM) - Modern Slavery Act 2015 (Victim)

The Modern Slavery Act 2015 reiterates existing powers in relation to trafficking and exploitation. Under the act, agencies have a Duty to Notify in relation to anyone who is believed to be a victim of Human Trafficking (including internal trafficking within the UK).

NRM referrals can be made by first responders who are: Police forces, UK Border Force, Home Office, Local Authority, Health, Salvation Army, Barnardo's, NSPCC, Refugee Council and other voluntary sector organisations.

All CSE victims are likely to be eligible for NRM Conclusive Grounds decisions and a referral should be considered as part of the safety plan. NRM should be considered for any CSE victim where there is movement and exploitation. There does not need to be conclusive evidence, the threshold is that trafficking is 'suspected but cannot be proved'.

Young people, who may travel by public transport to premises where they are being sexually exploited, can still be described as trafficked where the arrangements for this travel are made by someone who has power over them by virtue of grooming/ coercion or threat. An individual does

not have to directly move a young person (e.g. collection by a car driven by trafficker) for consideration to be given to trafficking offences.

NRM provides a number of safeguarding and disruption options in relation to CSE victims and offenders. It is especially useful where victims are between 16 years and 18 years as the age of consent for sexual activity does not impact upon prosecutions for trafficking offences in the same way that it may for sexual offences. Trafficking offences can be prosecuted without a statement from a victim.

Scenario

A 16 year old girl is found in a hotel with an adult male with evidence of sexual activity. There is evidence of drugs/alcohol in the room and the adult male is known to the police for previous sexual offences. Both state that the sexual activity is consensual. If the child has an NRM conclusive grounds decision which identifies her as a victim of trafficking, then the police should take independent accounts and consider taking positive action to arrest the adult and safeguard the victim.

Tactical Options

Barnardo's Trafficking Support Line (0800 043 4303) can offer advice on safeguarding for trafficking victims and can support the completion of NRM Referrals.

Modern Slavery and Human Trafficking Unit (MSHTU) can offer advice on safeguarding, disruption and prosecution relating to trafficking.

Telephone **08447782406** e-mail modern.slavery@nca.x.gsi.gov.uk

Forced Marriage Protection Order (FMPO) - Family Law Act 1996 - Section 63A (Victim)

An FMPO should be obtained by the Local Authority but can be obtained by the police through Legal Services or by any person with permission of the court, including a relevant third party, or by the individual being threatened with forced marriage/in a forced marriage, even if they are a child.

The Order aims to protect any person from being forced into marriage.

The Order can contain any prohibitions, restrictions and requirements as are considered necessary by the court.

A power of arrest can be attached to a FMPO. A breach of this Order is deemed to be contempt of court, and could result in a fine or imprisonment.

Scenario

A 16 year old female has been assessed as at risk of sexual exploitation. Despite advice and support, her parents were unable to recognise that she was not to blame and remained extremely angry with her for going missing and drinking alcohol. They thought that sending her to family in another country to be married would stop her behaviour. The girl told her social worker who reported it to the Police. They brought an application under the Family Law Act on her behalf and a FMPO was issued preventing her parents from arranging her marriage, applying for a passport for her or contacting her. To ensure no repercussions on the child's safety or attempts at breaching the order she was placed in alternative, safe accommodation.

Independent Sexual Violence Advisors (ISVA) and Sexual Assault Referral Centres (SARC) (Victim)

Any victim of sexual assault, including CSE victims, can be taken to a SARC for forensic and medical examination to gather evidence for criminal investigation. This requires the consent of the victim. The SARC can also provide support and advice for the victim. All victims of sexual assault are eligible for a referral to an ISVA who can support the victim with a range of issues including taking them through any Court processes and proceedings and offering post Court support.

Health Services and Child Sexual Exploitation

Health professionals have a significant role to play in identifying and referring children who may be at risk of CSE. They may be able to contribute to disruption activities by passing on relevant information to other agencies but also working closely with colleagues in educational and other settings.

Workers in all health settings should make sure that:

- They are knowledgeable about the indicators that a child may be experiencing sexual exploitation.
- They raise any concerns with the Safeguarding Lead within their organisation who will ensure that the correct procedure is followed.
- They share information as required, for example with Social Care colleagues.
- They submit intelligence which may assist Police work through the Safeguarding Lead in their organisation.

Perpetrator Based Considerations

Positive action should always be the start point when tackling perpetrators. There is no single piece of legislation or power to provide the panacea to tackling CSE; all options should be considered including Civil and Criminal Orders and the use of overt and covert tactics. Where possible prior to any course of action being implemented, as much as possible should be understood about the nature of the abuse and the profile of the suspected/confirmed victim, offender and location. This should be considered in conjunction with the need for timely action to safeguard victims and disrupt offenders.

Perpetrators are becoming increasingly sophisticated and often victims do not recognise that they are being exploited. Often investigations can cross regional and sometimes national boundaries. Practitioners are becoming more experienced in dealing with CSE and law enforcement agencies are increasingly supported by intelligence from partner agencies. This should be considered at an early stage of planning as there is the potential for intelligence from other areas/ agencies to significantly influence local activities.

Injunctions to Prevent Gang-Related Violence and Drug-Dealing Activity Section 51 Serious Crime Act 2015 (Offender)

Applications for a 'gang injunction' can be made by a Local Authority or by the police. Consideration should be given to the nature of the evidence and the custodian of that evidence (in most cases the police will hold the evidence on their systems) and a decision made as to lead agency.

