

DISRUPTING CHILD SEXUAL EXPLOITATION

Guidance for professionals working with children on the use of civil orders, notices and other powers to disrupt and prevent CSE

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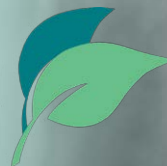
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Introduction

Child sexual exploitation (CSE) is a type of sexual abuse in which children are exploited for money, power, or status. Children and young people who become involved face risks to their physical, emotional and psychological health and well being.

There are four main types of CSE:

1. Inappropriate relationships – this usually involves one offender who has inappropriate power or control over a child. There is often a significant age gap and the child may believe they are in a loving relationship.

2. 'Boyfriend' model – the offender befriends and grooms the child into a 'relationship' and then convinces or forces them to have sex with friends or associates. This is sometimes associated with gang activity. Peer exploitation is where children are forced or coerced into sexual activity by peers and associates.

3. Organised sexual exploitation – children are passed through networks, possibly over geographical distances, where they are forced into sexual activity with multiple men. This often occurs at 'sex parties' and the children may be used to recruit others into the network. Some of this activity is described as serious organised crime and can involve the organised 'buying and selling' of children by perpetrators.

4. Peer-on-peer - when a child is exploited by their peer(s); the abuser is the same age; or close in age to the child. At the very least, everyone directly involved in the abuse is under 18 years of age.

Many of the warning signs and indicators of CSE tend to refer to adult perpetrators e.g. associations with older boyfriends/ girlfriends and/or entering or leaving vehicles driven by unknown adults. In peer-on-peer exploitation, schools and youth clubs are also locations where children and young people can be exploited. To help disrupt cases of peer-on-peer exploitation, consideration may need to be given to:

- The impact on the school environment when both perpetrators and victims are in the same school;
- Managing investigations when associates linked to perpetrators are able to threaten victims and witnesses;
- Additional measures required to prove lack of consent when all those involved are less than 18 years.

Even something that seems like normal teenage behaviour could be a sign that a child is being sexually exploited. Some of the visible signs are:

- Regularly missing from home or school and staying out all night;
- Changes in behaviour – becoming aggressive and disruptive or quiet and withdrawn;
- Unexplained gifts or new possessions such as clothes, jewellery, mobile phones or money that cannot be accounted for;
- Increase in mobile phone use or secretive use;
- Appearing to be under the influence of drugs or alcohol;
- Being picked up or dropped off in cars by unknown adults;
- A significantly older 'boyfriend' or 'friend' or lots of new friends;
- Sudden involvement in criminal behaviour or increased offending;
- Sexual health problems.

Members of the public such as taxi drivers, hoteliers and food outlets might notice signs like:

- Being taken into a hotel room by one or more adults who do not seem to be family members;
- Being in a hotel room which is visited or requested by a number of additional adults;
- Being out late with older adults who do not seem to be family members;
- Being bought alcoholic drinks by adults although the young person is already intoxicated;
- Being bought food or drinks by a much older adult whom they seem to see as a boyfriend / girlfriend ;
- Indications of sexual activity with one or more adult who is significantly older than the young person.



Devon and Cornwall Police and Dorset Police, together with local authority partners and other partner agencies, are committed to doing everything they can to protect children from predatory sex offenders. The priority in each case is to successfully prosecute and obtain convictions for offenders but where there is grooming and other behaviour which suggests a risk of CSE, civil remedies are available to the police and local authorities. These include remedies which specifically relate to sexual offences or grooming, as well as other wider nuisance and anti-social behaviour powers. These powers can be used as ways to disrupt and prevent CSE. They can also be used as evidence in any subsequent criminal prosecutions.

Police, local authorities and other partner agencies should work closely together to develop a coordinated response to disrupt and prevent CSE. The best interests of the child and their welfare and safety are paramount. Sometimes, partner agencies are the first to notice early changes in behaviour that are not visible within the family setting. By working together, information which may be critical to any criminal investigation is not lost. It also means an early disruption plan can be established against the offender. It is vital that information is gathered and collated, even in cases where the child has not made a formal complaint.

By working together, police and partner agencies can provide a range of support for children, families and others. In doing so, we can also raise awareness and disrupt CSE activity for the purpose of protecting and safeguarding children and young people.

Local Authorities across the region, together with Joint Legal Services for both police forces, are able to offer practical advice and guidance to staff and police officers on a wide range of civil preventative orders and powers that can be used to disrupt and tackle CSE. We can work with staff from the start of their initial enquiry, right through to the conclusion of court proceedings where appropriate.



The following sexual civil preventative orders should be considered by police officers and staff when dealing with child protection and CSE issues:

Sexual Harm Prevention Orders (SHPO) Section 103A Sexual Offences Act 2003

- Obtained by police officers and staff through Legal Services as a stand-alone order, or by CPS at the time of sentencing for a relevant offence.
- Made by a court in respect of an individual who has been convicted or cautioned (including reprimand, final warning or youth caution) for a “relevant offence” as listed in Schedule 3 and 5 of the Sexual Offences Act 2003 (including equivalent offences committed overseas), and who poses a risk of sexual harm to the public in the UK or to children or vulnerable adults abroad.
- The court must be satisfied that the individual’s behaviour makes it necessary to make a SHPO for the purpose of protecting the public or any particular members of the public (including children or vulnerable adults) from sexual harm.
- The court can impose any prohibition they deem necessary for the purpose of protecting the public from sexual harm
- A SHPO makes the offender subject to notification requirements for registered sex offenders for the duration of the order.
- A SHPO lasts for a minimum of five years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, must be renewed after five years.
- Breach of a SHPO is a criminal offence and has a power of arrest. The maximum sentence for a breach is five years’ imprisonment.
- The offender is able to appeal against the making of the SHPO and the police or the individual are both able to apply

for the SHPO to be varied, renewed or discharged.

- Further information: The College of Policing have produced useful flow charts on applying for a standalone SHPO (applied for via Legal Services) and a SHPO on conviction (applied for via CPS):

Process Standalone SHPO



Process SHPO



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Case study

In September 2017 Legal Services made an application for a Sexual Harm Prevention Order on behalf of Dorset Police with respect to an individual who had a number of previous convictions for serious sexual offences against children. That individual was the subject of a Sex Offender Order which banned him from having contact with children under 16, and had breached this on a number of occasions. The individual had a habit of attending churches, and ingratiating himself with families who had children. He also regularly travelled outside of the Dorset area in an attempt to avoid detection by his offender manager. More robust prohibitions to deal with the risk posed by this individual were necessary. Legal Services made an application to Dorset Police for a Sexual Harm Prevention Order. The Magistrates Court granted the order with a series of prohibitions including:

- Ban on attending any church or spiritual gathering without consent of the Management of Sexual Offenders and Violent Offender (MOSOVO) unit
- Ban on any contact with children under 16
- Ban on residing in the same place as any child under 16
- Ban on contact with any other known sex offender
- Ban on travelling outside Dorset without giving full travel details to the MOSOVO unit

This new, more robust order will provide greater protection to members of the public.

Sexual Risk Orders (SRO) Section 122A Sexual Offences Act 2003

- Obtained by police officers and staff through Legal Services as a stand-alone order.
- Made by a court in respect of an individual who has done an act of a sexual nature and who, as a result, poses a risk of harm to the public in the UK or children or vulnerable adults abroad.
- “Acts of a sexual nature” are not defined in legislation and will therefore depend on the individual circumstances of the behaviour, the motive for it and the context of this behaviour. Examples of such behaviour (which may be criminal in their own right) include:
 - Engaging in sexual activity involving a child or in the presence of a child;
 - Communicating with a child in a sexual manner, whether in person or via social media;
 - Inviting children to social gatherings that involve predominantly older males;
 - Persuading a child to do something that they are not comfortable with, which is suggestive of exploitation.
- The individual does not need to have committed a relevant (or any) offence.
- The court can impose any prohibition it deems necessary for the purpose of protecting the public from harm (or children or vulnerable adults generally).
- Upon the making of a SRO, the individual is also required to notify police of their name and address (and any changes to these) for the duration of the order.

- A SRO lasts for a minimum of two years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, last for a maximum of five years but may be renewed.
- Breach of a SRO is a criminal offence which has a power of arrest and is punishable by a maximum of five years' imprisonment.
- A breach of a SRO will make the individual subject to full notification requirements.
- The individual concerned is able to appeal against the making of the SRO and the police or the individual are able to apply for the SRO to be varied, renewed or discharged.
- Further information: The College of Policing have produced a useful flow chart on applying for a SRO:

Both SHPOs and SROs can be used to manage the risk posed to vulnerable adults as well as children. The prohibitions available on both types of order are extremely wide, such as a complete ban on contact with females and/or males under the age of 16 years and foreign travel restrictions.

Legal Services will work with officers and staff to draft relevant, tight prohibitions for each SHPO/SRO application and present these applications at Court. For more information and to contact Legal Services, please see our intranet pages.



