

Children's experiences as victims of crime

May 2024

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Content warning

This report is not intended to be read by children - but by professionals and policymakers committed to making children safer. It makes frequent reference to sexual harm, including descriptions of sexual abuse. It also makes reference to mental ill-health, including suicidality and self-harm. This content may be difficult and upsetting to read. However, we think it is important to provide frank insight into how child victims of sexual harm experience services and support in order to improve practice.

If you or any child you know of are affected by the issues discussed, the following organisations can provide you with expert information, advice and support. If you have any concerns about the safety of a child you should contact police or children's safeguarding services.



ONLINE, ON THE PHONE, ANYTIME
childline.org.uk | 0800 1111

Childline is a free and confidential service for under-19s living in the UK:

www.childline.org.uk | Call 0800 1111



shout
85258
here for you 24/7

Shout provides 24/7 for urgent mental health support via text:

www.giveusashout.org | text SHOUT to 85258



Stop it now

Stop It Now helpline is for anyone worried about child sexual abuse, including their own thoughts or behaviour.

www.stopitnow.org.uk | Call 0808 1000 900



Welcome to

SHORE

A safe space for teenagers
worried about their own or
someone else's sexual behaviour

Shore is an online safe space for teenagers worried about sexual behaviour, offering anonymous advice and support.

www.shorespace.org.uk



The Survivors Trust for victims of sexual violence:
thesurvivorstrust.org/our-helpline | **0808 801 0818**



NAPAC offers support to adult survivors of childhood abuse:
support@napac.org.uk | **0808 801 0331**

You can also contact **your local NHS urgent mental health helpline** or call **111** for 24/7 advice | www.nhs.uk/nhs-services/mental-health-services/where-to-get-urgent-help-for-mental-health/

Foreword from Dame Rachel de Souza



As Children's Commissioner, I advocate for all children in England. However, my role was born out of the acute need to hear the voices of the most at risk children. Child victims of crime are among the most vulnerable – too often excluded from a justice process designed with adults in mind, and overlooked when it comes to specialist support to recover.

It will always be my ultimate ambition to prevent any child from becoming a victim of crime. I recently published my *Big Ambition* for the children of England, based on the findings of a survey which reached 367,000 children and adults on their behalf. The recommendations are far-reaching in scope – spanning every aspect of a child's life. Taken in the whole, I think these measures would radically reduce the number of children affected by criminality.

Until this ambition is fully realised, I want to ensure that any child who does tragically experience a crime gets the support and protection they need. This report is based on novel analysis of police transcripts, of police data requested for the first time, but most importantly - on the voices of child victims themselves.

Over the past year, my team and I have worked with ten incredibly brave victims and survivors of sexual harm in childhood, to understand their experiences of the criminal justice system and support services. I am inspired by the resilience of the children and young people who have contributed to this work.

Much of this report makes for very difficult reading – not only the horror of the harms the children have endured, but also the astonishing failures by adults and professionals to identify and respond to this harm in the right way.

Children describe being made to feel as though what they have experienced is not serious, or as though they have brought it upon themselves. When children do report to the police, often the probing evidence-gathering process is extremely traumatic, with children's age and vulnerability not taken into account. The journey to getting justice can be long, slow and confusing – and sadly often does not lead to the outcome children had hoped for. When a child is not prepared for what this process will involve, it can be all-consuming. Children's childhoods are put on pause, sometimes for years. While we would expect child victims who have experienced the most serious crimes to receive immediate and long-term support to heal, young people tell us this is often another uphill battle. Sometimes children's needs are not identified or understood, and sometimes there are simply no appropriate services for them.