The court must think it is necessary to grant the injunction:

- to prevent the respondent from engaging in, encouraging or assisting, gang-related violence or gang-related drug-dealing activity or;
- to protect the respondent from gang-related violence or gang-related drug dealing activity.

The injunction can remain in place for a maximum of 2 years. Breach of the injunction will be in contempt of court, and can be subject to a fine or imprisonment, depending on the nature of the breach.

Section 1 Anti-Social Behaviour, Crime and Policing Act 2014 (Offender)

Local Authorities, Police or Housing Providers can apply to the court for these injunctions. An injunction stops or prevents individuals engaging in anti-social behaviour. This can include conduct that has caused, or is likely to cause, harassment, alarm or distress; or conduct capable of causing nuisance, including housing-related nuisance. They may be useful to prevent persons of concern from attending locations such as schools or children's homes.

An injunction can include prohibitions including exclusions from areas or a home as well as positive requirements.

Where a housing tenant has breached a civil injunction the landlord, including housing authorities, can make an application to court for possession of their property, regardless of the tenure held.

Breach of an injunction does not automatically result in arrest as not all will have powers of arrest attached. An application can be made for a warrant of arrest where an injunction is breached. This could result in imprisonment not exceeding 2 years and/or a fine.

Criminal Behaviour Order - Section 22 Anti-Social Behaviour, Crime and Policing Act 2014 (Offender)

This Order can be suggested by a Local Authority or the Police and it would be requested through the Prosecution upon conviction of an Offender when they receive a sentence or a conditional discharge.

A Criminal Behaviour Order (CBO) prohibits the offender from doing anything described in the order and can also include positive requirements (mentoring, anger management, drug rehabilitation).

Breach of this order is punishable by up to 5 years imprisonment and/or a fine.

Child Abduction Warning Notices (CAWN) - Section 2 Child Abduction Act 1984 (Offender)

Child Abduction Warning Notices can be issued by the police to disrupt contact between an adult and a child or young person where the child is aged 16 years or under, or aged 18 years or under if they are subject to a full care order.

It is an offence for a person not connected to the child to take the child away 'without legal authority'. In such cases, the police may remove the child to a place of safety and issue a formal warning to the perpetrator. CAWNs are issued to suspects/ associates who are believed to place the child at risk of offences being committed against them.

Although these cases do not require a complaint from the child, it does require the child's parent or guardian to give permission for the notice to be served.

CAWNs are a useful tool in terms of immediately breaking contact between the child and the individual grooming or exploiting them. They are also useful in ensuring that the suspected perpetrator cannot claim they did not know the age of the child.

The Breach of a CAWN is not a criminal offence; however, they can provide evidence to support a prosecution under Sec 2 Child Abduction Act 1984 and/or to support applications for Sexual Risk Orders, Civil Injunctions or evictions.

Tactical Options

Ensure that any Child Abduction Warning Notice that is served on an individual is recorded on Police Intelligence systems and PNC together with the location of that notice so that it can be used in evidence if the suspect is arrested.

Consider offences of Abduction of Children in Care / Abduction of a child by other person's in the event of a breach.

Abduction of Children in Care Section 49 Children Act 1989 (Offender)

Where a Child Abduction Warning Notice is breached, Police may give consideration to proceeding with criminal charges for the Abduction of a Child in Care, which is a criminal offence.

It is an offence if someone knowingly and without lawful authority or reasonable excuse:

- takes a child who is subject of a care order, emergency protection order (EPO) or powers of police protection away from the responsible person,
- keeps the child away from the responsible person
- Induces assists or incites such a child to run away or stay away from the responsible person.

Criminal charges for Abduction of a Child in Care can result in imprisonment for up to six months, a fine not exceeding £5000 or both.

Abduction of Child by Other Persons - Section 2 Child Abduction Act 1984 (Offender)

Where a Child Abduction Warning Notice is breached, consideration may be given to proceeding with criminal charges for the Abduction of a Child by Other Persons, which is a criminal offence.

This provides an offence in relation to the taking or detaining of a child under 16 years:

- where the offender is not connected with the child so as to remove him from the lawful control of any person having lawful control of the child
- to keep him out of the lawful control of any person entitled to lawful control of the child.

It is a defence for the defendant to show that he believed the child to be over the age of 16 years.

Recovery Order - Section 50 Children Act 1989 (Offender)

Where a child has been unlawfully taken or kept away from a person with lawful control of the child, a court can make a Recovery Order directing the person to produce the child to a specified person, usually police. The Order also requires anyone with information about the whereabouts of the child to disclose the information to police. In addition, if the Court is satisfied there are reasonable grounds to believe the child is present at specified premises then the Order will authorise the police to enter those premises to search for the child.

The application can be made by the Local Authority if the child is subject to a Care Order or Emergency Protection Order or by the police if the child is subject to Police Powers of Protection.

Deliberate obstruction of an officer carrying out actions defined by the order is an offence and could lead to a fine being imposed.

Sexual Offences Act 2003 (Offender)

The Sexual Offences Act 2003 introduced a range of offences that recognise the grooming, coercion and control of children.

Section 14 Arranging or Facilitating a Child Sex Offence (child under 16)

This makes it an offence for a person to intentionally arrange or facilitate any action which he intends to do, intends another person to do or believes that another person will do, in any part of the world, which will involve an offence being committed against a child under any of sections 9 to 13 of the Sexual Offences Act 2003 (includes sexual activity with a child).

Section 15 Meeting a Child Following Sexual Grooming (child under 16)

If an adult (aged 18 or over) has communicated with a child under 16 (including over the internet) on at least two occasions and communicates plans to meet up with them, then an offence is committed. It is not necessary for the adult to set off on the journey.

