

Child victims' access to advocacy

April 2024

Introduction

In a world designed by – and mainly for - adults, **children’s voices are very often not heard**. It is for this reason that the role of the Children’s Commissioner was established in 2004 – to ensure children’s needs and best interests are advocated for at a national level. The Children Act 2004 gives the Children’s Commissioner statutory powers to access data relating to children held by public authorities. With the Victims and Prisoners Bill soon to complete its passage, this briefing presents new findings from police forces on child victims’ access to advocacy services following a crime.

At a local, individual level – **children have statutory rights to advocacy in a number of circumstances**. Looked after children, care leavers, disabled children, children with Special Educational Needs and Disabilities (SEND), children in mental health hospitals, and children in custody all rightly have a statutory right to independent advocacy.¹ The Children’s Commissioner’s recent advocacy audit reveals there are serious shortcomings in how many of these statutory roles function in practice,² however – it is an essential safeguard to children that the recourse is there. In these situations, there is recognition that children need support to access their rights and to navigate complicated legal systems.

There is one obvious group of children missing from this list: child victims of the most serious crimes. The need for independent advice, guidance and support is not always recognised when it comes to children who have experienced violence, abuse or exploitation. These children are traumatised, and are often thrust into a complex and sometimes re-traumatising criminal justice process with very little understanding of what it will involve, and very little support. While some children will have loving families who can help them, not all children do – and sometimes it is not appropriate or viable for family members or carers to solely advocate on a child’s behalf.

When a child experiences the most horrific crimes – sexual abuse, physical abuse, serious violence, coercive control, exploitation – **they should have a statutory right to independent advocacy**, to ensure they can access safety and justice. This advocate should be independent of, and work closely with, other professionals and adults in a child’s life. **There are many examples of these child-specific victim advocate roles already established**, such as Child Independent Sexual Violence Advisers (Chlsvas), Child Independent Domestic Violence Advisers (Chldvas), Independent Child Trafficking Guardians (ICTGs), and Young People’s Violence Advisers (Ypvas). However **support is incredibly patchy, as the figures in this briefing starkly demonstrate**.

The Victims and Prisoners Bill creates a new advocacy role – Independent Public Advocates, to support people who have experienced major incidents and disasters. However, in their current form, **these roles will not provide any direct support to child victims.**³

We must not put children in the ‘too difficult’ box. Children disproportionately experience the most serious crimes, and if we are truly committed to ensuring they heal and get justice, we have a duty to provide them with the support they need to navigate services and support after harm.

Child victims of sexual and domestic abuse – the value of advocacy

Over the past year, the Children’s Commissioner has been working with incredibly brave child victims and survivors of sexual harm – with the aim of understanding what they need to recover, and to access justice. Many children and young people described their experiences of reporting the crime, giving evidence, and navigating the criminal justice system and support services as bewildering.

“I was never aware of like the services I could get. I wasn't aware of like how things would happen or what could happen.” – Girl, 15, victim of child sexual abuse (interviewed October 2023).

“How's it gonna happen? What would a court case be like? What's all the different stages of it?... No one was honest with me. No one told me like a timeframe.” – Girl, 15, victim of peer-on-peer sexual assault (interviewed March 2023).

“I felt like I wasn't dealt with like a young person who doesn't know what the process is. I was dealt with like someone who's been through this before and knows the process and knows exactly what's going to happen and what to do...At the end of the day I was, what, 13?” – Girl, 17, victim of sexual abuse in a relationship (interviewed October 2023).

For the few children who were able to access advocacy services, they described this support as transformative.

“[My Chlsva] - she's brilliant. Like she's so good. She's exactly what I would have needed in those earlier things. Like she's exactly who I'd want to come in with me for that [police] interview, who I'd want to come like meet the person with - and I didn't get offered her [initially].” – Girl, 15, victim of peer-on-peer sexual assault (interviewed March 2023).

"[My ChIsva] was great. She was on it straight away as soon I got referred. She met with me very soon after I got referred, probably within a month...She was meeting with me [regularly] because they couldn't get me into the therapy service yet...She was great. She was always pushing for updates and just checking if I'm OK overall...My advocate showed me that it wouldn't be so bad." – Girl, 17, victim of sexual abuse in a relationship (interviewed October 2023).

