

**Submission for Action for Children**  
**Jay Review into Child Criminal Exploitation**  
**November 2023**

Social Work Scotland (SWS)<sup>1</sup> is the professional body for social work leaders, collaborating closely with our partners to shape policy and practice, and improve the quality and experience of social services.

We welcome this opportunity to comment on Child Criminal Exploitation (CCE) as part of the Review by Action for Children.

**1. Definition of CCE**

Local authorities and partners in Scotland adhere to the definitions in the National Guidance for Child Protection in Scotland (Scottish Government, 2023)<sup>2</sup>:

*Criminal exploitation refers to the action of an individual or group using an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity in exchange for something the victim needs or wants, or for the financial or other advantage of the perpetrator or facilitator. Violence or the threat of violence may feature. The victim may have been criminally exploited, even if the activity appears consensual. Child criminal exploitation may involve physical contact and may also occur through the use of technology. It may involve gangs and organised criminal networks. Sale of illegal drugs may be a feature. Children and vulnerable adults may be exploited to move and store drugs and money. Coercion, intimidation, violence (including sexual violence) and weapons may be involved. (Para 1.41)*

*Child trafficking involves the recruitment, transportation, transfer, harbouring or receipt, exchange or transfer of control of a child under the age of 18 years for the purposes of exploitation. Transfer or movement can be within an area and does not have to be across borders. Examples of and reasons for trafficking can include sexual, criminal and financial exploitation, forced labour, removal of organs, illegal adoption, and forced or illegal marriage. (Para 1.42)*

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<sup>1</sup> <https://socialworkscotland.org/>

<sup>2</sup> <https://www.gov.scot/publications/national-guidance-child-protection-scotland-2021-updated-2023/documents/>

*Child Criminal Exploitation is a cause of significant harm and should trigger child protection processes and consideration of relevant preventative action. CCE is not defined in law but practitioners should be alert to the possibility that some children who are victims of trafficking may be exploited by gangs and organised criminal networks. CCE can be associated with ‘county lines’, which refers to criminal exploitation by gangs which export illegal drugs into one or more areas (within the UK). Gangs may use dedicated mobile phone lines or other form of ‘deal line’. Such gangs are known to exploit children and vulnerable adults to move (and store) drugs and money and often use coercion, intimidation, violence (including sexual violence) and weapons. However CCE can also occur in the absence of these features. (Para 4.348)*

## **2. Scale and extent of CCE**

Children’s Social Work Statistics<sup>3</sup> are published annually by Scottish Government. This includes child protection data including concerns identified at child protection planning meetings of children registered. All local authorities are responsible for maintaining a central child protection register for all children who are the subject of an inter-agency child protection plan. A child may be placed on the register if there are reasonable grounds to believe or suspect that a child has suffered or will suffer significant harm from abuse or neglect, and that a child protection plan is needed to protect and support the child.

Of the total number of concerns identified in 2021-22, the most common concerns were: domestic abuse (16%), neglect (15%), parental mental health problems (14%), parental substance use (15%), and emotional abuse (13%).

Other categories of registration include child exploitation, child sexual exploitation, sexual abuse and child placing self at risk. These concerns account for a small percentage of child protection registrations nationally.

This national data does not cover the full extent of activity in relation to child protection and does not give specific data in relation to CCE and CSE, online harm and abuse or grooming.

Local self-evaluation and data activity<sup>4</sup> monitors and evaluates the impact of the changes with oversight by Child Protection Committees (CPC) and Chief Officer Groups (COG)<sup>5</sup>. Areas are also subject to inspection by the Care Inspectorate in relation to services for children and young people at risk of harm.

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<sup>3</sup> <https://www.gov.scot/publications/childrens-social-work-statistics-scotland-2021-22/pages/child-protection/>

<sup>4</sup> <https://www.celcis.org/knowledge-bank/protecting-children/legislation-and-policy/child-protection-committees/minimum-dataset-child-protection-committees>

<sup>5</sup> <https://www.gov.scot/publications/protecting-children-young-people-child-protection-committee-chief-officer-responsibilities/>

However, as noted in the CYCJ report *Understanding CCE in Scotland: A Scoping Review*<sup>6</sup>, within local authority social work services there is limited data and a lack of consistency in recording CCE.

