

# *Safeguarding Children Involved in Prostitution*

Supplementary Guidance to  
*Working Together to Safeguard Children*

Department of Health  
Home Office  
Department for Education and Employment  
National Assembly for Wales

# Safeguarding Children Involved in Prostitution

Supplementary Guidance to  
*Working Together to Safeguard Children*

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## Foreword

Although not always prominent or visible, children are involved in prostitution across England and Wales. It is a tragedy for any child to become involved in prostitution. It exposes them to abuse and assault, and may even threaten their lives. It deprives them of their childhood, self-esteem and opportunities for good health, education and training. It results in their social exclusion.

Children involved in prostitution should be treated primarily as the victims of abuse, and their needs require careful assessment. They are likely to require the provision of welfare services and, in many cases, protection under the Children Act 1989.

Whilst there is no single route through which children become involved in prostitution, we know that the most common factors are vulnerability and low self-esteem. Vulnerable children are identified and targeted by those who abuse children through prostitution irrespective of whether a child is living with their own family, looked after away from home or has run away. This Guidance establishes that the primary law enforcement effort must be against abusers and coercers who break the law and who should be called to account for their abusive behaviour.

The Government recognises that the vast majority of children do not voluntarily enter prostitution: they are coerced, enticed or are utterly desperate. We need to ensure that local agencies act quickly and sensitively in the best interests of the children concerned. It is important that proper prevention, protection and re-integration strategies are put in place to ensure good outcomes for these children. All services must be able to recognise situations where children might be involved, or are at risk of becoming involved, in prostitution. They should treat such children as children in need, who may be suffering, or may be likely to suffer, significant harm.

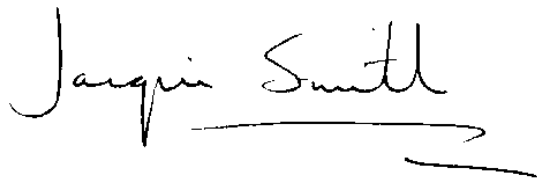
This Guidance is for police, health, social services, education and all other agencies and professionals that may work with children about whom there are concerns that they are involved in prostitution. It sets out an inter-agency approach, based on local protocols developed within the framework of *Working Together to Safeguard Children* (Department of Health et al, 1999; National Assembly for Wales, 2000), to address this type of abuse. Its aim is to both safeguard and promote the welfare of children, and to encourage the investigation and prosecution of criminal activities by those who coerce children into and abuse them through prostitution.



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# 1

## Introduction

### Introduction

- 1.1 There are children involved in prostitution across England and Wales. They may not be visible to a casual or even an informed observer. In some instances they may be visible on the streets, in others they may not. This is a hidden problem; it is not known how many children are involved. However, as a result of the combined experience of many agencies and professionals, it is certain this problem exists.
- 1.2 It is a tragedy for any child to become involved in prostitution: it exposes them to abuse and assault, and may even threaten their lives. They can be robbed of their childhood, self-esteem, opportunities for good health, education and training.

### The scope and purpose of this Guidance

- 1.3 This Guidance is for the police, health, social services, education and all other agencies and professionals that may deal with children about whom there are concerns that they are involved in prostitution. It sets out an inter-agency approach, based on local protocols developed within the framework of *Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children* (Department of Health et al, 1999; National Assembly for Wales, 2000), to address this type of abuse. Its aim is to both safeguard and promote the welfare of children, and to encourage the investigation and prosecution of criminal activities by those who coerce children into and abuse them through prostitution.
- 1.4 The purpose of this Guidance is to enable all agencies and professionals to work together to:
  - Recognise the problem;
  - Treat the child primarily as a victim of abuse;
  - Safeguard children and promote their welfare;
  - Work together to prevent abuse and provide children with opportunities and strategies to exit from prostitution;



- Investigate and prosecute those who coerce, exploit and abuse children through prostitution.
- 1.5 In this Guidance, a child is a boy or girl under the age of 18<sup>1</sup>. The age of consent may affect whether any sexual activity is lawful but, irrespective of this, the Guidance applies to any child under the age of 18.
- 1.6 This Guidance builds on the lead given by the Association of Chief Police Officers (ACPO) in developing Guidelines<sup>2</sup> for the police in association with the children's charities, Government departments and the Association of the Directors of Social Services. The ACPO Guidelines have been successfully piloted in Wolverhampton and Nottingham, and now form ACPO national policy.

## The status of this Guidance

- 1.7 **This Guidance is issued under section 7 of the Local Authority Social Services Act 1970, which requires local authorities in their social services functions to act under the general guidance of the Secretary of State and the National Assembly of Wales. As with all such Guidance, it should be complied with unless local circumstances indicate exceptional reasons which justify a variation.**
- 1.8 **It is also issued by the Home Office as guidance to the police under a Home Office circular. It replaces Home Office Circular 109/59 in respect of those aged under 18 (both male and female) who are involved in prostitution, and in how to deal with those aged under 18 who are found persistently to be loitering, soliciting or importuning.**
- 1.9 This Guidance reinforces and expands upon guidance on children involved in prostitution already included in the inter-agency Guidance documents *Working Together to Safeguard Children* and the *Framework for the Assessment of Children in Need and their Families* (Department of Health et al, 2000). This aims to ensure that the approach to safeguarding and promoting the welfare of children involved in prostitution and the assessment of their needs is consistent with the approaches used for all children.
- 1.10 The Guidance also builds on advice contained in the Department for Education and Employment Circular 10/95 *Protecting Children from Abuse: the Role of the Education Service*.

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1 Section 105, Children Act 1989

2 Guidelines in relation to coercers, users and victims of prostitution of children (ACPO, 1997)

1.11 The Children Act 1989 places two specific duties on agencies to co-operate in the interests of vulnerable children which includes children involved in prostitution.

**Section 27** provides that a local authority may request help from:

- any local authority;
- any local education authority;
- any local housing authority;
- any health authority, Special Health Authority, Primary Care Trust or National Health Service Trust; *and*
- any person authorised by the Secretary of State or the National Assembly for Wales

in exercising the local authority's functions under Part III of the Act. This part of the Act places a duty on local authorities to provide support and services for children in need. The authority whose help is requested in these circumstances has a duty to comply with the request, provided it is compatible with its other duties and functions.

**Section 47** places a duty on:

- any local authority;
- any local education authority;
- any housing authority;
- any health authority, Special Health Authority, Primary Care Trust or National Health Service Trust; *and*
- any person authorised by the Secretary of State

to help a local authority with its enquiries in cases where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.



# 2

## The Government's View

### The nature of the problem

- 2.1 Although not always prominent or visible, children are involved in prostitution across England and Wales. It is important to recognise that a child involved in prostitution cannot be considered to be a miniature adult, capable of making the same informed decisions as an adult can about entering and remaining in prostitution. Increased awareness and research has shown that the vast majority of children do not enter into prostitution willingly and that their involvement is indicative of coercion or desperation rather than choice.
- 2.2 Work published by major children's charities<sup>3</sup> has indicated the extent and nature of the problem, identifying the role of coercers (often called "pimps") in the abuse of children, the vulnerability of the children involved and the importance of re-integrating them into positive, age-appropriate lifestyles.

### The Government's view

- 2.3 The Government strongly believes children should not be involved in prostitution and it is important that proper prevention, protection and re-integration strategies are put in place. All professionals must be able to recognise situations where children might be involved in, or are at risk of becoming involved in, prostitution. They should treat such children as children in need<sup>4</sup>, who may be suffering, or may be likely to suffer, significant harm<sup>5</sup>. Services that come into contact with these children have a responsibility to safeguard and promote their welfare and to co-operate effectively to prevent children becoming involved in, and to divert children out of, prostitution. The identification of a child involved in prostitution, or at risk of being drawn into prostitution, should *always* trigger the agreed local Area Child Protection Committee (ACPC) procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers.