Case study

In 2016 Devon and Cornwall Police undertook an investigation with respect to an adult whose modus operandi was to create a fake profile online in order to then engage in sexualised conversation with a series of females under 16. At the time when the communications had taken place, the offence of Sexual Communication with a Child had not come into force and so an application was made for a Sexual Risk Order. An order was granted with prohibitions including a ban on all contact with children under the age of 16 and a ban on using social media. The individual then breached the order. As a result of the breach he was made subject to the notification requirements of the Sexual Offences Act 2003. This order will help protect children under the age of 16 by preventing the respondent from grooming them and by ensuring that Devon and Cornwall Police are able to monitor him and manage the risk he poses.



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Notification Orders Section 97 Sexual Offences Act 2003

- Obtained by police officers and staff through Legal Services as a stand-alone order.
- A notification order is made by a court in relation to individuals who have been convicted, cautioned or had a relevant finding made against them for specified sexual offences in a country outside the UK on or after 01 September 1997. A “relevant offence” is defined as an act which constituted an offence under the law in force in the country concerned and an act which would have constituted an offence listed under Schedule 3 of the Sexual Offences Act 2003 if it had been done in the UK.
- The order may only be applied for if the notification period would not have expired if the offence had been committed in the UK.
- The police do not have to establish that the individual poses a risk to the public or that an order is necessary to protect the public from harm from the individual.
- If the notification order is granted, the individual will be subject to notification requirements for registered sex offenders as if they had been convicted or cautioned for a relevant offence in the UK.
- Failure to comply with notification requirements is a criminal offence, punishable by up to five years’ imprisonment on indictment. There is a power of arrest for this offence.

Investigators are encouraged to conduct checks on perpetrators who may have travelled overseas. Further guidance on these orders can be found within the Home Office’s guidance on Part 2 of the Sexual Offences Act 2003: <https://www.gov.uk/government/publications/guidance-on-part-2-of-the-sexual-offences-act-2003>

OTHER CIVIL PREVENTATIVE ORDERS AND USE OF ANTI-SOCIAL BEHAVIOUR POWERS FOR POLICE AND LOCAL AUTHORITIES TO DISRUPT AND PREVENT CSE

Forced Marriage Protection Orders

Section 63A Family Law Act 1996

- A FMPO can be obtained by police through Legal Services; by any person with permission of the court, including local authorities; by a relevant third party, or by the individual being threatened with forced marriage/in a forced marriage, even if they are a child.
- The High Court or a specialist County Court may make a FMPO for the purposes of protecting the person who has been, or is being, forced into marriage. “Force” includes coercion by threats or by other psychological means.
- The court must have regard to all the circumstances, including the need to secure the health, safety and wellbeing of the person and to their wishes and feelings, so far as they are reasonably ascertainable.
- The court can make a FMPO restricting the behaviour of a person or persons trying to force the individual into a marriage. The terms of the order may relate to conduct both in and outside of the UK.
- A FMPO can be made on an “ex parte” basis, which means that no notice is given to the person who is forcing the individual into marriage that the court hearing is occurring.
- A FMPO may be made for a specified period of time or until it is varied or discharged.
- A power of arrest can be attached to a FMPO. If there is no power of arrest, a warrant can be applied for if a person has failed to comply with the order or is otherwise in contempt of court.



Case study

In October 2015 Legal Services were approached by officers from the Devon and Cornwall Police Public Protection Unit with a request for advice on how to obtain a FMPO. A 16 year old girl had been forced to leave her home because she had suffered verbal and physical abuse from her father and she feared that he may force her to leave the country in order to get married. Officers believed that these concerns were genuine and Legal Services put together an urgent application for a FMPO.

Owing to the urgency of the situation, the application was heard on the same day that the papers were filed with the court, without notice being given to the child's parents. An interim FMPO was made which granted immediate protection to the child.

Two days later a full hearing took place, in the presence of the child's parents. A full FMPO was made, granting long lasting protection for the child. Amongst other prohibitions, the FMPO prohibited the parents from:

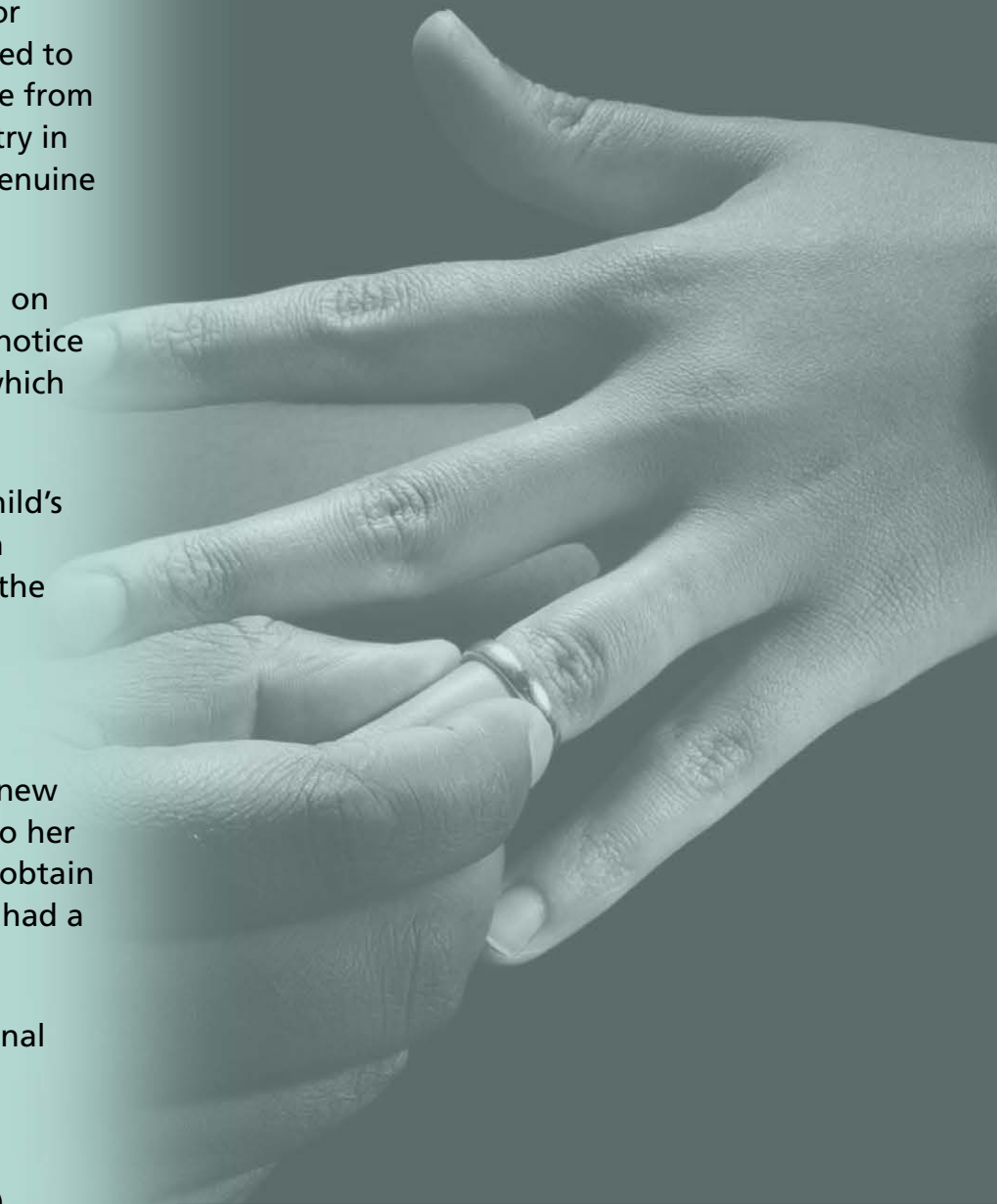
1. Taking any steps to arrange a marriage for their daughter;
2. Applying for a passport on her behalf or from contacting her.

A further prohibition was obtained to prevent any person who knew of the whereabouts of the girl from disclosing that information to her parents, as there was a concern that the parents may attempt to obtain details of her whereabouts through third parties. The FMPO also had a power of arrest attached to it.

If you are urgently seeking out of hours advice, contact the national Forced Marriage Unit if you are trying to stop a forced marriage:
fmufco.gov.uk

Telephone: 020 7008 0151 (Monday to Friday 9am to 5pm)

Out of hours: 020 7008 1500 (ask for the Global Response Centre)



Closure Orders Section 80 Anti-Social Behaviour, Crime and Policing Act 2014

- Closure orders for private premises, premises owned by social landlords (including local authorities and housing associations), or licensed premises, can be obtained through Legal Services and by local authorities.
- Closure notices can be placed on premises where use of the premises has resulted, or is likely soon to result, in nuisance and/or disorder to members of the public.
- An example of this is that police or the local authority can issue a closure notice in respect of premises which they have reasonable grounds for believing have been, or are likely to be, used for activities related to child sex offences such as grooming which have resulted, or are likely to result, in nuisance and/or disorder.
- Closure powers now capture a wider range of offences relating to CSE and the police and local authorities can take proactive action if they believe the premise is going to be used for child sex offences.
- After a closure notice has been issued, if the court grants a closure order, then the premises will be closed to everyone, including the owner/occupier (unless otherwise agreed with the court and police/local authority) for a period of up to three months.
- Breach of a closure order is a criminal offence which may result in imprisonment. There is a power of arrest for a breach.

