

The Children's Commissioner's response to 'The Jay Review of Child Criminal Exploitation'

December 2023

Introduction

The following is a written response by the Children's Commissioner's office (CCo) to The Jay Review of Child Criminal Exploitation, supported by Action for Children.

About the Children's Commissioner



The Children's Commissioner, Dame Rachel de Souza, has a statutory independent role to protect and promote the rights of children in England and for children around the UK on issues reserved for the UK Parliament, with particular regard for children living away from home or receiving children's social care. Her priority is to bring the views and interests of children to the heart of Government.

What is the scale and nature of child criminal exploitation in the UK?

The CCo has no specific evidence on the scale on the scale of child criminal exploitation (CCE) in England, beyond official statistics. The CCo is concerned that the methods of measuring the scale of child criminal exploitation are relatively new and that the scale of CCE is almost certainly undercounted.

Children's voice on child criminal exploitation

The following relevant free-text answers were collected in *The Big Ask* survey and have not previously been published.¹ *The Big Ask* ran for approximately six weeks and gathered more than 550,000 responses, making it the largest ever survey of children anywhere in the world, to our knowledge. *The Big Ask* was launched online on the Children's Commissioner's office website and social media channels in April 2021. The Children's Commissioner's office sent the survey link to every school and local authority in England, as well as to mental health hospitals, youth custody settings, children's homes, and many other settings, charities and community groups.

The following were in response to the survey question: *"What do you think stops children/young people in England achieving the things they want to achieve when they grow up?"*

"Being exploited and tempted by drugs." – Boy, 14.

"Discrimination people not knowing about threats in the outside world, such as child criminal exploitation." – Girl.

"Exploitation by gangs." – Boy, 11.

"Gangs, drug violence, child exploitation, county lines, trafficking, gang violence/wars, fights, illegal trade of weapons (guns, knives, machetes/samurai swords)." – Child.

"The people in the community. I think that they binging up children badly and they are using child exploitation for things like drugs." – Boy, 12.

"I feel like the younger generation there's like an expectation to act hard and to act cool so they follow the crowd and get dragged into county lines or knife crime." – Boy, 14.

"I think the area and housing they have as if they have nothing to do outside school they will start to do bad [things] and might get lured into gangs or county lines." – Boy, 13.

"Lack of inspirational activities for children to know about their dream job. gangs and county lines." – Girl, 10.

"Lots of restrictions lack of money lack of resources children's voices aren't heard poverty, drugs, county lines not feeling safe or being anywhere to go thats safe." – Girl, 13.

"Personally, I believe everyone follows trends. Someone does something and all the weak people follow. In places like London, the crime rates are too high causing people to get anxious. Many teenagers in the UK have depression and anxiety or other mental health issues and schools do not support them enough. Many people live in abusive households and feel isolated. Many teachers across the UK do not support the pupils. However it is the same both ways, in most schools pupils are disrespectful to the teachers. This could be for a number of reasons, such as, family issues, county lines, gangs or just having mental health problems. I believe people in England can achieve what they want. Many of the rude pupils should be taken out of education to allow others to thrive. County lines, drugs and gangs need to be dealt with swiftly as younger people are more vulnerable to be indoctrinated. Many people need the right support around them to keep them out of danger, on the right path and keeping them safe." – Boy, 15.

"The current housing crisis makes it much harder for younger people to acquire a house, which is the basis of achieving great things. the lack of protection for younger people against things like county lines and gangs indoctrinating minors into harmful and aggressive environments which they cannot escape with ease." – Boy, 14.

"There is a lot of violence drugs in England so [sometimes] it might influence kids in England such as county lines overall thats my opinion." – Girl, 11.

Case study from a victim of child criminal exploitation

This case study was published in *Strip search of children in England and Wales – analysis by the Children's Commissioner for England*.² While it primarily focuses on the experience of being strip searched by police, the young person was a victim of CCE and his lack of trust in police was a barrier to him receiving support as a victim.

Boy, 19, was a victim of child criminal exploitation (CCE) and county lines. Between 12 and 18 years old, he was arrested multiple times, was strip searched up to four times in custody, and

was stopped and searched twice. He was first strip searched in custody when he was 12 years old and without an Appropriate Adult present, after having been arrested at school.

