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**Children in Care: Exploitation, Offending and the Denial of Victimhood in a Prosecution-led Culture of Practice**

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### Article

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## Introduction

The vulnerability of children to various forms of exploitation and abuse via individuals and practices within the care system has been well documented both in the UK and internationally (see Skold and Swain, 2015). However, it is only relatively recently that the dangers presented by perpetrators external to the care environment have gained a degree of attention. The following article reports upon and discusses research conducted with professionals from across a range of social work and criminal justice agencies in the North West of England. The study explored the key factors that contribute to the sexual and criminal exploitation of children in care; the effectiveness of current responses to these issues, and the challenges that professionals face. The article begins by detailing how, in relation to both child sexual exploitation (CSE) and child criminal exploitation (CCE) the study was informed by a range of empirical research and recent reports. It then briefly describes the research methodology, before reporting the results of the study and finally considering how the issues might be addressed.

A range of terminology is used to describe children who are currently in care in the UK. A number of the research participants used the expression 'looked-after' children, which is a term (sometimes abbreviated to LAC) introduced by the Children Act 1989. However, the expression 'in care' tends to be used in wider society, with the term 'looked-after' children (or increasingly 'children looked-after' or CLA) applied mainly in official/professional circles. The term 'care-experienced' refers to anyone who has been or is currently, in care. The terms 'looked-after children', 'children in care' and 'care experienced children' are used at various points throughout the article. There were approximately 73,000 children in care on

31 March 2018 in England and Wales (1% of all children), with sixty per cent looked after by the state due to abuse or neglect and have a range of complex needs (behavioural, emotional and social difficulties) (DfE, 2018).

## Setting the Scene

### Child Sexual Exploitation

The issue of child sexual exploitation in the UK and its impact upon care experienced children has been thrown into sharp relief by high profile cases such as the 2012 and 2016 sex-trafficking convictions of men in Rochdale; Telford in 2013, and Huddersfield in 2018 (Carter and Siddique, 2012; Perraudin, 2016; Grierson, 2018; Halliday, 2018). In addition, the Jay Report (2014) focused on child sexual exploitation in Rotherham over a substantial time-period. These cases highlighted the propensity of certain individuals within communities to target vulnerable young people for abuse, including those in care (Shuker, 2013; Jay, 2014).

Research exploring the issues that may make children and young people more at risk of becoming a victim of CSE, consistently highlight being in care as a contributing vulnerability factor (Beckett, 2011; Berelowitz *et al.*, 2012; Brodie and Pearce, 2012; Lerpiniere *et al.*, 2013). The Jay Report (2014) revealed that just over a third of children affected by sexual exploitation were previously known to services because of child protection concerns and neglect, with children in care highlighted as vulnerable to grooming, and perpetrators targeting children's residential units. Indeed, in their earlier inquiry into child sexual exploitation, Berelowitz *et al.*, (2012) found that a disproportionate number of children are living in residential care at the time their abuse begins. In fact the vulnerability of children in residential placements to being targeted by perpetrators of sexual exploitation has been

highlighted for many years (for example, Munro, 2004) and of particular concern are children who go missing from care, which is especially a risk in residential placements (Beckett, 2011; Lerpiniere *et al.*, 2013; Howard League, 2017). In fact, it was announced in March 2019, that MPs are to launch an inquiry into the record number of children missing from care in England, including an exploration of how many of these children then become victims of exploitation (Marsh, 2019).

In terms of why this might be the case, Lilywhite and Skidmore (2006, p.358) argue that residential placements are generally utilised for children who are deemed 'too chaotic' for other forms of care. This results in residential homes accommodating the most vulnerable children and young people, who are at risk of being targeted by perpetrators of CSE (Brodie and Pearce, 2012). Various factors are said to be predictive of the risk of CSE (for example, see Beckett, 2011), and a wide range of tools and checklists are currently being used by professionals across England (Brown *et al.*, 2018). Although concerns have been raised regarding their suitability, efficiency and usefulness and there is a clear need for improvement in various respects (see for example, Brown *et al.*, 2016; Brown *et al.*, 2017), practitioners have indicated that they do find such tools and checklists valuable (Brown *et al.*, 2017). Beckett (2011) argues that the range of factors that make children more vulnerable to becoming a victim of CSE are related to them being placed in care. These include the lack of positive relationships with a protective adult and a history of abuse and/or neglect (DfE, 2018). Children in residential care are more likely to possess the CSE contributing vulnerability factors of low self-esteem, social isolation and prior sexual abuse (Beckett, 2011).