Case study

In November 2016 Legal Services received a request to assist with an application for a closure order on a flat where numerous reports had been made that CSE was taking place,

involving a number of victims, all aged under 16. There were allegations that the victims had both been involved in CSE with a number of different adults at the address, and that they had watched sexual activity taking place. Neighbours had reported that children in school uniform were seen to attend the premises on a regular basis. In addition, the premises was also posing a serious problem in terms of anti-social behaviour to nearby residents, many of whom were too scared to give evidence. It was posing a huge drain on the neighbourhood policing team which was unsustainable in the long term. The initial idea was to apply for an anti-social behaviour closure order, but we identified that CSE was the far greater problem, and that the evidence for CSE was stronger than that for ASB. An application for a CSE related closure order was successfully made to the Magistrates Court. The Magistrates ordered the premises to be shut for a period of three months because they were satisfied on the balance of probabilities that activities related to child sex offences had taken place on the premises. Within just over a week of being approached with a request to apply for a closure order, the premises had been shut down and the occupants left. This had an immediate impact in protecting children under 16 from CSE at the address, protecting residents from anti-social behaviour, and stopping the drain which this was placing on neighbourhood resources.



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Civil injunctions Section 1 Anti-Social Behaviour, Crime and Policing Act 2014

- Obtained through local authorities, housing providers or Legal Services in the County Court.
- The court may grant an injunction if they are satisfied that:
 1. An individual has engaged or has threatened to engage in anti-social behaviour; and
 2. It is just and convenient to grant the injunction for the purpose of preventing the individual from engaging in anti-social behaviour.
- “Anti-social behaviour” can include conduct that has caused, or is likely to cause, harassment, alarm or distress; or conduct capable of causing nuisance, including housing-related nuisance. CSE can, in many cases, fall under one or more of these definitions.
- An injunction stops or prevents individuals engaging in anti-social behaviour, which can include taking drugs, using alcohol and noise. This can also include association with other individuals. An injunction can place positive requirements on an individual, such as to attend certain meetings.
- Civil injunctions do not automatically have a power of arrest attached to them, so police officers will need to check whether there is a power of arrest before arresting for a breach. If there is no power of arrest but an individual has breached their injunction, an application can be made for a warrant for arrest.



Domestic Violence Protection Orders (DVPO)

Section 24-33 Crime and Security Act 2010

- Obtained by police officers following authorisation from a Superintendent or above.
- A Domestic Violence Protection Notice (DVPN) acts as a temporary but immediate measure, which puts in place non-molestation conditions that will protect victims of domestic violence at a time when they are believed to be at risk from the perpetrator.
- In order to issue a DVPN, an incident of violence or a threat of violence must have taken place against the victim and/or an associated person. Officers should consider the domestic incident as a whole, including previous calls to the address; the presence and welfare of children; other witness accounts and any other available intelligence held by partner agencies. A DVPN can be enforced for a maximum of 48 hours.
- A Domestic Violence Protection Order (DVPO) is the follow up process after the issue of a DVPN. It is an order made by the Magistrates' Court to enforce either the same non-molestation orders held within the DVPN or to make an amendment to the conditions if necessary. A DVPO will be made when it is considered necessary to protect the victim and/or associated person from violence or threat of violence from the perpetrator.
- A DVPO remains in place for 14 to 28 days, beginning on the date of issue by the Magistrates' Court.
- It is imperative that appropriate support should be given by the police and other partner agencies during the period of a DVPO. Use of such orders should particularly be considered when the offender befriends

and grooms the child into a 'relationship' and then convinces or forces them, using violence or threats of violence, to have sex with friends or associates.

- There is a power of arrest attached for breaching a DVPO. Breach of a DVPO can be considered as contempt of court/ breach of a court order and can result in a fine up to £5000, or up to two months' imprisonment.

The Home Office Guidance can be found at: <https://www.gov.uk/government/publications/domestic-violence-protection-orders> Further information for police officers can also be found on the Forces' intranet sites.



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Criminal Behaviour Orders (CBO)

Section 22 Anti-Social Behaviour, Crime and Policing Act 2014

- Obtained by police officers and staff through the CPS upon conviction when the offender receives a sentence or a conditional discharge.
- The court must be satisfied that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person and that making the order will help in preventing the offender from engaging in such behaviour. CSE can be used as examples of behaviour which as caused harassment, alarm or distress.
- A CBO prohibits the offender from doing anything described in the order and can also include positive requirements.
- A CBO must run for at least two years and can be for an indefinite period. Each prohibition or requirement can run for a specific period – they do not all have to run for the same length of time.
- Breach of a CBO is a criminal offence with a power of arrest. On indictment, a breach carries up to five years' imprisonment.

Dispersal Powers

Section 35 Anti-Social Behaviour, Crime and Policing Act 2014

- A police Inspector may authorise officers to use dispersal powers in a specified area during a specified period of up to 48 hours, for the purpose of removing or reducing the likelihood of:
 - Members of the public in the locality being harassed, alarmed or distressed; or
 - The occurrence of crime and disorder in the locality.

- An officer can direct a person to leave an area for 48 hours and not return for the period specified within the direction. If, for example, children are gathering with older males in a particular location, then consideration can be given to using dispersal powers to disrupt these meetings and stopping them, particularly over the weekend period.
- An officer who gives a direction under section 35 may also direct the person to surrender any property in their possession or control which the officer reasonably believes has been used, or is likely to be used, in behaviour that harasses, alarms or distresses members of the public (under section 37). The surrendered item must be returned at the end of the specified period, if the person asks for it to be returned.
- Failure to comply with the direction is a summary only criminal offence, with a power of arrest, punishable by a fine and/or up to three months' imprisonment.



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Community Protection Notices (CPN)

Section 43 Anti-Social Behaviour, Crime and Policing Act 2014

- Issued by the local authority or a designated person on their behalf. Officers can also issue.
- The aim of a CPN is to stop persistently anti-social individuals/businesses using unreasonable conduct which is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.
- Unreasonable conduct can include an individual's conduct or conduct on, or affecting premises, if that individual is in charge of those premises. When looking at CSE, if an individual in control of premises is allowing CSE to happen on those premises, then they could be served with a CPN to prevent that unreasonable conduct. Similarly, an individual conducting sinister behaviour towards children (that is not criminal) could be served with a CPN to prevent such behaviour.
- A CPN can require an individual or body to stop doing specified things, do specified things and/or to take reasonable steps to achieve specified results.

- Where an individual fails to comply with a CPN, the local authority may take action against them. Failure to comply is a criminal offence and the individual could be issued with a fixed penalty notice or fine.

Public Spaces Protection Order (PSPO)

Section 59 Anti-Social Behaviour, Crime and Policing Act 2014

- Local authorities can issue PSPOs after consultation with partner agencies.
- A local authority may make a PSPO if there are reasonable grounds to believe that activities carried out in a public place have had a detrimental effect on the quality of life of those in the locality, or it is likely that such activities will be carried out and have such an effect. The activities must be, or must be likely to be, of a persistent or continuing nature, unreasonable and therefore justify the PSPO being made.
- A PSPO prevents unreasonable continuing behaviour occurring in a particular area and/or requires things to be done by individuals carrying out a specific activity in that area. A PSPO can be put in place for up to three years and an extension can also be applied for.
- Breach of a PSPO is a criminal offence which can result in a fixed penalty notice or a fine upon prosecution by the local authority.
- PSPOs can be used to ban use of legal highs in a particular area; prevent congregation by groups causing ASB and prevent on-street drinking. Officers may identify areas where they suspect that these types of behaviour are closely linked to CSE concerns and should consider liaising with the local authority for a PSPO in these circumstances.



Child sexual exploitation at a hotel

Section 116 Anti-Social Behaviour, Crime and Policing Act 2014

- A police Inspector or above can issue a written notice to the owner, operator or manager of a hotel where they reasonably believe the hotel has been, or will be, used for the purposes of CSE or conduct that is preparatory to, or connected with, CSE.
- "Hotel" includes guest houses or any other establishment of a similar kind at which accommodation is provided for a charge.
- An officer can require the hotel to provide them with:
 - Guest's names and addresses;
 - Other information about guests that can be readily obtained from one or more of the guests themselves.
- Failure to comply, or providing false information, is a criminal offence and the person could be issued with a fine.

