

17 June 2015

Maud de Boer-Buquicchio  
Special Rapporteur on the sale of children, child prostitution  
and child pornography

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*Dear Mme de Boer-Buquicchio,*

Thank you for your letter of 20 April 2015 referring to cases of historical child sexual abuse and exploitation within the United Kingdom. Please find as follows consolidated responses to the questions you raised.

Any form of child abuse is shocking and any failure in children's services is very serious. The UK Government will take intensive measures to ensure improvements are made and children are safe.

When children's social care services fail to protect children and the Office for Standards in Education, Children Services and Skills (Ofsted) judge services inadequate, the UK Government uses statutory and non-statutory measures to intervene and have done so in Rochdale and in Rotherham.

A report launched in March 2015 by the last Government called 'Tackling Child Sexual Exploitation' sets out a national response to the failures we have seen in Rotherham, Greater Manchester, Oxfordshire and elsewhere, where children were let down by the very people who were responsible for protecting them. The report includes a comprehensive and targeted set of actions to drive improvements across all parts of the system including healthcare, social care, education, law enforcement and criminal justice agencies.

At the heart of the report are major reforms designed to improve the quality of front-line social work practice. Key actions include:

- creating an independent taskforce with expertise in tackling child sexual exploitation and sexual abuse in local areas;
- developing a centre of expertise, to develop the evidence base on what works to effectively tackle child sexual abuse;
- developing a whistleblowing single point of contact and increasing scrutiny of whistleblowing arrangements as part of new multi-agency inspections. In advance of the introduction of the multi-agency framework, inspectorates will deliver a series of area inspections during 2015/16;

- re-issuing guidance for professionals including "Working Together", "Information Sharing Guidance" with a myth-busting guide (all issued in March 2015) and later this year we will publish supplementary guidance on Child Sexual Exploitation for professionals, children and the general public;
- starting consultations on an extension to the new 'wilful neglect' offence (introduced as part of the Criminal Justice and Courts Act 2015) to children's social care, education and councillors.

Following the horror of the Alexis Jay report on sexual exploitation in **Rotherham**, the Government placed Rotherham Council under a Statutory Direction. A team of five Commissioners, appointed to the Council by the Secretary of State for Communities and Local Government, and the Secretary of State for Education, now have a key role in driving the improvement of Rotherham Council as a whole. The National Crime Agency is hosting an independent investigation which will include the criminal investigation of non-familial child sexual exploitation in Rotherham between 1997 and 2013. It will also include the independent review and oversight of ongoing criminal investigations commenced in the last 12 months by South Yorkshire Police.

**Rochdale** Council together with local police, health and voluntary group partners have acted swiftly to address the risks revealed by the child sexual exploitation cases of 2008-13. The area is now regarded as a leading example of prevention and action on child sexual exploitation, a fact recognised in Ofsted's November 2014 publication "Child sexual exploitation: It couldn't happen here, could it?" and Louise Casey's March 2015 report on child sexual exploitation. Rochdale is now working with high risk child sexual exploitation areas across England to spread its good practice, though still remains under non-statutory Improvement Notice.

You raised **Oxfordshire**, where six girls aged 11-15 were the victims of child sexual abuse between 2004 and 2011. Five of the girls were looked after at different times by the local authority. Oxfordshire Safeguarding Children Board published a serious case review on 3 March 2015 which estimated that as many as 370 girls had been victims of sexual exploitation over the last 16 years, and made clear that organised sexual exploitation could have been identified and tackled sooner. This was a complex, long running investigation, with a major police investigation called Operation Bullfinch beginning in 2011. Seven men were eventually jailed - 5 were given life sentences and 2 sentenced to 7 years. The serious case review reported that there was a lack of escalation from the front line to senior managers; cases were dealt with in isolation rather than as part of a wider network; there was a lack of professional curiosity from social workers, health services and the Police and that there was a lack of understanding around child sexual exploitation in Oxfordshire at the time. Once senior management were made aware they reacted appropriately.

Sophie Humphreys, an expert in child sexual exploitation, was appointed in March to work alongside and support the Oxfordshire Safeguarding Children Board as it develops its report on the impact of multi-agency work to tackle child sexual exploitation in Oxfordshire. She is required to keep the Department for Education informed of progress and provide a final report for Ministers at the end of June setting out her findings and conclusion. It will be published on the Department's website. This will contribute to the work we are doing nationally to establish a centre of professional expertise which will consolidate and share learning beyond Oxfordshire on what works.

In **Bristol**, under Operation Brooke, the police investigation into child sexual exploitation of girls aged 13-17 in Bristol, led by Avon and Somerset Police, thirteen men were found guilty and received lengthy prison sentences. The Serious Case Review is expected to be published later this year when we will learn more about the case.