'It was a very confusing and traumatic process. [...] So the first time I was arrested was actually in my school, so I was let out of the school in handcuffs and taken into a police station. And that is where I was strip searched. So even that bit was just humiliating - leaving the school in handcuffs.'

'I was being searched every single day at school [by teachers]. That was part of something that was put in place the second that I set foot on school grounds that I was to be searched if I wanted to go to my lessons and so on that particular day, I was searched and found in possession of an ecstasy pill.'

'[B]ecause of me being searched every single day, I then felt isolated from everyone that I was the odd one out. I was the one that was being made to feel like a criminal. Although when I was first being searched, I wasn't actually a criminal and it was the fact of the pressure that the school was putting on me and because of the people I hanged about with that then actually led me to take drugs.'

'I was incredibly young at my first point of arrest and there was nobody that came and checked up on me. I had a lot of uncertainties, a lot of worries. I'm sitting in the cell, thinking "Oh, my God, my mum and dad are going to kill me. Am I going to prison?" I didn't understand what the law was. [...] Obviously, you're read your rights and you're entitled to a solicitor and all of that sort of stuff. But at that age of 12, I didn't even know what a solicitor at all was.'

'I did not have a parent or guardian present with me when I was strip searched. I was not aware that this was a possibility and that this was going to take place.'

'And if I had a youth worker at that point, I would have said "Do you mind if he was present or someone like that". I would have. I definitely, without a doubt, would have liked to [have a] familiar face there. I don't know if I would have wanted to put my mum through that because it's not nice, it's not a nice thing for anyone to see.'

'So it was very much - I got marched into the police station, I told the custody sergeant what I was actually arrested for and then led to a cell. And I then thought I was waiting to be interviewed. But while I was waiting to be interviewed, clearly some sort of conversation had taken place that then

deemed me at risk of having drugs and secreted within me. But none of that felt like a very open conversation, it felt behind closed doors. I wasn't given an opportunity to assure the police that I was not in a position of having drugs secreted.'

'They told me to get naked. They told me to bend over. [...] I think there were about three officers present. So, I've got three fully grown blokes staring at my bollocks, you know. It is rubbish.'

'The police never really looked mortified at doing it. I remember standing there and I was like, "What the hell are you guys doing?" And they're like, "Right, get your clothes off. We're gonna see your bollocks now." What the hell do you mean by that? I thought they were joking because of the mannerisms and how they conducted it. It almost felt a bit of a joke to them. It didn't feel that serious. It was like, again, humiliating. [It] felt like they were humiliating me.'

'So that was incredibly traumatic and from that really was just a terrible start of a relationship with the police because instantly I hated them. They humiliated me.'

'How it always felt when I'm engaging with the police is that they're a big group of friends [...] and they've found someone they don't like. And they stand around them and humiliate him. It's like they've all got their inside jokes. They've all got their little code language that they like to say. It just feels like they're a group of friends and you're this outsider and they're the school bullies. They're the playground bullies that are standing there pointing their finger laughing at you.'

'Once I was ready for interview, that's then when I had to have a parent or guardian present. [...] My mum and dad are very hard-working middle-class people. [...] I'm not your stereotypical county lines boy or anything like that. This was a very, very new situation to my mum and dad. They did not have a clue how to deal with me. But the police just said, "You need to give that boy a real bollocking and make him feel like shite, basically." [...] The police gave them no guidance.'

'I got out of the police station, I then disengaged from my family. I then disengaged from school. I then disengaged from everyone and turned straight to drugs. What was a very steep and dangerous slope that I then went down, all from how I felt the police treated me and how I felt my school treated me. It was a very humiliating situation.'

'I haven't let out to anyone how traumatised I was from all of these police engagements and what ultimately led to me using heavy, heavy drug usage really. Because even once I went back to school after being arrested, imagine you're the boy that's been led out of school in handcuffs. No one wanted to know me. Nobody wanted to talk to me.'

'Everything that came into place was a little bit too late. [...] The points where people should have supported me, everything came far too late. It took years for people to actually start going "Right, we should probably help this boy." It took years of them shouting at me that I was a waste of time and that [...] I'm destined for prison or I'm gonna die. I remember one police officer saying that [...].'

