

# Scottish Government Debate: Report on Tackling Child Sexual Exploitation in Scotland

28<sup>th</sup> January 2014



Scotland's Commissioner  
for Children & Young People

I welcome the Public Petitions Committee's report on Tackling Child Sexual Exploitation (CSE) in Scotland, and the opportunity to submit comments ahead of Tuesday's debate.

The Committee's examination of CSE is timely and welcome given the concerns raised in this area by numerous organisations, and the efforts of organisations such as Barnardo's in tackling the appalling reality of sexual violence, abuse and exploitation that affects a significant number of children and young people in Scotland. I believe we need to have a well-informed discussion about the scale of CSE across the country in order to challenge inconsistent and ineffective approaches and consider how to improve ways of working together to ensure that the rights and needs of victims are placed firmly at the centre of high-quality, evidence-based and compassionate responses. The Committee's report provides a clear steer for the action that must follow now.

It would be helpful to frame the debate, and the action that is taken as a result, around **children's rights** to ensure that Scotland's response to CSE reflects the United Nations Convention on the Rights of the Child (UNCRC). With this in mind, I would offer the following observations to members in relation to the Committee's report.

## **Article 3 (the best interests principle) & Article 12 (the voice of the child)**

Despite growing recognition and awareness of children's rights across Scottish public policy and the practice of public services—including their inclusion in the Children and Young People (Scotland) Bill—a regular finding in relation to child abuse and neglect in Scotland is that children and young people are not listened to, and concerns about their safety not acted upon.<sup>i</sup> It is therefore vital that this shift is fully reflected in measures to reduce CSE so that the focus of responses is firmly on the rights of child, including by ensuring that:

- The voice of the child is heard in all decisions that affect him or her;
- The best interests of the child are treated as the paramount consideration.

The Office of the Children's Commissioner for England's report into CSE in gangs and groups<sup>ii</sup> highlights that in all examples of good practice there was such a focus on the child.

## **Article 29 (the right to education)**

Recent research<sup>iii</sup> with young people in Scotland revealed worrying attitudes to sexual health and consent, and the Committee's findings relating to gender stereotyping and the sexual objectification of girls and young women in particular highlight the need to tackle such attitudes. I therefore welcome the Committee's calls for improved preventative education that focuses on healthy, caring and consensual relationships that promote mutual respect; addresses power imbalances; ensures that young people are aware of inappropriate and coercive sexual conduct; and challenges the harmful and negative gender stereotyping that underpins many aspects of CSE. I also endorse the call by Children 1<sup>st</sup> to map the current approaches to healthy relationships education and build on the good work that has already been undertaken. It is clear that links should be made between existing programmes focusing on sexual and reproductive health and rights and those covering internet and social media responsibilities, and the Committee's recommendation for a national education programme on CSE.

The Scottish Government's forthcoming update of its guidance on Relationships, Sexual Health and Parenthood Education (RSHPE) in schools provides one important opportunity to make those links. Good quality RSHPE delivered in a culture that fosters confidence, self-

esteem and resilience in children and young people has a vital role to play in equipping children and young people with the knowledge and skills to make informed decisions and positive and safe choices about forming relationships and their sexual and emotional health and wellbeing in a responsible and healthy manner. It also has a role in signposting confidential sexual health and young people's services and additional information about their reproductive and sexual health and rights. This guidance is currently being drafted, and I look forward to seeing a next iteration that is forward-thinking and encourages children and young people to understand the importance of consent, dignity and respect for themselves and others.

Consideration should also be made of how best to reach young people who are not engaging in education and who may already be at heightened risk of CSE.

**Article 11 (combating the illicit transfer & non-return of children abroad); Article 34 (right to be free from sexual abuse); Article 19 (protection from abuse or neglect); Article 35 (protection from exploitation)**

The Committee's report references my office's report on child trafficking, '*Scotland: A safe place for child traffickers?*'<sup>iv</sup> which highlights the vulnerability of people as the primary factor rendering them susceptible to trafficking, with children "among those most exposed to the risk of being trafficked." Although child trafficking is a separate issue, there are clear similarities in children and young people's experiences of exploitation and clear links to CSE as highlighted by the Committee. It will be helpful to consider measures to address CSE alongside the current debate on tackling child trafficking, as there will be overlaps and learning that applies across both of these issues.

In line with this, whilst it is important to drive forward the recommendations identified in the report, over-arching strategic thinking is required in order to align existing legislation, strategies and guidance around child protection, sexual abuse, violence against women and trafficking to ensure that there is some cohesion in a complex policy environment. The creation of another Strategy may otherwise run the risk of significantly duplicating existing areas of work and creating simultaneous workstreams in different yet similar areas.