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3 Including Children's Society ("The Games Up" (1996), "Child Prostitution in Britain" (1997), "One Way Street? Retrospectives on Childhood Prostitution" (1999)) and Barnardo's ("Whose Daughter Next" (1998))

4 Section 17 of the Children Act 1989

5 Section 47 of the Children Act 1989

- 2.4 The Government recognises that creating a successful exit strategy from prostitution for a child is not a simple process. It requires a careful, caring and concerted inter-agency approach that may have to be sustained for a long period of time. The development of ACPO Guidelines and their successful application in pilot areas in Nottingham and Wolverhampton show how effective inter-agency working can be in dealing with this problem. The pilots also demonstrate that the nature of the problem may differ from area to area. This Guidance does not seek to prescribe one recommended model of inter-agency working but to set out principles of good practice which can be applied in a way that is appropriate to each area.
- 2.5 This Guidance establishes that **the primary law enforcement effort must be against abusers and coercers** who break the law and who should be called to account for their abusive behaviour. For children, the emphasis must be to prevent their entry into prostitution (if this has not already happened). Where children are already involved in prostitution, the emphasis must be to protect them from further abuse and to support them out of prostitution. The Government recognises there may be occasions, after all attempts at diversion out of prostitution have failed, when it may be appropriate for those who voluntarily continue in prostitution to enter the criminal justice system in the way that other young offenders do (paragraphs 6.18 to 6.29 below refer).
- 2.6 Nothing in this Guidance decriminalises soliciting, loitering and importuning by children on the street or in public places. The Government considers that the criminal law plays an important role in establishing society's view that "street prostitution" is not welcome nor is it acceptable for children to be involved in it. The law can act as a deterrent and a lever to use as part of a diversion strategy. Decriminalising street prostitution for children would also risk creating a perverse incentive to encourage children into prostitution, and could encourage coercers and abusers (those who abuse children through prostitution) to concentrate on drawing children into it.

# 3

## The Legislative Framework

### Children Act 1989

- 3.1 Children are protected by a comprehensive framework of powers and responsibilities set out in the Children Act 1989, its associated regulations and inter-agency Guidance *Working Together to Safeguard Children* and the *Framework for the Assessment of Children in Need and their Families*.
- 3.2 In essence, all statutory agencies and professionals are expected to work together to safeguard and promote the welfare of the child. Local authorities must treat each child as an individual and take account of the child's race, religion, culture, language, gender, sexuality and disability.

*Detailed information on the legislative framework is set out in **Appendix A***

### The criminal law on the exploitation of children through prostitution

- 3.3 There are a range of offences to tackle the exploitation of others through prostitution, whether by coercion, procurement, running a brothel, or living on immoral earnings, including a number of offences specifically relating to children involved in prostitution. However, these are not the only charges that may be brought against those who use or abuse children through prostitution. Abusers and coercers often physically, sexually and emotionally abuse these children, and may effectively imprison them. Those who abuse children in this way should feel the full force of the criminal law. If a child is the victim of serious offences, the most serious charges that the evidence will support should always be used.
- 3.4 Police and prosecutors should consider using all the appropriate offences for any particular situation. The police should be robust in seeking evidence to support charges such as grievous bodily harm, unlawful wounding, actual bodily harm, kidnapping, abduction, rape or indecent assault and should not hesitate to use them where this is justified by the evidence. Similarly, where there is an allegation of racially motivated crime, charges relating to this type of offence should be considered. Examples of other charges that may also be considered in particular circumstances are drugs offences, tax evasion and, if the coercer is on benefit, social security fraud. Where appropriate, confiscation of assets should also be considered although it

should not be used if there is a danger that the coercer may further abuse a child to effectively compensate him or her for their loss of assets.

- 3.5 The investigation should seek to identify and assemble evidence that will support charges to reflect the full extent of the abuse. Contemporaneous photographic evidence of physical abuse should be obtained whenever appropriate. It will help in establishing severe abuse even when the child may be unwilling or unable to give evidence. Photographic evidence of the conditions in which a child was kept could also provide valuable evidence for charges of kidnapping or false imprisonment. Care should be taken, however, in obtaining such evidence to ensure it does not compound the abuse suffered by the young person, and she or he should be made aware that photographs are being taken for evidential purposes. Those investigating criminal actions must understand that the welfare of the child is the paramount concern.

#### Example: Experience of the ACPO pilots

The twelve months to August 1998, during which time the ACPO pilot schemes were operating in Wolverhampton and Nottingham, resulted in the prosecution of 22 men and 3 women for a variety of serious offences, including rape, unlawful sexual intercourse with a child under 16, attempting to procure a child under 16, kidnapping, unlawful imprisonment, intimidation of a witness, assault, living off immoral earnings and conspiring to pervert the course of justice.

- 3.6 Girls and boys under the age of 16 cannot, by law, consent to sexual activity. Boys under the age of 18<sup>6</sup> cannot consent to homosexual activity. **Anyone engaging in sexual activity (whether for money or not) with a girl or boy under 16 (whether male or female) and a man engaging in sexual activity with a boy under 18 is committing an offence.** Depending on the circumstances, the man having sex with an underage child could be liable for prosecution for unlawful sexual intercourse with a girl under 16, indecent assault, gross indecency, buggery or other serious offences. Similarly, a woman engaging in sexual activity with a male or female under 16 (whether for money or not) could be liable to prosecution for indecent assault and other serious offences. *A caution, reprimand, final warning or conviction for a sex offence against a child under 18 may result in a requirement to register under the Sex Offenders Act 1997 and to notify the police of any change in name or address.*<sup>7</sup>

6 The Sexual Offences (Amendment) Bill was reintroduced into Parliament on 27 January 2000. The Bill would, if enacted, equalise the age of consent for males and females at 16.

7 The only exception would be where the offender is under 20 and the offence was consensual.

## The criminal law relating to prostitution

- 3.7 Prostitution is not of itself illegal. There are, however, offences that make the selling (or buying) of sexual services on a street or in a public place illegal. These offences rely on a persistent pattern of illegal activity being established. It is legally possible for a child over the age of 10 to be charged with one of these offences. Statistics show that in each year in the the past, children have been cautioned and convicted for soliciting offences. Although the Government does not rule out the possibility that criminal justice action may be necessary in certain circumstances, it should only be considered where *all* attempts to divert the child from prostitution have failed.
- 3.8 Many children who are involved in prostitution may not be soliciting or loitering on the streets. They may be found in rooms hidden away from public view (in relatively affluent as well as deprived areas). It is important to emphasise that these children are not breaking the law on soliciting or loitering, which only relates to activity on the street and in public places. This Guidance is intended to enable all agencies to operate within the law to work with and divert children from prostitution, and to ensure that criminal justice action against children is taken only when it is necessary to do so, and in the full knowledge of the circumstances of the individual child.
- 3.9 The Street Offences Act 1959 sets out the law as it applies to women (and girls). Section 1 provides that it an offence “for a common prostitute to loiter or solicit in a street or public place for the purposes of prostitution”. To prove that a woman is a “common prostitute” requires evidence that she has been soliciting for the purposes of prostitution on more than one occasion. Similarly, persistence has to be shown for the offence by a man (or boy) of soliciting or importuning in a public place for an immoral purpose (S32 of the Sexual Offences Act 1956). In the case of adult females, evidence of persistence is normally provided by the issuing of a “prostitutes’ caution” by a constable under Home Office circular 109/59. In the case of an adult male, persistence is normally proved by showing that a number of men were approached, or by more than one invitation to one man. **Children kept in rooms for the purposes of prostitution are not breaking the law; their coercers and abusers will be breaking the law.**
- 3.10 The effect of section 65 of the Crime and Disorder Act 1998 is that a prostitutes’ caution can no longer be issued to a female under 18. **This Guidance, therefore, replaces Home Office Circular 109/59 in respect of those aged under 18 (both male and female) who are involved in prostitution, and in how to deal with those under 18 who are found**



**persistently to be loitering, soliciting or importuning.** As explained in paragraphs 6.18 to 6.29 below, the police should not normally proceed with criminal justice action without prior inter-agency discussion to consider the young person's needs and circumstances.

## Crime and Disorder Act 1998

- 3.11 The Crime and Disorder Act 1998 gave local authorities, together with the police, the responsibility to prepare and maintain local Crime Reduction Strategies based on a crime audit of their area. It is important that the existence of any local pattern in or public concern about the commercial sexual exploitation of children, revealed in the review of crime and disorder, should be included in the subsequent or future development of the local strategy.