Furthermore, research has revealed a significant relationship between offending behaviour and being a victim of CSE, with evidence that some victims were being persuaded to engage in criminal activity by perpetrators as part of their abuse, whilst others have used crime as a means to escape their exploiters or as a cry for help (Beckett, 2011, Phoenix, 2012). Certainly, criminality can be indicator of sexual exploitation (Jago *et al.*, 2011), something which the Department for Education (2017) acknowledges in its guidance for practitioners. It would therefore appear that the same vulnerability factors, which can contribute to CSE, might also lead to an increased likelihood of involvement in criminal activity. This observation is particularly pertinent when considering the subject of child criminal exploitation.

### **Child Criminal Exploitation**

Increasingly, the vulnerability of children to criminal exploitation (CCE) has been brought to public attention in the UK (HM Government, 2018), with the issue of what has been termed 'County Lines' activity receiving particular focus. "County Lines" is the latest term adopted by police and government agencies to describe the contemporary drug dealing practices of criminal gangs' (Robinson *et al.*, 2018, p.696). It involves urban gangs supplying drugs to suburban areas and market and coastal towns using dedicated mobile phone lines or "deal lines" (Home Office, 2018). Whilst primarily a new dimension of drug trafficking crime (Stone, 2018), it involves CCE as gangs use children and vulnerable people to move drugs and money (Home Office, 2018). A recent report by the Children's Society warns that whilst the main age bracket for the criminal exploitation of children is 14 to 17, the age at which children are being targeted for grooming is getting younger, with primary school age children being increasingly drawn in (Children's Society, 2019, Dodd, 2019). CCE can involve the use of coercion, intimidation, violence (including sexual violence) and weapons (National Crime

Agency, 2017; HM Government, 2018a, p.48 and for a fuller account, see CPS, 2018; House of Commons Library, 2018; Hudek, 2018a; Robinson *et al.*, 2018; Stone, 2018; Coomber and Moyle, 2018).

In contrast to CSE, there is only a relatively small amount of research regarding the potential for children in care to become a victim of CCE. Indeed, Sturrock and Holmes (2015) note that the nature of this exploitation is not always recognised in cases where children have committed ‘criminal’ acts as a result of ‘gang’ activity, and they are frequently criminalised rather than treated as victims in need of safeguarding and support. It is ‘often the case that victims are mistakenly viewed as having made a ‘choice’ to engage in criminal behaviour’, something which is ‘often exacerbated by the child’s refusal to recognise themselves as a victim’ (YJLC, 2018, online and see also Robinson *et al.*, 2018). In fact, it has been argued that safeguarding agencies are at risk of repeating previous mistakes in failing to recognise the nature and scale of the issue (Ofsted, 2018; Children’s Commissioner, 2019).

Nevertheless, in the wake of the aforementioned child sexual exploitation scandals in which abuse continued for a number of years, partly because of agencies failing to recognise the victim status of children who were involved (e.g. see Jay, 2014), the British Government has produced guidance in relation to both CSE and CCE. This clearly attempts to convey a more nuanced appreciation of victimhood. According to the UK Home Office, CSE or CCE occurs where an individual or group *takes advantage of an imbalance of power* to coerce, control, manipulate or deceive a child or young person under the age of 18. It is stated that the victim may have been sexually or criminally exploited *even if the activity appears consensual* (authors own emphasis). Both CSE and CCE can also occur online (DfE, 2017; Home Office,

2018). Here there is an acknowledgement that children should be accorded victim status regardless of apparent acquiescence in the activities, because of the power dynamics inherent in the exploitative relationship.