Further guidance on use of ASB powers can be found within the Home Office's guidance on the Anti-Social Behaviour, Crime and Policing Act 2014:

<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

Child Abduction Warning Notices and Recovery Orders

Section 49 Children Act 1989

- A notice can be used when a child under 18 years is subject to a full care order.
- A notice should be considered when a child places themselves, or is put at risk of significant harm by others, due to their associations and forming inappropriate relationships.
- Notices are authorised by a child's parent and issued by the police (or the local authority in the case of a looked after child aged 16-18). The notice warns a suspected perpetrator to stop associating with a named child. The individual is made aware that a concern has been raised about the relationship and that authorities are monitoring their behaviour.
- The notice identifies the child and confirms that the individual subject to the notice has no permission to associate with, contact or communicate with the child.
- Although not a long-term solution to the problem, a notice is useful to immediately breaking contact between the child and the individual exploiting them. They are also useful in ensuring that the suspected perpetrator cannot claim they did not know the age of the child.
- Breach of an Abduction Warning Notice can become grounds for applying for a SRO or SHPO.
- Child Abduction Warning Notices can also be considered under section 2 of the Child Abduction Act 1984 in cases where a child is under 16 years of age and where the parent has parental responsibility, or they are under a section 20 voluntary care order (placed somewhere with the parents consent by social care).



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Recovery Orders

Section 50 Children Act 1989

- Where it appears to the court that a child has:
 - been unlawfully taken away or unlawfully kept from a responsible person; or
 - has run away or is staying away from the responsible person; or
 - is missing

Then the court can make a Recovery Order under section 50 of the Children Act 1989.

- A Recovery Order operates as a direction to any person who is in a position to do so, to produce the child to an authorised person specified by the court, which includes a police officer. The order also authorises the removal of the child by an authorised person and requires any person who has information on the child's whereabouts, to disclose that information to an officer or to the court. It also allows a police officer to enter any premises specified on the order and search for the child, using reasonable force if necessary.
- It is an offence to intentionally obstruct an authorised person exercising his powers and that person could be issued with a fine.

Injunctions under the High Court's inherent Jurisdiction

- The recent case of Birmingham City Council v Sarfraz Riaz and Others [2015] EWHC 1857 (Fam) demonstrates that the High Court is willing to exercise its inherent jurisdiction to grant Injunction Orders against perpetrators of CSE. Injunction Orders are usually obtained through local authorities.

- It is important to note that the High Court does not have jurisdiction to attach powers of arrest to any terms of the injunctions, which makes the policing of these orders very difficult.
- In this case, the Judge granted the necessary permission, pursuant to section 100(3) of the Children Act 1989, to enable the local authority to pursue immediate applications for injunctions against men believed to have sexually exploited the child in their care, in order for the protection of the child from the men involved in CSE.
- The court may, under its inherent jurisdiction, in addition to all of the orders which can be made in family proceedings, grant a wide range of injunctions for the child's protection.
- The injunctions granted included prohibitions on the men:
 1. Having contact with the child herself (which includes not only physical contact but also via social media, even if instigated by the child)
 2. Approaching in public places or having in their vehicle any other females under the age of 18 years with whom they were not previously associated.
- Mr Justice Keehan explained his inclusion of this extension beyond the subject child by reference to the findings of fact he made against the individual men. He said that he was "satisfied, that unless prohibited from doing so, there is a real risk that each of them would seek to sexually exploit other vulnerable young females under the age of 18. Accordingly I am satisfied that the terms of the proposed order..... are fair, necessary, and proportionate to the risk I have identified and are clear."



Serious Crime Prevention Orders (SCPO)

Section 1 Serious Crime Act 2007

- Orders are made on the application of the DPP (through the CPS) to the High Court, or to the Crown Court following a person's conviction for a "serious crime". This includes some child sex offences and child prostitution offences. Legal Services can provide police officers and staff with initial advice on such orders.
- The court can grant a SCPO if satisfied there are reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the defendant in serious crime in England and Wales.
- The order can contain prohibitions and such other terms the court considers appropriate.
- Application may also be made to the High Court in the case of a person who has not been convicted of an offence but who has been involved in serious crime. The Attorney General must be consulted before any application is made to the High Court.

Review of licensed premises

Licensing Act 2003

- Reviews of licensed premises can be requested by staff through their Licensing Departments, where there have been reports, for example, of underage drinking, drugs, selling to children etc. Reviews are heard by the local authority's Licensing Committee.
- In March 2015 the Government issued revised guidance under section 182 of the Licensing Act 2003 to add references to the protection of children from sexual exploitation, in order to raise awareness and help ensure

that licensing authorities have systems in place to protect children from CSE in licensed premises.

- This guidance states that licensing authorities must also consider the need to protect children from CSE when undertaking licensing functions.
- Police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms and CSE.

Taxi Licensing

- Local authorities have a statutory obligation to administer and enforce the licensing regime in respect of hackney carriages and their drivers and may adopt the relevant part of the Local Government (Miscellaneous Provisions) Act 1976, to exercise control over private hire vehicles, drivers and operators. Local authorities are therefore able to grant/refuse, place conditions on or remove taxi licenses.
- Systems should be scrutinised to ensure that only fit and proper people are permitted to hold a license.
- Nationally, taxi drivers have been identified as a group who can potentially be involved in CSE but it is also recognised that taxi drivers could be 'the eyes and ears of the community'. Awareness of CSE should be raised amongst them to try to encourage them to report any CSE concerns.



Violent Offender Orders (VOO)

Section 98 Criminal Justice and Immigration Act 2008

- Obtained by police officers and staff through Legal Services.
- A VOO can be used to impose restrictions on an offender who has been convicted of a specified offence and who poses a risk of serious violent harm to the public, including children in general and their own children. This can include a risk of serious sexual harm of a violent nature.
- A “specified offence” can be: murder, manslaughter, soliciting murder, wounding with intent to cause GBH, malicious wounding, attempting to commit murder, conspiracy to commit murder or a relevant service offence. The offender must have received a custodial sentence of at least 12 months (or a hospital order).
- VOOs are designed to protect the public from serious violent harm and can impose restrictions on an offender by:
 - prohibiting their access to certain places, premises, or events; or
 - prohibiting an offender from having any contact with people to whom they pose the highest risk.
- A VOO must be in place for at least two years and no more than five years, unless it is renewed or discharged.
- An individual subject to a VOO will also be subject to notification requirements with the police.
- Breach of a VOO is a criminal offence, with a power of arrest, which carries up to five years’ imprisonment.

Forfeiture of detained cash

Section 298 Proceeds of Crime Act 2002

- Obtained through the police’s Financial Investigation Units and Legal Services, by way of a stand-alone application to the Magistrates’ Courts.
- An application can be made after police have seized cash over £1000 from a person under the Proceeds of Crime Act 2002, where it is believed the cash has been generated through criminal conduct, or is likely to be used in criminal conduct, including CSE.
- The court may order the forfeiture of the cash, or any part of it, if it is satisfied that the cash or part is recoverable property or is intended for use in unlawful conduct.



CONTROLLING OR COERCIVE BEHAVIOUR LEGISLATION CAN ALSO BE USED TO DISRUPT CSE

The Serious Crime Act 2015

- There is now an offence of controlling or coercive behaviour in intimate or familial relationships. This new offence closes a gap in the law around patterns of controlling or coercive behaviour in an ongoing relationship.
- The offence is made out by an offender demonstrating repeated or continuous behaviour. They must be personally connected to the victim at the time the behaviour takes place. This can therefore apply to CSE situations both inside and outside of the family home setting.
- The behaviour must have had a serious effect on the victim, meaning that it has caused the victim to fear violence will be used against them on at least two occasions, or it has caused serious alarm or distress which has had a substantial adverse effect on the victim's day to day activities.
- The offender must have known that their behaviour would have a serious effect on the victim, or ought to have known it would have that effect.
- Examples of such behaviour include:
 - Isolating a person from their friends and family;
 - Monitoring their time;
 - Monitoring their online communication;
 - Repeatedly putting them down;
 - Controlling their finances;
 - Threatening to hurt or kill them and/or others;
 - Preventing them from going out or working.

- The offence carries a maximum sentence of five years' imprisonment, a fine, or both.

Further information can be found in the Home Office's guidance on "Controlling or Coercive Behaviour in an Intimate or Family Relationship": https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf

This guidance also contains a useful summary of existing criminal offences that could apply in domestic violence and abuse cases.

HOUSING AND TENANCY POWERS AVAILABLE TO DISRUPT CSE

If the behaviour of a tenant means that they are in breach of their tenancy agreement, the landlord can make an application to the County Court for an eviction notice. Local authorities and police should therefore work closely with landlords in situations where they believe CSE is taking place in premises.



The image shows a 'NOTICE OF EVICTION' form. The title 'NOTICE OF EVICTION' is printed in large, bold, black capital letters. Below the title, there are several fields for personal information, including 'First', 'Middle Initial', 'Last', 'Home Telephone', and 'Work Telephone'. There are also fields for 'Address' and 'Postcode'. A black pen is resting diagonally across the form, pointing towards the bottom right corner.