# 4

## How Children Become Involved In Prostitution

- 4.1 Children drawn into prostitution come from many backgrounds. Some may come from families with severe problems, but this is not necessarily so. Some children may be living at home, others may be living away from home (such as in residential care or foster care), or have run away and be homeless. There is no single pattern. The most common factors are vulnerability and low self-esteem. These may result from a multitude of factors including difficult or abusive childhood experiences or educational under achievement. Other factors *may* include pressure from peers or others already involved in prostitution (including other family members) or drug/alcohol misuse. Absence from school frequently or for protracted periods, through truancy or exclusion, may make children especially vulnerable.
- 4.2 Vulnerability is identified and targeted by coercers whether a child is living with their own family, looked after away from home or has run away. The Government recognises that the vast majority of children do not voluntarily enter prostitution: they are coerced, enticed or are utterly desperate. It is not a free economic or moral choice.

### **A model describing how young girls may be abused through prostitution, developed by Barnardo's.**

A model describing how young girls may be abused through prostitution, developed by Barnardo's, is based upon their work with girls in Bradford. The pattern is as follows. A girl is identified by an older man who becomes a "boyfriend". Gradually, the boyfriend ensures the girl becomes emotionally dependent on him, initiates her into sex and detaches her from other influences in her life - friends and family – using emotional and physical violence. This abuse progresses into the older man selling her for sex, usually from rooms. Barnardo's consider that this relationship triangle should be considered as abused girl/abusing adult/child sex offender, rather than the traditional description used for adults of the prostitute/ pimp/client relationship.

- 4.3 It is important to recognise that young people, particularly girls, may be physically and emotionally dependent on the coercer despite the violence endured, for the sake of “love”. The fact that outsiders would consider this a delusion does not make it any less real for the individual concerned. Although the young person may claim to be acting “voluntarily”, in reality this is not voluntary or consenting behaviour. When working with young people, all agencies must recognise the strength of this attachment and the time and difficulty there may be in breaking it and helping the young person to attach to appropriate adults.

### **An example of how boys and young men become involved in prostitution**

Streetwise Youth (an organisation providing support to boys who are being exploited and abused through prostitution and to young men involved in prostitution) found that many of the boys and young men who become involved in prostitution are gay and have experienced homophobic reactions to their sexuality, often leaving them alone and unsupported. A significant number of the young men in contact with Streetwise Youth were separated from one or both parents by the age of 15, and over 60% report childhood sexual and physical abuse as well as emotional abuse and neglect. Most of Streetwise Youth’s clients misuse drugs and alcohol in their efforts to deal with earlier damaging and current experiences.

- 4.4 There is no single pattern of how children become involved in prostitution. The above examples are drawn from the experiences of two voluntary organisations working with girls and with boys respectively.
- 4.5 Children exploited through prostitution may not necessarily be found on the streets. Many are kept in rooms and flats against their will. Children in this situation are not breaking the law; their coercers and abusers are. The coercers operate by finding “clients” and bringing them to the rooms. These coercers and those who pay for sex with children are child abusers who are breaking the law. “Clients” who assume that payment buys the agreement of the child and puts them beyond the law are completely wrong - they are child abusers liable to prosecution for a range of offences. All agencies should establish whether those who are known to pay for sex with children are themselves parents or carers of children. If this is the case, an assessment of the needs of those children should be considered which should include establishing whether they are at risk of, or are suffering, significant harm.

## Identifying children involved in prostitution

- 4.6 A parent or carer may become aware of and concerned about a child's relationship with an older person (which the child may describe as a "friend", whether male or female) and/or frequent absences from home/school, and report their concerns to the police and/ or social services. **These concerns should always be taken seriously and the possibility considered that this pattern of behaviour could be part of a grooming process intended to draw the child into prostitution.** The police will consider in due course whether charges, such as unlawful sexual intercourse or child abduction, are appropriate.
- 4.7 Staff working in residential settings may become aware that children are being picked up regularly by unauthorised older persons in cars, or that there are individuals loitering outside the residential establishment to meet children. These people and events should **always** be reported to a senior manager responsible for the residential establishment and to the police. The reports should always be taken seriously and investigated. Reporting procedures should be well known within the residential home.
- 4.8 In many cases, appropriate responses by the police and care workers may disrupt this abusive pattern and provide protection for the children. However, police and social services staff should be aware that once concerns have been reported, the child may continue to be at risk from his/her coercers and urgent action may be required to safeguard the child.
- 4.9 Children involved in prostitution may also come to the attention of the police in the course of their duties, such as during the investigation of drug offences, or in the execution of search warrants. In these circumstances, the police should be aware of the need to take, if necessary, immediate steps to safeguard the child, and to initiate the local procedures relating to children involved in prostitution. In such situations, officers in drug squads should liaise with child protection units and give consideration to the range of offences that the adult offender might be charged with - not just drug offences but others listed in Appendix A (Guidance on handling individual cases is set out in Chapter 6).
- 4.10 Health professionals (working in all settings), youth workers and teachers can often identify children who are at risk of becoming involved in prostitution because they are not receiving affection and appropriate care within their families. The experiences of such children within their family often isolates them from their peers. This, in itself, can lead to truancy and subsequently to prostitution. These children are likely to be recognised as vulnerable by abusers or coercers. Teachers may also become aware of older

'boyfriends' who collect girls from schools and they have a duty to report their concerns to the designated teacher for child protection in the school.

- 4.11 A child's involvement in prostitution may come to the notice of agencies or professionals through patterns of behaviour related to drug misuse. Specialist drug agencies and outreach workers will have an important role to play in identifying children who become involved in prostitution as a means of raising funds to purchase drugs. Similarly, a child may also have relevant physical symptoms e.g. sexually transmitted infections. Professionals working in genito-urinary medicine, sexual health and pregnancy advisory services must be vigilant to their possible involvement in prostitution, proactive when treating children and, where necessary, work within the agreed local ACPC procedures. Young girls who present to medical services requesting contraceptive advice or a termination of pregnancy will need appropriate counselling based on a clear understanding of the child's background. Child and mental health professionals are also likely to identify or suspect instances where a child is involved in prostitution. For health professionals in all of these services it will be important always to make a holistic assessment of the needs of the child and to be aware that consultation with social services may be necessary. Paragraph B.6 of Appendix B explains about the need for joint protocols which address confidentiality issues.
- 4.12 The primary concern of anyone who comes into contact with a child involved in, or at risk of becoming involved in, prostitution, must be to safeguard and promote the welfare of the child.

# 5

## Local Protocols

- 5.1 *Working Together to Safeguard Children* (paragraph 4.18) states that Area Child Protection Committees (ACPCs) should have in place a local protocol on responding to children about whom there are concerns that they are involved in prostitution. This protocol should be consistent with the local ACPC procedures for safeguarding children, with the *Framework for the Assessment of Children in Need and their Families*, with local procedures for working with children in need, and with relevant aspects of youth offending protocols. It is essential to have these arrangements in place so that immediate and effective action can be taken when required to ensure the welfare and safety of children considered to be involved in prostitution and to initiate appropriate investigative action against those who may have coerced and abused them.
- 5.2 ACPCs should make arrangements to develop a protocol on children involved in prostitution and take responsibility for monitoring and reviewing its operation. ACPCs should involve representatives, from the following main agencies, who have experience of children involved in prostitution:
- local authorities (education and social services);
  - health services;
  - the police;
  - the probation service;
  - NSPCC (where active in the area)
  - the domestic violence forum (when active in the area).
- 5.3 In addition, all other agencies with a relevant interest in this issue, including local voluntary child care agencies and national voluntary child care organisation organisations where they have a local presence should be involved. Consideration should be given to involving relevant other professionals such as the local judiciary and the Crown Prosecution Service.
- 5.4 Young people and adults who have experience of being involved in prostitution, and who are willing to help and advise, should also be involved, as appropriate.

