



**Response to the Crown Prosecution Service consultation on draft legal
guidance on child sexual abuse**

www.msunderstood.org.uk

info@msunderstood.org.uk

+44 (0)207 250 3933

imkaan



**Girls
Against
Gangs
Project**

About Us: The MsUnderstood Programme aims to improve local and national responses to young people's experiences of gender inequality. The MsUnderstood Partnership is a three year partnership between the [University of Bedfordshire](#), [Imkaan](#) and the Girls Against Gangs Project, to improve responses to peer-on-peer abuse in young people's relationships and peer groups through:

- Intensive support of local areas to review and improve their strategic and operational response to peer-on-peer abuse
- A national assessment of provision for boys and young men who perpetrate gender-based violence
- Paid internships and volunteer placements for young people to influence policy and service development locally and nationally

[The MsUnderstood Programme](#) is founded and headed by [Carlene Firmin MBE](#), Research Fellow at the University of Bedfordshire

Introduction

The MsUnderstood Partnership welcomes this opportunity to contribute to the Crown Prosecution Service consultation on legal guidance on child sexual abuse. We broadly agree with all of the proposals in the draft guidance, and particularly welcome the proposal of measuring the credibility of an allegation rather than a victim.

In developing this response the MsUnderstood Partnership has drawn upon the following evidence:

- Emerging findings from on-going police case file analysis being conducted by the Head of the MsUnderstood Partnership
- Research into the impact of gang and serious youth violence conducted by the Head of the MsUnderstood Partnership while at Race on the Agenda
- Broader research and evidence produced by the Office of the Children's Commissioner (OCC), the University of Bedfordshire, CEOP, and others that makes reference to peer-on-peer abuse and exploitation

Given the remit of the MsUnderstood programme (to focus on peer-on-peer abuse and exploitation) this response is focused on the following thematic issues:

- Clarifying the concept of peer-on-peer abuse
- Clarifying the concept of gang-associated child sexual exploitation
- Reference to young people who commit sexual exploitation offences
- Witness protection and safety planning for children exploited by peers

In addition, given that the University of Bedfordshire is part of the MSU Partnership, we fully support and endorse the response made by the International Centre: Researching Child Sexual Exploitation, Violence and Trafficking.

Clarifying the concept of peer-on-peer abuse

In their 2011 study on Local Safeguarding Children Board (LSCB) responses to child sexual exploitation, Sue Jago et al found that about a quarter of sexual exploitation cases, being managed by specialist services, were perpetrated by other young people. In their 2013 report, Barnardo's found that five of its child sexual exploitation services were seeing an increase in cases of peer-on-peer exploitation; and 28% of perpetrators identified to the OCC CSEGG Inquiry were under-19 years of age.

The MSU Partnership is focused on developing how such cases, along with teenage relationship abuse and gang-associated violence, are understood and responded to by services. On-going analysis of police and crown prosecution service case files indicates that:

- Groups of young people, as well as individual young people, are instigating and perpetrating acts of sexual exploitation against their peers, both within, and out with, street gangs
- These cases involve on-going incidents of abuse, spanning weeks, months, and sometimes years
- Those perpetrating the abuse are aged 12 upwards, and identified victims are aged 11 upwards
- In many of these cases there is no evidence of the involvement of adults
- Sexual violence is accompanied by physical, emotional and financial abuse
- Abuse, and recruitment, often takes place within neighbourhoods and school environments

However, in the draft guidance references to peer-on-peer exploitation are often conflated with the 'boyfriend' model. The 'boyfriend' model is not synonymous with peer-on-peer abuse. 'Boyfriends' or 'Girlfriends' can be in their 20's and older and can act alone, can be linked to organised crime groups, and groom online, in addition to other contexts. When a young person is exploited by their peer/s, those who are harming them are the same age, or very close in age to them; at the very least everyone directly involved in the abuse is under-18 years of age. Young people have been exploited by their peer groups, or in street gangs, and are not under any illusion that any of the 'perpetrators' are their 'boyfriends' or 'girlfriend' – it is exploitation by their 'friends'.