Absolute Grounds for Possession

Section 84A Housing Act 1985 and Schedule 2 Housing Act 1988

- Obtained by private rented sector landlords and social landlords, including local authorities and housing associations.
- If the tenant or a person visiting the property has met one of the following conditions:
 - Convicted for a serious offence (specified in Schedule 2A Housing Act 1985);
 - Found by a court to have breached a civil injunction;
 - Convicted for breaching a CBO;
 - Convicted for breaching a noise abatement notice;
 - The tenant's property has been closed for more than 48 hours under a closure orderThen the landlord can expedite their eviction through the court process to bring faster relief to victims.
- The offence or breach must occur in the locality of the property or have affected a person who has the right to live in that locality, the landlord or his staff/contractors.
- If the above test is met, the court must grant a possession order. The landlord no longer needs to prove that it is reasonable to grant possession where ASB or criminality has already been proven by another court. This includes cases where any form of CSE has been proven by a court.

MAPPA OR POTENTIALLY DANGEROUS PERSONS PROCEDURES

Professionals can also consider enhancing the management of perpetrators through the MAPPA or Potentially Dangerous Persons procedures. The Criminal Justice Act 2003 provides for the establishment of Multi-Agency Public Protection Arrangements (MAPPA) in each criminal justice area in England and Wales. These are designed to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. Local criminal justice agencies and other bodies dealing with offenders must work together in dealing with these offenders. Further information can be found at: <https://mappa.justice.gov.uk/connect.ti/MAPPA/groupHome>



FURTHER INFORMATION AND CONTACT INFORMATION



Devon & Cornwall Police

Devon and Cornwall Police have a "Safeguarding Desk" which can assist with general safeguarding queries and scoring suspected offenders who potentially pose a risk to children. Contact them using: safeguarding@devonandcornwall.pnn.police.uk

Specialist child abuse investigators within the Public Protection Unit Local Safeguarding Teams can be contacted seven days a week using:

North Devon - 01271 313404

Exeter/East and Mid Devon - 01392 262230

South Devon - 01364 655028

Torbay - 01803 841434

Plymouth - 01752 284522

Cornwall - Barncoose - 01209 615160/615161 or Carew - 01208 262100/262111

FCEU - 01364 655023

CST - centralsafeguardingteam@devonandcornwall.pnn.police.uk



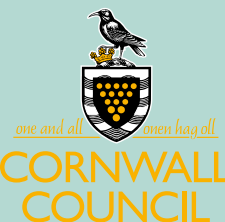
Dorset Police have a "Missing Persons Unit" which can assist with general safeguarding queries and scoring suspected offenders who potentially pose a risk to children. Contact them using: missing-persons@dorset.pnn.police.uk or 01202 220966.

Further information for police officers and staff can be found on the Legal Services intranet pages for Devon and Cornwall Police and Dorset Police. You can also email Legal Services using: ForceLegalAdvisors@devonandcornwall.pnn.police.uk If your query is urgent, such an offender is in custody, please telephone the office on 01392 452148/452277/452230 or 452391.



Devon County Council's REACH team deal with CSE cases (Reducing Exploitation and Absence from Care or Home). Contact them

using: reducingexploitationbusinesssupportsecure-mailbox@devon.gov.uk If there are child protection concerns then contact should be made with the Multi-Agency Safeguarding Hub (MASH) using the DSCB threshold tool for guidance. The contact details are mashsecure@devon.gcsx.gov.uk or 0345 155 1071 or using the contacts on the attached list:



Cornwall Council Children's Services can be contacted by using children@cornwall.gov.uk or 0300 1234 101.

The Multi-Agency Referral Unit (MARU) can be contacted using: multiagencyreferralunit@cornwall.gcsx.gov.uk or 0300 123 1116. The out of hours service is contactable on 01208 251300. For the Isles of Scilly contact Children's Social Care on 01720 424354 or the out of hours service on 01720 422699.



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FURTHER INFORMATION AND CONTACT INFORMATION



Dorset County Council can be contacted using 01305 221000 or by using their online contact form on their website www.dorsetforyou.com

The Local Authority Children's Social Care Offices can be contacted as follows:

Bournemouth: 01202 456900

Bridport: 01308 422234

Christchurch: 01202 474106

Dorchester: 01305 221450

Ferndown: 01202 877445

North Dorset: 01258 472652

Poole: 01202 735046

Purbeck: 01929 553456

Weymouth & Portland: 01305 760139

Out of Hours (evenings and weekends): 01202 657279



Plymouth City Council have the "Plymouth Gateway" which can be contacted using gateway@plymouth.gov.uk or on 01752 301760 for professionals, or 01752 668000 for members of the public or family.

This is for all pre-threshold enquiries where advice and support is needed for a family. They do have services that work with young people at risk of CSE before it reaches their threshold for CSE and will use their specialised CSE risk assessment tool at an early stage.

However if you are clear that there are concerns that a young person is at high risk of abuse through CSE, then contact their Advice and Assessment Team using adviceandassessment@plymouth.gcsx.gov.uk or 01752 308600. Please note that this team will be rebranded as the "Referral and Assessment Service" in the near future.

Plymouth City Council also provides an "Early Years Service" which promotes the safeguarding of children in their early years. They can be contacted using: earlyyears@plymouth.gov.uk or 01752 307450

They can be generally contacted using: enquiries@plymouth.gov.uk or on 01752 668000.

FURTHER INFORMATION AND CONTACT INFORMATION



Torbay Council using torbaysafe
guardinghub@torbay.gcsx.gov.uk
or contact Torbay Children's Services
on 01803 208100 (option 2)

National guidance

For police officers and staff seeking further national guidance, the College of Policing have produced Authorised Professional Practice guidance on "Responding to Child Sexual Exploitation." This can be found here: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/>

The Government have produced a guide entitled "Working Together to Safeguard Children". This can be found here: <https://www.gov.uk/government/publications/safeguarding-children-and-young-people/safeguarding-children-and-young-people>

The Government have also produced supplementary guidance to the above mentioned guidance, entitled "Safeguarding Children and Young People from Sexual Exploitation". This can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278849/Safeguarding_Children_and_Young_People_from_Sexual_Exploitation.pdf

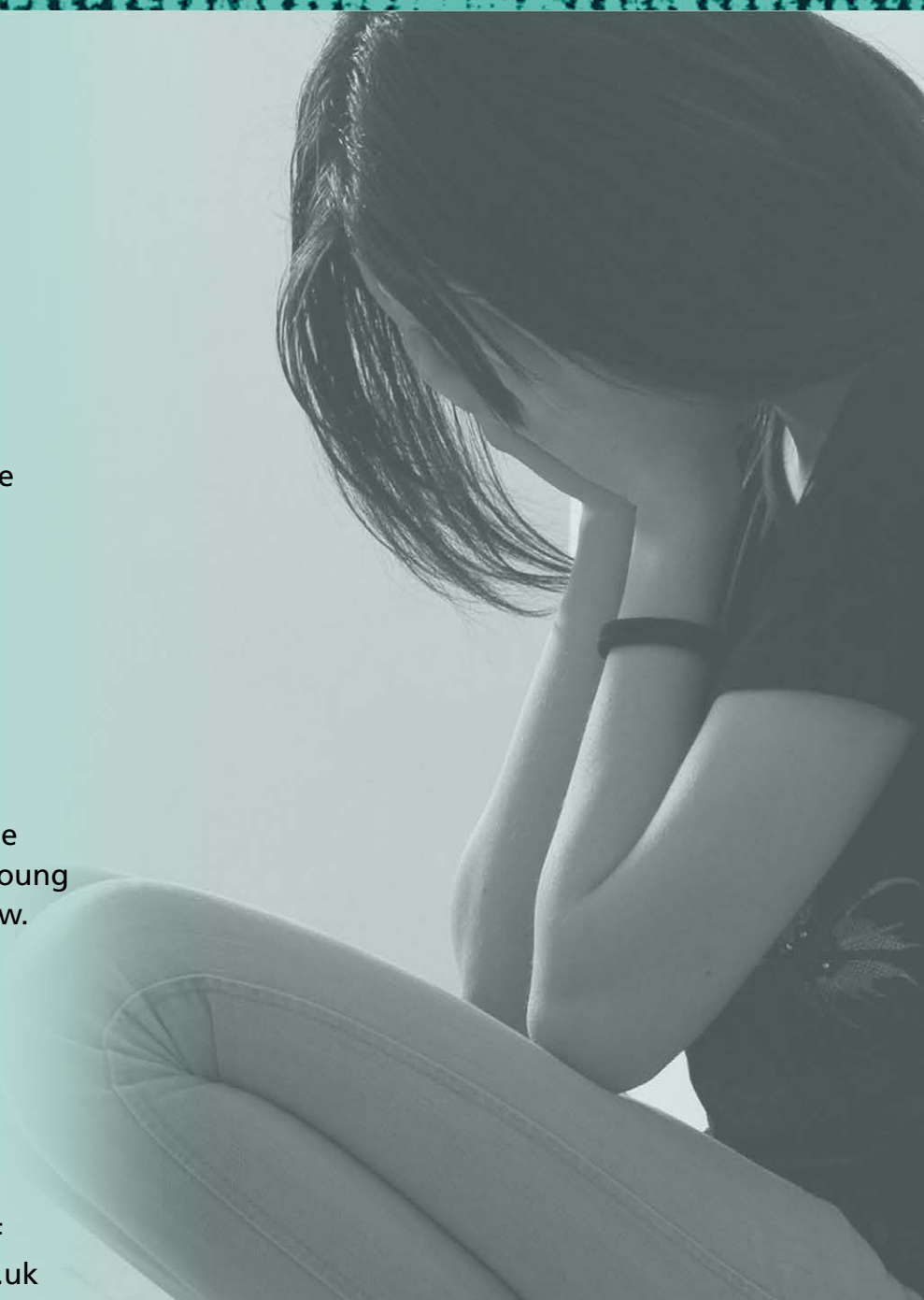
The National Crime Agency (NCA) has produced a more general "disruption manual" which provides further details on the powers that partner agencies have in relation to CSE and other child protection issues. To obtain the latest version of the manual (in PDF format), please email: safeguarding@devonandcornwall.pnn.police.uk