As with CSE, the Home Office (2018) state that being in care can heighten the risk of becoming a victim of CCE (particularly those in residential care and with interrupted care histories) and that children aged between 15-16 years are most at risk. Similarly, indicators of CCE are children who persistently go missing and/or who may be found outside the areas in which they reside, factors that have been found to contribute to the vulnerability of children in care (Coy, 2009; Beckett, 2011; Lerpiniere *et al.*, 2013; Howard League, 2017). In addition, it has been highlighted how criminal exploitation interlinks with multiple vulnerabilities and offences, including the child or young person being exposed to and/or being the victim of physical and emotional violence, neglect, sexual abuse and exploitation, modern day slavery, human trafficking and domestic abuse (Children's Society, 2018).

Clearly, as highlighted at an earlier point, children in care are often particularly vulnerable by virtue of the often abusive and neglectful experiences that led to them being 'looked-after' (DfE, 2018). Research has also revealed how in-care experiences can exacerbate existing vulnerabilities and create new ones (Shaw, 2017). These include placement and consequent association with peers who are also at high risk of exploitation (Berelowitz *et al.*, 2012; Brodie and Pearce, 2012; Coy, Sharp-Jeffs and Kelly, 2017) and the destabilising 'culture of care,' which can entail multiple placement moves (Coy, 2009). Children who have been placed out of their home area, which frequently occurs in respect of residential care, are also particularly vulnerable to exploitation (Howard League, 2017; YJLC, 2018).

Recent government guidelines stipulate that children who are encountered as offenders, or alleged offenders, should be entitled to the same safeguards and protection as any other child and due regard should be given to their safety, and welfare at all times (HM Government, 2018b, p.62). Indeed, for the first time in this series of guidelines, specific mention is made of children being at risk of county lines exploitation, thus highlighting the prominence of this issue at a national level. A '*child centred*' approach to safeguarding is advocated which means keeping the child in focus when making decisions about their lives and working in partnership with them and their families. It is stated that practitioners should *put the needs of children first* (authors emphasis) when determining what action to take (HM Government, 2018, p.8). This certainly appears to represent a positive step forward in acknowledging the safeguarding needs of a very vulnerable group of children and young people.

## Methods

The study utilised a qualitative approach, primarily in the form of six focus groups. The focus groups included four Multi-Agency Safeguarding Hub (MASH) Teams from across a region in the North-West of England, comprising of social workers (fostering and child protection staff from statutory and voluntary agencies), police officers, youth offending team workers (which include seconded social workers and probation officers), representatives from the NHS, Housing and other community rehabilitation providers. There was also a focus group of social workers from a voluntary fostering agency and one group of Independent Reviewing Officers (IRO's). IRO's are experienced social work managers whose duty is to ensure that care plans for children are legally compliant and in the child's best interests. In addition to the focus groups, supplementary semi-structured interviews were undertaken with



professionals who, after participating in the focus groups, expressed an interest in providing a more in-depth account of their thoughts and experiences. There were 36 participants in total across the six focus groups. The participants were recruited via a process of purposive sampling from existing networks, which in turn produced further participants via a 'snowballing' effect. Whilst potentially excluding certain perspectives, this nonetheless enabled the researchers to identify participants who were perceived to have the requisite knowledge and experience of the subject matter.

Ethical permission for carrying out the project was obtained from the relevant university Research Ethics Committee. The study was carried out in accordance with apposite ethical considerations (British Society of Criminology, 2015) including those of ensuring the fully informed consent of research participants, along with the confidentiality of collected data (ensured by assigning pseudonyms to the individuals, establishments and geographical areas referred to, along with the secure storage of collected data). The focus groups and interviews were recorded and transcribed and the material was used to carry out a qualitative thematic analysis to identify key issues, drawing on Braun and Clarke's (2006) six-step framework.