'I don't understand how they thought that sort of language would actually benefit me. What did they think about, a 12 or 13 year old [thinking], "Oh, I am bad person. I better quickly sort it out." No. I sat there and thought, "You might be right. You're the police officers, what you say must be right. This means I am a bad person and I should do bad things." And it's taken me years of therapy to get out of that mindset. I've had to go to different therapists, psychologists, all of that sort of thing and quite often the root of my problems are how the police first interacted with me and how the police first talked to me.'

'It then actually caused a lot more problems because there were points where I was involved in some very sinister stuff that I didn't want to be involved in, but the problem was I then thought, "Well, I can't turn to the police, I cannot turn to the people that should be helping me because they think I'm a criminal. They talk to me horribly. They strip searched me, they humiliate me. Why am I going to ask them for help?" And it took me years and years and years to get out of my situation because I had no faith in the police. I was subjected to being exploited for years on end because I did not believe that the police would support me and protect me from the people that were causing me great deal of harm.'

'I actually have had a lot of nightmares. I still dream to this day about being there in the police cell and being with the police.'

On being strip searched

'I didn't realise that I'd never actually told my mum I've been strip searched before. Every time that I've been arrested, we'd always focused on why I had been arrested and how much of an idiot I'd been

and so I never actually told anyone that I've been strip searched [...] because I was so humiliated. My mum was actually quite shocked about a year ago when she'd heard that I've been strip searched more than once and how young I was. I think it was when the Child Q case came out. She was at a similar age, and I remember seeing it on the news and I said to mum "Why is this such a big deal? This happened to me." And she said "What? What do you mean that happened to you?" [...] The Child Q case isn't actually that far off a case of what happened to me. And that's when I first actually told my mum and I was like "What? I didn't realize that this was like a big deal". I didn't. I thought this was within police jurisdiction to carry out a strip search in this sort of manner.'

'I remember one time when I was arrested, there was one officer in particular that used really excessive force and had his knee right, right in my face. And I remember saying to the custody sergeant, "Whatever you do, please do not let him strip search me. He's just given me a real beating. I'm not looking to press charges on this officer, but whatever you do, don't have him strip search me." And of course, he was the officer that strip searched me. Why did it have to be him? It was really clear that he'd really distressed me.'

On being searched in school

'I was used to being searched every single day in school [by teachers]. [...] But even being in school I was being searched every day [...] that then got me used to being searched by the police.'

'I felt so isolated. I felt so alone. It really drew me towards a bad crowd because the school was labelling me as this bad person. So then once the police were brought in, the school were very much saying, "This guy is a bad person". Then the police were with the school saying, "You're a bad person."

On receiving support

'I was not offered any support. I was very open and honest to my school about my situation. [...] No help was offered, and it was very much where, "You know what? You've got yourself to blame because of the people you hang around with." [...] I think I then got a youth worker when I was about 14 but by then I was then very, very heavily involved in stuff. [...] There was a little bit too late at that point, a whole two years have gone by. But for my first arrest, I think I'd actually been excluded from school at that point. I ended up getting kicked out of six schools [...].'

On police conduct

'Every time I've been arrested and every time I've been strip searched, it very much feels like a tactic used on purpose to humiliate me. Every time I've been arrested the police are always very excited.'

'I do worry that the police when they interact with young people [...] rely on our ignorance and our lack of knowledge that they conduct their stuff in certain manners. I think they rely on the fact that we're not as clued up as adults, [...] they rely on us being so scared and so intimidated by them that we'll keep our mouth shut. And that's exactly what I had done for number of years.'

'So every time it has been heavy [language], you know, "Stop fucking there. Don't fucking move. If you move, you're gonna get tasered. You little so and so, or whatever." It's very, very, very heavy, heavy language.'

On use of force

'[O]ne time when I was arrested, I got slammed to the floor. I've got four officers on me, but I stood there and said, "Look, you've got me." And they've grabbed my arm and just pulled me straight to the ground. There was no need for that. They could have just put me in cuffs and they could have just led me to the police station. Instead, they're saying, "Get on the fucking ground, you prick," and stuff like that. It's really, really excessive language. And I felt like they've used excessive force as well in most times that I've been arrested.'

