



HM Government

Statutory definition of child sexual exploitation

Government consultation

Launch date 12 February 2016
Respond by 11 March 2016

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Introduction

1. The Government is clear that protection from abuse and neglect is a fundamental right for all children. Child sexual exploitation is child abuse, and involves children being persuaded, forced or coerced into sexual activity, believing that they will receive something in return.
2. In March 2015, the Coalition Government published a report “Tackling Child Sexual Exploitation”¹. This set out a national response to the failures we saw in Rotherham, Rochdale, Oxfordshire and elsewhere, where children were let down by the very people who were responsible for protecting them. The report included a comprehensive and targeted set of actions to drive improvements across all parts of the system including healthcare, social care, education, law enforcement and criminal justice agencies.
3. As part of this action plan, the Coalition Government committed to “*Make sure that for the first time all professions work to the same definition of child sexual exploitation, so that they can more easily create joint risk assessments and work together to target disruption and investigate offending*”.

Who this is for

Local Authority Chief Executives

Directors of Children’s Services

Chief Constables

Local Safeguarding Children Board Chairs and partners

Senior managers within organisations who commission and provide services for children and families, including social workers and professionals from health services, adult services, the police, academy trusts, education, youth justice services and the voluntary and community sector who have contact with children and families.

Issue date

The consultation was issued on 12 February 2016.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team at CSEdef.Consultation@homeoffice.gsi.gov.uk.

Additional copies

Additional copies are available electronically and can be downloaded from GOV.UK Home Office consultations

The response

The results of the consultation and the Government’s response will be published on GOV.UK in spring 2016.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408604/2903652_RotherhamResponse_acc2.pdf

About this consultation

4. We are seeking views on two proposals:

- Revising the current statutory definition of child sexual exploitation
- Including the revised definition in the statutory guidance “Working Together to Safeguard Children” (2015)²

The proposed changes are intended to remove any ambiguity and ensure that across all sectors practitioners are working to the same definition. The proposed definition takes account of comments from a range of partners; and reflects our increased understanding of this form of abuse.

We would like to hear your views on our proposals, specifically:

- Are you content with the revised definition of child sexual exploitation?
- Does the revised definition place child sexual exploitation clearly and unambiguously within wider child sexual abuse and other forms of abuse?
- Are you content for the revised definition of child sexual exploitation to be included in the statutory guidance Working Together to Safeguard Children (2015)?
- Are there any other options or changes that you consider need to be made to the revised definition? (please be as specific as possible)

Respond online

To help us analyse the responses please use the online system wherever possible. Visit https://www.gov.uk/government/publications?departments%5B%5D=home-office&publication_filter_option=consultations to access the consultation and submit your response.

Other ways to respond

If for exceptional reasons you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a Word document version of the form and email it or post it. Please do not send duplicate returns, if you have already submitted using the online system.

By email

CSEdef.Consultation@homeoffice.gsi.gov.uk

By post

CSE definition consultation, Safeguarding Unit, Crime and Policing Group (CPG)
Home Office, 5th Floor Fry SW, 2 Marsham Street, SW1P 4DF

Deadline

The consultation closes at twelve noon on 11 March 2016.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf

Proposal 1: Revising the statutory definition of child sexual exploitation

Background

The current definition of child sexual exploitation was published in the 2009 guidance “Safeguarding Children and Young People from Sexual Exploitation”³.

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability’.

Over time, a number of alternative definitions have been developed by voluntary organisations and devolved administrations and agencies. Partners have told us that this has led to agencies using different definitions or using the terms ‘child sexual abuse’ and ‘child sexual exploitation’ interchangeably, creating inconsistencies in risk assessment and data collection. This has led to some confusion and additional challenge for practitioners working with children and families. The “What to do if you’re worried a child is being abused”⁴ (WTDI) advice to practitioners published in March 2015, gave a non-statutory definition which was welcomed for being simpler and more concise.

‘Child sexual exploitation is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation doesn’t always involve physical contact and can happen online. A significant number of children who are victims of sexual exploitation go missing from home, care and education at some point.’

We have tested the definitions of child sexual exploitation set out in 2009 and 2015 with a range of national and local partners drawing on the definition of child sexual abuse, to consider similarities and also highlight differences. Conclusions are that the 2009 child sexual exploitation definition is not fit for purpose and that it needs to:

- be a simplified / shortened version of the existing definition which is universally agreed and applied across all partners with good clear associated guidance;

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278849/Safeguarding_Children_and_Young_People_from_Sexual_Exploitation.pdf

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf

- reflect that the abuse or child sexual exploitation is always the responsibility of the perpetrator;
- state that child sexual exploitation is a subset of child sexual abuse but the way it happens can be different to other forms of child sexual abuse (such as intrafamilial sexual abuse); and,
- clearly define grooming and the issue of consent.

Proposal and rationale

On the basis of what partners have told us, we propose changing the current statutory definition to the definition below:

'Child sexual exploitation is a form of child abuse. It occurs where anyone under the age of 18 is persuaded, coerced or forced into sexual activity in exchange for, amongst other things, money, drugs/alcohol, gifts, affection or status. Consent is irrelevant, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and may occur online.'

The proposed definition attempts to reflect the comments received from national and local partners.

The current definition of child sexual abuse, published in "Working Together" (2015), will remain unchanged. It is included here for reference:

'Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.'

Proposal 2: Including the revised definition in statutory guidance Working Together to Safeguard Children

Background

The current statutory definition for child sexual exploitation sits in the 2009 “Safeguarding Children and Young People from Sexual Exploitation” supplementary guidance to “Working Together” (2015). This supplementary guidance is only statutory for some practitioners, namely those in local authorities, and is best practice for professionals in other settings - health services, the police, youth justice services. The statutory guidance “Working Together” (2015) does not currently include a definition of child sexual exploitation as it does with other types of abuse. This means that some practitioners working with children and families are required to use the definition set out in the supplementary guidance while others are not.

Proposal and rationale

We propose including the revised definition of child sexual exploitation within “Working Together” to sit alongside definitions of other different types of abuse including child sexual abuse. Its inclusion in statutory guidance “Working Together” will help to ensure that all practitioners working with children and families are working to a single definition, in the wider context of child abuse.

Further clarification will be provided within forthcoming practice guidance on the specific nature of child sexual exploitation as a form of child sexual abuse, as well as on risk factors and perpetrator motivation.



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