The adult must intend to commit a sexual offence and must not reasonably believe the child to be over 16.

Scenario

An adult makes contact with a child via social media, and they start to talk. The adult encourages conversations of a sexual nature, asking about sexual experience and suggesting sexual activities. The adult requests to meet the child who is initially reluctant, but the adult is persistent using flattery and sexual language. The child's parents find the conversations on the child's laptop and report it to the Police who pursue an investigation into section 15 of the Sexual Offences Act – Meeting a child for sexual grooming.

Section 15a Sexual Communication with a child

An adult who intentionally communicates with a child u'16 (e.g. by e-mail, text message, written note or orally) and the communication is sexual or it is intended to elicit a communication that is sexual. The offence is committed whether or not the child communicates with the adult

Section 47 Paying for the Sexual Services of a Child

Section 48 Causing or Inciting the Sexual Exploitation of a Child

Section 49 Controlling a Child in relation to Sexual Exploitation

Section 50 Arranging or Facilitating the Sexual Exploitation of a Child

Sexual Risk Orders (SRO) - Section 122 of SOA 2003 (as amended by section 113 Anti-Social Behaviour, Crime and Policing Act 2014) (Offenders)

Sexual Risk Orders can be made by a court where a person has carried out an act deemed to be of a sexual nature and who, as a result, is believed to pose a risk of harm to children.

“Acts of a sexual nature” are not defined in legislation so can be dependent upon the individual case circumstances, context and apparent motive (e.g. an adult in a hotel room or car with a child, giving drinks or drugs to a child, trying to facilitate time alone with the child).

The Orders prohibit the defendant from doing anything described in the Order, and can include a prohibition on foreign travel (replacing Foreign Travel Orders which were introduced by the Sexual Offences Act 2003) and Internet use.

An SRO can be granted for a minimum of 2 years, and has no maximum duration. The Order may specify different time periods for different prohibitions.

Interim SROs can be granted while a suspect is on bail and even if the criminal case fails on evidence the SRO application could continue.

SRO's do not make the individual subject to the notification requirements for registered sex offenders however; it does require the individual to notify police of:

- **Their name**
- **Their home address**
- **For the duration of the order**

Other benefits are that an offender does not need to be in Court for the Order to be granted and they can also be served on under 18s who pose a sexual risk.

N.B careful consideration must be given to ensure that a child who poses a sexual risk to others should also have their welfare needs met and consideration should be given to recognising them as a victim and safeguarding them.

Breach of a Sexual Risk Order is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.

Sexual Harm Prevention Orders (SHPO) - Section 103 of SOA (as amended by section 113 Anti-social Behaviour, Crime and Policing Act 2014) (Offender)

Sexual Harm Prevention Orders can be applied for where an individual already has a schedule 3 or 5 offence under the Sexual Offences Act 2003, which incorporates a wide variety of offences and it can be argued that someone is likely to cause further sexual harm.

The Orders prohibit the defendant from doing anything described in the Order, and can include a prohibition on foreign travel (replacing Foreign Travel Orders which were introduced by the Sexual Offences Act 2003) and Internet use.

A prohibition contained in a Sexual Harm Prevention Order has effect for a fixed period, specified in the Order, of at least 5 years and there is no maximum time period. The Order may specify different periods for different prohibitions.

An SHPO makes the individual subject to full notification requirements for registered sex offenders for the duration of the Order.

Breach of a Sexual Harm Prevention Order is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.

Notification Orders - Section 97 Sexual Offences Act 2003 (Offender)

Notification Orders can be applied for by police where an individual has been convicted or cautioned of a specific sexual offence in a country outside of the UK on or after 1st September 1997.

The police do not have to evidence that the individual poses a risk to the public, and if the Order is granted the individual will be subject to notification requirements for registered sex offenders.

Police are encouraged to conduct thorough checks into perpetrators who may have travelled overseas or come to the UK from another country.

Breach of the order is a criminal offence which has a power of arrest and is punishable by a maximum of five years imprisonment.

Modern Day Slavery Legislation

Human Trafficking - Part 1 Section 2 Modern Slavery Act 2015 (Offender)

A person commits an offence if they arrange or facilitate the travel of another person with a view to that person being exploited.

It is irrelevant whether the victim consents to the travel, whether they are an adult or a child.

A person may in particular arrange or facilitate travel by recruiting, transporting, transferring, harbouring or receiving the victim, or by transferring or exchanging control over them.

To proceed with criminal charges for the offence of Human Trafficking, evidence must show that:

- the person intends to exploit the victim during or after the travel, or
- the person knows or ought to know that another person is likely to exploit the victim during or after the travel

The offence of Human Trafficking carries a maximum sentence of life imprisonment.

Slavery and Trafficking Risk Orders - Section 23 Modern Slavery Act 2015 (Slavery and Trafficking Risk Orders) & Section 28 Modern Slavery Act 2015 (Interim Slavery and Trafficking Risk Orders) (Offender)

A Slavery and Trafficking Risk Order can be obtained by police, National Crime Agency (NCA) or immigration officers by making an application to court.

The STRO may be made if there is a risk that the defendant will commit a slavery or human trafficking offence, and that the Order is necessary to protect against the risk of harm from the defendant committing the offence.

It may impose any restriction the Court deems necessary for the purposes of protecting the public from harm.

