



## **LSCB Policy and Procedures**

### **Supplementary Guidance:**

#### **The Sheffield Protocol-**

#### **Allegations of harm as a result of underage sexual activity**

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| <b>Date of next review</b> | June 2018  |
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## **Legislation relevant to the protocol**

**Professionals should have due regard to the relevant legislation that is pertinent to children and young people and sexual activity.**

### **The Sexual Offences Act 2003**

The Sexual Offences Act 2003 created offences relating to the following:

- Rape of a child under 13
- Assault of a child under 13 by penetration
- Sexual assault of a child under 13
- Causing or inciting a child under 13 to engage in sexual activity
- Engaging in sexual activity in the presence of a child
- Causing a child to watch a sexual act
- Meeting a child following sexual grooming
- Abuse of a position of trust : sexual activity with a child

A child under the age of 13 years cannot consent to sexual activity.

### **The Serious Crime Act 2015:**

- creates a new offence targeting people who knowingly participate in an organised crime group
- extends the scope of serious crime prevention orders and gang injunctions
- clarifies the offence of child cruelty, in section 1 of the Children and Young Persons Act 1933, in particular, to make it explicit that the offence covers cruelty which causes psychological suffering or injury as well as physical harm
- replaces references to child prostitution and child pornography in the Sexual Offences Act 2003 and restricts the offence of loitering or soliciting for the purposes of prostitution to adults
- introduces a new offence of sexual communication with a child
- creates a new offence making it illegal to possess paedophile manuals
- brings in new provisions to tackle FGM by:
- extending the extra-territorial reach of the offences in the Female Genital Mutilation Act 2003 so that they apply to habitual as well as permanent UK residents
- introducing a new offence of failing to protect a girl from risk of FGM
- granting lifelong anonymity to victims
- bringing in a civil order ('FGM protection orders') to protect potential victims
- introducing a duty on healthcare professionals, teachers and social care workers, to notify the police of known cases of FGM carried out on a girl under 18
- criminalises patterns of repeated or continuous coercive or controlling behaviour where perpetrated against an intimate partner or family member

## **Allegations of harm arising from underage sexual activity**

Cases of underage sexual activity can present cause for concern and should be handled particularly sensitively. This includes situations where girls under 16 years present at a termination of pregnancy clinic.

A child under 13 is not legally capable of consenting to sexual activity. Any offence under the [sexual offences act 2003](#) involving a child aged under 13 years is very serious and should be taken to indicate that the child is suffering, or likely to suffer, significant harm. You are required to share this information with the police/ social care. (see Chapter 1 of LSCB procedures)

Sexual activity with a child aged under 16 is also an offence. Where it is reportedly consensual it may be less serious than if the child were aged under 13 years but may, have serious consequences for the welfare of the young person. Consideration should be given in every case of sexual activity involving a child aged 13-15 as to whether there should be a discussion with other agencies and whether a referral should be made to Children's Social Work Services. Professionals should consider whether a young person is at risk or may be suffering sexual exploitation and use the Warning Signs and Vulnerabilities checklist to help them in their decision making. (See appendix 1)

If you were concerned or suspected a child was at risk or may be suffering sexual exploitation please follow the LSCB supplementary guidance on **Supplementary Guidance: Child Sexual Exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children and child sexual exploitation**

When making an assessment of the circumstances and the possible risks regarding a child/ young person the professional should also consider:

- The age of the child. Sexual activity at a young age is a very strong indicator that there are risks to the welfare of the child (whether boy/girl) and possibly others
- The level of maturity and understanding of the child
- What is known about the child's living circumstances or background
- Age imbalance, in particular where there is a significant age difference
- Overt aggression or power imbalance
- Coercion or bribery
- Familial child sex offences
- Behaviour of the child i.e. withdrawn, anxious
- The misuse of substances as a disinhibitor
- Whether the child's own behaviour because of the misuse of substances places him/her at risk of suffering harm so that he/she is unable to make an informed choice about any activity
- Whether any attempts to secure secrecy have been made by the sexual partner what would be considered unusual in a teenage relationship

- Whether the child denies, minimises or accepts concerns
- Whether the methods used are consistent with grooming
- Whether the sexual partner/s is known by one of the agencies
- The child/ young persons understanding of consent

Sexual activity involving a 16 or 17 year old, even if it does not involve an offence, may still involve harm or the likelihood of harm being suffered, this is particularly relevant to young people who may be experiencing CSE

It is an offence for a person to have a sexual relationship with a 16 or 17 year old if they hold a position of trust or authority in relation to them.