"It was a therapeutic relationship [with my ChIsva]...more beneficial than the therapy I had. I remember talking with her when I was really down, because I was almost grieving for myself – I really felt like I had lost who I was... I would have never thought I'd be like where I am now." – Girl, 15, victim of peer-on-peer sexual assault (interviewed March 2023).

What is the difference between child victims' advocates & adult victims' advocates?

Children have distinct experiences of violence and abuse, and require a very different approach to adult victims. Advocates working with children should receive specialist training and qualifications in the dynamics of children's experiences of harm; age-appropriate language for talking about harms; methods of communication and engagement, including for pre- and non-verbal children; approach to risk assessment and safety planning – including safeguarding processes, referral pathways, and multi-agency relationships – such as how to work with schools. The support that an advocate provides will look very different depending on the victim's age.

Child victims' access to advocacy – new findings from police forces

As well as speaking to child victims, the Children's Commissioner has used her legislative powers to request data from all 44 police forces in England and Wales, including the British Transport Police. The full findings of this data request will be published in the coming months.

This briefing presents the results from the questions asked of police forces about children's access to advocacy services, specifically Child/Independent Domestic Violence Advisers [ChIdvas/Idvas] and Child/Independent Sexual Violence Advisers [ChIsvas/Isvas]) - to reflect the type of harm experienced by the children in this piece of work. It also **includes figures on the number of sexual and domestic abuse crimes involving a child victim** recorded by police forces in the 2022-23 financial year.

Key findings for financial year 2022-23:

1) Most police forces do not collect data on whether children are referred onto advocacy support services.

- **Only 13 of 44 forces were able to answer the question on referrals to relevant advocacy services** (Child/Independent Domestic Violence Advisers [Chldvas/Idvas] and Child/Independent Sexual Violence Advisers [Chlsvas/Isvas]), of which **12 forces reported that they had made any referrals to relevant advocacy services.**

2) The vast majority of child victims of sexual abuse (92% of cases)¹ receive no support from Child/Independent Sexual Violence Advisers (Chlsvas/Isvas). In 102,000 recorded incidents involving child victims, there is no record of a referral to advocacy services.

- **For child victims of sexual abuse, the average referral rate across the 11 responding forces was just 8%**, ranging from 1% in the police force area with the lowest referral rate to 24% in the police force areas with the highest referral rate. This is equivalent to **102,000 incidents involving child victims of sexual abuse leading to no recorded referral to specialist advocacy support.**

3) The vast majority of child victims of domestic abuse (92% of cases)² receive no support from Child/Independent Domestic Violence Advisers (Chldvas/Idvas). In 116,000 recorded incidents involving child victims, there is no record of a referral to advocacy services.

- **For child victims of domestic abuse, the average referral rate across the 4 forces was just 8%**, ranging from 1% in the police force area with the lowest referral rate to 15% in the police force area with the highest referral rate.
- Across all forces, this is equivalent to:
 - **An estimated 109,000 incidents involving child victims of domestic abuse** leading to no recorded referral to specialist advocacy support.

^{1 2} This figure is likely an underestimate of how many children do not receive any support, as it is based on the referral rate in forces that reported making *any* referrals to advocacy services.

- **An estimated 7,000 incidents involving teenage victims** who had experienced abuse in their own intimate relationships leading to no recorded referral to specialist advocacy support.

4) Very few advocates have the distinct training and qualifications needed to most effectively support child victims of the most serious crimes.

Reporting on referrals was even more challenging when it comes to specialist child advocacy referrals. Even fewer forces were able to report on referrals to child advocacy services than to advocacy services in general.⁴

- Only 8 police forces were able to answer the question on the number of referrals of child victims of sexual violence that were referred onto **Child Independent Sexual Violence Advisers (ChIsvas)**, of which **only 6 police forces reported that they referred one or more child victims to the service.**
- Only 4 forces were able to answer the question on the number of referrals of child victims of domestic abuse onto **Child Independent Domestic Violence Advisers (ChIdvas)**, of whom **only 2 police forces reported that they referred one or more child victims to the service.**

(Note that low response rates from police forces regarding the number of referrals made to advocacy services are likely to be the result of a combination of factors, including data availability issues, as well as true zero responses.)

What is needed

We know from the earlier debates of the Victims and Prisoners Bill just how valuable advocacy services are for children, providing both practical and emotional support. There is a considerable body of evidence that these services are cost-effective; help to increase victim engagement, reduce retractions, increase prosecution rates, and improve victims' trust in the justice process.⁵

These services cannot simply be a bolt-on to adult services. Children's advocates must have the necessary training and qualifications to work with vulnerable children, including how to work in an age-appropriate way.