An Interim Slavery and Trafficking Risk Order will prohibit the defendant from doing anything described in the order and can be used where an application for a Slavery and Trafficking Risk Order is yet to be determined. STROs can be made for a minimum of 2 years, with no maximum duration. Breach is a criminal offence and could result in up to 5 years imprisonment.

Scenario

A 16yr old male known to be at serious risk of CSE is found after a missing episode at a hotel with a significantly older adult male, and there is evidence of sexual activity. Both state that the sexual activity is consensual. If the child has an NRM conclusive grounds decision which identifies him as a victim of trafficking, then the police should strongly consider taking positive action to arrest the adult and safeguard the victim. Officers should consider possible offences and search for evidence of these. If this is unsuccessful, or where increased protection is required, an application for an STRO should be considered to disrupt offending behavior and safeguard victims. A child in this situation would not have to have an NRM conclusive grounds decision for positive action to be taken and an STRO application to be made, however it would be beneficial in terms of the evidential threshold.

Slavery and Trafficking Prevention Orders (STPO) Section 14 - Section 15 Modern Slavery Act 2015 (Offender)

Slavery and Trafficking Prevention Orders can be obtained by police, National Crime Agency (NCA) or immigration officers.

The purpose is to prevent and prohibit convicted defendants from activities which enabled them to commit offences of human trafficking and slavery.

The court can impose any prohibition they deem necessary for the purpose of protecting an individual's physical or psychological harm.

STPOs on application enable the courts to place restrictions on individuals convicted or cautioned for modern slavery type offences whether the offence took place before or after Part 2 of the Modern Slavery Act 2015 which commenced on 31 July 2015. Convictions include spent convictions.

STPOs can be served for a minimum of five years and breach is an offence punishable with up to five years imprisonment.

NB: Greater Manchester Police obtained the first Slavery and Trafficking Prevention Order in July 2016. <http://www.gmp.police.uk/content/WebsitePages/2F7D42D76D4DC27180257FF600388C9D>

Tactical Options

Modern Slavery and Human Trafficking Unit (MSHTU) can offer advice on safeguarding, disruption and prosecution relating to trafficking.

Telephone **08447782406** e-mail modern.slavery@nca.x.gsi.gov.uk

Arrangements for assessing risks posed by certain offenders - Section 325 Criminal Justice Act 2003 (Offender)

The police and probation services as the 'responsible authority' have a duty to establish arrangements for assessing and managing the risks posed by sex offenders and other potentially dangerous offenders in the community.

CSE Perpetrators could be considered for management through MAPPA (Multi-Agency Public Protection Arrangements) / CMOG / CSE Perpetrator Forums or other procedures for managing offenders, due to their potential to cause serious harm by committing sexual or violent offences.

The responsible authority for each area must, in the course of discharging its functions under arrangements established by it under Section 325, consider whether to disclose information in its possession about the relevant previous convictions of any child sex offender managed by it to any particular member of the public.

The disclosure of information to third parties is a useful 'restrictive intervention' to reduce opportunities for harmful behaviour.

Tactical Options

MAPPA Referral – If the appropriate criteria are met, you could refer the perpetrator into MAPPA (Multi-Agency Public Protection Arrangements), PDP (Potentially Dangerous Persons) or Serial Perpetrators of Violence (SPOV) project.

Briefing – Police should routinely circulate pictures and details of potential victims and perpetrators along with their vehicle details to Neighbourhood Police Units, response staff and PCSOs. This ensures that staff are aware, can obtain intelligence and intervene where possible, e.g. stopping known vehicles and using police protection powers where potential victims are found in the company of suspected perpetrators.

Controlling or Coercive Behaviour in an Intimate or Family Relationship - The Serious Crime Act 2015 (Offender)

Controlling or Coercive Behaviour is a key component of CSE, and it is an offence where it is committed within an intimate or familial relationship. Some cases of CSE could be eligible under this Act due to the element of 'intimate relationship'.

A person commits an offence if they:

- Repeatedly or continuously engage in behaviour towards another person that is controlling or coercive,
- at the time of the behaviour, the offender and victim are personally connected (includes in an intimate relationship) the behaviour has a serious effect on the victim, and
- the offender knows or ought to know that the behaviour will have a serious effect on the victim

The behaviour is deemed to have a serious effect on the victim if:

- It causes them to fear, on at least two occasions, that violence will be used against them
- It causes them serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities

Scenario

A 16 year old female alleges that she is in a relationship with a significantly older adult male. She is estranged from her family and living with the male. There is intelligence and information to suggest that he has been grooming and sexually exploiting her since the age of 14 but the female is currently claiming that the relationship is consensual and there has been no sexual contact prior to her 16th birthday. There are concerns over her emotional wellbeing, self-harm, class A drug use and physical health. She has presented with physical injuries previously that are believed to be a result of domestic abuse. Professionals are attempting to intervene and offer essential medical, practical and emotional support. When she has presented at appointments, he has accompanied her. She has refused safe alternative accommodation as she is fearful of what he will do if she attempts to live independently. The Police could consider an offence of Coercive Control.

Restraining Orders & Non Molestation Orders - Section 42 Family Law Act 1996 & Section 12 Domestic Violence, Crime and Victims Act 2004

Restraining Orders should be considered by police in any CSE related prosecution even where the victim has not requested the order to be made.

Restraining Orders are made by a court under Section 12 of the Domestic Violence, Crime and Victims Act 2004 and allow a court to make an Order either on the conviction or acquittal of a

defendant for any offence where the court believes a restraining order is necessary to protect a person from harassment. The terms may be set by the court.

