|  |  |  |  |
| --- | --- | --- | --- |
| MoJ_mono_H_crest | |  |  |
|  |  |  |
|  | **Our Reference:** 519-16 FOI 107779 |  | October 2016 |

**Freedom of Information Request**

You asked for the following information from the Ministry of Justice (MoJ):

***1a) How many children under the age of 16 have been cautioned over taking an indecent image of another child under 16?  Please provide age breakdown,  Please also provide year breakdowns between 2011-2016***

***1b) How many children under the age of 16 have been cautioned over sharing or distributing an indecent image of another child under 16?  Please provide age breakdown.   Please also provide year breakdowns between 2011-2016***

***1c) How many children under 16 have been cautioned for sharing or distributing an indecent image of themselves – please provide age breakdown.  Please also provide year breakdowns between 2011-2016***

***2a) How many children under 16 have been put on the sex offenders list for taking an indecent image of another child under 16? Please provide age breakdown.  Please also provide year breakdowns between 2011-2016***

***2b) How many children under 16 have been put on the sex offenders list for sharing or distributing an indecent image of another child under 16? Please provide age breakdown.  Please also provide year breakdowns between 2011-2016***

***2c) How many children under 16 have been put on the sex offenders list for sharing or distributing an indecent image of themselves? Please provide age breakdown. Please also provide year breakdowns between 2011-2016***

***3a) How many children under the age of 16 have been sentenced over taking an indecent image of another child under 16?  Please provide age breakdown. Please also provide year breakdowns between 2011-2016***

***3b)How many children under the age of 16 have been sentenced over sharing or distributing an indecent image of another child under 16?  Please provide age breakdown. Please also provide year breakdowns between 2011-2016***

***3c) How many children under 16 have been sentenced for sharing or distributing an indecent image of themselves – please provide age breakdown. Please also provide year breakdowns between 2011-2016***

Your request has been handled under the Freedom of Information Act 2000 (FOIA). Your request falls into three parts: cautioning, being placed on the sex offenders register, and sentencing and each are dealt with in turn below.

Regarding question 1 of your request, I can confirm that the MoJ does not hold the information that you have requested. To establish whether the information was held I conducted a thorough search, and made enquires with the following areas, colleagues in the Analytical Services Directorate.

When assessing whether or not information was held adequate and reasonable searches for the requested information were made of:

* **Electronic records**
* **Checks were made with policy officials responsible for the issue in MoJ.**

If the information was held by MoJ it would have to be held by the above mentioned business area. It may help if I clarify that the information being requested is not held by MoJ because there is no legal or business requirement for MoJ to do so.

I have suggested below the public authority which you may wish to direct your request to because they may hold information as they have the policy lead/or responsibility for the issue enquired about.

The background of those offenders issued with a caution, such of their age of the victim, is a matter for the 43 police forces in England and Wales. The police forces in England and Wales all have their own Freedom of Information contacts details.

Regarding question 2 of your request, I can confirm that the MoJ does not hold the information that you have requested. To establish whether the information was held I conducted a thorough search, and made enquires with the following areas colleagues in the Analytical Services Directorate.

When assessing whether or not information was held adequate and reasonable searches for the requested information were made of:

* **Electronic records**
* **Checks were made with policy officials responsible for the issue in MoJ.**

If the information was held by MoJ it would have to be held by the above mentioned business area. It may help if I clarify that the information being requested is not held by MoJ because there is no legal or business requirement for MoJ to do so.

I have suggested below the public authority which you may wish to direct your request to because they may hold information as they have the policy lead/or responsibility for the issue enquired about.

Please be informed that people placed on the sex offenders list is a matter for the Home Office, which can be contacted via the below details for FoI purposes:-

[foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk)

Please be advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. It does not place a duty upon public authorities to answer a question unless recorded information exists. The FOIA duty is to only provide the recorded information held.

Regarding your request for sentencing information in question 3, the MoJ Court Proceedings Database holds information on defendants proceeded against, found guilty, and sentenced for criminal offences dealt with at all courts in England and Wales. This database holds information on offences provided by the statutes under which proceedings are brought, but not all the specific circumstances surrounding each case. In particular, information regarding the age of victim, whether the photograph was taken, shared or distributed, or whether the picture is of themselves or another child is not held centrally. It is therefore not possible to ascertain from centrally held data the information asked for in the sentencing portion of your request.

In this case, the information you are seeking is contained in court records across England and Wales. We are not obliged to provide information contained in a court record. Section 32 (1) (a) and Section 32 (1) (c) (i) of the FOIA exempts information contained in those magistrates and Crown court records to which it applies. It exempts information held by a public authority if it is held solely by virtue of its being contained in those categories of document.

The terms of this exemption in the FOIA mean that we do not have to consider whether or not it would be in the public interest for you to have the information. You can find out more about section 32 as a whole by reading the extract from the FOIA and some guidance points we consider when applying this exemption, attached at the end of this letter.

Outside the scope of the Act, and on a discretionary basis, published data on cautions and sentencing data for juvenile offenders involved in offences of ‘Taking, permitting to be taken or making, distributing or publishing indecent photographs or pseudo photographs of children’ can be found in the “[Criminal justice statistics outcomes by offence data tool](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524326/cjs-outcomes-by-offence.xlsx)” within the annual publication, linked below. Within the pivot table select offence **86.1 Taking, permitting to be taken or making, distributing or publishing indecent photographs or pseudo photographs of children** from the offence drop down box and select juvenile from the adult/juvenile drop down box

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>.