Barnardos and the Scottish Children's Reporter Administration (SCRA) conducted the first Scotland study on child sexual exploitation, which found that children who were being sexually exploited came from right across the country, including rural and island communities and urban areas.<sup>7</sup>

The report<sup>8</sup> states:

*It is difficult to get an accurate understanding of the scale of exploitation taking place in the UK. This is largely because of fragmented and flawed data collection, a lack of understanding of exploitation, the persistence of victim-blaming attitudes, the stigma associated with exploitation, and victims not being identified by the authorities. It's therefore likely that all data sets are an underestimate, and that the number of children experiencing exploitation known to services is just the tip of the iceberg.*

The report notes that specific data on CCE is not recorded in Scotland. In relation to online exploitation the report<sup>9</sup> states;

*Online platforms are used by OCGs (organised crime gangs) and individuals to groom, recruit, and exploit and abuse children, and to keep them trapped in exploitation.*

*Online child sexual and criminal exploitation have rapidly increased in recent years, with the NSPCC finding in 2022 that online grooming crimes had risen by more than 80% in the previous four years.*

Research also indicates that children in care can be particularly at risk of exploitation and going missing. Additionally, there is an increasing volume of unaccompanied asylum-seeking children, both through the National Transfer Scheme<sup>10</sup> and spontaneous arrivals. These children are also particularly vulnerable to exploitation.

### **3. Policy and legislative context**

#### **The Promise**

The Independent Care Review<sup>11</sup> is a key driver for improvement nationally. It concluded that further work was needed to improve the 'care system' and transformational change was

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<sup>6</sup> <https://www.cycj.org.uk/resource/understanding-child-criminal-exploitation-in-scotland-a-scoping-report/>

<sup>7</sup> [https://cms.barnardos.org.uk/sites/default/files/2020-10/Barnardo%27s%20Scotland%20Policy%20Report%20Sexual%20exploitation%20of%20children%20involved%20in%20the%20Children%E2%80%99s%20Hearings%20System%20%28PDF%29\\_0.pdf](https://cms.barnardos.org.uk/sites/default/files/2020-10/Barnardo%27s%20Scotland%20Policy%20Report%20Sexual%20exploitation%20of%20children%20involved%20in%20the%20Children%E2%80%99s%20Hearings%20System%20%28PDF%29_0.pdf)

<sup>8</sup> <https://www.barnardos.org.uk/sites/default/files/2023-06/summer23-report-invisible-children-cost-living-criminal-sexual-exploitation.pdf>

<sup>9</sup> <https://www.barnardos.org.uk/sites/default/files/2023-06/summer23-report-invisible-children-cost-living-criminal-sexual-exploitation.pdf>

<sup>10</sup> <https://www.gov.scot/policies/child-protection/unaccompanied-children-seeking-asylum-and-child-trafficking/>

<sup>11</sup> <https://www.carereview.scot/>

needed to ensure care experienced children grow up safe, loved and respected. The Promise<sup>12</sup> emphasises that families must be given support to overcome the difficulties they may encounter. Meaningful engagement with families must ensure their voices are heard and they are involved in decisions that affect them. To keep the Promise, agencies and services in Scotland are working towards the change highlighted in the Care Review.<sup>13</sup>

## **Bairns' Hoose**

Bairns' Hoose<sup>14</sup> is a model that Scotland is testing to provide holistic support to children. The Scottish Government vision for Bairns' Hoose is that:

*All children in Scotland who have been victims or witnesses to abuse or violence, as well as children under the age of criminal responsibility whose behaviour has caused significant harm or abuse, will have access to trauma-informed recovery, support and justice.*<sup>15</sup>

The model is based on the European "Barnahus" (child house) model. It brings together 'under one roof' services for:

- child protection
- health
- recovery support/whole family support
- justice

The Bairns' Hoose standards<sup>16</sup> set out what the vision will mean for:

- children and young people and their families
- people who plan, commission and deliver services
- professionals who will support children in a Bairns' Hoose

The standards will help to support a consistent national implementation of the Bairns' Hoose model.