## **Results**

### **The exploitation of children in care**

Participants noted the high proportion of care experienced children amongst victims of CSE:

In [Borough C], out of our child sexual exploitation cohorts, I think it was 52% of those are 'looked-after' children. (YOT Worker)

Participants also discussed the particular susceptibility of children in care to exploitation and drew links between the vulnerability factors that looked after children possess and those that are identified more broadly as CSE 'risk factors' (see Beckett, 2011):

If you did a list of 20 things, then they're probably a lot of the behaviour that children who are [in care] also have, so low self-esteem, [poor] attachments, all that type of stuff and looking...to get that [affection] from somewhere else and that makes them more vulnerable to people who take advantage of them in some way. (Police Officer)

However, although the links between being in care and the risks of becoming a victim of CSE have been widely documented (Beckett, 2011; Berewolitz *et al.*, 2012; Brodie and Pearce, 2012; Lerpiniere *et al.*, 2013; Jay, 2014), it appeared that awareness was still somewhat lacking at practice level. The police expressed concerns that social services are not as cognisant of the processes related to responding to CSE (including what CSE actually constitutes), as they should be and this sometimes led to disagreements within the MASH Team:

In the social workers' defence, I think it is a lack of training from their managers, and that is being addressed at the moment (Police Officer)

There are a lot of 'differences', shall we say...but that's slowly improving (Social Worker)

In addition, it soon became apparent that knowledge surrounding CCE was scarcer still. Participants were particularly concerned about CCE as they had witnessed an increase in referrals relating to this form of exploitation in the 6 months prior to data collection taking place:

There has been a massive increase of referrals since October, predominantly with young people going or trafficked to other areas in the UK and being involved in the supply or concerning the supply of drugs. A lot of our referrals have been young people being found, either arrested or missing in other force areas. (Police Officer)

However, due to this being a recent increase, a number of practitioners felt that they did not possess the requisite knowledge to adequately respond, echoing previous Home Office (2018) guidance by highlighting 'county lines' exploitation as a harm, about which relatively little is known or recognised by those best placed to spot its potential victims:

We haven't had any training in the police. We've tried to do a bit of research... I think our knowledge is on our own research in the area, isn't it? (Police Officer)

Such lack of knowledge is concerning and demonstrates a clear need for practitioner education in this area. This is an issue which will be discussed further in the final section of the article.

### **The interplay between exploitation and offending**

Research has indicated that the offending behaviour of care experienced children cannot be separated from vulnerabilities they face and forms of victimisation they may have experienced (e.g. Beckett, 2011; Jago *et al.*, 2011; Day, 2017). One participant in this study discussed the children in care who had come into contact with the youth justice system in a recent time period within the Borough they were working in. Of the fifteen children who had been arrested, thirteen of them were at risk of sexual exploitation or had gone missing, which in turn is also an indicator of and risk factor for exploitation (Beckett, 2011; Lerpiniere *et al.*, 2013; Howard League, 2017). Not only did participants question punitive responses to

children in care due to their pre-existing vulnerabilities, but also whether youth justice based responses are appropriate with children in care who have ongoing vulnerabilities such as experiencing exploitation and/or going missing:

Should we even be engaging in police procedures with them? (Social Worker)

Certainly, this represents a challenge to the status quo in terms of how the youth justice system is currently utilised, and is contrary to existing policy that criminalises and responsabilises children and young people, regardless of the factors that may have contributed to their actions (Goldson, 2002; Haines and Case, 2015).

As has been found in previous research (Beckett, 2011; Jago *et al.*, 2011), participants in this study discussed how children in care who have been exploited could become perpetrators as well as victims:

They get so involved in it that they start trying to get their friends to come along...

(YOT Worker)

Girls are being used to get other girls in the placement to send photographs and stuff like that. (Social Worker)

It was felt that a significant part of the blame for this lay in the lack of thought and consideration given by local authorities to the placement of vulnerable young people:

That is a massive issue for us because we get our own kids put in placements with other CSE or CCE kids...who then go on to exploit each other. (Social Worker)

The lack of thought that appears to be given by local authorities to the placement of 'at risk' children and young people is extremely concerning and clearly incompatible with its duties as

a corporate parent promote the best interests of the children in its care (Children and Social Work Act 2017, Part 1).