The Definition of 'consent' to sexual activity

***'A person consents if he or she agrees by choice to the sexual activity and has the freedom and capacity to make that choice' Sexual Offences Act 2003***

**CHOICE** The test for choice is whether the child or young person felt able to say 'No'

**FREEDOM** Was the child or young person physically free to get away from the situation or were they being held against their will?

**CAPACITY** Did the child or young person have the maturity to make the right decision, do they understand the possible consequences of complying? Were they intoxicated at the time so did not have the capacity to choose? The law not only sets down 16 as the age of consent, it also applies to whether a person has given their consent to sexual activity, or was able to give their consent, or whether sexual violence and rape in particular took place. In the context of child sexual exploitation, the term 'consent' refers to whether or not a child **understands how one gives consent, withdraws consent and what situations (such as intoxication, duress, violence) can compromise the child or young person's ability to consent freely to sexual activity.**

## Appendix 1

### Child Sexual Exploitation Vulnerabilities and Risk Indicators Guide

This Guide is an extract from [Child Sexual Exploitation Definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation](#) 2017 (DfE).

It is included as Annex C in North Lincolnshire's LSCB Policy and Procedures on Child Sexual Exploitation definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation, May 2017.

The CSE - Vulnerabilities and Risk Indicators Guide sets out who is vulnerable to child sexual exploitation, vulnerabilities as examples of the types of things children can experience that might make them more susceptible to child sexual exploitation and potential indicators of risk as children rarely self-report child sexual exploitation so it is important that practitioners are aware of these.

The Guide will not necessarily be completed in a standalone format to be included on a child's case file. It will be used as guidance to consider and recognise/identify children who are vulnerable to, at risk of, or who are already being sexually exploited as part of the risk analysis and information considered and gathered for an assessment.

The CSE - Vulnerabilities and Risk Indicators Guide should inform decision making on the next steps to be taken e.g. Early Help Assessment or referral to Children's Social Work Services.

### Introduction

The signs and indicators of all forms of abuse can be difficult to detect and child sexual exploitation is no exception. A variety of factors can make it difficult to accurately assess how prevalent child sexual exploitation is. Many children who are sexually exploited may have been victims of other forms of abuse; the grooming methods that may be used can mean that children who are sexually exploited do not always recognise they are being abused, which can also affect detection rates. What is clear is that child sexual exploitation can occur in all communities and amongst all social groups and can affect girls and boys. All practitioners should work on the basis that it is happening in their area.

### Who is vulnerable to child sexual exploitation?

**Any child, in any community:** Child sexual exploitation is occurring across the country but is often hidden so prevalence data is hard to ascertain. However, areas proactively looking for child sexual exploitation are uncovering a problem. All practitioners should be open to the possibility that the children they work with might be affected.

**Age:** Children aged 12-15 years of age are most at risk of child sexual exploitation although victims as young as 8 have been identified, particularly in relation to online concerns. Equally, those aged 16 or above can also experience child sexual exploitation, and it is important that such abuse is not overlooked due to assumed capacity to consent. Account should be taken of heightened risks amongst this age group, particularly those without adequate economic or systemic support.

**Gender:** Though child sexual exploitation may be most frequently observed amongst young females, boys are also at risk. Practitioners should be alert to the fact that boys may be less

likely than females to disclose experiences of child sexual exploitation and less likely to have these identified by others.