'I would be known for selling a little bit of weed, you know peddling about my bikes and selling a bit of weed. Does that really warrant someone standing there with a taser pointed in at your head, shouting "Get on the fucking ground" and using excessive force?" I would say otherwise.'

On stop and searches

'I've been stopped and searched on the street twice. I believe both in the town centre. So very, very public places. [It's really, really difficult when] you're trying to change your life, that you're standing there, being stopped and searched, pockets out. I think one time [...] I had 10 police officers around me [...]. So obviously that paints a picture to the public that I must be a dangerous criminal to have that level of police surrounding me.'

'My first time I've been stopped and searched without being arrested [...] I walked along the street and they were in the car. The car doors are flung open. "Get down on the ground. Get down on the ground." It felt very much like I was some sort of terrorist. You know, I've been made to get down on the ground, hands behind my back, then brought me up and then searched me. [It] really felt like they were trying to put me in prison. So then when after about 17 [years old], they were stopping me, searching me, arrested me, and they weren't finding anything, they were finding no evidence of me selling drugs because I wasn't selling drugs. I'd left that life. It's still felt incredibly targeted and felt very much like they were trying to pursue something that just wasn't there. And at that point it's very, very hard to believe that they're doing that for the community, that they're really trying to benefit somebody. [...] It doesn't feel like they're trying to close down the net on organised crime or drugs being sold within the town.'

What needs to change?

'I would like them to use more polite and better language. I would like them to be able to have trauma informed approach at the very front of their mind to be able to understand what young people are really, really going through, to have a really open mindset that people do not always commit crime off their own back and that there are a lot of circumstances regarding that. And then I would also like police to really engage with other services and to use other services.'

How, and how well, are safeguarding partners and other organisations responding to the problem of child criminal exploitation through service provision?

As referenced above, the CCo considers that figures for the scale of CCE are likely undercounting the scale of the issue, as they are based on CCE that has been identified. There is still likely a gap between need and support although the CCo is not able to quantify the scale at this stage.

- CCE was identified as a factor for 14,420 children during assessment by children's social care in England in the year to 31 March 2023.³ This number has increased from 10,140 in 2022, the first

year in which the data was collected. Each child can have multiple factors identified in these assessments; gangs were identified as a factor for 11,110 children in 2023, a number which has been decreasing since 2020 when 14,700 children were identified.

- Nealy half (44%) of potential victims of modern slavery referred to the National Referral Mechanism are under the age of 18. Child Criminal Exploitation (CCE) is the most common referral reason (39%).⁴

Responding to child criminal exploitation is a key challenge for local safeguarding partners – the police, health, and local authorities. Good partnership working with education and the local youth sector is also vital. High-quality youth services embedded in the community also play a vital role in supporting vulnerable children and signposting them to other services. Every child should have access to a safe place to go and trusted adults who can support them when they're not in school.

As part of the *Independent Family Review*, the Children's Commissioner has previously recommended reforming safeguarding arrangements to better align the services that children interact with and to improve outcomes for children, including victims of CCE.⁵

Recommendation: The Department for Education, the Department of Health and Social Care, the Home Office, and the Ministry of Justice should consider how the functions of Local Safeguarding Partnerships, Health and Wellbeing Boards, Adult Safeguarding Boards, and Community Safety Partnerships could be rationalised, and the bodies merged with consolidated duties, powers, funding, and accountability. Schools should have a formal role in this rationalised partnership, which should have operational as well as strategic functions.

As noted in the case study above, trust and confidence in the police is a key element of supporting victims of CCE. The CCo has made previously made recommendations to improve policing of children, including specific recommendations to improve safeguarding in policing.⁶

Recommendation: The National Police Chief's Council (NPCC) should update their child-first approach to policing and publish a comprehensive strategy for ensuring that every police force takes a safeguarding first approach to policing children. Every force should have a named senior officer whose responsibility it is to implement the strategy.

Recommendation: The Crown Prosecution Service and the Home Office should consult on adding a safeguarding referral outcome to the Crime Outcomes Framework to encourage police officers to refer vulnerable children to children's social care.

Do we have the right legal and policy framework to prevent child criminal exploitation?