This work is at an early stage with a recent announcement of Pathfinders to start the development of a national approach to provide coordinated comprehensive support for children and young people in the justice system.<sup>17</sup>

## **Age of Criminal Responsibility (ACR)**

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<sup>12</sup> <https://thepromise.scot/>

<sup>13</sup> <https://thepromise.scot/what-must-change/plan-21-24>

<sup>14</sup> <https://www.bairnshoosescotland.com/resources/>

<sup>15</sup> <https://www.gov.scot/publications/bairns-oose-scottish-barnahus-vision-values-and-approach/>

<sup>16</sup> [https://www.healthcareimprovementscotland.org/our\\_work/standards\\_and\\_guidelines/stnds/bairns\\_hoose\\_standards.aspx](https://www.healthcareimprovementscotland.org/our_work/standards_and_guidelines/stnds/bairns_hoose_standards.aspx)

<sup>17</sup> <https://www.gov.scot/news/next-steps-for-bairns-oose/>

Recent legislative changes brought about a change in ACR in Scotland. The Age of Criminal Responsibility (Scotland) Act 2019 (the Act)<sup>18</sup> raised the age of criminal responsibility from 8 to 12 years and provides new specific investigative powers for police investigating the most serious cases of harmful behaviour and new duties for Local Authorities.<sup>19</sup>

The Act is underpinned by the key principles that a child cannot be held criminally responsible for harmful behaviour that amounts to a crime or offence which occurred when the child was aged under 12. The child cannot be arrested or charged with offences. At any point where concerns are identified about actual or future significant harm to any child, there will be a child protection response.

Scottish Ministers are required to review operation of the Act and with a view to considering the future age of criminal responsibility. An Advisory Group leads on work to consider a future increase in age. The Review period end in December 2024.

### **Children (Care and Justice) Bill**

The Bill makes changes to the law in relation to the care of children and the involvement of children in the criminal justice system. It aims to ensure children and young people receive age-appropriate justice and support and proposes some changes to the Children's Hearings System, most significantly raising the age of referral to the Children's Reporter and places where children can be detained. This includes stopping children under 18 from going to a young offenders institution (YOI) or prison. It adds restrictions on what information can be reported about a child suspected of a crime. It also makes changes to court and custody arrangements for children.

Additionally, the Bill makes changes relating to the regulation of secure accommodation and how it is used. It also alters regulatory requirements around Scottish care placements for children from other parts of the UK.

The policy objectives of the Bill state<sup>20</sup>:

*The Bill proposes a number of measures to improve experiences and promote and advance outcomes for children, particularly those who come into contact with care and justice services. Building on Scotland's progressive approach to children's rights in line with the UNCRC, the Bill's provisions aim to increase safeguards and support, especially to those who may need legal measures to secure their wellbeing and safety.*

*The Bill builds on the policy and practice approaches enshrined in GIRFEC to improve outcomes for children by providing the right help, at the right time, from the right people. This requires the provision of a full continuum of services and supports, spanning*

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<sup>18</sup> <https://www.legislation.gov.uk/asp/2019/7/contents/enacted>

<sup>19</sup> <https://socialworkscotland.org/guidance/age-of-criminal-responsibility/>

<sup>20</sup> <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/children-care-and-justice-scotland-bill/introduced/policy-memo-accessible.pdf>

*preventative, early, protective and intensive interventions, which uphold and advance children's rights*

The Children and Young People's Commissioner Scotland states that:

*This Bill will help Scotland meet its international human rights obligations to ensure that children's rights are protected when they are in need of care and protection, whether or not they are in conflict with the law.<sup>21</sup>*

#### **4. Responses to CCE**

A multi-agency response to CCE sits within a child protection context. The National Guidance for Child Protection in Scotland (Scottish Government, 2023) states:

*Child protection refers to the processes involved in consideration, assessment and planning of required action, together with the actions themselves, where there are concerns that a child may be at risk of harm. Child protection guidance provides overall direction for agencies and professional disciplines where there are concerns that a child may be at risk of harm. Child protection procedures... are initiated when police, social work or health professionals determine that a child may have been abused or may be at risk of significant harm.*

*Child protection involves:*

- immediate action, if necessary, to prevent significant harm to a child*
- inter-agency investigation about the occurrence or probability of abuse or neglect, or of a criminal offence against a child. Investigation extends to other children affected by the same apparent risks as the child who is the subject of a referral*
- assessment and action to address the interaction of behaviour, relationships and conditions that may, in combination, cause or accelerate risks*
- focus within assessment, planning and action upon listening to each child's voice and recognising their experience, needs and feelings*
- collaboration between agencies and persistent efforts to work in partnership with parents in planning and action to prevent harm or reduce risk of harm*
- recognition and support for the strengths, relationships and skills within the child and their world in order to form a plan that reduces risk and builds resilience. (Para 1.50)*