In **Telford**, the investigation into the organised child sexual exploitation of vulnerable young girls first started in September 2009. Seven men were subsequently jailed in 2013 after the abuse of more than 100 girls was uncovered. In July 2014 a Lessons Learned Report was produced by the Local Safeguarding Children's Board. Telford and Wrekin Council's Children and Young People Scrutiny Committee are undertaking a review of how agencies in Telford and Wrekin are responding to child sexual exploitation. Further details can be found [online](#).

In **Derby**, during summer 2010, a young woman disclosed that she had been sexually exploited. Operation Kern, the police investigation, resulted in the arrest and prosecution of 12 males for sexually exploiting girls in Derby. The defendants were not organised and did not act together in relation to the alleged abuse. The Derby Safeguarding Children Board carried out a Learning Review of Operation Kern. Further details are here: <http://www.derbyscb.org.uk/scb7.asp>

In November 2013 the Department of Health shared 22 pieces of information with the Department for Education relating to **Jimmy Savile** and 17 children's homes and schools. This information had originally been collated by the Metropolitan Police Service as part of Operation Yewtree and included allegations that Jimmy Savile had abused children at these children's homes and schools. Some of the pieces of information were anonymous and some were not allegations of abuse but related to Savile visiting or having some sort of association with particular children's homes or schools.

On 26 February 2015 The Rt Hon Edward Timpson MP issued a written ministerial statement to notify Parliament that investigations had been completed by the relevant local authority, institution or legacy organisation and that their individual reports were being published. The statement with links to the individual reports is available on the Gov.UK website:

<https://www.gov.uk/government/speeches/investigations-into-abuse-in-childrens-homes-and-schools>

None of the investigations was able to reach firm conclusions about whether the alleged abuse took place. Although many of them say the informant was credible, the lack of corroborating evidence has prevented them from reaching a definitive conclusion. Lucy Scott-Moncrieff was appointed to provide independent oversight and quality assurance of the process and she has now produced a report covering a total of 14 investigations. The report 'Independent oversight of investigations into matters relating to Jimmy Savile at schools and children's homes' was also published on 26 February 2015 and is available on the GOV.UK website.

Lucy Scott-Moncrieff concluded in her report that all the investigations reviewed into matters relating to Jimmy Savile have been conducted in an appropriate and robust fashion and that the resulting reports should be published; all the investigations found that policy and practice has developed significantly in the schools and children's homes since the time of alleged incidents. This is not as a result of Savile's activities but because of the greater awareness of safeguarding risks that have developed over the last few decades and that the risk of a paedophile having unrestricted access to children, as Savile apparently had, is now substantially reduced.

You may also be interested to know that in October 2013, the Crown Prosecution Service issued new guidelines setting out a **new approach for prosecutors** in cases of child sexual abuse. The guidance aimed to achieve consistency in approach and puts focus on the allegation, rather than the credibility of the victim.

Moreover, guidance on the public interest in prosecuting non-recent cases where a nominal penalty is the likely outcome was published on 5 September 2014. The guidance makes it clear that a complaint of child sexual abuse made years after an incident should be taken just as seriously as one

made at the time and that the views of the victim and their sense of justice should be a factor for prosecutors to consider.

Furthermore, unless there are exceptional circumstances, all Crown Court cases of child sexual abuse are dealt with in dedicated Rape and Serious Sexual Offences Units by specialist prosecutors who have had appropriate training.

We are also **strengthening protection of vulnerable victims** by improving their experience of court by making sure that where victims give evidence, they have more options about how and where. We recently piloted pre-recorded cross-examination which allows the witness to be cross examined before the full trial so they can better recall their evidence. The pilot benefits children and those with a mental or physical disorder, disability or impairment. The pilot is intended to improve the experience of the victim or witness by ensuring they give evidence as early as possible. Interim findings from the process evaluation of the pilots are available and plans for future rollout will be announced shortly.

This is in addition to a range of measures that already exist to help reduce the anxiety of attending court, including giving evidence behind a screen and the use of Registered Intermediaries. Special measures were introduced through the Youth Justice and Criminal Evidence Act 1999 and Section 28 of the Act is the last unimplemented measure. It allows vulnerable or intimidated witnesses to give their evidence and be cross-examined before the full trial and away from the court room, with this evidence played during the live trial.

We are also devising a requirement that, to be instructed in cases involving serious sexual offence cases, publicly funded advocates must undertake specialist training on working with vulnerable victims and witnesses. This training will improve the quality of trials and examination, and spare vulnerable victims and witnesses aggressive cross-examination in sexual offences cases. The UK Government will legislate to enshrine the rights of victims in primary legislation.

In your letter, you make reference to **Article 39 of the Convention on the Rights of the Child** and the State Parties obligations to undertake appropriate measures to promote physical and psychological recovery of child victims of sexual abuse. Rape and sexual abuse are devastating crimes and the Government is committed to ensuring that every victim has access to the specialist support they need. As part of the Government's wider strategy for tackling sexual violence, the Ministry of Justice (MoJ) is improving funding for specialist support provision across England and Wales.