If the Restraining Order is breached, the defendant may be subject to imprisonment for a term not exceeding five years, or a fine, or both.

Non Molestation Orders (Section 42 Family Law Act) can be considered where an offender is deemed to be an 'associated person' and can restrict contact and harassment of a victim. 'Associated persons' are usually family members or spouses; however there is eligibility for one member of a non-cohabiting couple where there has been an intimate personal relationship with each other which was of significant duration.

Forfeiture of Detained Cash - Section 298 Proceeds of Crime Act 2002 (Offender)

Police Financial Investigation Units can apply to Magistrates for Forfeiture of Detained Cash after police have seized over £1000 of cash under Proceeds of Crime Act where they have reason to believe that the cash has been generated through criminal activity or is likely to be used to fund criminal activity.

Automatic Number Plate Recognition (ANPR) (Offender)

Vehicles are a common feature of CSE investigations, for example:

- To collect and transport victims
- To act as the location for sexual abuse
- Used by perpetrators for targeting and grooming potential victims

Police can use ANPR entries and PNC flags to ensure that vehicles believed to be being used for these purposes are stopped and checked regarding the presence of potential victims or evidence of CSE related activity.

Police should submit Vehicle Registration Marks (VRM) to their respective intelligence teams to ensure that vehicles believed to be being used for CSE purposes are stopped and checked regarding the presence of potential victims. It is essential that clear directions are given to officers who may stop the target vehicle in terms of action to be taken.

The primary objective is to safeguard any vulnerable child in the vehicle, conducting full intelligence checks and considering police protection.

Police should also obtain full details of all other occupants, taking positive action to arrest where appropriate or submitting details for intelligence purposes. It may be necessary for the vehicle to be preserved for forensic examination.

Asylum and Immigration (Offender)

If you suspect that a perpetrator may be a recent arrival in the UK, or may be in the country illegally, you should make enquiries with UK Visa & Immigration Service to establish their immigration status.

Contact Centre **0843 504 7198**

Government Agency Intelligence Network (GAIN) (Offender/ Location)

GAIN is part of the Eastern Region Serious Organised Crime Unit (ERSOU) and they support investigations into criminal activity by identifying opportunities to disrupt and reduce the threat of serious and organised crime.

GAIN officers are able to access a wide range of systems and databases which enable them to look at, for example the financial activities of perpetrators as well as legal documentation.

They may be particularly useful where police are unable to find evidence for charges, so may call on GAIN for any evidential material such as hotel visits, regular payments into or out of bank accounts etc. GAIN may also be useful when a perpetrator needs to be disrupted by any means, such as out of date vehicle documentation, tax evasion, benefits fraud etc.

Location Considerations

Community Safety Partnerships should be key partners in developing plans to disrupt CSE activity and where practicable the use of Local Government Legislation: byelaws should be considered as a disruptive enforcement tactic.

Community Protection Notice (CPN) - Section 43 Anti-Social Behaviour, Crime and Policing Act 2014

Can be issued by; a Local Authority, Police or an agreed designated person such as a social housing landlord.

The aim of a CPN is to prevent persistently anti-social conduct by individuals or businesses which is having a detrimental effect, of a continuing nature, on the community's quality of life.

Where there is unreasonable behaviour affecting a community's quality of life, a warning can be given. If there is no improvement, then a notice can be given which can make clear the requirement:

- To stop doing specific things
- To do specific things
- To take reasonable steps to achieve specific results.

Failure to comply with a CPN is a criminal offence and could result in a fine or prosecution.

Dispersal Powers - Section 35 Anti-Social Behaviour, Crime and Policing Act 2014

A senior police officer is able to authorise the use of dispersal powers in a specified area for up to 48hours, in order to reduce the likelihood of members of the public being harassed, alarmed or distressed, or to reduce the likelihood of crime and disorder in the locality.

The officers can require a person committing, or likely to commit, antisocial behaviour, crime or disorder to leave an area for up to 48 hours.

Under S37 of this act, officers may also require persons to surrender any property which is believed to have been used or is likely to be used as part of behaviour which causes harassment, alarm or distress or to commit a criminal offence.

Failure to comply with the dispersal direction could lead to a fine and/or up to three months imprisonment.

Scenario

You have reason to believe that an area within a local estate is used at weekends by adults in order to target and groom children for the purposes of CSE. An Inspector from the local police team authorises a Dispersal Order which prevents the group from congregating in this area and disrupts a developing pattern of CSE related behaviour.

Closure Orders - Section 80 Anti-social Behaviour, Crime and Policing Act 2014

The police or local authority can issue a Closure Notice in order to be able to close premises (business or residential) which are being used, or likely to be used for activity relating to child sexual exploitation.

A Closure Notice can be served to immediately close down the premises for a period of 48 hours. Once this has been issued, an application to the Court would need to be made for a full Closure Order which can close the premises to anyone including the owner for up to 3 months.

Breach of a Closure Order is a criminal offence which could result in imprisonment.

Scenario

It is identified that a number of young people are frequenting a snooker club during missing episodes. Upon further investigation, it appears that the adults at the club are providing them with alcohol and drugs. One young person has reported having sex with an adult at the venue. Given this information the Police have reasonable grounds to believe that the club is being used for CSE and as such they work closely with licensing and are able to service a Closure Notice and subsequently a Closure Order which has shut the property down and disrupted the activity. There could also be a number of criminal charges against the adults involved.

Absolute Ground for Possession - Section 94 Anti-Social Behaviour, Crime and Policing 2014

This can be obtained by private sector landlords and social landlords, including local authorities and housing associations.