## **Criminal or victim?**

Nonetheless, regardless of the systemic deficiencies that may have contributed to such outcomes, it became clear that this co-existence of offending behaviour and victimisation was not always recognised in practice, and children in care were still criminalised, regardless of their vulnerabilities:

I think criminalisation is looked at before victimisation. (Police Officer)

Therefore, as previously argued by Coy, Sharp-Jeffs and Kelly (2017, p. 2), this study confirmed that when sexually exploited young people are also involved in criminal activity, and/or are the victim of CCE, 'they may be seen only as offenders rather than as victims of exploitation'. However, attempts were being made to move practice responses in a different direction. Although participants discussed the lack of over-arching practice guidance relating to CCE, localised strategies were being put in place in an attempt to respond effectively to the issue. For example, participants discussed a new approach that looked to reducing the criminalisation of children in care who are exploited, by utilising other avenues available to them. In an attempt to address this issue, some were using wider legislation to treat criminally exploited children and young people as victims of 'modern slavery':

We're looking at things that we can do to, in terms of criminal exploitation, to support a young person. So rather than thinking of them as criminals... we're using the National Referral Mechanism so they can get potential status as a victim of modern slavery, which will allow the CPS to look at them differently if they are facing charges

for supply of class A substances... We are looking at what we can do as a group to protect against them becoming embroiled further in the [youth] justice system.

(Police Officer)

Recent legislation has paved the way for CCE victim status to be recognised by offering a potential legal defence to criminal activity under section 45 of the Modern Slavery Act 2015 (MSA). Specific provision is made for a 'defence for slavery or trafficking victims who commit an offence', with subsection 4 stating that a person is not guilty of an offence if -

(a) The person is under the age of 18 when the person does the act which constitutes the offence;

(b) The person does that act as a direct consequence of the person being, or having been, a victim of slavery or a victim of relevant exploitation;

(c) A reasonable person in the same situation as the person and having the person's relevant characteristics would do that act.

Stone (2018) highlights that in contrast to the application of this defence to adult suspects *it is not material whether a child was compelled to commit the offence* (author's own emphasis), again acknowledging the power dynamics inherent in exploitative relationships. Furthermore, after the child has adduced sufficient evidence to raise the issue of whether s/he was a victim of trafficking or slavery, the prosecution has to prove beyond reasonable doubt that s/he was not a victim, if this is not accepted (ibid, 2018). It therefore appears that the MSA 2015 could offer valuable protection to children who are criminally exploited. In connection with this, guidance states that designated First Responders for the National Referral Mechanism (NRM) should consider referring any young person (or adult) they

suspect of being a potential victim of trafficking or modern slavery to the NRM. Any referral should be after appropriate safeguarding steps have been taken and in light of multi-agency discussions (HM Government, 2018 and see Home Office, 2016 for list of First Responder organisations and guidance).

However, participants in this research who felt that there was still more to be done noted tension. It was argued that there should be a profound culture shift within the police and the Crown Prosecution Service to recognise the vulnerability of children in care and reduce their criminalisation more generally. Whilst it was felt that positive shifts had occurred in police thinking in that it had become much more safeguarding led, the following discussion between a social worker and a police officer reveals continuing divisions:

**Social worker:** I'm saying, "Yes, but he's a child," and you're saying, "Yes, but it's still a crime for the police." It's whether you could be that forward thinking in that we wouldn't even think of it as a crime because we know the situation...It would be a huge shift then. It would be a completely different remit for the police.

**Police officer:** It's going to take time but I think we're going in the right direction for it to, at some point, possibly become that where we're picking them up, we're seeing them as a victim first, rather than picking them up and seeing and seeing them then as the criminal and putting a charge on them for supply of class A drugs or whatever. But I think we are going in the right direction, definitely.

This discussion between practitioners who represent social care and criminal justice perspectives demonstrates the commitment of practitioners who participated in this study to work together to protect children in care from harm. However, what is also evident is the

differing approaches and priorities of the agencies represented within multi-agency teams and that there is still a long way to go in terms of focusing on the exploitation and consequent vulnerability of children in care who offend over and above or indeed instead of, a prosecution-led approach. Although steps are being taken to develop co-ordinated responses to children in care, there are still challenges in this area and a need to develop a more coherent set of principles that ensure the welfare of the child remains consistently protected.