*Child trafficking and exploitation is abuse, and an immediate child protection response is required, and an inter-agency referral discussion (IRD) should be undertaken when there is reason to believe a child may have been trafficked or exploited.*

*CCE is a cause of significant harm and should trigger child protection processes and consideration of relevant preventative action. (Para 4.348)*

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<sup>21</sup> <https://www.cypcs.org.uk/resources/ccj-bill-stage-1/>

The Getting it Right for Every Child (GIRFEC) approach<sup>22</sup> provides Scotland with a consistent framework and shared language for promoting, supporting, and safeguarding the wellbeing of children and young people. It is locally embedded and positively embraced by organisations, services and practitioners across Children’s Services Planning Partnerships<sup>23</sup>, with a focus on changing culture, systems and practice for the benefit of babies, infants, children, young people and their families. GIRFEC is firmly grounded in securing both the child’s best interests and wellbeing, and supporting families by ensuring children receive the right help, at the right time. This approach ensures that the child’s health, education, and wellbeing needs are at the fore and that intervention and support is as early as possible and proportionate.

GIRFEC provides risk and needs assessment framework<sup>24</sup>, that supports the identification of harm and risk and the development of a child’s plan<sup>25</sup> to meet those needs. Information sharing principles are outlined in the GIRFEC Information Sharing Guidance.<sup>26</sup>

### **Role of Local Authority Social Work**

Since the publication of the National Guidance for Child Protection in Scotland in 2021 and the update in 2023, local authorities and their partners have been working towards full implementation, including changes to practice and local guidance.

Social Work Scotland are members of the National Implementation Group established to provide strategic oversight and support local areas.

The role of a Local Authority in child protection is outlined in the National Guidance:

*Local authorities have a duty to promote, support and safeguard the wellbeing of all children in need in their area, and, insofar as is consistent with that duty, to promote the upbringing of children by their families by providing a range and level of services appropriate to children’s welfare and wellbeing needs. (Para 2.124)*

Guidance<sup>27</sup> for local authorities on the role of the registered social worker in statutory interventions stipulates that, where children are in need of protection and/ or in danger of serious exploitation or significant harm, a registered social worker will be accountable for carrying out enquiries and making recommendations, where necessary, as to whether or not the child or young person should be the subject of compulsory protection measures.

Where either children or adults are:

- in need of protection; and/or

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<sup>22</sup> <https://www.gov.scot/policies/girfec/>

<sup>23</sup> <https://www.gov.scot/publications/children-young-people-scotland-act-2014-statutory-guidance-part-3-childrens-services-planning-second-edition-2020/>

<sup>24</sup> <https://www.gov.scot/publications/national-risk-framework-support-assessment-children-young-people/>

<sup>25</sup> <https://www.gov.scot/publications/getting-right-child-girfec-practice-statement-girfec-childs-plan/pages/1/>

<sup>26</sup> <https://www.gov.scot/publications/getting-right-child-girfec-practice-guidance-4-information-sharing/>

<sup>27</sup> <https://www.gov.scot/publications/role-registered-social-worker-statutory-interventions-guidance-local-authorities/pages/2/#:~:text=Social%20workers%20are%20trained%20to,21>

- in danger of serious exploitation or significant harm; and/or
- at risk of causing significant harm to themselves or others; and/or
- unable to give informed consent.

A registered<sup>28</sup> social worker must retain accountability for:

- carrying out enquiries and making recommendations where necessary as to whether or not a person requires to be the subject of compulsory protection measures;
- implementation of the social work component of a risk management plan and take appropriate action where there is concern that a multi-agency plan is not being actioned;
- making recommendations to a children's hearing or court about whether a child should be accommodated away from home;
- making recommendations on behalf of the local authority to a children's hearing or court about permanence or the termination/variation of supervision requirements;
- carrying out the measures identified in the Adoption and Children (Scotland) Act 2007 and The Looked After Children (Scotland) Regulations 2009.