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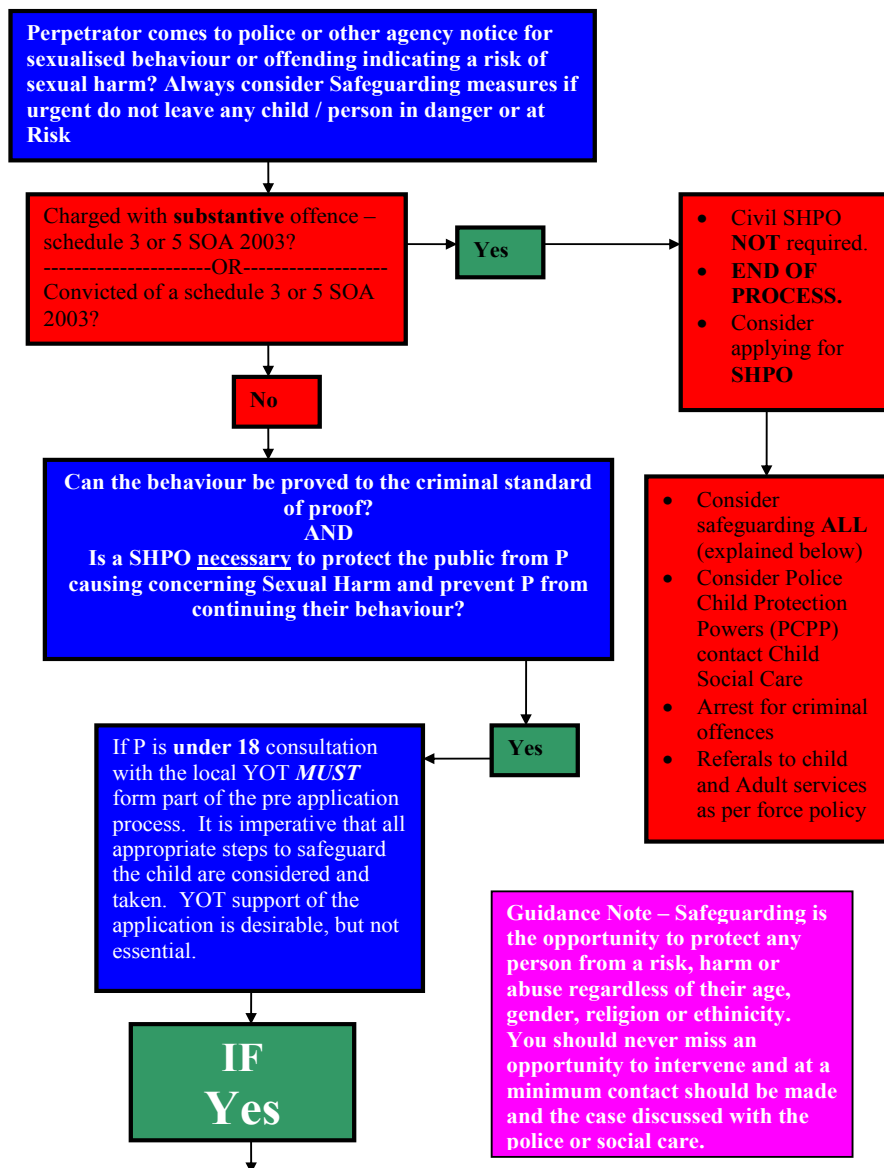
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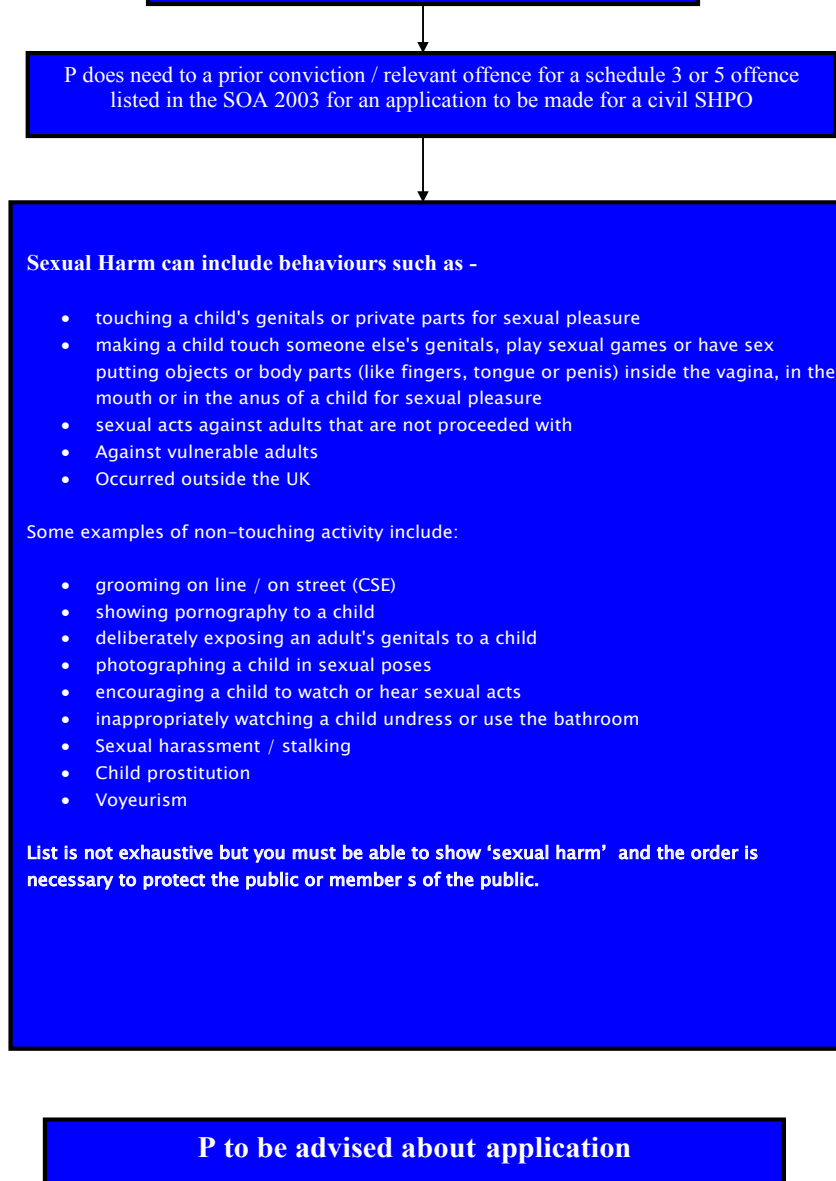
RESTRICTED

Process for a standalone Sexual Harm Prevention Order.