- 5.5 The ACPC should make arrangements to:
- actively enquire into the extent to which children are involved in prostitution.
  - develop a local protocol on children involved in prostitution, and to monitor and review the operation of the protocol.
  - provide a local resource and source of expertise for those who have concerns that a child may be at risk of being drawn into prostitution or is being abused through prostitution.
- 5.6 Over time, the information and experience gained by the ACPC members should be used to inform local policies and strategies to prevent the entry of children into prostitution.
- 5.7 ACPCs should also consider the need for appropriate inter-disciplinary training to raise awareness amongst professionals who work with children and/or with adults who abuse children through prostitution. Local protocols should consider also the issue of organised networks of abusers which may be operating across a number of local authority areas.

### **Example: Nottinghamshire Resource Pack**

Nottinghamshire Police and Social Services Department produced a resource and strategy pack on the commercial sexual exploitation of children as part of its Children's Services Plan. This was with the aim of "seeking to identify early sexual exploitation of children and respond decisively to support victims and wherever appropriate to prosecute offenders". The resource pack sets out an inter-agency protocol, relevant policies and procedures for police and social services, and information about health, education, youth and leisure services and voluntary agencies, together with all the relevant contact numbers. The resource pack has been widely distributed to all relevant agencies.

- 5.8 The inter-agency protocol should outline the processes and possible responses for dealing with a child once she or he has been identified as being at risk of being drawn into or is involved in prostitution. It should stress the importance of ensuring that information about a child is shared appropriately with all relevant agencies. It should emphasise the sensitivity of the issues under discussion and the need to ensure that the confidentiality requirements applying in all child protection work under the aegis of the ACPC are fully complied with.

- 5.9 A professional or staff member who may identify concerns about the wellbeing or safety of a child involved in prostitution should know:
- what services are available locally, how to gain access to them, and the locally agreed criteria for accessing them;
  - what sources of further advice and expertise are available, whom to contact, in what circumstances, and how;
  - when and how to make a referral to the local authority social services department and/or the police;
  - what arrangements may be possible to ensure his or her immediate safety.
- 5.10 The identification of a child involved in prostitution, or at risk of being drawn into prostitution, should *always* trigger the agreed local procedures to ensure the child's safety and welfare, and to enable the police to gather evidence about abusers and coercers.
- 5.11 The *Framework for the Assessment of Children and their Families* states that children involved in prostitution are a particularly vulnerable group of children who may become 'lost' to the statutory agencies, whose wellbeing or need for immediate services may be overlooked and for whom subsequent planning and intervention may be less than satisfactory. Particular care and attention is required, therefore, when assessing the needs of children involved in prostitution and considering how best to help them.
- 5.12 The protocols should also recognise that the child is an important contributor in addressing these issues. Children may be at a particularly important turning point in their lives and will need to be 'enabled to express their wishes and feelings; make sense of their circumstances and contribute to decisions that affect them' (NSPCC *et al*, 1997). However, professionals who are assessing the views of the children involved must be aware that those who coerce and abuse them may have 'groomed' them and conditioned their responses and that, therefore, they are capable of denying their abuse and coercion. They may, therefore, initially reject offers of help or support. The creation of a successful exit strategy and reintegration into a life free from abuse through prostitution are dependent on working with the child to construct a plan that she or he can agree to. Wherever possible, family members should also be involved in work with the child. Both *Working Together to Safeguard Children* and the *Framework for the Assessment of Children in Need and their Families* provide guidance on working with children and their family members.



- 5.13 Children involved in prostitution may be difficult to engage, and be under very strong pressure to remain in prostitution. In some instances they may be fearful of being involved with the police or social services and may initially respond best to informal contact from health or voluntary sector outreach workers. Gaining the child's trust and confidence is vital if she or he, is to be safeguarded and enabled to exit from prostitution.
- 5.14 Local protocols will, therefore, be required to clarify the circumstances in which it would be appropriate for non-statutory agencies to engage with a child before involving other statutory agencies. A clear focus must be maintained on safeguarding and promoting the welfare of the child. Paragraph 5.6 of *Working Together to Safeguard Children* makes it clear that "if somebody believes that a child may be suffering, or may be at risk of suffering significant harm, then s/he should *always* refer his or her concerns to the local authority social services department". Paragraphs 3.60 and 3.61 set out the circumstances in which information should be shared with the police.

## Sharing information

- 5.15 *Working Together to Safeguard Children* provides guidance on the sharing of information. It states that personal information about a child held by professionals and agencies is subject to a legal duty of confidence, and should not normally be disclosed without the consent of the subject. However, it stresses that the law permits the disclosure of confidential information necessary to safeguard a child or children. Disclosure<sup>8</sup> should be justifiable in each case, according to the particular facts of the case, and legal advice should be sought in cases of any doubt.
- 5.16 Young people aged 16 or 17 are entitled to the same duty of confidence as adults. Children under 16 who have the capacity and understanding to make decisions about their own medical treatment are also entitled to a duty of confidence and to decide whether their personal information should be disclosed to a third party. The affect of coercion and the vulnerability of the individual child must be taken into account when deciding whether children have the capacity to make such decisions. Where children do not have the requisite capacity and understanding, decisions to pass on personal information may be taken by a person who has parental responsibility or an appropriate adult, in consultation with the child involved.

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8 Comments by Butler Sloss LJ in *Re G (a minor)* [1996] 2 ALL ER 65 at 68 "The Working Together booklet does not have any legal status, but with the lesson of *Cleveland CC v F* in mind, the emphasis upon co-operation, joint investigation and full consultation at all stages of any investigation are crucial to the success of the government guidelines. The consequence of inter-agency co-operation is that there has to be free exchange of information between social workers and police officers together engaged in an investigation. The information obtained by social workers in the course of their duties is however confidential and covered by the umbrella of public interest immunity. It can however be disclosed to fellow members of the child protection team engaged in the investigation of the possible abuse of the child concerned."

# 6

## Handling Individual Cases

- 6.1 *Working Together to Safeguard Children* and the *Framework for the Assessment of Children in Need and their Families* both provide detailed, complementary guidance regarding referring children to social services departments and the response that departments should make. The local arrangements for safeguarding and promoting the welfare of children involved in prostitution and for assessing their needs must be consistent with the approaches used for all children. Appendix C sets out the process to be followed for individual children.
- 6.2 As part of agreeing local arrangements within the ACPC protocol, all agencies should identify specific post-holders and/or individuals to be the key contacts within their organisation for sharing and co-ordinating information and representing their agency in its response to children involved in prostitution. In some areas these individuals may constitute a specialist inter-agency group which will undertake initial assessments. The inter-agency protocol should be made publicly available within the area to all relevant agencies. Any publication should contain the names and contact details of the key postholders.
- 6.3 When a parent, professional, or another person contacts a social services department with concerns about a child's involvement in prostitution, the social services department should decide on its course of action within **24 hours**. This will normally follow discussion with any referring professional/service, and involve other professionals and services as necessary (including those mentioned in paragraph 6.2 above) and the police, where a criminal offence may have been committed against a child. This initial consideration of the child's circumstances should address, on the basis of the available evidence, whether there are concerns about impairment to the child's health and development (including actual and/or potential harm) which justifies further enquiries, assessment and/or intervention. If further action is needed, a decision is required on when enquiries and/or intervention should begin and how best to undertake them (see paragraph 5.10 in *Working Together to Safeguard Children*).
- 6.4 Referrals, following an initial assessment, may lead to:
- no further action;
  - directly to the provision of services or other help - including from other agencies; and/or
  - to the initiation of s.47 enquiries.