If the tenant, household member or visitor is convicted of a serious offence or one of the specified orders in the Act, the landlord can expedite their eviction through the court process to speed up the eviction process for the benefit of the victim, and have mandatory grounds for possession of the property.

Tactical Options

If you believe a potential perpetrator is in breach of tenancy agreements or housing conditions, you should liaise with housing officers, tenancy enforcement and landlords with recommendations to take action against the perpetrator

Reviews of Licensed Premises - Licensing Act 2003

Partners can request a license review for a licensed premise where there are concerns that they are acting otherwise than in accordance with licensing conditions and the Licensing Act 2003.

Licensed premises have a duty to protect children on their premises from harm, including CSE (revised guidance added to the Act in 2015).

Following the review, Licensing Departments may offer advice and education to the premises about adhering to their license conditions; to bring compliance, or they may prosecute them for breach of their license.

Where licensed premises are a location of concern relating to CSE, Licensing Teams should always be informed and consulted regarding possible action which could be taken.

Hotels in relation to Child Sexual Exploitation - Sec 116-118 Anti-Social Behaviour, Crime and Policing Act 2014

In addition to considering other disruption options, a senior police officer can issue a written notice to the owner, operator or manager of a hotel or a similar establishment which they reasonably believe has been, or will be used for CSE or related activities.

The hotel operator is required, upon request to provide information to the police such as guest's name and address, and other information about guests which could be readily obtained from guests themselves.

The information supplied can be used as intelligence to support any investigation into criminal offences which may have been or are being committed on the premises.

Failure to provide requested information, or giving false information, is a criminal offence and could result in a fine.

Tactical Options

Where hotels / guesthouses / B&B's are known or suspected to be frequented by CSE perpetrators or victims and the management are failing to prevent this, you should consider:

- Liaising with Trading Standards regarding compliance with legislation, e.g. under the Business Names Act 1985 owners of hotels must display a notice showing the owner's name where it is not the same as the business name, and regulations, e.g. fire regulations and registers must be kept of guests over 16 years of age;
- Liaising with Local Authority Licensing Team regarding compliance with licensing legislation and conditions;
- Police, Licensing and/or Trading Standards conducting routine high visibility visits and patrols;
- Holding meetings with area and regional management for franchises and hotel chains;
- Issuing Child Abduction Warning Notices for management and staff where it is believed that they are complicit in the abuse taking place at the premises;
- Seizing CCTV footage and guest registers;
- Forensic examination of rooms;
- Obtaining payment details used by perpetrators;
- Covert observations

Parks and Open Spaces

Public Spaces Protection Order (PSPO) - Section 59 Anti-social Behaviour, Crime and Policing Act 2014

Local authorities can issue PSPOs after consultation with partner agencies. They can be enforced in areas such as parks and town/ city centre locations.

A PSPO prevents unreasonable continuing behaviour such as congregation by groups causing ASB and/ or consuming alcohol from occurring in a particular area and/or requires things to be done by individuals carrying out a specific activity in that area. Where these activities are believed to be linked to CSE activity, a PSPO should be considered.

Scenario

Information and intelligence from a number of sources indicated that a local park was being used by perpetrators to target and groom children, and that sexual activity is taking place within the park. In partnership with the Police and local agencies the Local Authority issued a PSPO which placed restrictions on activity within the area, disrupting the CSE and wider public safety and anti-social behaviour concerns.

Tactical Options

Parks can be the location of initial contact between victim and perpetrator; or sexual offences.

In addition to considering other disruption options (such as a PSPO), if you identify a particular park as featuring regularly in CSE related incidents, Local Authority, Police and appropriate partners should liaise to agree a joint action plan and consider:

- High visibility patrols with stop checks of potential victims / perpetrators and submitting intelligence.
- Use of covert surveillance.
- Briefing park staff / park rangers regarding CSE signs and indicators as well as specific concerns/ perpetrators / victims.
- A review of any available, CCTV and tasking of CCTV operators (consider using warning notices regarding police patrols/CCTV etc.)
- Installing lighting if specific locations are identified.
- Outreach work in the area by youth service providers.

Town Centres

Tactical Options

In addition to considering other disruption options, if you identify locations of concern in city/town centres, e.g. fast food takeaways, bus stations or other particular locations, you should consider:

- Briefing police community support officers (PCSOs) and neighbourhood policing units (NPU) and requesting high visibility patrols.
- CSE awareness briefings to relevant staff from other agencies (local authority, security guards, town centre staff, bus station staff etc.)
- Reviewing available CCTV and tasking of CCTV operators (consider using warning notices regarding police patrols/CCTV etc.)
- Use of covert surveillance.
- Installing lighting if specific locations are identified.
- Outreach work in the area by youth service providers.

Night Time Economy

Tactical Options

Night Time Economy (NTE) refers to businesses which operate late into the night, for example pubs, clubs, takeaways, adult entertainment venues etc.

In addition to considering other disruption options, if a NTE business is linked to CSE incidents, you should consider:

- Providing CSE awareness briefings to staff and management.

- Briefing police community support officers (PCSOs) and neighbourhood policing units (NPU) and requesting high visibility patrols at relevant times.
- Liaising with Local Authority Licensing and Trading Standards regarding compliance with legislation and conditions.
- Use of Child Abduction Warning Notices.
- Liaising with the Department of Work and Pensions and UK Visas and Immigration regarding concerns about potential illegal employees.
- Prosecution if evidence is available regarding offences including child abduction or s14 Sexual Offences.
- Covert surveillance including potentially mobile surveillance where it is suspected victims are being trafficked from premises.