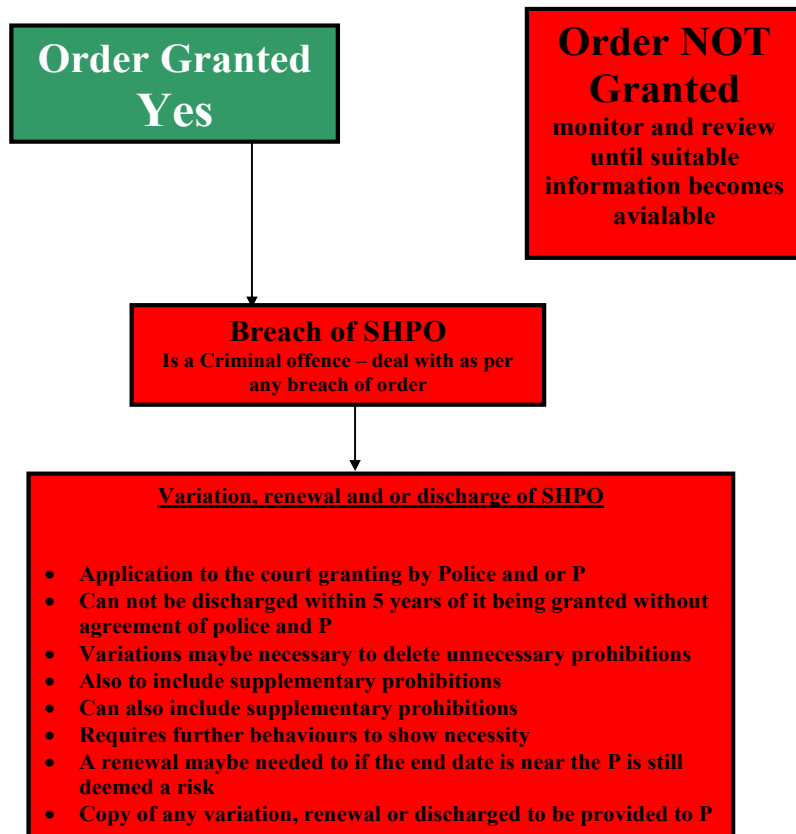
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Apply for a civil SHPO





RESTRICTED



RESTRICTED

What to do – Local Policy

Guidance for officers 'what to do next' with ORDERS?

Guidance for officers 'what to do next' with ORDERS?

Standalone SHPO REFUSED

- Victim to be updated if appropriate.
- 3rd party / agency to be updated where appropriate such as Child Social Care, YOT, Housing..
- Nominal's record to be updated and documents attached to Force intelligence system.

Standalone SHPO GRANTED

- Officer to ensure P is served with the SHPO *should have been served at court?*
- Victim to be updated if appropriate.
- Signed SHPO and Hearing documents to be scanned in to Force intelligence system.
- ViSOR record to be created for ARMS risk assessment and ongoing management as a RSO in the community.
- Ensure nominal is flagged on Force intelligence system to capture any involvement in a street occurrence, arrest or breach of order.
- Copy emailed to PNCB requesting PNC updated with copy of SHPO only.
- Copy emailed to relevant agency were appropriate – Child Social Care, YOT, Housing.
- Briefing item to be created with photo of P and details of prohibitions.

NOTES

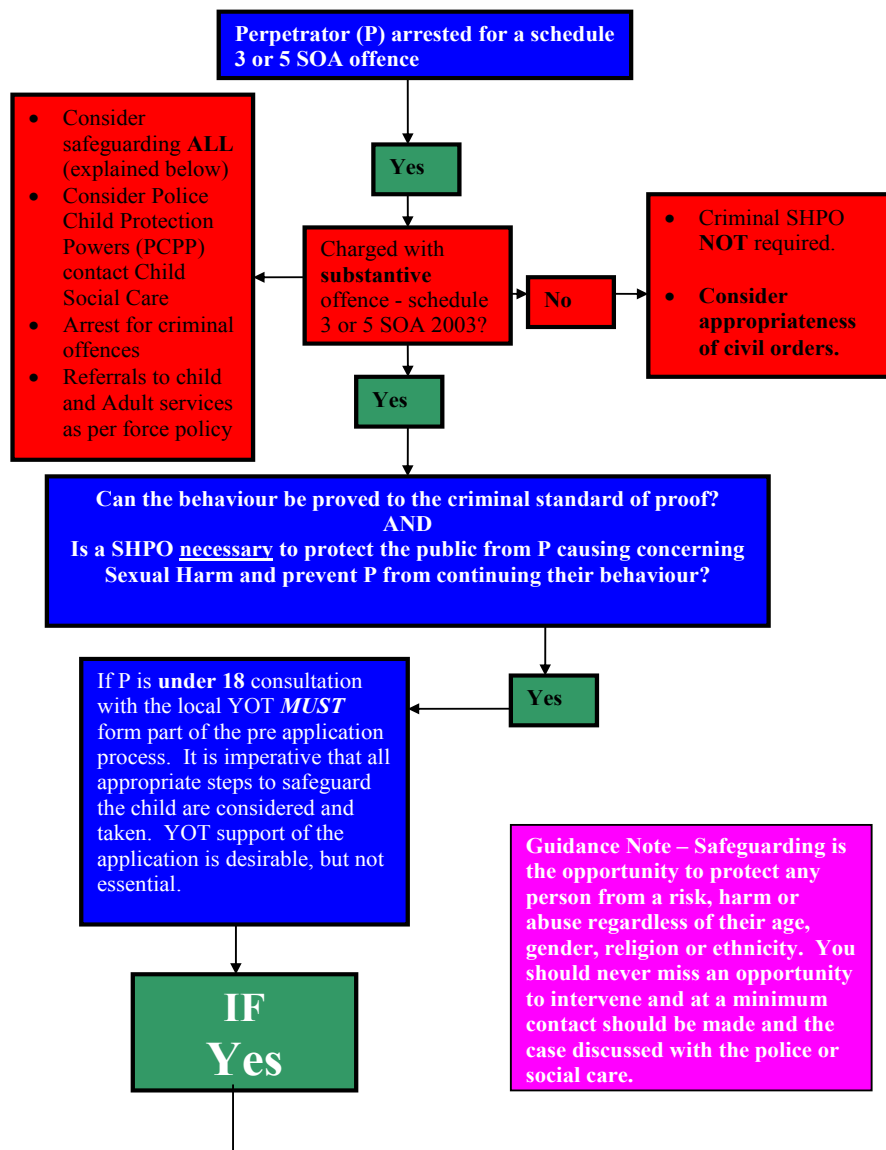
Ensure all documents are linked to the victims record on Force intelligence system



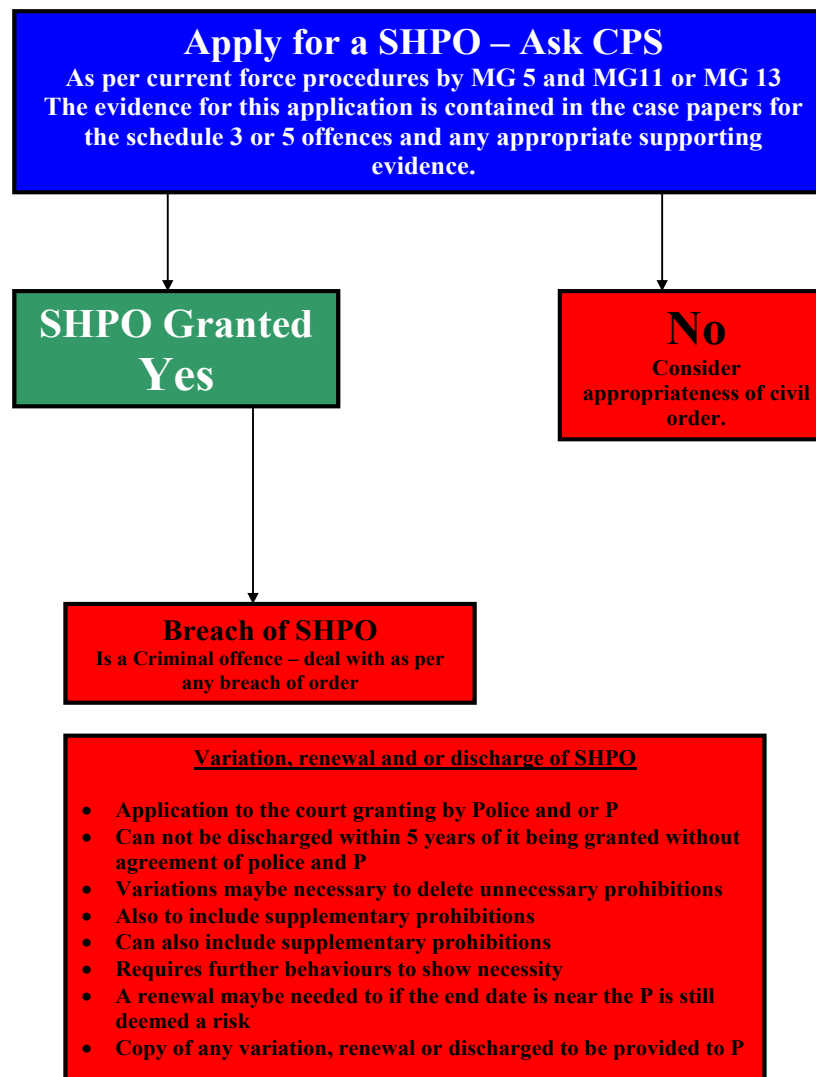


RESTRICTED

Process for applying for a Sexual Harm Prevention Order on conviction.



RESTRICTED





RESTRICTED

What to do – Local Policy

Guidance for officers 'what to do next' with ORDERS?