- 6.5 Sometimes it may be apparent at this early stage that emergency action should be taken to safeguard a child. Such action should normally be preceded by an immediate strategy discussion between the police, social services, and other agencies as appropriate. Where there is a specialist inter-agency group (see paragraph 6.2), these members would constitute the representatives who will take part in the strategy discussion. Again, the social services department should consider the involvement of the professionals identified in paragraph 6.2, above, to form part of this strategy discussion.
- 6.6 The initial assessment led by the social services department, of all children in need (whether or not there are child protection concerns) should be completed within a maximum of **7 working days** of the date of referral. The urgency of some situations may dictate that the assessment is completed more quickly. Using the framework set out in the *Framework for the Assessment of Children in Need and their Families* it should address the following questions:
- What are the needs of the child?
  - Are the parents able to respond appropriately to the child's needs? Is the child being adequately safeguarded from significant harm, and are the parents able to promote the child's health and development?
  - Is action required to safeguard and promote the child's welfare?
- 6.7 Part of this assessment should involve obtaining relevant information from professionals and others in contact with the child and family. It should include professionals identified in paragraph 6.2, above, who have expertise on the issue of children involved in prostitution. In the course of this assessment, the social services department should ask:
- Is this a child in need? (s.17 of the Children Act 1989)
  - Is there reasonable cause to suspect that this child is suffering, or is likely to suffer, significant harm? (s.47 of the Children Act 1989)
- 6.8 Agencies with statutory child protection powers<sup>9</sup> must, *at all stages*, consider whether the child may be in need of urgent action to secure his/her safety because of the risk to the child's life or likelihood of serious harm.
- 6.9 An initial assessment may indicate that a child is 'in need' as defined by s.17 of the Children Act 1989, but that there are no substantiated concerns that the child may be suffering, or at risk of suffering significant harm. In these circumstances, the *Framework for the Assessment of Children in Need and their*

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<sup>9</sup> Agencies with statutory child protection powers are the local authority social service department, the police and the NSPCC.

*Families* provides a framework for a fuller assessment of a child's health and development, and of the parents' capacity to respond to their child's needs. This core assessment can provide a sound evidence base for professional judgements on whether services would be helpful and, if so, what kind of help is most likely to bring about optimal outcomes for the child.

6.10 Following this assessment, the inter-disciplinary team working with the child should decide what help is required to meet the child's needs, develop a plan based on the findings of the core assessment and put in place arrangements for its implementation and review.

6.11 If, however, at any stage

- there is reasonable evidence that the child is suffering, or is likely to suffer, significant harm, or
- the child is in police protection (under s.46 of the Children Act), or
- the child is the subject of an emergency protection order

**a Section 47 enquiry will be necessary.** A strategy discussion (as outlined in *Working Together to Safeguard Children* and in line with locally agreed child protection procedures) between the statutory agencies and professionals with relevant experience (identified in paragraph 6.2 above) should take place to consider whether the criteria for initiating a s.47 inquiry are met and as necessary plan the enquiry.

6.12 It is important to recognise that just as entry in prostitution may involve a complex set of factors, so will leaving it, particularly if there is a strong relationship of dependency with a coercer or abuser, or where there is drug misuse. The exit strategy should be developed with the child and family and should address the needs of the individual child. It could include mentoring to assist a return to education or employment, and help to secure appropriate health services, pursue leisure activities and develop a positive network of friends and relatives to offer continuing support.

## Young people living in and leaving care

6.13 Children living away from home, in particular those living in residential care settings, may be targeted by adults seeking to coerce them into prostitution. *Working Together to Safeguard Children* provides guidance on the investigation of organised or multiple abuse. When investigating the organised abuse of children through prostitution, it is important to involve professionals with expertise on this issue.

- 6.14 It is known from research that children looked after who run away are particularly at risk of sexual exploitation. Local authorities should monitor carefully the incidence of children looked after who go missing, particularly from residential care. Local authorities should have protocols in place with the police and other agencies on the action to be taken whenever a child goes missing and when she or he returns. *Missing from Care* (1998), a report of a joint Local Government Association and Association of Chief Police Officers working party, sets out recommended procedures and practices in caring for missing children and provides a basis on which such protocols may be developed.
- 6.15 Where a young person living in or leaving care is known to be involved, or are at risk of becoming involved, in prostitution, staff with specialist knowledge in this area should work closely with the young person's leaving care team. The young person will have a care plan or leaving care plan and this should be developed and reviewed with input from all key players, and should take full account of the child's needs and circumstances and how they affect the young person.
- 6.16 The Government is in the process of legislating to introduce new arrangements for care leavers which are scheduled to be implemented from April 2001. Under the new arrangements, subject to Royal Assent, there will be a care and after care plan, to be known as a **pathway plan**, for every eligible young person who is looked after on their sixteenth birthday. Every such young person will have a personal adviser responsible for supporting them and for co-ordinating services to meet their needs as identified in their pathway plan. It will be essential that, where appropriate, mechanisms are put in place to ensure the young person's adviser is involved in planning for his or her continued protection from becoming involved in prostitution and, if necessary, diversion from prostitution. The young person's pathway plan should reflect the strategies developed to deter and protect the young person from involvement in prostitution.
- 6.17 Pathway plans and existing care and after care plans will cover the period from the age of 16 until independence is achieved (normally at 18) and will look beyond that to at least the age of 21. A young person who has been in care may become involved in prostitution after their after care or pathway plan has been drawn up. However, where such a plan exists, it will be necessary to ensure it is reviewed as soon as the risk of, or involvement in, prostitution is identified. In some situations, the young person may require protection and immediate action, for example, the young person may need to move urgently to new accommodation. In such circumstances, meeting these needs must take precedence over any existing pathway plan. However, the young person's adviser should be involved, wherever possible, in

assessing and meeting the young person's immediate needs. Once the young person's immediate needs have been assessed and met, those involved in both processes should agree longer term strategies aimed at diversion which should be reflected in both sets of plans.

## Criminal justice action

- 6.18 The priority for criminal justice action must be to investigate and prosecute those who abuse a child (this includes those who sexually abuse a child and those who coerce or are involved in the prostitution of a child). The interests of the child should be taken into account and, as in all cases involving children as victims and witnesses, the case will need to be handled with care and sensitivity. The child should be given every assistance to contribute to the investigation. In addition, consideration should be given to the provision of witness support services.
- 6.19 The use of all relevant measures is vital in cases where children have been involved in prostitution, are victims of crime and are witnesses. All agencies involved with the child should be meticulous in their note keeping and document carefully any information which could be used to assist the bringing of charges against those exploiting the child. This could take the onus off the child to be the principal witness against the abuser. The experience of the ACPO pilots revealed that, prior to a trial, witness intimidation and even abduction were possibilities. Where coercers are powerful and organised there is a significant risk of intimidation of the child and the family; and both may need protection and assistance through witness protection programmes.
- 6.20 Child witnesses in cases involving violence or sex offences may be assisted to give evidence in court through the use of video recorded statements admitted as evidence-in-chief and the use of live TV links for cross-examination so that the witness does not have to face the defendant in court. Additional measures will be introduced in the Crown Court by the end of 2000. These include assistance with communication, clearing the public gallery in sex offence cases and removal of wigs and gowns.

## Voluntary and persistent return to prostitution

- 6.21 The vast majority of children do not freely and willingly become involved in prostitution. The entire emphasis of the Guidance is on diversion using a welfare based approach to children and that it should be adopted **in all cases**. However, it would be wrong to say that a boy or girl under 18 *never* freely chooses to continue to solicit, loiter or importune in a public place for the purposes of prostitution, and does not knowingly and willingly

break the law. In such cases, the police should only start to consider whether criminal justice action is required, following a strategy discussion when all diversion work has failed over a period of time and a judgement is made that it will not prove effective in the foreseeable future. What constitutes “a period of time” and “the foreseeable future” will vary in each case.

- 6.22 The criminal justice process should only be considered if the child persistently and voluntarily continues to solicit, loiter or importune in a public place for the purposes of prostitution. Police and colleagues in other agencies, who will be involved in considering whether there is a genuine choice, must be aware of the high degree of coercion and malign influence that can be exercised by abusers and be fully alive to the possibility that what is claimed as a voluntary activity simply masks threats or coercion.
- 6.23 Persistence is generally understood in law to require a determined repetition of an activity. It is not appropriate to define persistence more closely as each case should be looked at in the round. A determined and regular return to soliciting, loitering or importuning over a period of time would, however, be regarded as persistent. In practice, any child who is being sold for sex is likely to meet the criterion of persistence, as is a child who is dependent on drugs. In such cases the relationship between the coercer, prostitution and drug misuse requires careful analysis and consideration. It should be borne in mind that it may be very difficult to break the control of the abuser established though a high level of physical violence and fear. In these situations consideration should be given to initiating proceedings for care and supervision under section 31 of the Children Act 1989 in order to ensure the child’s welfare.
- 6.24 The initial presumption should always be that a boy or girl is not soliciting voluntarily. What seems to be a persistent and voluntary return to soliciting by a child, should never be taken at face value. There must be a thorough investigation of all aspects of a case to ensure that there is no evidence of an abusive relationship that could involve physical, mental or emotional coercion. There should also be a shared conviction of those involved in the inter-agency discussion that an individual’s return to prostitution is genuinely of their own volition.
- 6.25 The decision on whether to initiate criminal justice action is for the police, and at a later stage, the Crown Prosecution Service. In the context of this inter-agency approach, unilateral action by the police would not be appropriate. If police officers think that it would be appropriate to consider criminal justice options, then inter-agency discussion should take place within the ACPC guidelines.