In fact, 'peer-on-peer' exploitation cannot be conflated into either of these issues, and requires great recognition. For police forces, and other partners, to identify and disrupt cases of peer-on-peer exploitation additional consideration may need to be given to:

- The impact on the school environment when both 'perpetrators' and 'victims' are in the same school
- Management of investigations when young peers linked to 'perpetrators' are able to threaten victims and witnesses
- Additional measures required to prove lack of consent when all those involved are under-18
- The need to identify cases where younger 'perpetrators' are associated to, and controlled by, organised crime groups and when they are not
- The potential overlap between cases of peer-on-peer exploitation, serious youth violence, and teenage relationship abuse

The phenomenon of peer-on-peer exploitation warrants specific attention within the guidance, attention which is currently absent; it would be particularly useful in the 'myths and stereotypes section', for example. Given the increased awareness of abuse perpetrated by adults, it is important that professionals are given additional support to recognise, identify, and address cases of exploitation perpetrated by young people.

Clarifying the concept of gang-associated child sexual exploitation

The OCC CSEGG Inquiry has focused on child sexual exploitation in the context of street gangs and other groups. The interim report, published in November 2012, outlined that there were many models of group-associated sexual exploitation, for example some were organised and involved financial profit, and others did not, and that there were some similarities and differences between sexual exploitation perpetrated by street gangs and other groups. The University of Bedfordshire interim report into sexual violence in gang affected neighbourhoods, commissioned under the CSEGG Inquiry, identified six typologies of gang-associated sexual violence including the use of sex as a weapon between rival gangs, and as a form of punishment to gang members.

The draft guidance seems to conflate sexual exploitation perpetrated by street gangs, and that perpetrated by organised crime groups: 'can be more organised criminal groups or gangs'. This section of the document then focuses on the 'party' model of abuse to exemplify group and gang associated sexual exploitation, and is akin to the recent high profile 'Operation Bullfinch' case. The document also opens by referencing three high profile cases of child sexual exploitation that broadly fit this definition, although detailed examination would identify differences between them. There have been other cases of child sexual exploitation that are in the public domain but received less media attention and it may be useful to reference these at the outset of the document to highlight the range of group-associated cases that have gone through the courts.

Furthermore, under the Government's Ending Gang and Youth Violence strategy, ACPO has developed a definition of 'street gangs', which is similar to that used for the purposes of the CSEGG Inquiry. The MSU strongly recommends that it adopts the ACPO definition of street gangs, and draws upon the pre-existing research into gang-associated sexual violence (Firmin, 2010, 2011, 2013; Pearce and Pitts 2011, Beckett et al 2012, Berelowitz et al 2012) to ensure consistency across police forces.

It is important that this guidance is tied into any future guidance developed for gang and serious youth violence, and teenage relationship abuse, and that particular consideration is given to prosecuting cases of gang-associated sexual exploitation. On-going analysis of police and crown prosecution case files is indicating that in these incidences:

- Victims may have also engaged in serious offending including weapon possession and drugs offences
- Victims are often gang-associated through familial links, intimate relationships, or school peer groups, presenting additional risks during investigations
- Investigating cases associated to gangs may require the re-location of all key witnesses (who are often all young people), in addition to victims and their families due to on-going risk of reprisals from other gang members who were not directly involved in the sexual exploitation offences

- Alternative disruption tactics, that are more akin with disrupting other forms of gang-related and/or serious youth violence, may be more appropriate than abduction notices and other methods used in adult-on-child exploitation

Reference to young people who commit sexual exploitation offences

Very little reference is made in the draft guidelines to young people as offenders. The only reference that is made is to young people who have been sexually exploited and who may offend as a consequence of that exploitation. This is not the same as peer-on-peer exploitation, and that needs to be acknowledged.

When young people are directly involved in the exploitation and/or sexual assault of other young people additional considerations may include:

- If a peer group is involved, and not all of them are charged, how will the police and other agencies such as schools manage those who have not been charged?
- What disruption tactics are appropriate for adults that are not transferable to children who offend?
- How can criminal justice agencies distinguish between leaders and followers in peer groups, and account for this when processing groups of young people through the criminal justice system?
- Whether there any evidence to suggest that young people have been 'groomed to abuse', by street gangs, adult organised crime groups, or influential adults/peers around them? If so, what activity is underway with those influential groups or individuals?

Witness protection, credibility, and safety planning for children exploited by peers

On-going case file analysis of peer-on-peer abuse cases indicates that there are a number of considerations that need to be taken to safeguard children who are exploited by their peers. When initiating an investigation, and throughout the criminal justice process, these cases have:

- Sometimes involved on-going bullying and harassment within schools requiring victims to leave education
- Often required victims and all young people who act as witnesses to be re-located with their families
- Resulted in threats from peer groups and neighbourhoods which have delayed victims in agreeing to make complaints
- Involved online bullying via social media and mobile phones, from other young people, to force victims to retract statements

These cases have also required special measure for all young people acting as witnesses, beyond victims, including voice modulation, as all young people (victim, perpetrators, and witnesses) often know one other, go to the same school, or have grown up in the same neighbourhood.