This outlook may seem bleak, but there is hope. I am heartened by three things in particular. Firstly, I am reassured by examples of adults and professionals responding to children in a compassionate and child-centred way. The teacher who asked her pupil to stay behind at the end of the lesson so she could check in with her, the police officer who took time to build trust with the child he was interviewing. These responses must become the norm. Secondly, I am incredibly impressed by some of the services that do exist for child victims, despite the workforce and funding challenges. The specialist advocate who was able to provide both emotional and practical support to a girl, the holistic 'one-stop-shop' service that means child victims can access therapy, health services and the justice system all in one place. These services must be universal. Finally, I am hopeful things can change because of the extraordinarily brave children and young people who share their experiences to make things better for other child victims. The ten children and young people who contributed to this work have pinpointed problems that data shows are systemic. Their experiences must be a catalyst for change.

With the Victims and Prisoners Bill having now completed its passage to become law, we have a real opportunity to radically reset how the system responds to child victims. This must be the beginning of a new chapter, and not seen as a 'job done'. This report sets out some fundamental reforms which could transform children's experiences. The starting point must be listening to children, and designing support

around their needs. This report could not be clearer that the status quo – of pushing children through systems and services designed for adults, simply cannot go on. Every child victim of crime deserves safety, justice, and to heal.

“I know the feeling...of feeling, like, ‘I’m never going to be healed from it.’ But you will.”

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

Acknowledgements

This research would not have been possible without the ten incredibly brave children and young people who shared their stories. We are immensely grateful to them for their courage in agreeing to be involved in this work, and their expertise in the many ways the system can be improved for other child victims.

The Children's Commissioner's office (CCo) is also grateful to the anonymous police force that gave permission for CCo to re-analyse video-recorded interview transcripts for this new research purpose. As the interviews with children across the country demonstrate, concerning and problematic police practice with children is not specific to any one police force area.

Finally, thank you to Dr Elly Hanson, who led the interviews with children and young people and supported with the analysis of key themes. As a clinical psychologist with extensive experience of working on trauma in childhood, Dr Hanson ensured that children and young people were supported to tell their story in a safe way. We would also like to thank Dr Kev Smith, for his advice on analysis of interview transcripts.

A note on language

This work refers principally to 'child victims', to mirror the language used in both the Victims and Prisoners Bill, as well as the Victims' Code. Not all children who have experienced sexual harm and other crimes identify as a 'victim'. They may instead identify as a 'survivor', a 'victim-survivor', or they may not define themselves in relation to what they have experienced with any term.

However children choose to talk about their experiences, they have legal rights after experiencing a crime, whether they report it to the police or not. The term 'victim' is therefore used throughout to reflect that these children are legally victims.

Executive summary

This report explores child victims' experiences of the criminal justice system and support services following a crime. Drawing on qualitative interviews with child victims of sexual harm, new data from all police forces in England, and new analysis of anonymised transcripts of police video-recorded interviews with children (see annex 1 for methodology), this research demonstrates that children are too often being let down by systems which should be supporting them, and their rights as victims are not sufficiently respected. For many child victims, including those who have experienced the most serious crimes, the process of seeking help and justice is traumatic and re-victimising. While much of this report makes for very difficult reading, there are glimmers of good practice which must be made universal. This report shows how children can be effectively supported to disclose, get help, and seek justice where they choose to. Just as so many victims report crimes in order to keep others safe, the children and young people who contributed to this report did so with the aim of making things better for other children.

The Victims and Prisoners Bill has now completed passage through parliament, and become legislation. The Children's Commissioner was engaged at every stage of the bill to ensure the distinct needs and experiences of children are reflected. One of the key changes the Commissioner successfully pushed for was ensuring that the refreshed Victims' Code, which sets out victims' statutory rights following a crime, makes specific provision for children. As the Victims and Prisoners Bill is implemented and the Victims' Code is refreshed, the findings of this report must be taken as a baseline – and children's experiences must improve from this point onwards. The horrific experiences of child victims have gone on for too long: the Independent Inquiry into Child Sexual Abuse (IICSA) shone a light on abuse spanning decades, as well as systematic and gross failures to protect children. Sadly this report underlines that children continue to be re-victimised by systems and services which do not understand their distinct needs and experiences of harm. This must be a turning point.

Key findings

Children are often not aware of their rights as victims

- None of the ten child victims of sexual harm interviewed had been informed about their statutory rights in the Victims' Code.