SHPO REFUSED

- Victim to be updated if appropriate.
- 3rd party / agency to be updated where appropriate such as Child Social Care, YOT, Housing..
- Nominal's record to be updated and documents attached to Force intelligence system.

SHPO GRANTED

- Officer to ensure P is served with the SHPO *should have been served at court?*
- Victim to be updated if appropriate.
- Signed SHPO and Hearing documents to be scanned in to Force intelligence system.
- ViSOR record to be created for ARMS risk assessment and ongoing management as a RSO in the community.
- Ensure nominal is flagged on Force intelligence system to capture any involvement in a street occurrence, arrest or breach of order.
- Copy emailed to PNCB requesting PNC updated with copy of SHPO only.
- Copy emailed to relevant agency where appropriate – Child Social Care, YOT, Housing.
- Briefing item to be created with photo of P and details of prohibitions.

NOTES

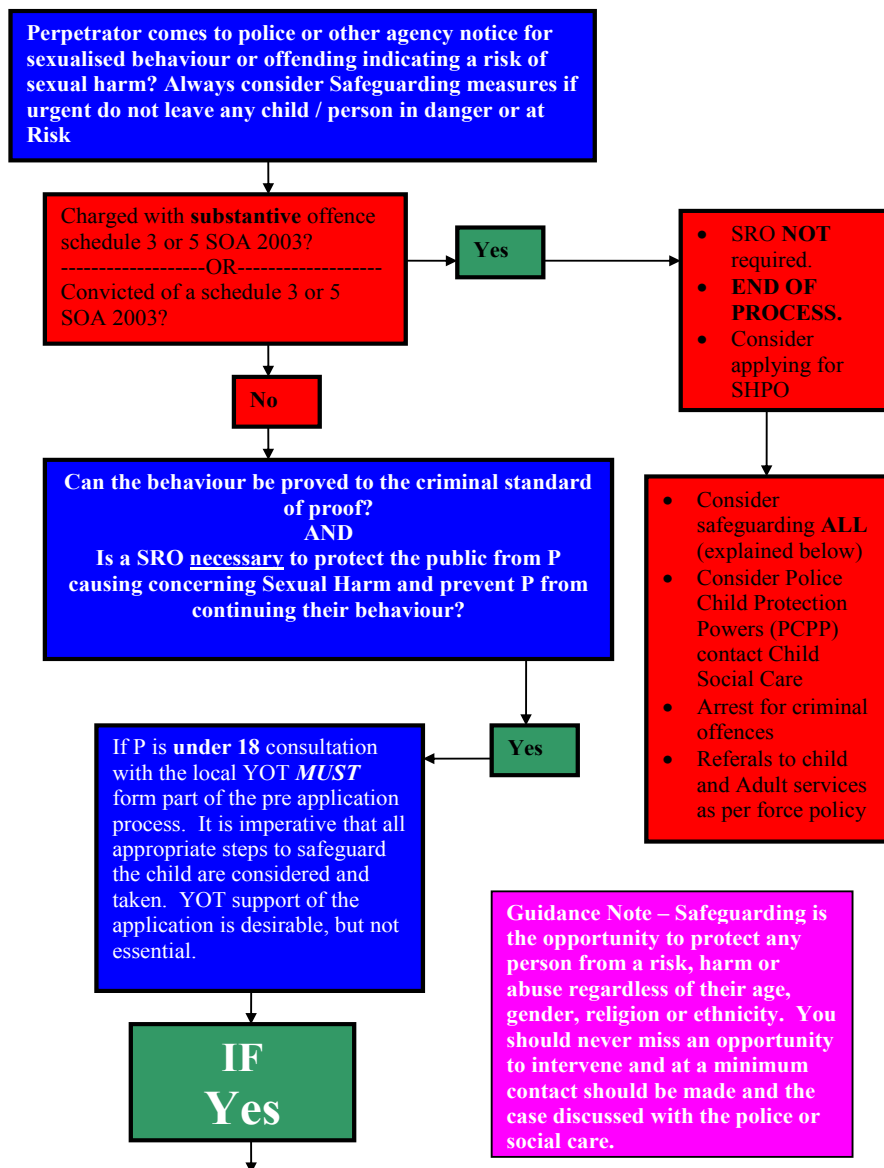
Ensure all documents are linked to the victims record on Force intelligence system





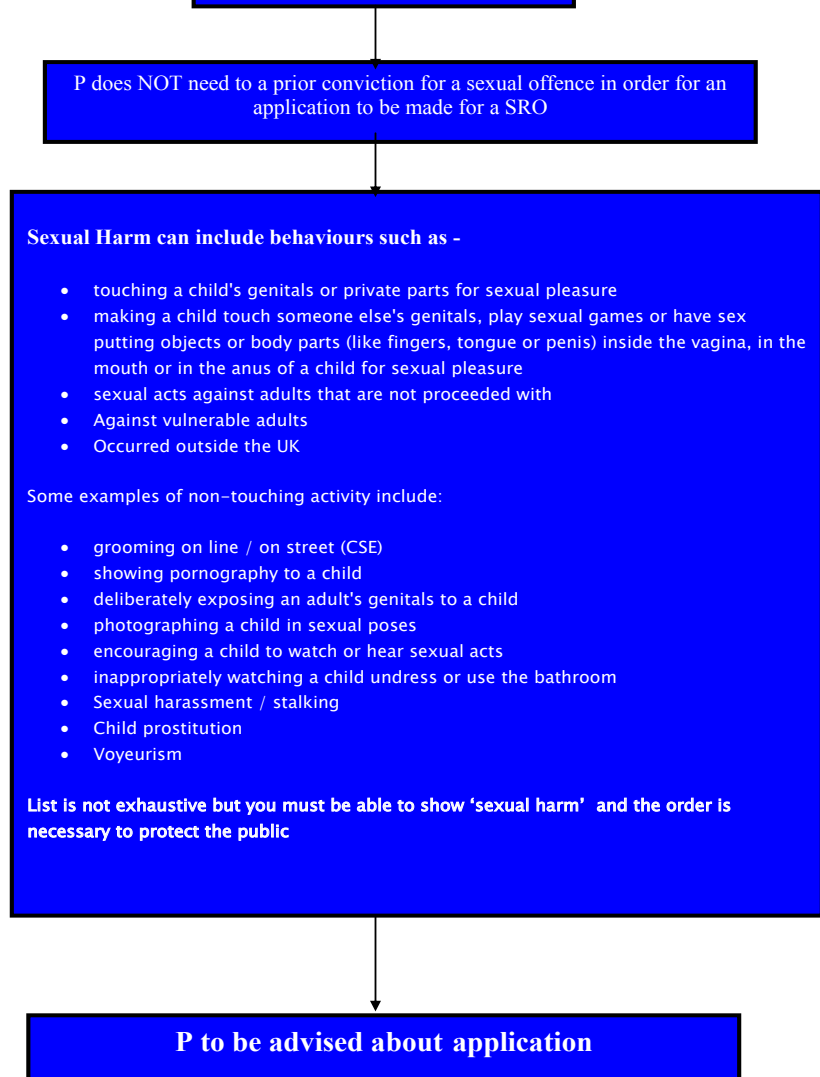
RESTRICTED

Process for applying for a Sexual Risk Order.



RESTRICTED

Apply for a SRO



RESTRICTED





RESTRICTED

RESTRICTED

What to do – Local Policy

Guidance for officers 'what to do next' with ORDERS?

**SRO
REFUSED**

- Victim to be updated if appropriate.
- 3rd party / agency to be updated where appropriate such as Child Social Care, YOT, Housing..
- Nominal's record to be updated and documents attached to Force intelligence system.

**RSO
GRANTED**

- Officer to ensure P is served with the SRO.
- Victim to be updated if appropriate.
- Signed SRO and Hearing documents to be scanned in to Force intelligence system.
- ViSOR record to be created for risk assessment and ongoing management as a Potentially Dangerous Person.
- Ensure nominal is flagged on Force intelligence system to capture any involvement in street occurrence, arrest or breach of order.
- Copy emailed to PNCB requesting PNC updated with copy of SRO only.
- Copy emailed to relevant agency where appropriate – Child Social Care, YOT, Housing.
- Briefing item to be created with photo of P and details of prohibitions.

NOTES

Ensure all documents are linked to the victims record on Force intelligence system

RESTRICTED

**Order Granted
Yes**

**Order NOT
Granted**
monitor and review
until suitable
information becomes
available

Breach of SRO

Is a Criminal offence – deal with as per
any breach of order

Variation, renewal and or discharge of SRO

- Application to the court granting by Police and or P
- Can not be discharged within 5 years of it being granted without agreement of police and P
- Variations maybe necessary to delete unnecessary prohibitions
- Can also include supplementary prohibitions
- Requires further behaviours to show necessity
- A renewal maybe needed to if the end date is near and the P is still deemed a risk
- Copy of any variation, renewal or discharged to be provided to P

Breach of SRO

Conviction of the SRO will render the nominal subject to the FULL
Notification requirements for the remainder of the SRO.