## Discussion

This paper has presented the views of practitioners representing a variety of criminal justice and social welfare agencies. Participants echoed previous research by suggesting that for a number of reasons connected to their 'looked-after' status and deficiencies within the care system, children in care are particularly vulnerable to sexual and criminal exploitation (Beckett, 2011; Berewolitz *et al.*, 2012; Brodie and Pearce, 2012; Lerpiniere *et al.*, 2013; Home Office, 2018).

In the wake of the Jay Report (2014) and its recommendations for change, the government set out a programme of reforms in relation to CSE (HM Government, 2015b). In terms of the progress made because of those reforms, a 24 per cent increase in CSE referrals has been hailed as a sign of success, as well as a 19 per cent increase in the number of offenders convicted of a child sexual abuse related offence (HM Government, 2017). Nevertheless, the research findings highlighted disagreements between police and social services regarding the nature of CSE and how it should be responded to. The police felt that the problem stemmed from a lack of training given to social workers, thus demonstrating that multi-agency working,



long advocated as the best way of safeguarding vulnerable children (Children Act, 2004; DfE, 2011; HM Government, 2015a and 2018), is only as good as the knowledge brought by individual professionals. The available resources for training, in turn, affect this, and it is therefore imperative that the necessary funds are provided to educate practitioners. To this end, the Department for Education very recently announced the establishment of a new national unit to help local areas improve support for vulnerable children and young people at risk of exploitation, funded with £2m of government money to run from 2019 to 2022. The aim of the unit is to provide local safeguarding agencies with expertise, advice and practical support to help stop CSE, CCE, trafficking and modern slavery (Puffet, 2018). Despite the relatively modest sum of money allocated, it is to be hoped that this initiative will contribute to filling the void that currently exists in terms of professional knowledge. However, within the context of austerity that has witnessed cuts to wider criminal justice and welfare services, it is important to question whether the overall resources are in place to manage an increase in referrals and achieve the targets for reform (Gallagher, 2017).

There is yet, no equivalent programme of reform to specifically tackle CCE, however participants in this study were particularly concerned about this form of exploitation.

Sturrock and Homes (2015) argue that there is:

The need for all professionals working with this group, regardless of their sector, to be trained to understand the safeguarding needs of those affected by gangs. In order for this to happen, multi-agency working that bridges the gap between safeguarding and criminal justice is essential (ibid, p.1).

The MASH Teams that participated in this research study certainly fulfil the criteria of multi-agency teams that bridge the gap between safeguarding and criminal/youth justice, yet

practitioners were still at something of a loss to know how to respond. Therefore, it is to be hoped that very recent developments will bridge the knowledge deficit. In the last year, numerous publications have sought to alert criminal justice and child welfare agencies to the risks posed to children and young persons in this context (e.g. Children's Society, 2018; Home Office, 2018; Hudek, 2018b; Youth Justice Legal Centre (YJLC), 2018a, Children's Commissioner, 2019; Children's Society, 2019). In addition, the issue of CCE is being responded to in different ways throughout the UK and many local authorities have developed or are developing a body of practice knowledge.

Hackney Council for example, has a specialist service that is undertaking work in relation to CCE (including county lines exploitation) and CSE. This involves a new approach-'Contextual Safeguarding'- which shifts the focus of social work from the family home, to consider much wider influences (Firmin, 2017; HM Government, 2018). The approach considers how, for example, peer groups, social media, neighbourhoods and schools, affect young people's vulnerability. It recognises that they are increasingly being influenced by factors that are outside the control of their families and cannot necessarily be addressed by traditional social work interventions, which focus on individual children and families. Another approach is that taken by the North West Regional Organised Crime Unit (TITAN), which has launched a regional campaign to publicise the issue of 'County Lines'. This aims to create a multi-agency approach which targets young people and their parents, the general public, care home staff, Merseyside Police Officers / staff, health care professionals and teachers, to create a 'talking point' about the signs and triggers of CCE, and the relevant reporting mechanisms. Nevertheless, it is currently unclear whether this somewhat fragmented localised set of

responses will provide the necessary universal knowledge base amongst practitioners to prevent vulnerable children and young people from falling through the gaps.