In fulfilling the local authorities' responsibilities to children in need of protection, social work services have a number of key roles. These include:

- co-ordinating multi-agency risk assessments.
- arranging Child Protection Planning Meetings
- maintaining the child protection register
- discharging the local authority's duty to refer to the Principal Reporter children who may need a Compulsory Supervision Order
- supervising the child on behalf of the local authority as 'the implementation authority,' giving effect to the decisions of children's hearings

For children in need of care and protection, social workers usually act as lead professional<sup>29</sup> co-ordinating services and support as agreed in the child protection or child's plan.

### **Interagency Referral Discussion (IRD)**

An inter-agency referral discussion (IRD) is the start of the formal process of information sharing, assessment, analysis and decision-making following reported concern about abuse or neglect of a child or young person up to the age of 18 years, in relation to familial and non-familial concerns, and of siblings or other children within the same context. This includes an unborn baby that may be exposed to current or future risk. Police, social work, and health participate in IRD with essential input from education and work together to ensure a co-ordinated inter-agency child protection response to concerns.

<sup>28</sup> [The Scottish Social Services Council - Scottish Social Services Council \(sssc.uk.com\)](http://www.sssc.uk.com)

<sup>29</sup> <https://www.gov.scot/policies/girfec/lead-professional/#:~:text=The%20lead%20professional%20is%20an,young%20person%20and%20their%20family>



A decision can be made at an IRD to plan for and undertake a Joint Investigative Interview with a child and put in place a plan for services to work together to support the child and family.

The IRD process is particularly important for CCE in relation to decision making and planning. The National Guidance revisions (2023) stipulates that all concerns which may indicate risk of significant harm must lead to “consideration” of an IRD.

For some young people aged 16 or 17 years, Adult Support and Protection (ASP) legislation may be relevant depending on circumstances and criteria<sup>30</sup>.

### **Joint Investigative Interview (JII) of child victims and witnesses**

The purpose of a JII is to:

- learn the child’s account of the circumstances that prompted the enquiry.
- gather information to permit decision-making on whether the child in question, or any other child, is in need of protection.
- gather sufficient evidence to suggest whether a crime may have been committed against the child or anyone else.
- secure best evidence as may be needed for court proceedings, such as a criminal trial; or for a children’s hearing proof.

Social Work Scotland, COSLA, Police Scotland and justice partners are working in partnership with the Scottish Government to take forward recommendations of the Evidence and Procedure Review<sup>31</sup> to improve the quality and consistency of Joint Investigative Interviews (JIIs) of children.<sup>32</sup> The aim is that JII statements are of a sufficiently high standard that they can be used as Evidence in Chief and contribute to the range of improvements being made to remove the need for children to give evidence in court and so reduce the potential of further trauma for child victims and witnesses. This work is being led by local authorities and Police Scotland who both have statutory responsibility for the investigation of concerns about children.

A National JII Project Team, made up of experienced social workers and police officers, was set up in November 2017 to develop a new approach to JII’s in Scotland, drawing on national and international research and best practice.

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<sup>30</sup> <https://www.gov.scot/publications/adult-support-protection-scotland-act-2007-code-practice-3/>

<sup>31</sup> [Evidence and Procedure Review](#)

<sup>32</sup> <https://www.cosla.gov.uk/about-cosla/our-teams/children-and-young-people/joint-investigative-interviews-of-child-victims-and-witnesses>

This led to the development of the Scottish Child Interview Model (SCIM) for joint investigative interviewing and to a new, comprehensive training programme for child interviewers. This model is being implemented across all areas in Scotland.

### **Practitioner Guidance for CCE**

The *Practitioners Guidance on Criminal Exploitation* was recently published<sup>33</sup> to support a shared understanding of criminal exploitation and to assist with early identification of those at risk from serious organised crime. The Guidance was developed by the Serious Organised Crime (SOC) Taskforce, who have responsibility for Scotland's SOC strategy.<sup>34</sup> There is alignment with child protection processes and, whilst there are links between criminal exploitation and serious organised crime, it needs to be viewed within a child protection context.

CCE may also be identified alongside other related and complex issues such as human trafficking<sup>35</sup>. Any child suspected of being a victim of trafficking should be referred to the National Referral mechanism (NRM).<sup>36</sup> In Scotland, referral to the NRM should follow on from an IRD and child protection processes.