Taxi and Private Hire Vehicles

Town Police Clauses Act 1847 / Part II of Local Government (Miscellaneous Provisions) Act 1976

Tactical Options

In addition to considering other disruption options, if a taxi or private hire vehicle or business is causing concern in relation to CSE incidents, you should consider:

- Liaising with Local Authority Licensing Service regarding compliance with legislation and conditions of license. Also consider whether individuals have completed CSE Awareness training as part of license conditions.
- Briefing police teams including CMPG and traffic police teams.
- Referral to Local Authority Licensing Service for consideration of suspension or revocation of license. These decisions can be made on the civil burden of proof – balance of probabilities.
- Submitting vehicle details for ANPR systems and flagging on PNC to ensure that vehicles believed to be being used for these purposes are stopped and checked regarding the presence of potential victims.
- Obtaining copies of operator records or vehicle journey logs and passenger information from private hire operator, Taxi circuit or taxi driver
- Prosecution if evidence is available of offences including child abduction, s14 sexual offences or trafficking.

Children's Homes/ Parents/ Carers

Tactical Options

Parents/ carers and children's homes are vitally important in disrupting CSE. In order to support them to do so, please consider the following:

- Liaise with providers/ parents/ carers to ensure that unauthorised absence incidents not reported to the police are being recorded by the local authority and patterns notified to the police.

CSE victims and those identified via a marker as being of a CSE concern, should always be reported to Police as MISSING and no child with a CSE risk should be recorded as ABSENT.

- Provide providers/ parents/ carers with an allocated police officer who they can contact to discuss concerns or potential evidence regarding a child at risk of or experiencing CSE.
- Ensuring providers/ parents/ carers have sight of police/children's services action plans agreeing joint actions should the potential victim go missing. This ensures clear understanding of their responsibilities.
- Where possible providers/ parents/ carers should be briefed regarding identities, photos and vehicle details of potential perpetrators and supported to gather and submit intelligence regarding incidents, e.g. details of vehicles seen etc.
- Providers/ parents/ carers should be supported to enable them to collect potential sources of evidence, e.g. mobile 'phone lists (often kept by victims who fear their sim cards may be confiscated) and underwear/clothing when the victim returns and it is believed sexual activity has taken place
- High visibility patrols at relevant times by providers and where necessary by Police
- Consideration given to covert observations and potentially mobile surveillance if home is considered to be a pick up point
- Consider moving the victim to new accommodation to prevent contact and break up groups of victims who may go missing together. Any placement move must be carried out in accordance with statutory guidance and in consultation with the child's IRO (Independent Reviewing Officer).

Schools and Educational Premises

Tactical Options

Due to the concentration of children and young people in one place, schools have been identified as places where targeting can occur.

In addition to considering other disruption options, if you have concerns regarding a school in relation to its pupils specifically being targeted, you should consider:

- Briefing staff with identities, photos and vehicle details of potential perpetrators.
- CSE awareness briefings to all members of staff and pupils.
- Allocating a police officer to be a point of contact for school staff who may have concerns about CSE activity.
- Regular meetings between police, local authority and school designated safeguarding lead to discuss concerns and action plan for safeguarding pupils.

- Ensuring staff are aware how to report and submit intelligence via FIB form and tasking police intelligence with mapping this.
- School staff to record all unauthorised absence incidents, especially for those young people CSE concerns.
- Encouraging school not to exclude children and young people who are at risk of, or experiencing CSE, or reduce their timetable, as this means they have more 'free' time which places them at increased risk from perpetrators.
- High visibility patrols at relevant times by school staff and police.
- Covert observations and potentially mobile surveillance with the school as a pick up point.

Fire & Rescue Services Act 2004

Fire Officers may be eligible to enter premises causing concern relating to CSE on fire safety, or health and safety grounds. This may enable officers to ascertain whether there are any signs of CSE related activity at the premises, and may prove especially useful where there are concerns about the use of premises, but not enough evidence for a police warrant to be issued.

You may wish to consider including Suffolk Fire Service as a virtual member of your CSE and Missing Operational Group (CSEG).



Denise Whiting

Deputy Safeguarding Lead &

Operational Coordinator Prevention

✉ denise.whiting@suffolk.gov.uk

📞 01473 260588

📞 07768 796553

Suffolk Fire and Rescue Service

Fire and Public Health Directorate

Endeavour House, 8 Russell Road, Ipswich, IP1 2BX.

Suffolk Fire and Rescue Service have powers of entry under the Fire Services Act 2004 and the Regulatory Reform (Fire Safety) Order 2005. A summary of these powers and the relevant sections of these Acts are given below:

Fire Services Act 2004

Section 44 of the above act permits authorised employees of the fire and rescue authority (FRA) to do anything he reasonably believes is necessary if he reasonably believes a fire has broken out or is about to break out for the purpose of extinguishing or preventing the fire or protecting life or property and /or to limit damage to the property.

The employee of the FRA may enter premises by force if necessary without consent of the owner/ occupier of the premises in relation to the above actions.

Regulatory Reform (Fire Safety) Order 2005

Article 27 details the powers of inspectors and can be summarised as:

An inspector shall have power to do at any reasonable time, Enter premises which he has reason to believe is necessary for the purpose of inspecting part or all of the premises. Reasonable time is generally 24 hrs notice. Premises are as defined by the order and generally cover all with the exception of domestic premises (private dwelling).