**Ethnicity:** Child sexual exploitation affects all ethnic groups.

**Heightened vulnerability factors:** *Working Together* makes clear the requirements for holistic assessment. Sexual exploitation is often linked to other issues in the life of a child or young person, or in the wider community context. Practitioners should be alert to the fact that child sexual exploitation is complex and rarely presents in isolation of other needs and risks of harm (although this may not always be the case, particularly in relation to online abuse). Child sexual exploitation may be linked to other crimes and practitioners should be mindful that a child who may present as being involved in criminal activity is actually being exploited.

**Practitioners should not rely on ‘checklists’ alone but should make a holistic assessment of vulnerability, examining risk and protective factors as set out in the statutory guidance *Working Together*.**

Sexual exploitation can have links to other types of crime. These include:

- Child trafficking;
- Domestic abuse;
- Sexual violence in intimate relationships;
- Grooming (including online grooming);
- Abusive images of children and their distribution;
- Drugs-related offences;
- Gang-related activity;
- Immigration-related offences; and
- Domestic servitude.

The following vulnerabilities are examples of the types of things children can experience that might make them more susceptible to child sexual exploitation:

- Having a prior experience of neglect, physical and/or sexual abuse;
- Lack of a safe/stable home environment, now or in the past (domestic violence or parental substance misuse, mental health issues or criminality, for example);
- Recent bereavement or loss;
- Social isolation or social difficulties;
- Absence of a safe environment to explore sexuality;
- Economic vulnerability;
- Homelessness or insecure accommodation status;
- Connections with other children and young people who are being sexually exploited;
- Family members or other connections involved in adult sex work;
- Having a physical or learning disability;
- Being in care (particularly those in residential care and those with interrupted care histories); and
- Sexual identity.

Not all children and young people with these vulnerabilities will experience child sexual exploitation. **Child sexual exploitation can also occur without any of these vulnerabilities being present.**

## Potential indicators of child sexual exploitation

Children rarely self-report child sexual exploitation so it is important that practitioners are aware of potential indicators of risk, including:

- Acquisition of money, clothes, mobile phones etc without plausible explanation;
- Gang-association and/or isolation from peers/social networks;
- Exclusion or unexplained absences from school, college or work;
- Leaving home/care without explanation and persistently going missing or returning late;
- Excessive receipt of texts/phone calls;
- Returning home under the influence of drugs/alcohol;
- Inappropriate sexualised behaviour for age/sexually transmitted infections;
- Evidence of/suspicions of physical or sexual assault;
- Relationships with controlling or significantly older individuals or groups;
- Multiple callers (unknown adults or peers);
- Frequenting areas known for sex work;
- Concerning use of internet or other social media;
- Increasing secretiveness around behaviours; and
- Self-harm or significant changes in emotional well-being.

Practitioners should also remain open to the fact that child sexual exploitation can occur without any of these risk indicators being obviously present. Practitioners should also be alert to the fact that some risk assessments have been constructed around indicators of face-to-face perpetration by adults and may not adequately capture online or peer-perpetrated forms of harm. It is also important to remember that risk assessments only capture risk at the point of assessment and that levels of risk vary over time, and that the presence of these indicators may be explained by other forms of vulnerability rather than child sexual exploitation.

The first step for practitioners is to be alert to the potential signs of abuse and neglect and to understand the procedures set out by North Lincolnshire's LSCB. Those working with children and families should access training through those multi-agency arrangements to support them in identifying vulnerability, risk and harm. This will help practitioners to know what action to take and to develop a shared understanding about what best practice looks like.

Concerns about the possibility of a child or young person being sexually exploited should be discussed with a manager, or a named or designated health professional or a designated member of staff, depending on the setting. If, after discussion, these concerns remain, and it seems that the child would benefit from other services; a decision should be made about whether an Early Help Assessment will be completed, a referral will be made to a specific service or a referral will be made to Children's Social Work Services.

Where professionals consider that a child/young person is a child in need due to concerns that their health or welfare may be significantly impaired due to being at risk of child sexual exploitation or at risk of significant harm due to suspected or known sexual exploitation then a referral to Children's Social Work Services must be made in accordance with [chapter one](#) of the LSCB procedures.

Where it is suspected that a crime is being committed against a child, professionals should contact the police on:

**101** non-emergency    **999** emergencies    Crimestoppers 0800 555 111