### **Youth Justice**

Identifying concerns and supports early can help to minimise or prevent the risk of future harmful behaviour. Early and Effective Intervention (EEI)<sup>37</sup> aims to ensure children and families get the right support as early as possible. This approach supports agencies working together to take prompt action to respond to behaviour. Where a child has displayed harmful behaviour the Child's Plan<sup>38</sup> should be holistic and tailored to need and context, including risk assessment and management measures and interventions. This includes the assessment of risk in relation to other children and action may be required where there is risk within the household. The Plan can include consideration of alternative placement out with the home, including a referral to the Children's Reporter and the consideration of compulsory measures of care.

The Framework for Risk Assessment and Management and Evaluation (FRAME)<sup>39</sup> sets out standards for children involved in harmful behaviour. The Care and Risk Management (CARM) Guidance for children aged 12 to 18 years who present a risk of serious harm is a multi-agency framework designed to assist with the early identification, assessment and management of children who display harmful behaviours whilst ensuring that, in line with

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<sup>33</sup> <https://www.gov.scot/publications/practitioner-guidance-criminal-exploitation/#:-:text=To%20shine%20a%20bright%20light%20to%20ensure%20that,vulnerable%20adults%20who%20have%20been%20victims%20of%20exploitation>

<sup>34</sup> <https://www.gov.scot/policies/crime-prevention-and-reduction/serious-organised-crime/>

<sup>35</sup> <https://www.legislation.gov.uk/asp/2015/12/contents/enacted> - Human Trafficking and Exploitation (Scotland) Act 2015

<sup>36</sup> <https://www.migrationscotland.org.uk/uploads/National%20Referral%20Mechanism%20Toolkit%20March%202021.pdf>

<sup>37</sup> <https://www.gov.scot/publications/early-effective-intervention-framework-core-elements/>

<sup>38</sup> <https://www.gov.scot/policies/girfec/childs-plan/>

<sup>39</sup> <http://www.cycj.org.uk/wp-content/uploads/2016/11/Info-sheet-55.pdf>

GIRFEC, their needs are met and links are made with any Child's Plan and child protection procedures.

### **Contextual safeguarding**

A Contextual Safeguarding (CS)<sup>40</sup> approach may be useful to support the exploration of the behaviour within the context of family, peer, school, and neighbourhood. Local partnerships have started to develop processes and practice that support CS responses and further work is needed to embed this across the country.

### **Children's Hearing System**

Scotland's approach to welfare and the protection of children is represented within the ethos and principles of the Kilbrandon Report<sup>41</sup>, which informed the establishment of the Children's Hearing system in 1968. The Kilbrandon vision of a welfare approach for young people 'in trouble' or at risk, continues to ensure that the system considers and deals with the underlying issues in a child's life. This care and justice system is unique to Scotland and exists to protect the safety and wellbeing of children.

Scottish Children's Reporter Administration (SCRA)<sup>42</sup> is responsible for protecting children at risk by making effective decisions about a need to refer a child to a children's hearing. A children's hearing is a legal meeting set up because there are concerns about a child's wellbeing or the care they are receiving.

The majority of referrals to the Children's Reporter come from agencies, such as the police, social work and education. The Reporter then must make an initial investigation before deciding what action, if any, is necessary in the child or young person's interests. The Reporter must consider whether the evidence is sufficient to support the statement of grounds and then decide whether compulsory measures of supervision may be required.

The Children's Reporter can identify offence grounds in relation to the child (over 12) or use other grounds that relate to care and protection.

### **Support and recovery services**

Beyond the initial response to CCE, specialist services that provide support and recovery for children and families are vital, but can be limited. Third sector organisations often provide support to those affected by exploitation, harm and abuse. Mental health services can also be difficult to access due to lengthy waiting lists.

There is no specific data on the coverage of support and recovery services nationally, but there remain issues in relation to sustainable and sufficient funding.

### **Secure Care**

Secure care is relevant for a small number of children who may be a significant risk to themselves, or others in the community whose needs and risks can only be managed in this

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<sup>40</sup> <https://www.contextualsafeguarding.org.uk/about-us/what-is-contextual-safeguarding/>

<sup>41</sup> <https://www.gov.scot/publications/kilbrandon-report/>

<sup>42</sup> <https://www.scra.gov.uk/>

setting.<sup>43</sup> Robust regulations and requirements are in place, ensuring that any child would only be placed in secure accommodation for as long as absolutely necessary.