This means that safety planning in education, on routes to-and-from school, and within peer groups and neighbourhoods is required when managing cases of peer-on-peer abuse and exploitation. The guidance would benefit by recognising this and offering examples of how police forces have worked with others to safety plan when investigating cases of peer-on-peer exploitation in the past.

In terms of credibility and case building, utilising broader intelligence held on:

- Local gang related and serious youth violence, and pre-existing rivalries
- Broad peer networks that may influence victims to retract statements or fail to come forward
- Multiple victims who may each seek to undermine one another, rather than support each other, akin to cases of sexual bullying
- Whether any of the victims have been coerced into offending alongside gang members, or have been actively involved, in drug sales, weapon harbouring, or violent offending

Conclusion

The production of this legal guidance offers us all with an opportunity to develop a consistent criminal justice response to all forms of child sexual exploitation across the country. The MSU Partnership is happy to meet with the crown prosecution and work with them to ensure that peer-on-peer exploitation is sufficiently covered within this guidance. In the interim, we recommend that:

- 1) Peer-on-peer exploitation is recognised within the guidance, and is not conflated with the 'older boyfriend model' of sexual exploitation
- 2) The guidance utilises the ACPO definition of street gangs and is tied into any further guidance developed to tackle both gang and serious youth violence and teenage relationship abuse
- 3) The guidance gives further consideration to the different approaches that agencies need to take when managing cases where those who have offended are under the age of 18
- 4) The Crown Prosecution Service outline how you will publicise and monitor improvements following the publication of this guidance, and share learning
- 5) Exemplars of managing cases of peer-on-peer exploitation is included in the guidance, including:
 - Safety planning for victims and witnesses who are at risk from other young people at school or in their neighbourhoods

- Response/care pathways where young people may experience others barriers to disclosure or discrimination e.g. based on gender, religion, sexual identity etc.
- Consideration of care and referral pathways particularly where young women require support from specialist services that are both gender and age responsive?

Should you wish to discuss anything from this consultation response in further detail please contact Carlene Firmin, Head of the MsUnderstood Partnership, on carlene@msunderstood.org.uk

References

Barnardo's (2013) *The Tangled Web: how child sexual exploitation is becoming more complex*, Barkingside, Barnardo's

Barter, C. McCaarry, M., Berridge, D., and Evans, K. (2009) *Partner exploitation and violence in teenage intimate relationship*, London, NSPCC

Beckett, H., Brodie, I., Factor, F., Melrose, M. and Pearce, J. (2012) *Research into gang-associated sexual exploitation and sexual violence: Interim Report*, Luton, University of Bedfordshire

Berelowitz, S., Firmin, C., Edwards, G., and Gulyurtlu, S. (2012) *I thought I was the only one. The only one in the world: The Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups Interim Report*, London, Office of the Children's Commissioner

Firmin, C. (2010) *Female Voice in Violence: A study into the impact of serious youth violence on women and girls*, London, Race on the Agenda

Firmin, C. (2011) *This is it, This is my Life: Female Voice in Violence Final Report*, London, Race on the Agenda

Firmin, C. (2013a) 'Busting the 'gang-rape' myth: girls victimisation and agency in gang-associated sexual violence' Horvath, M. A. H. And Woodhams, J. (eds.) *Handbook on the Study of Multiple Perpetrator Rape: A multidisciplinary response to an international problem*, London, Routledge

Firmin, C. (2013c forthcoming) 'Something Old or Something New: Do Pre-Existing Conceptualisations Of Abuse Enable a Sufficient Response to Abuse in Young People's Relationships and Peer-Groups?' Melrose, M. and Pearce, J. (eds.) *Critical Perspectives on child sexual exploitation and trafficking*, Palgrave Macmillan

Jago, S., Arocha, L., Brodie, I., Melrose, M., Pearce, J., and Warrington, C. (2011) *What's Going On to Safeguard Children and Young People from Sexual Exploitation?: How local partnerships respond to child sexual exploitation*, Luton, University of Bedfordshire

Pearce, J., and Pitts, J. (2011), *Youth Gangs, Sexual Violence and Sexual Exploitation: A Scoping Exercise for The Office of the Children's Commissioner for England*, London, Office of the Children's Commissioner