CCo was pleased that during Committee stage in the House of Lords, Lord Roborough – responding on behalf of the Government - acknowledged that *“children should not have to bear the burden of navigating complex post-incident processes alone.”*⁶ These statistics reveal that, sadly, too many children are forced to bear this burden.

Children’s statutory entitlement to independent advocacy should be expanded to include when they are victims of the most serious crimes.

Other calls for child victims

During the passage of the Victims and Prisoners Bill, the Children’s Commissioner has been calling for a number of changes to ensure child victims get the support and protection they need. The Children’s Commissioner is delighted that the bill recognises children born from rape and other criminal conduct, and is inclusive of children who have not reported the crime. The bill has been strengthened throughout by explicit mention of the need to consider the needs of children, including in the new duty to collaborate in the commissioning of victims’ services.

To further strengthen the bill, the Commissioner would like to see:

- A statutory definition of **child criminal exploitation (CCE)**.
- **More agency** for children engaging with the criminal justice system, including around **Victim Information Requests** and the **Independent Public Advocate** role.
- **A Victims Code of Practice for children**, with strengthened accountability measures.
- A national network of **Child Houses** which provide joined up care to child victims of the most serious crimes.

Please see the Children’s Commissioner’s [*Briefing for Report Stage of the Victims and Prisoners Bill*](#)

And [*The Big Ambition: Ambitions, Findings and Solutions*](#), *“The Big Ambition for Safety from Crime”*

References

¹ **For children's other statutory rights to advocacy**, please see:

- > [Section 26A, Children Act 1989](#) (Looked after children / care leavers)
- > [Regulation 45, The Care Planning, Placement and Case Review \(England\) Regulations 2010](#) (Looked after children)
- > [SEND Code of Practice 0-25](#) (Children and young people with Special Educational Needs and Disabilities)
- > [Prevention of homeless and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation \(2018\)](#) (Children who are homeless / at risk of homelessness)
- > [The Mental Health Act 1983](#) (Children detained under the Mental Health Act)
- > [Section 35, Mental Capacity Act 2005](#) (Children who lack capacity)
- > [Rule 44, The Secure Training Centre Rules 1998](#) (Children in custody)

² Children's Commissioner, *The state of children and young people's advocacy services in England*, 2023, [Link](#).

³ *Victims and Prisoners Bill*, as amended at Committee stage in the House of Lords. [Link](#). Accessed 01/04/2024.

⁴ This data supports research by Barnardos, which finds that 16.9% of all advocates commissioned to support victims of domestic abuse and sexual abuse by Police and Crime Commissioners in the financial year 2023-24 were there to specifically support children, in the form of Chldvas and Chlsvas. (Barnardos, *Victims and Prisoners Bill – provision of child-specific advocates for victims of domestic abuse and sexual violence – new Freedom of Information (FOI) data*, 2024, [Link](#).)

⁵ **Evidence on the value of advocacy services:**

Improved victim safety: Howarth, E et al. *Safety in Numbers: A Multi-site Evaluation of Independent Domestic Violence Advisor Services, 2009*, [Link](#). and SafeLives, Data from the Young People's Programme, [Link](#).

Enhanced multi-agency working to identify and respond to child victims: Home Office, *An assessment of Independent Child Trafficking Guardians*, 2022, [Link](#).

Increasing victim engagement with the criminal justice system and reducing victims' retractions: Walker, Hester, McPhee, Patsios, Williams, Bates and Rumney, *Rape inequality and the criminal justice response in England: The importance of age and gender*, 2021, [Link](#). and Victims' Commissioner, *Rape survivors and the criminal justice system*, 2020, [Link](#). and Brown et al., *Connections and disconnections: Assessing evidence, knowledge and practice in responses to rape*, 2010, [Link](#).

Increase in prosecution: Taylor-Dunn, *The impact of victim advocacy on the prosecution of domestic violence offences: lessons from realistic evaluation*, 2016, [Link](#).

Cost-effective: Government Equalities Office, *The Stern Review*, 2010, [Link](#). and SafeLives, *A Cry for Health*, 2016, [Link](#).

⁶ *Victims and Prisoners Bill*, Committee (5th Day), Volume 836: debated on Tuesday 13 February 2024. [Link](#).



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