

# Missing People's response to the Government Consultation on the statutory definition of child sexual exploitation

## About Missing People and why we are responding

Missing People is a UK charity which offers a lifeline to children and adults reported missing to the police and other agencies. We listen in confidence, and support missing people and their families to explore their options and, where possible, to reconnect with their missing loved ones. For those left behind we provide specialised support to ease the heartache and confusion, and help search for their missing loved ones. We provide our services through partnership working, including with the police and social services, as well as other charities and professionals, and also undertake research and policy work.

In June 2015, Missing People and the NWG Network launched the 'Say Something' campaign. The campaign has been developed with young people and aims to safeguard vulnerable children and young people by empowering them to identify early indicators of child sexual exploitation (CSE). Say Something offers a free, 24-hour, anonymous phone and SMS helpline, 116 000, enabling young people to disclose information and seek support.

As part of our role, we listen and provide practical advice to those who are already missing, including related to the risks they face. To those who have returned, we provide return home interviews in East Sussex, Surrey, and Swindon. In both cases, we look to direct the missing person to the services they need. The links between going missing and CSE are clear.<sup>1</sup> CSE is a real danger faced by the vulnerable children and young people that go missing, no matter how long. Ensuring that there is clarity in the support available for them is vital for our work.

## Response

The government is seeking views on two proposals:

- (1) Revising the current statutory definition of child sexual exploitation (CSE);
- (2) Including the revised definition in the statutory guidance 'Working Together to Safeguard Children' (2015).

The consultation document stipulates the aim of the proposed changes:

'The proposed changes are intended to **remove any ambiguity** and **ensure that across all sectors practitioners are working to the same definition**. The proposed definition takes account of comments from a range of partners; and reflects our increased understanding of this form of abuse.'

We will address the first of the proposals. We have not considered the other proposal and its related questions.

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<sup>1</sup> One government report suggested that 90% of those subjected to CSE will go missing (DSCF, 2009). Strong statistical correlations are shown in numerous reports, including Pearce et al (2002), and Scott and Skidmore (2006).

Our response to the first proposal and its related questions follows.

**Are you content with the revised definition of child sexual exploitation?**

**Are there any other options or changes that you consider need to be made to the revised definition?**

The proposed revised definition is:

*'Child sexual exploitation is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation doesn't always involve physical contact and can happen online. A significant number of children who are victims of sexual exploitation go missing from home, care and education at some point.'*

We have five main objections to the revised definition:

1. It does not explicitly state that young people aged 16 or 17 can be victims of CSE, potentially causing irregularity in service provision for vulnerable young people – it therefore creates new ambiguity and will not 'ensure that across all sectors practitioners are working to the same definition';
2. We are not sure how courts will handle the statement that consent is irrelevant, creating ambiguity in some cases;
3. The definition refers to cases in which sexual activity is exchanged for some reward or assistance, but does not refer to cases in which sexual exploitation occurs by the victim being threatened;
4. Recent evidence suggests that sexual exploitation can become a form of self-harm, which the revised definition does not address.
5. We think the definition could make it clear that some exploiters are skilled in evading the notice of the parents and carers of the children and young people going missing.

These are now set out in more detail below.

**1. Young people aged 16 or 17**

The previous definition stated that CSE is '[s]exual exploitation of children and young people under 18'. The revised definition no longer explicitly states how old someone must be for the sexual exploitation to be CSE and uses the words 'child' and 'children' rather than 'children and young people' throughout. The meaning of 'child' is ambiguous between 'under 16 and under 18'. We believe that sexual exploitation of those aged 16 or over is CSE. There is a risk, with this revised definition, that sector practitioners and others will read 'child' and 'children' as meaning 'under 16' and therefore think that a victim of sexual exploitation must be under 16 in order to be a victim of CSE.

Victims of sexual exploitation over the age of 16 are, in important ways, just as vulnerable as those under 16. They can be economically dependent on their parents or carers, exposing

them to the kind of economic exchange that forms part of CSE. They can be socially adventurous, making them more likely to engage with strangers. They can be adventurous in many other ways, including sexually and in using alcohol and other drugs for the first time. All of these factors are true of those 16 and over 16, as they are those under 16. The support and advice they require will, likewise, be similar. A recent report by the Children's Society (2015) found 16 and 17 year olds to be particularly at risk of CSE.

We are therefore concerned with the implications for the practices of sector practitioners and others of the absence of an explicit statement in the revised definition that all victims of sexual exploitation of the kind described that are under 18 are victims of CSE. This could lead to irregularities in the service provision for those aged 16 and 17 and leave some victims without the support they need. It will therefore create new ambiguity and so will not 'ensure that across all sectors practitioners are working to the same definition'. The definition will thus not contribute to the government's aim in revising the definition.

## **2. Court procedure for handling consent in CSE cases**

The revised definition also states that '[c]onsent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them'. Yet, it is unclear to us how this condition will be dealt with in court cases where the victim is over the age of 16 and so capable of providing consent for sexual activity. This is an ambiguity we believe needs to be resolved by the definition.

## **3. The use of threats leading to sexual exploitation**

The definition states that 'in some cases' there is an exchange of 'sexual activity for money, drugs, gifts, affection or status'. This leaves open whether or not cases of threats, intimidation, and other forms of force or blackmail leading to sexual exploitation also count as CSE. This is an unresolved ambiguity and could lead to irregular service provision, with such cases being considered CSE by some service practitioners and others, whilst other service practitioners and others do not consider them so.

The definition should make clear that cases in which threats, intimidation, or other forms of force or blackmail are used to make a child or young person, for instance, engage in sexual activity or share explicit photos of themselves also count as childhood sexual exploitation. Our services team have provided anecdotal evidence of cases in which (1) there have been threats to share explicit photos; (2) Muslim girls have been pressured and exploited by threatening to expose a relationship, a photo, or a practice that does not conform with their religious customs; (3) girls become part of an exploitative network in gangs.

## **4. Self-harm and sexual exploitation**

A recent report by The Children's Society (2015: 9) also found that sexual abuse can become a form of self-harm. The report noted that "Young people keep returning to situations of abuse because they believe they do not deserve anything good in their lives." They therefore may not seek to avoid such situations. The revised definition does not cover those cases.

## 5. Short missing episodes and links to CSE

We are happy with it being made explicit in the definition that a significant number of victims of sexual exploitation go missing from home, care, and education at some point. Evidence suggests that some exploiters are skilled in evading the official warning mechanisms of care homes and the suspicions of parents by, for example, returning the child or young person to their home within a certain time period.<sup>2</sup> This ought to be clear, so service practitioners and others are aware of the reasons why the sexual exploitation might go unnoticed by care homes or parents, and so that it is not necessary that missing episodes are noticed or logged for them to be instances of CSE.

### Contact

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### References

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<sup>2</sup> Berelowitz et al, (2012); Barnardo's (2011).