The CCo considers that key ways to address child criminal exploitation are:

- A statutory definition of CCE accompanied by multi-agency guidance to help to improve the identification of children at risk and allow for more thorough assessment of need.
- Reform of local safeguarding arrangements to ensure that education has a formal role.
- Improved interactions between police and children through a child-centred and safeguarding first approach.
- Better support for child victims, such as through the Victims Code of Practice under the Victims and Prisoners Bill.
- Positive activities for children inside and outside of school, including high-quality youth services.

Extra-familial harms

The government's children's social care strategy, *Stable Homes, Built on Love*, notes the importance of tackling harms outside of the home or extra-familial harms.

Addressing these forms of harms has been perhaps one of the most significant shifts in children's social care practice since the Children Act 1989 was introduced. The Children Act was framed around protecting children from harm within their homes. Since then, there has been an increased understanding of the risks outside of the family faced by children, particularly older children. Bringing children into care is the ultimate approach for keeping children safe from harms within the home, but this doesn't always work if the harm comes from beyond the home.

As the Children's Commissioner set out in her response to the strategy, government children's social care reforms should be a chance to think afresh about what legal protections are needed for this group of children.⁷

Support for victims of CCE

The Children's Commissioner has made the following recommendations to improve the experience of victims of CCE in the Victims and Prisoners Bill.⁸

Children who have been criminally exploited, such as those who have been groomed and coerced into county lines drug dealing, and other criminal activities such as stealing and fraud, are extremely vulnerable. They are victims of abuse. It is often their severe disadvantage that makes them a target for adult criminals.

As there is currently no statutory definition of Child Criminal Exploitation (CCE), children who are forced to commit crimes are often punished rather than being supported and safeguarded as victims first and foremost. This can be a barrier to children disclosing abuse and exploitation - playing into the hand of the adult perpetrator(s). Without a statutory definition of CCE, consistent identification and data collection to understand prevalence of need is more challenging. Various definitions exist, for example the definition in *Keeping Children Safe in Education* is different to that in *Working Together To Safeguard Children*, which is the same as that in the *Serious Violence Strategy*.⁹ This leads to confusion and a fragmented local and national picture. Children are often not aware themselves that what they are experiencing is a crime.

This means children who are victimised through criminal exploitation do not always get the support they need. The recent *Stable Homes, Built on Love* consultation on children's social care identified that there are real challenges in practice when it comes to supporting children who experience harm outside the home, which includes those children drawn into criminal behaviour.¹⁰

What is needed: A definition of CCE, with guidance flowing from it, would help to improve the identification of children at risk, and allow for more thorough assessment of need. The Commissioner stands with brave survivors of CCE in calling for the Victims and Prisoners Bill to introduce a statutory definition of Child Criminal Exploitation (CCE), to ensure children are always seen as victims first and foremost

¹ Children's Commissioner, *The Big Ask: The Big Answer*, [Link](#).

² Children's Commissioner, *Strip search of children in England and Wales – analysis by the Children's Commissioner for England*, [Link](#).

³ Department for Education, *Children in need*, [Link](#), accessed December 2023.

⁴ Home Office, *Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 3 2023 – July to September*, [Link](#), accessed December 2023.

⁵ Children's Commissioner, *Family Review Part 2: Local integration of services annex*, [Link](#).

⁶ Children's Commissioner, *Strip search of children in England and Wales – analysis by the Children's Commissioner for England*, [Link](#).

⁷ Children's Commissioner, *Children's Social Care Strategy: consultation response*, [Link](#).

⁸ Children's Commissioner, *Briefing for Report Stage of the Victims and Prisoners Bill*, [Link](#).

⁹ Department for Education, *Keeping children safe in education 2023*, [Link](#), accessed December 2023; Department for Education, *Working together to safeguard children*, [Link](#), accessed December 2023; HM Government, *Serious Violence Strategy*, [Link](#), accessed December 2023.


¹⁰ Department for Education, *Children's social care: stable homes, built on love*, [Link](#), accessed December 2023.



**Sanctuary Buildings, 20 Great Smith
Street London, SW1P 3BT**

020 7783 8330

 @childrenscommissioner

 @ChildrensComm

 @childrenscommissionersoffice