6.26 Police would not normally take criminal justice action unless there had been inter-agency discussion to consider the full circumstances of each case and it was agreed that all other avenues had been explored. Particular attention should be given to the following factors:

- the age and vulnerability of the child;
- the needs of the child;
- any drug misuse by the child;
- that the return is genuinely voluntary and that there is no evidence of physical, mental or emotional coercion; and
- that the child understands that criminal proceedings may follow, and the effect these may have in later life.

6.27 As with other parts of the diversion process, it is important that a record should be kept of any conversation with the child concerning possible prosecution. Once this stage has been reached, if the child is found breaking the law, the criminal justice response will depend on whether the child admits the offence or not - although attempts at diversion should continue in either event.

## Where the child admits the offence

6.28 If the child, whether male or female, admits the offence and there is sufficient evidence under s.65 (1)(a) and (b), then a reprimand or final warning should be considered<sup>10</sup>, in accordance with Home Office guidance to the police. Essentially:

- Where a young person has no previous reprimands, warnings or convictions, the officer can administer any of the disposals depending on the seriousness and individual circumstances of the offence – in the case of soliciting and loitering this is likely to be a reprimand;
- If the individual has previously received a reprimand, she or he cannot be given a further reprimand and must be given a final warning or be charged, depending on the seriousness and individual circumstances of the offence;

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<sup>10</sup> It should be noted that the effect of section 65 of the Crime and Disorder Act 1998 on section 2 of the Street Offences Act 1959 is to allow a female under the age of 18 who receives a reprimand or final warning for loitering or soliciting, to effectively appeal against it. No such right exists in respect of males issued with such a reprimand/final warning.



- If the individual has previously received a final warning, she or he will be charged for any further offence, *except* where the latest offence is not serious and more than two years have passed since the first warning was given;
- Where a young person has previously been convicted of an offence, she or he cannot receive a reprimand or warning, and any further offences will result in prosecution.

### Where the child does not admit the offence

**6.29** Where the child, whether male or female, does not admit the offence and criminal justice action is seen as appropriate, sufficient evidence of the offence will have to have been obtained to support a possible prosecution. The previous record of the young person will be relevant to the police decision on whether to charge. In addition, the type of evidence the court may look for might, for example, include previous sightings, loitering for a long period in a “red light district”, frequently accosting those walking by and/or frequently approaching cars passing by, the circumstances surrounding the arrest, and relevant replies before and after the arrest.

### Involvement in other types of crime

**6.30** As noted in paragraph 4.9, above, involvement in prostitution is often linked to other offences, for example, drugs offences. Where a young person involved in prostitution is allegedly involved in other types of crime, she or he will be dealt with in the same way as other young offenders i.e. by means of reprimand, final warning or prosecution. However, the patterns of behaviour and the abusive nature of prostitution should form part of any assessment. In addition, the child should be (if he or she has not already been) the subject of inter-agency discussion, in accordance with this Guidance, so that their involvement in prostitution can be addressed.

# A

## Appendix

### Relevant Legislation

#### SAFEGUARDING CHILDREN

- A.1 The Children Act 1989 provides a comprehensive framework of powers and responsibilities to ensure children receive the care and protection they deserve. It promotes co-operation between statutory agencies and professionals to safeguard and promote the welfare of the child.
- A.2 In public law, the Act expects that the child's:
- welfare is safeguarded and promoted;
  - wishes and feelings are ascertained and taken account of;
  - race, culture, language, religion and any disability are taken account of;
  - contact with the family is supported, wherever possible;
  - is reunited with their family, wherever possible;
  - is provided with services;
  - family is supported; and
  - that work with parents take place on the basis of partnership.
- A.3 The emphasis on inter-agency co-operation is set out in the Inter-Departmental policy guidance *Working Together to Safeguard Children* which is firmly set within the context of the Act. It places emphasis on the importance of co-operation by all agencies involved in protecting children. The Area Child Protection Committee (ACPC) provides the local inter-agency forum for developing, monitoring and reviewing child protection policies and procedures. *Working Together* is issued under Section 7 of the Local Authority Social Services Act 1970, which requires local authorities in their social services functions to act under the general guidance of the Secretary of State. As such, it does not have the full force of statute but should be complied with unless local circumstances indicate good reasons which justify a variation.

A.4 *Working Together*, emphasises that everyone shares responsibility for promoting the welfare of children, as a parent or family member, a concerned friend or neighbour, an employer, staff member or volunteer. Any person who knows or suspects that a child is suffering, or is at risk of significant harm, should refer their concern to one or more of the agencies with statutory duties and/or powers to investigate and intervene, i.e. the social services department, the police or the NSPCC.

A.5 The Children Act 1989 imposes a range of responsibilities on local authorities for the care and protection of young people under the age of 18. These include:

**Section 17** Requires the local authority to safeguard and promote the welfare of children within their area who are in need and, so far as is consistent with that duty, promote their upbringing within their families.

**Section 17(10)** A child is defined as being in need if:

(a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development or development without the provision for him of services by a local authority;

(b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or

(c) he is disabled.

**Section 20** Requires local authorities to provide accommodation for any child in need within their area who appears to require it or who has no other suitable accommodation.

**Section 31** A court may make a care order if satisfied a child is suffering or is likely to suffer significant harm and the likelihood of harm is attributable to the care being given to the child not being what would be expected from a reasonable parent.

- Section 44** The Court may make a child the subject of an Emergency Protection Order if it is satisfied there is reasonable cause to believe that the child is likely to suffer significant harm if the child is not moved to a safe place or does not remain in one.
- Section 46** The police may take a child into protective custody for up to 72 hours if they have reasonable cause to believe s/he would otherwise be likely to suffer significant harm.
- Section 47** Requires that the local authority make enquiries where they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, to enable them to decide what action they should take to safeguard or promote the child's welfare.
- Section 48** Enables courts to provide local authorities with powers to locate a child in need of protection when making an emergency protection order for a child whose whereabouts are not known.
- Section 49** Makes it an offence to abduct or induce, assist or incite a child to run away whilst in care, the subject of an emergency protection order or in police custody.
- Section 50** A court can make a recovery order for children who are abducted or who run away or go missing whilst in care, the subject of an emergency protection order or in police protection. A recovery order instructs anyone who knows where a child is to reveal this information or to produce the child if they are in a position to do so. The order also authorises a police officer to search a particular house and a particular person (usually a police officer or social worker) to remove the child.

- A.6 Within the framework of the Children Act 1989, social services have a responsibility to safeguard children and young people from abuse, including sexual exploitation, and to provide services to children in need.
- A.7 *Working Together* recommends that each Social Services Department maintains a child protection register which lists all the children in the area who are considered to be suffering, or likely to suffer, significant harm and for whom there is a child protection plan. It is not a register of children who have been abused but of children for whom there are unresolved child

protection issues and who are currently the subject of an inter-agency protection plan. A child's name would be placed on the register following the discussion of the child's needs, including for protection, and a decision being made at an inter-disciplinary child protection conference that the criteria for registration are met.