It will also be important to consider ways to improve existing child protection procedures and practice, particularly with respect to the identification of victims of CSE. I note the Inquiry's findings that very few children over 12 years old are currently on child protection registers and I would echo the Committee's call for the reasons behind this to be explored, in order to ensure that protections from abuse are equitable.

The recommended post-legislative scrutiny of relevant legislation such as the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 is currently used to tackle the issue of CSE and disrupt and bring to justice the perpetrators of these crimes is welcome, as it is important to fully investigate the reasons for its lack of use.

**Article 39 (promoting physical & psychological recovery & social reintegration of a child victim)**

I strongly support the call for mandatory multisectoral training on CSE for frontline staff—including social workers, teachers, GPs, emergency staff and mental health and homelessness workers—and for intensive interventions by trained staff on trauma issues to address underlying vulnerabilities and complexities. This training must pay particular attention to improving identification of those most at risk and challenging the misidentification of exploitation, as heard in Committee evidence, as "risky behaviour" on the part of the child or young person. Sexual exploitation of a child is child abuse and should be treated as such by all professionals working with children. In line with evidence from *Who Cares? Scotland*, I consider this to be an ideal opportunity to review the attitudes and

language in tackling CSE, where phrases such as “acting out”, “risk-taking behaviour” and “attention seeking” can be damaging, as interventions may proceed on a misunderstanding of what the child or young person is experiencing.

In order to be effective, training must be of high quality and coordinated across Scotland to ensure that there is a consistent nationwide approach. Links should be made with training and awareness-raising programmes for other related areas, including trafficking. Consideration should also be given to how those who are or will be fulfilling the Named Person under the Children and Young People (Scotland) Bill will receive training about CSE. Additionally, the experiences of young people themselves will be extremely helpful in the development of training and awareness-raising programmes in order to identify existing best practice.

There is an urgent need to better consider those groups of children who are more vulnerable to CSE, for instance, children and young people who are looked after. In addition, Prof Kirsten Stalker spoke about the particular vulnerability of disabled children and young people and the Committee heard evidence drawing parallels between CSE and domestic abuse. Measures should be taken to address the fact that the majority of people experiencing or at risk of CSE have already suffered sexual abuse and suffer from low self-esteem. Attention should also be paid to the particular needs of boys and children and young people from BME backgrounds. Good risk assessment tools therefore play a vital role in improving the identification of those most at risk from CSE.

When a child or young person makes contact with services, the report identifies that processes can often seem confusing, complex and draining, due to long waiting lists, time lapses, inconsistent provision of services and a lack of adequate support and information, particularly with respect to any judicial processes. I support the view that when a young person is identified, or identifies themselves, as a victim of CSE, appropriate, clear and accessible information must be provided to them about next steps, available support and their rights. This process must be carried out in a child and young person-friendly way.

Finally, I agree with the Committee that children and young people need ‘safe spaces’, where they can openly disclose confidential information with respect to their sexual and emotional health to trained professionals. It will be vital to ensure that such confidential services are able to continue their work once the information-sharing duties in relation to the Named Person under Part 4 of the Children and Young People (Scotland) Bill come into force. I am particularly concerned by the lack of safe refuges and specialised accommodation for these children and the inadequacy of available therapeutic interventions. I support the Committee's call for specialist local support to be offered, by third sector agencies where possible as this is the preference expressed by children and young people.

### **Tam Baillie, Scotland's Commissioner for Children and Young People**

<sup>i</sup> Vincent, Smith & Stafford, *A review of child death and significant child abuse cases in Scotland: Final Report*, Edinburgh, SCCYP & CLICP, 2007 (P.82).

<sup>ii</sup> England's Commissioner for Children and Young People, *Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG)*, 2013. Available at <http://www.childrenscommissioner.gov.uk/info/cseggl>

<sup>iii</sup> Ipsos Mori, *Young People Omnibus Survey*, November 2013. Available at <http://www.ipsos-mori.com/researchareas/omnibusservices/youngpeople.aspx>

<sup>iv</sup> Scotland's Commissioner for Children and Young People & University of Highlands & Islands Centre for Rural Childhood, *Scotland: A safe place for child traffickers?* 2013. Available at [http://www.sccyp.org.uk/uploaded\\_docs/policy/sccyp%20child%20trafficking%20report.pdf](http://www.sccyp.org.uk/uploaded_docs/policy/sccyp%20child%20trafficking%20report.pdf)