Indeed, for victims of CSE and CCE to receive the relevant support, it is necessary to recognise their victim status. Despite official acknowledgement of the power dynamics that enable and maintain CCE and CSE (Home Office, 2017; 2018), it was confirmed that too often children and young people are treated as 'offenders' rather than victims as a result of 'criminal' behaviour stemming from their exploitation. Recent sexual exploitation scandals in the UK (e.g. see Jay, 2014) have highlighted how young women from "chaotic" backgrounds including those from the care system, were less likely to be perceived as genuine victims. Consequently, their abuse continued for several years. Whilst the mistakes made by authorities in those cases have now been acknowledged it seems that there is still some way to go before the victim status of those who offend because of their exploitation is universally recognised.

However, areas of good practice were highlighted, with some practitioners using the National Referral Mechanism (NRM), which is a framework for identifying victims of human trafficking or modern slavery, to ensure that victims of CCE receive the appropriate support and potentially the legal defence of section 45 of the Modern Slavery Act 2015 (MSA). The use of this process in order to designate children who have been criminally exploited as victims of modern slavery demonstrates a more nuanced appreciation of victimhood, potentially paving the way for a safeguarding culture of practice to take precedence in such cases.

Nevertheless, this avenue is not always available. Indeed, although the section 45 defence is available in relation to offences under the Misuse of Drugs Act 1971, Schedule 4 of the MSA

designates numerous offences to which the s.45 defence does not apply, including homicide, serious violence and sexual harm, robbery and aggravated burglary, child cruelty, harassment and racially or religiously aggravated assault. Quite why the law should recognise the impact of slavery and/ or exploitation in certain contexts, but not others, is something of an anomaly, which means that victim status under the MSA is contingent on having committed the 'right' kind of offence, regardless of the circumstances in which it was committed.

In addition, it has been highlighted that based on cases that have so far been brought to court, the protection is more likely to apply in instances where the police are able to focus on the perpetrator and the child is readily identifiable as a 'victim', whereas:

Statutory protection is less likely to feature where the child is 'very nearly an adult,' has a significant criminal history, where their handler is not in the frame and where the child declines to name him or her (Stone, 2018, p.290).

Therefore, in cases where the child victim is older, with a number of previous convictions and is considered to be of no value in terms of providing intelligence relating to those involved in organised crime, their victim status is far more tenuous, if not completely disregarded. This has particular implications for children and young people in residential care who are usually older and more likely to be criminalised than other children (Howard League, 2017). It seems that despite official acknowledgement of the realities of child criminal exploitation and the advent of legislation, which should offer protection, the application of such protection is contingent upon judgements regarding the worthiness or intrinsic value of particular child victims.

Indeed, whilst identified as occurring in the research area and recommended to 'First Responders' by various guidance (e.g. Home Office, 2018; Children's Society, 2018), it has been highlighted how the process of reporting and referring children to the NRM is often not followed. It can be considered contentious to some professionals who may view them as willing participants in the exploitation and in need of criminal justice responses (Children's Society, 2018). Such judgements can result in the individual child suffering not only because of their initial exploitation, but also because of the system's unwillingness to acknowledge their victim status. This is directly contrary to government safeguarding guidelines that advocate a child centred approach to practice, where the needs of children come first when determining what action to take, including in situations where they are encountered as offenders (HM Government, 2018b, p. 8). In this respect it would appear that the lessons of the aforementioned English child sexual exploitation scandals have not been learned. Therefore, in order to ensure that good, innovative practice becomes *standard* practice, the need for national legislation for practitioners, in tandem with a greater degree of education surrounding exploitation and the dynamics inherent in these offences, has clearly never been more urgent.

As Laming (2016) highlighted, there needs to be a consistent commitment from all agencies to recognise the vulnerability of children in care, something which appears to be increasingly happening in practice. However, moving beyond a recognition of their vulnerability towards universally consistent practice, which prioritises safeguarding, will prove difficult within the parameters of existing law and practitioner knowledge. We would therefore argue that it is necessary to build upon the commitment of participants demonstrated in this study to work together to protect children in care from harm, including that inflicted by unnecessary

criminalisation, and develop a more coherent set of principles that ensure the welfare of the child remains consistently protected.

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