Decision making to deprive a child of their liberty must meet very strict criteria. A decision for secure care is made by the Local Authority Chief Social Work Officer and the Manager of the secure care accommodation.

## **5. Challenges and Practice issues**

The National Guidance for Child Protection in Scotland 2023 and the recent development of the CCE Practitioner Guidance provides a context for responding to CCE. However, the complexity and continued development of concerns and the increased level of risk for children, means that a national, multi-agency strategy would be beneficial. Critically it must also contain an implementation, learning and development and resourcing plan.

While agencies respond to child protection concerns in a timely manner, in line with guidance, the increased volume of concerns identified adds to the pressures on stretched resources within social work and partner agencies; for example, through the increased volume of IRD's.

The Social Work Scotland 'Setting the Bar'<sup>44</sup> report identifies some of the current challenges facing the workforce, and SWS is working with the Scottish Government, our members, and key partners to address them, however concern remains in relation to recruitment and retention of social work professional that will not be solved in the short term.

### **Recognition of CCE**

SWS members indicate that there can be issues in relation to identification of CCE across agencies, certain types of activity may be difficult to link and, by the nature of the complex dynamics, children may be reluctant to disclose concerns.

Awareness of indicators of concern is critical to help build an assessment and intervention plan. Overall, there does seem to be an increased level of awareness.

An initial presentation can be due to offending behaviour resulting in a criminal justice response. In some cases, children can present in a local area where they are not known (e.g., County Lines<sup>45</sup>) so the first identification can be in an emergency context with law enforcement.

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<sup>43</sup> The Children's Hearings (Scotland) Act 2011 provides the legal framework, including specific conditions and the 'secure care criteria' that must be satisfied; <https://www.gov.scot/publications/secure-care-pathway-standards-scotland/>

<sup>44</sup> <https://socialworkscotland.org/reports/settingthebar2/>

<sup>45</sup> The 2018 Home Office Serious Crime Strategy states the NPCC definition of a County Line is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas (within the UK), using dedicated mobile phone lines or other form of "deal line"

When CCE is unrecognised children can be criminalised and not treated as victims. This is contrary to legal obligations and “a strong presumption against prosecution” of a child victim of human trafficking or exploitation who has committed an offence in the course of, or as a consequence of, being the victim of human trafficking or exploitation.<sup>46</sup>

### **Information sharing**

Increasingly local areas are following vulnerable young people processes (some developed in response to CSE) to identify and share relevant information. These processes enable better early sharing of information and intelligence in order to identify exploitation including adults who pose a risk.

Children may also be absent or missing from education and may be ‘invisible’ within the system increasing vulnerability and lack of information.

The child protection IRD process is critical for inter-agency information sharing and decision making.

### **Multi agency learning and development**

Exploitation is a challenging and fast changing context and social work services and partner agencies must continue to develop the skills and knowledge to identify, assess and respond to risk. A nationally funded training programme and fora for shared learning would support local areas to maintain expertise and knowledge in a specialist area of practice.

The CCE Practitioner Guidance states:

*Where serious organised crime groups or organised networks are involved, they are constantly evolving and adapting in the pursuit of profit and power. This can be reflected in changes in how they target, coerce, force and manipulate as well as the type of criminal activity they seek to engage people in. Therefore, it is important that we keep pace with an ever-changing landscape.*

The CYCJ report *Understanding CCE in Scotland: A Scoping Review*<sup>47</sup> provides evidence of the changing and challenging nature of the issue:

*Exploiters continue to adapt to changes in both social and online landscapes in their efforts to groom and recruit children; most recently this was seen in the way that vulnerable children were targeted during the covid-19 lockdown period. By contrast, the inconsistent ways in which we understand and approach CCE, combined with its largely hidden and unreported nature, have led to significant knowledge gaps in this area.*

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<sup>46</sup> Lord Advocate instructions about the prosecution of persons who are, or appear to be, victims of an offence of human trafficking

<sup>47</sup> <https://www.cycj.org.uk/resource/understanding-child-criminal-exploitation-in-scotland-a-scoping-report/>

Added to this, is the challenge of powerful serious organised crime groups; they are often perceived as 'glamorous', providing children with money and other items which results in difficulties for support services and parents to intervene. The level of control individuals and groups can hold over children is significant.