It should also be noted that there are the references in the Regulatory Reform (Fire Safety) Order 2005 to the employment of young people. In these cases any risk from fire must be detailed in the risk assessment (Article 9) taking into consideration the immaturity of young people, the layout, equipment, risks, processes and activities etc.

Technology Considerations

Police should consider [Section 18/ 32 Police and Criminal Evidence Act 1984 \(PACE\)](#) searches of the perpetrator's premises and vehicles when investigating CSE to preserve and secure relevant evidence.

Mobile phones

Police are able to check mobile phone numbers using certain systems, in an attempt to identify potential perpetrators or other potential victims. In some circumstances, further subscriber checks and reverse billing enquiries can be utilised to widen this network and obtain valuable intelligence.

Patterns of phone calls may also disclose evidential material of value, e.g. if a victim's missing episodes coincide with the receipt of calls from particular numbers.

Where possible, phones belonging to victims and potential perpetrators should be forensically examined as they may contain evidential material in the form of text messages, call logs, social media conversations and indecent images taken with it or sent to it.

If the victim's mobile phone number is known but the victim is unwilling to hand the phone to police, an application can still be made by police to obtain details of all incoming and outgoing telephone calls. This information request is limited to a specified time frame, but would be an option to consider on return from a missing episode.

If police are able to gain possession of the relevant mobile phone either directly from the victim or via the parent/carer, it is possible to extract all relevant data from the phone, including text message content, photos etc. This procedure will be carried out by a phone examiner. In cases of high risk, it is possible for this data to be downloaded in a surprisingly short time, therefore any unexpected possession of a victim's phone, no matter how short, may be an opportunity for data to be extracted. In order for e-forensics to be able to complete an examination under normal circumstances, it would be preferable for them to have the phone for at least 12 - 24 hours.

Billing and historic cell site enquiries can be completed also on the victim's mobile phone under the authority of Regulation of Investigatory Powers Act 2000 (RIPA). There would be a cost implication for the police, but the phone would not need to leave the child's possession for this to occur.

Covert download of phone content (text/digital media/email) would require the phone to be taken into police possession for several hours. This would be beneficial following a missing episode. RIPA authority would be required to examine the content of the phone.

Facebook and Other Social Media

The police can access open Facebook/Twitter pages without the owner being aware that the page is being viewed. Although CSE victims typically only allow access to identified 'friends' this may still disclose some information. Police should consider if deemed necessary gaining the appropriate authority and RIPA legislation to gain further access or where it is being used to inform covert tactics.

Facial recognition software could support with the identification of offenders from social media activity.

Laptops, Computers and Tablets

If a victim is using a laptop, computer or tablet, police may be able to monitor the activity on it. In any investigation, police should seize all computers, phones and storage devices for examination.

Other Considerations

Search Warrants

When police are investigating offences of rape and other serious indictable offences they can use:

- PACE warrants to search premises for material that is likely to be relevant evidence.
- Protection of Children Act 1978 (Chapter 37) allows entry and search where there are reasonable grounds for suspecting the presence of indecent photographs or pseudo photographs of children on the premises.
- S50 Children Act 1989 authorises you to enter and search premises for a child where there is reason to believe that a child who is subject of a care order, emergency protection order or police protection order is being held in circumstances amounting to an offence under s49 of this act (keeping away a child without lawful authority).
- PACE warrants to search premises for material that is likely to be relevant evidence
- Misuse of Drugs Act – If there is a strong link between drug dealing and suspected CSE perpetrators and you are finding it difficult to obtain evidence of CSE offences, you may wish to consider progressing possession/supply offences using warrants under this act.

DNA and Forensic Examination

If there is evidence that some sexual activity has taken place between a perpetrator and a victim, you should consider seizing and preserving evidence, e.g. appropriate items of the victim's clothing. Your management team should do consider this even when no complaint is made.

Scene searches should be conducted with police CSI attendance and advice.

If a victim has been kept at a location, you should record the conditions in which they were kept as well as police conducting a forensic examination, e.g. to identify if the premises have been used by large numbers of offenders for sexual purposes.

DNA may identify a significant number of perpetrators and it is vital that you preserve evidence to support any future disclosures that the victim may make.

CCTV

Police have a number of powers which they can use to seize CCTV to assist with investigations or disruptive activity.

Housing authorities also have CCTV around their properties which they are able to share for safeguarding purposes, for example to ascertain who has entered a specified property of concern, or to identify whether a missing child has been to a particular property.

Vehicle Telemetry

Where there are concerns that a vehicle is involved in CSE and/or trafficking then there are a number of tactical options that could be considered:

- NAVCIS (National Vehicle Crime Intelligence Service) – have a dedicated member of staff who can contact any company asking whether a vehicle has been fitted with a tracker.
- OnStar – all new Vauxhall Motor vehicles, manufactured from August '15 have trackers fitted as mandatory (other than very small basic models).
- Most tracker companies will speak with law enforcement via a signed data protection form
- Most young drivers (under 25's) will have a vehicle telematics box fitted as a condition of their insurance
- 687,000 vehicles have now been fitted with Vodafone SIM's built in (primarily BMW).
- www.dcgfutures-academy.com – any member of law enforcement can register through DCG Futures. Within there is an OEM guide on what telematics are fitted to what vehicle, what data do they retain etc.
- Category 5 vehicles all should have a tracker installed (vehicles £45,000 plus).
- Most tracking companies will also accept requests for investigations involving murder, manslaughter, rape, kidnap, and vulnerable / high risk mispers – on most occasions this service should be free.
- A HPI check (through a financial investigator) will indicate whether a vehicle is fitted with tracker.