The MoJ has responsibility for the Criminal Injuries Compensation Authority (CICA) and compensation scheme that it administers. The CICA deal with compensation claims from people who have been physically or mentally injured because they were the blameless victim of a violent crime and this would include sexual abuse.

Payment can never fully compensate for the injuries suffered, but it is recognition of public sympathy. The rules of the Scheme and the value of the awards paid are set by Parliament and the CICA administers these rules independently of Parliament. Payments are based primarily on injuries someone sustains rather than the crime of which they were a victim.

Special provision is made in the Scheme if the applicant was under 18 at the time of the incident. If an applicant is not able to make their own application, their parent or guardian can apply on their behalf. Aside from the Scheme, there are other avenues of support which are open to victims such as Victim Support, a national charity providing free confidential services for anyone affected by crime. Trained volunteers can provide information, emotional support and practical help. They run national branches and have a national support line. Furthermore, they can also direct victims to other more specialised forms of support if the victim needs this.

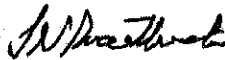
Finally, as requested, Annex A contains data on:

- prosecutions for cases identified as child abuse and sexual offences;
- prosecutions for cases identified as involving human trafficking;
- volumes of offences charged for possession, making, distributing, showing and advertising indecent or prohibited images of children.

All data have been previously published as part of the annual VAWG Reports and are therefore already in the public domain. Full caveats and definitions are appended to each table and it is important to note that data cannot be further disaggregated without reviewing case files. For example, to identify child abuse sexual offences where the offence was familial or the nationalities of human trafficking victims. The volumes of offences should not be viewed as commensurate with the number of defendants prosecuted; a defendant may be charged with one or more offences.

I hope that this letter addresses your concerns. Please allow me to reiterate the British Government's firm commitment to advancing human rights.

Best wishes,



**JULIAN BRAITHWAITE**

- Sexual Offences Act 2003 (Section 59A(1)(a))
- Sexual Offences Act 2003 (Section 59A(1)(b))
- Sexual Offences Act 2003 (Section 59A(1)(c))
- Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(1)
- Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(2)
- Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(3)
- Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(1A)(a))
- Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(1A)(b))
- Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(1A)(c))
- Coroners and Justice Act 2009 (Section 71)

The flag is applied at the onset of the case and will remain in place even if those charges are subsequently amended or dropped. If a case commences under a different offence but is then changed to a trafficking charge, the case will be flagged at that stage.

CPS human trafficking statistics are reliant upon the accurate identification and flagging of applicable cases on the Case Management System.

The counting unit for CPS records is the defendant in a case, as opposed to the number of offences, or the number of cases. Thus, if a single set of proceedings involves more than one defendant, then each defendant is counted, and the outcome is recorded for each defendant.

1. Convictions comprise guilty pleas, convictions after trial and proceedings which are proved in absence.
2. Unsuccessful Outcomes comprise prosecutions dropped, administrative finalisations, discharged commitments and cases acquitted or dismissed following a contested hearing.

**CHILD ABUSE IMAGE OFFENCES**

	2007 - 08	2008 - 09	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014
Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child	3,079	4,241	4,117	4,543	3,885	3,849	4,285
Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child	0	0	0	21	179	394	534
Sexual exploitation of children through photographs ..... of which	11,873	14,656	14,595	16,851	15,599	14,684	15,574
Protection of Children Act 1978 (1 (1)(a)) - Making an indecent photograph of a child	10,832	13,454	13,652	15,768	14,570	13,596	14,443
Protection of Children Act 1978 (1 (1)(b)) - Distributing an indecent photograph of a child	678	931	804	670	695	803	907
Protection of Children Act 1978 (1 (1)(c)) - Showing indecent photographs of children	345	258	137	410	333	294	224
Protection of Children Act 1978 (1 (1)(d)) - Publishing an advertisement likely to suggest that the adviser distributes or shows indecent photographs of children	18	13	2	3	1	1	0

1. Offences recorded in the Management Information System Offences Universe are those which reached a hearing. There is no indication of final outcomes or if the charged offence was the substantive charge at finalisation.
2. Data relates to the number of offences recorded in magistrates' courts, in which a prosecution commenced, as recorded in the CMS database.
3. Offences data are not held by defendant, or outcome.
4. Offences recorded in the Offences Universe of the MIS are those which were charged at any time and reached at least one hearing. This offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcomes or if the offence charged was the substantive offence at finalisation.

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(A) CPS data are available through its Case Management System (CMS) and associated Management Information System (MIS). The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007. These data have been drawn from the CPS's administrative IT system, which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

(B) The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

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