CCE carries a risk of serious harm to children. Agencies need to be alert to ensure early disruption to keep children safe. For example, if a house is under police surveillance for drug supply and a child is seen going in and out of a house on a regular basis, that must be reported as a child protection concern rather than focussing on criminalising the child for drug dealing.

### **Early intervention and prevention**

The social work role supports intervention after an incident takes place, the immediate safety of the child will be assessed and responded to via established multi agency processes and partnership working, and is overseen by strategic partnerships, but more can be done to support prevention of harm and exploitation where these emerging risks are identified.

Key priorities for agencies must be:

- Ensure children at risk are identified as early as possible
- Ensure the immediate needs of the young person are met
- Identify risks to their mental and physical wellbeing and plan to meet these needs
- Ensure there are trauma responsive services and environments to support and care for children
- Children and their families are given relevant support and advice
- Consider a contextual approach

Supporting young people through preventative strategies is critical. Approaches must be national and properly funded. These prevention strategies must be seen as early intervention to prevent harm and the possible future criminalisation of children.

### **Cross boundary and border challenges**

The exploitation and trafficking of children crosses boundaries and borders which creates significant challenge. Linkage and communication between local authorities in a wider UK context can be problematic. Local authorities in Scotland are not always confident that referrals to authorities in other parts of the UK will result in a similar response to those from Scottish authorities. Children can potentially 'get lost' in systems where 'transfers' of responsibilities are not clear.

Different legal frameworks across the UK, while in themselves may not be problematic, mean children may fall through cracks. Recent challenges such as deprivation of liberty orders, children accommodated cross border and different ages of criminal responsibility

have illustrated the complexity of current cross border issues, including the referrals to local authorities and across police jurisdictions.

Often children involved in criminal exploitation come to attention of police and local authorities in evenings and weekends. It can be particularly challenging to gain accurate background information to inform decision making from the home local authority and/or from police where there are 'cross border' situations. SWS are aware of examples where local agencies have not been able to determine that young person is a missing person, subject to a child protection plan and/or a Care Order. This can clearly compromise robust safety planning taking place.

Where children present in local areas through 'county lines', often hundreds of miles from home, a joined-up response to ensure the child can be returned home, where safe and assessed as the best course of action, could be improved. A practical solution is needed for support and transport, that is trauma informed and responsive in a timely manner.

A point of contact for the purpose of making connections across the country may be useful to navigate the complexity of communication and connections across borders.

## **National response**

Local and national (both Scottish and UK) partnerships have a key role to work together to develop strategies to prevent harm, provide public information as well as working with local communities and schools to provide relevant information. This activity requires significant investment and resourcing.

The CCE Guidance publication provides an opportunity to develop a national shared understanding of CCE, within a child protection context, for all partner agencies.

Social Work Scotland has recommended that the Scottish Government set up a National Working Group and publish an updated National Action Plan to tackle the exploitation of children and young people in Scotland, including child sexual exploitation and child criminal exploitation.

## **6. Improvements and recommendations:**

- Engage with those with lived experience to consider improvements in identification, responses and support
- Providing support and counselling to victims and their families to recover from traumatic experiences
- Provide specialist learning and development for professionals
- Provide resource and implementation support to respond to new and emerging risk
- Investing in safety information campaigns for children, families, and communities
- Promote a contextual, whole community approach
- Ensuring effective law enforcement and legislation is in place to tackle emerging risk

- Additional research and the collation of data on the nature and extent of the issues to inform future planning

**UK national improvements:**

- Local and national agencies can work together to map inter related processes and identify any gaps
- Develop national pathways to ensure effective communication and connection across local authority areas and national borders to ensure children are not disadvantaged due to structural challenges
- Improve information sharing across borders to ensure effective safety planning
- Consider the need for a pathway (including issues related to transport) to ensure support for children moving across the country so they can be returned to their home authority safety and timeously

SWS welcome the opportunity to discuss this further at the evidence session on 24<sup>th</sup> November 2024.

For further information, please do not hesitate to contact:

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