## THE CRIMINAL LAW

### Soliciting Offences

- A.8 The Street Offences Act 1959 applies to women and girls. Section 1 makes it an offence for a woman who is a "common prostitute" (i.e. who regularly operates as a prostitute) to solicit or loiter in a public place for the purposes of prostitution. The penalty is a fine. As part of proving the offence it has to be shown that there is an element of persistence. Section 2 of the 1959 Act provides a female under 18 with an avenue of appeal against a wrongly issued reprimand or final warning.
- A.9 Section 32 of the Sex Offences Act 1956 sets out an offence for men or boys who persistently solicit or importune in a public place. There are no special arrangements for proving persistence. The penalty is a maximum of 6 months imprisonment if tried summarily or 2 years on indictment. Apart from the activities of men soliciting for homosexual purposes, men who solicit on behalf of prostitutes can be prosecuted under this section, as can men who seek sexual services from under-age children.

### Offences which may be committed by coercers and abusers of children

(References to the 1956 Act are to the Sexual Offences Act 1956)

#### a) Sexual offences

- s.1 1956 Act **Rape/attempted rape**. Non-consensual intercourse either vaginal or anal. Maximum Penalty - indictable - life imprisonment
- s.5 and s.6 1956 Act. Unlawful sexual intercourse with a girl under 13 or under 16. Maximum penalty - under 13 - indictable life imprisonments under 16 either way - 2 year's imprisonment
- s.14 and s.15 1956 Act. **Indecent assault** against woman or man. Maximum penalty - 10 years imprisonment

- s.12 1956 Act. **Buggery** (male, female or bestiality). Maximum penalty - life, 5 years or 2 years depending on age of person involved
- Indecency with Children Act 1960. Gross indecency with or towards a child under 14. Maximum penalty - 10 years imprisonment
- s. 16 1956 Act. Assault with intent to commit buggery. Maximum penalty - indictable 10 years imprisonment
- s. 4 1956 Act. Administering drugs to obtain or facilitate intercourse with a woman. Maximum penalty - indictable - 2 years' imprisonment

## b) Prostitution related offences

- s. 30 1956 Act. Offence for a man knowingly to live on the earnings of (female) prostitution. Maximum Penalty - either way offence, 7 years imprisonment
- s.31 1956 Act. Offence for a woman for purposes of gain to exercise control over a (female) prostitute. Maximum penalty - either way offence, 7 years
- s.24 1956 Act. Offence for a person to detain a woman in a brothel or other premises. Maximum penalty - indictable, 2 years' imprisonment
- s.25 and s.26 1956 Act. Permitting girl under 13/16 to use premises for intercourse. Maximum penalty - less than 13 indictable, life, less than 16 e/w offence, 2 years imprisonment
- s. 33,34,35 and 36 of 1956 Act. **Brothel keeping** offences. Maximum penalty - summary offence - three months imprisonment or level 3 fine or both; first offence - 6 months imprisonment or level 4 fine or both, subsequently.

## C) Procurement offences

- Sections 2,3,22,23,24,28 of 1956 Act - **Procurement of women** by threats, false pretences, procuring a girl under 21 to become a prostitute or have unlawful sexual intercourse in any part of the world, detention of a woman in a brothel, causing or encouraging prostitution of girl under 16. Maximum penalties - all indictable, 2 years

#### d) Abduction offences

- **Kidnapping** - “the taking away of one person by another by force or fraud without the consent of the person so taken or carried away and without lawful excuse”. Unlimited penalty
- s.17 of 1956 Act. Abduction of a woman by force or for the sake of her property. Maximum Penalty - indictable, 14 years imprisonment
- s.20 and s.21 of 1956 Act. Abduction of girl under 16 or under 18 from parent or guardian. Maximum penalty - indictable, 2 years.

#### e) Offences of Violence (short of homicide)

- Attempted murder. Maximum Penalty – life imprisonment
- s.18 of the Offences against the Person Act 1861. **Wounding or causing GHB with intent**. Maximum Penalty – life imprisonment
- s.20 of the Offences against the Person Act 1861. **Wounding or inflicting GBH**. Maximum Penalty – five years imprisonment
- s.47 of the Offences against the Person Act 1861. **Assault occasioning actual bodily harm**. Maximum Penalty – 5 years imprisonment
- **Common assault (assault and battery)**. Maximum Penalty – 6 months imprisonment and/or level 5 fine (currently £5000).

#### f) Other measures which might be used against users/abusers

- **Sex Offender Order** - introduced in the Crime and Disorder Act 1998. It may be obtained by the police applying for an order if the individual already has a previous conviction for a sexual offence (i.e. One of those listed in Schedule I to the Sex Offenders Act, 1997), and if his present actions are such as to give the police concern that an order is necessary to protect the public from serious harm from him. Will attract an obligation to comply with the requirements of Part I of the Sex Offenders Act 1997. Breach of order attracts maximum penalty of 5 years.
- Offences of harassment and putting people in fear of violence contrary to the Protection from Harassment Act 1997. “Harassment” involves proving a “course of conduct”. Maximum Penalty 6 months imprisonment and/or level 5 fine (currently £5000).

- Anti-social Behaviour Orders (which came into effect in April 1999) were introduced in the Crime and Disorder Act 1998 to combat threatening and disruptive anti-social behaviour which cause people harassment, alarm and distress. Local authorities & Chief Officers of Police in consultation with one another can seek an Order from the courts to protect the community from the actions of an individual or individuals who cause harassment, alarm or distress to neighbours or the community through anti-social behaviour. The Order will be prohibitive i.e. it prevents the defendant from doing anything specified in the Order & remains in force for a minimum of two years. If that person breaches the Order he or she is guilty of a criminal offence, which carries stiff penalties.





# B

## Appendix

### The Role of Individual Agencies

B.1 This appendix sets out some practical suggestions and guidance for individual agencies on how to respond to children considered to be at risk of being drawn into prostitution, or who are found to be in prostitution. All these activities should take place within the overall structure of the local protocols described in this guidance.

#### Education

B.2 Teachers and other staff in schools are in close and regular contact with children who may be at risk of becoming involved in prostitution. They should be aware of the risk that children may be drawn into prostitution, and be alert to changes in patterns of behaviour such as truancy. Any concerns about a child's involvement in prostitution should be raised with the school's designated teacher for child protection who should deal with these in line with the school's child protection policy (which should reflect LEA and ACPC procedures).

B.3 The national framework for Personal, Social and Health Education provides clear opportunities for teachers to discuss personal, social and moral issues and to assist children develop personal and social skills. Teachers will be able to raise awareness of children involved in prostitution as part of this important area of the curriculum.

B.4 Where children have been involved in prostitution and are being reintegrated back into school, school staff should be alert to the potential for the child to be threatened by coercers or be drawn back into prostitution.

#### Health Services

B.5 As most health provision is provided universally, health professionals may often be the first to be aware that a child may be involved, or be at risk of becoming involved, in prostitution. Children involved in prostitution are likely to benefit from a range of services including advice and counselling for harm minimisation, health promotion and advice on sexually transmitted diseases and HIV.

- B.6 Health professionals who come into contact with children whom they suspect may be involved in prostitution have a crucial role in providing holistic support for the physical and mental health of these children. Professionals in accident and emergency units, sexual health, pregnancy advisory, drug and mental health services, midwifery and school nursing will find that it is helpful to develop joint protocols covering confidentiality issues to inform practice on dealing with children involved in prostitution.
- B.7 Children involved in prostitution have the same right of access to health services as any other child. Health, and other agencies, should ensure that services are arranged in a manner which is both appropriate for and acceptable to children involved in prostitution. In particular, sexual health services should be developed which specialise in the needs of vulnerable young people.
- B.8 Primary Care Groups (PCGs) are responsible for the commissioning of acute and community health services. NHS Trusts and Primary Care Trusts (PCTs) are responsible for providing acute and community health services in hospital and community settings. In addition, it is the responsibility of both PCGs and PCTs to act as co-ordinators and developers of primary care practitioners in their area. They will, therefore, have an important role to play both in the development of local protocols and in ensuring staff are trained to be alert to potential indicators that a child is involved, or at risk of becoming involved, in prostitution.

## The Police

- B.9 The police have the lead in the investigation and detection of crime in relation to the abuse of children through prostitution. They are also likely to become aware of the use of children in prostitution through normal police work both on the streets and in other criminal investigations. The initial response to the discovery of a child who is involved in, or at risk of being involved in, prostitution must be to remove them from any harm, and to ensure that any evidence that may assist in an investigation of abuse is secured and collected. This must always be followed by a referral to the Social Services Department. It may be necessary for the child to be provided with a safe place to live. The police will play a full role in the inter-agency discussions and their role in investigating criminal activity must run alongside the work of the social services department regarding the child's welfare.

- B.10 In investigating the child's entry into prostitution and the abuse that may have occurred, the priority for the police will be the investigation and prosecution of those offenders who have been involved in the abuse of the child. Sometimes, when seeking evidence against coercers and abusers sometimes there will be a need for an investigative interview of the child who has been abused. Such interviews, which may be video-recorded in certain circumstances, should only be conducted by those with specialist training and experience in interviewing children and should follow the guidance (which is currently being revised) in the **Memorandum of Good Practice on video recorded interviews for child witnesses for criminal proceedings** (Home Office and Department of Health, 1992). The child should never be given a reprimand or final warning for prostitution offences except in the very limited circumstances set out in Chapter 6, above, when it is established that all efforts at diversion have failed.

## Social Services

- B.11 Paragraphs 6.1 to 6.11, above, sets out the role of local authority social services departments in some detail.

## Voluntary Sector

- B.12 The voluntary sector have an important part to play in working with children who are abused through prostitution. Because of their lifestyle and past family experiences, many young people are reticent to engage with statutory services and often find voluntary agencies more approachable sources of help. By working in partnership with statutory bodies, voluntary agencies are able to offer services which reduce the harm to young people and may aid them in exiting from prostitution. Present practice indicates that an holistic approach is required to meet the needs of children abused through prostitution.
- B.13 Awareness raising and educative programmes are essential in order to prevent harm to young people through entrapment in prostitution. Such programmes endeavour to help children understand the nature of abusive relationships and to empower them to seek help prior to becoming entrapped by abusive adults. Specific material for this purpose has been developed by Barnardo's<sup>11</sup>.
- B.14 The voluntary sector has been active in attempting to reduce the harm to young people involved in prostitution. Barnardo's, NSPCC, Children's Society and Centrepoin have established projects in specific areas of England and Wales. Centre-based provision is proving a useful way of engaging young people. Such centres, which are staffed by a multi-

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<sup>11</sup> Barnardo's (2000) Things We Don't Talk About. Barnardo's, London

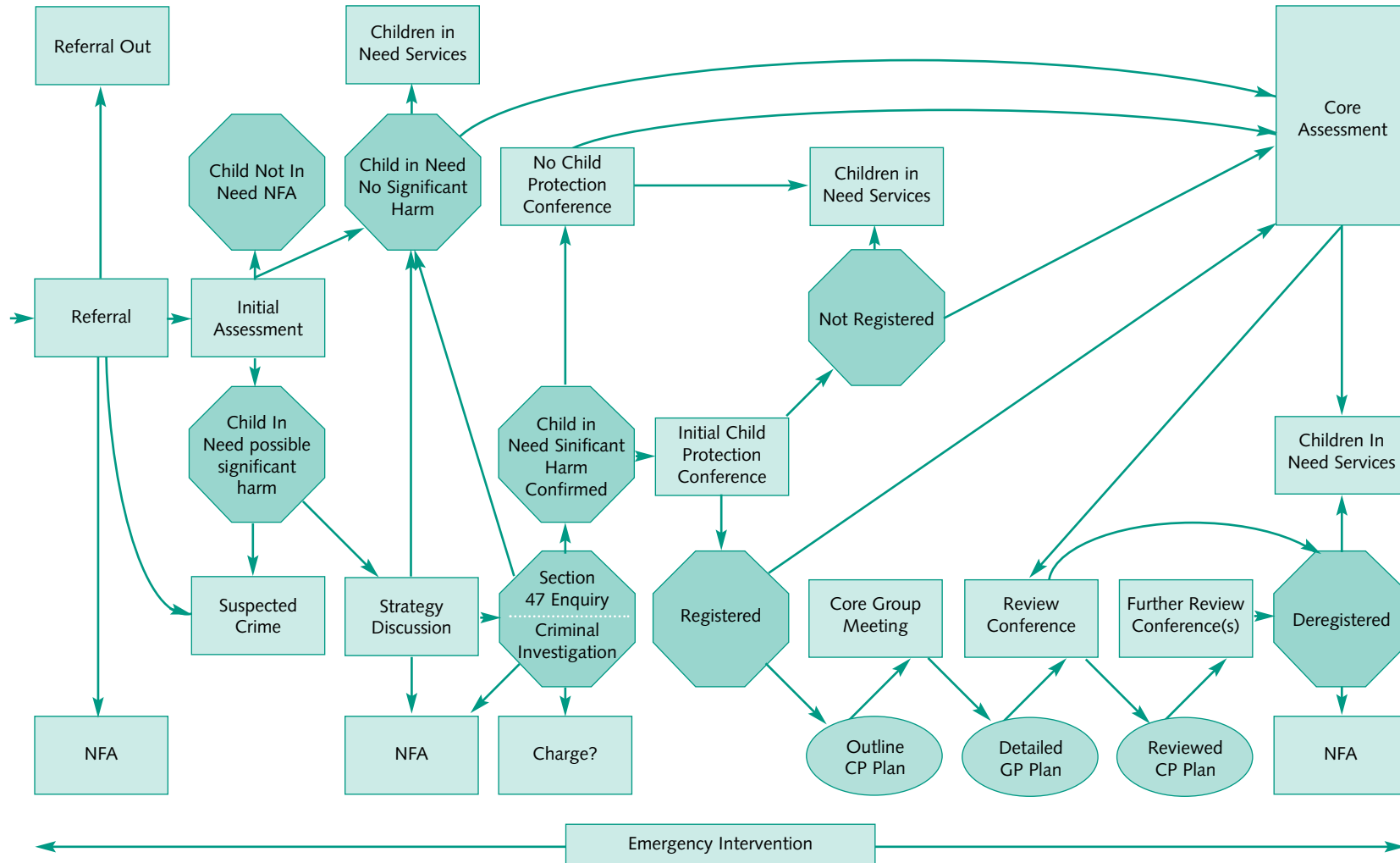
disciplinary team, offer practical assistance with food, clothing and personal requisites as well as providing advice on health care, safer sex, drug misuse, housing and state benefit issues. Counselling services are an integral part of the work: the need to build upon the trust of young people is pivotal to assisting them to exit this lifestyle.

- B.15 When young people are in a position to exit from prostitution, provision may be required in the form of accommodation (e.g. refuges, safe houses, specialist foster homes), as well as continued support, education, careers advice and counselling. Voluntary bodies have already begun to address these needs in specific areas of England and Wales and have been instrumental in helping some young people exit from a life of abuse.
- B.16 A collaborative effort between the voluntary and statutory organisations has proved a successful model of working. Professionals involved in this area of work should be mindful of the fact that the needs of young people abused through prostitution and those of adults involved in street prostitution are different, as are the services they require. Young people need services that are specific to their age, understanding and stage of development. Such services should encompass the rights of young people to protection from any form of abuse.

## Youth Services

- B.17 Youth services are well placed to help children who may be at risk of involvement in prostitution. In some areas, such as Walsall, the Youth Service has played an important role in raising awareness amongst young people of the risks of being coerced into prostitution.
- B.18 The new youth support service, **Connexions**, will have an important role to play in both helping prevent children from becoming involved in prostitution and in helping those already involved. Local protocols on children involved in prostitution will need to include the Connexions Service.
- B.19 The Connexions service is designed to reduce barriers to learning, which involves ensuring that the needs of young people are recognised and acted upon. Ultimately, this will improve the life chances of those at risk of social exclusion, such as through involvement in prostitution, during their teenage years. Connexions will provide a network of personal advisers who will be able to provide advice and support to these young people, as well as putting them in touch with appropriate specialist services. This may include, for example, arranging for them to have a mentor who can help raise their self-confidence and enable them to lead more independent and successful lives as adults.

# Individual Cases Flow Chart <sup>10</sup>





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