Children face distinct barriers from adults to disclosing and reporting a crime

- Because of their age, the harm children experience can be minimised by adults and professionals – particularly where they have been harmed by another child.
- Schools play an important role for child victims – acting as either a protective or risky environment. Schools can create environments that allow children to recognise abuse, feel comfortable disclosing it, and know their concerns will be taken seriously. They can also foster a culture where abuse is trivialised, and children do not feel supported to seek help.
- Children's responses and reactions to suffering abuse is not always recognised or understood by adults and professionals.

New analysis of police transcripts reveal children's rights are often not being respected during interviews

- The Children's Commissioner used her statutory powers to request a sample of transcripts of video-recorded interviews with child victims of sexual abuse. These interviews were then analysed for the impact they had on children, through a novel approach. The analysis shows interviews are often not conducted appropriately. While examples of good practice were present, there were many examples of concerning interviewing practice, including:
 - **Inappropriate and incorrect language being used by interviewers**, such as speaking about child victims of sexual abuse 'losing their virginity', sexual assaults as 'normal sex', and incorrect language to describe children's bodies and anatomy.
 - **Harm-minimising and victim-blaming language**, such as asking if the perpetrator *'just got carried away'*, why child victims didn't scream or leave, and asking probing questions about what they child was wearing and whether they were under the influence of drugs and alcohol – without explaining why these questions need to be asked.
 - **Lack of understanding of consent**, including that it must be mutually and continuously given and sought, and can be withdrawn at any time. Interviewers' questions can wrongly imply children consented to the sexual abuse.
 - **Re-traumatisation** through inappropriate use of the present tense to 're-enact' the sexual assault (e.g. *"so you're lying down...he's on top of you"*), which is advised against in guidance.
 - **Not picking up on children's distress** such as a child becoming increasingly emotional, distracted, 'tired', or withdrawn.
 - **Poor understanding of online harms and non-contact offences**, despite this being a common element of abuse that children experience.

<p><i>Interviewer: How do you feel about the fact that you lost your virginity to your brother?</i></p> <p><i>Victim: It just makes me feel really disgusting like impure to feel like I can never regain that part of me.</i></p>	<p><i>Interviewer: The only thing you've eaten that day is a chocolate bar?...And you say that you had a drink, is that when you started to drink whisky?</i></p>	<p><i>Interviewer: And you said that you were in agreement at that point, am I right?</i></p> <p><i>Victim: Yeah...well he very much pressured me into agreement.</i></p>
<p><i>Interviewer: Because from what you've said, whilst it's hurting, it would only go on for a few more seconds anyway?</i></p>	<p><i>Interviewer: Were you allowing him to do it, not fighting?</i></p>	<p><i>Interviewer: And am I right in thinking you were on your period as well?...So what were you using for your period?... And what colour was your underwear?</i></p>

A new data request highlights we do not know how many children are being interviewed, and police are not reliably carrying out needs assessments, training, or quality assurance:

- Data gathered from police forces using the Children’s Commissioner’s legislative powers reveals that of the 95% of police forces who were able to report whether or not they centrally record whether a child victim has had a video-recorded interview, only 19% of police forces confirmed they do record this data – of which only 3 forces were able to provide the number of child victims interviewed in 2022-23 financial year.
- It also reveals that 80% of police forces do not collect centralised data on whether interviews with child victims had an assessment in advance, as mandated by the Victims’ Code. In the two police force areas that could provide this data, only 11% of child victims received a needs assessment on average.
- Over half (54%) of forces had no policy on how often training should be refreshed.
- The majority of forces (91%) were not able to comment on how many video-recorded interviews with child victims in the force have been reviewed and evaluated for quality assurance purposes. Only one police force reported that any interviews had been reviewed.
- Child victims themselves often describe being interviewed by police as daunting and very distressing.

Children feel a loss of agency acutely in the criminal justice system

- Because of their age, children often feel a sense of powerlessness and loss of control after they disclose and report a crime.
- Sometimes, children experience formal information-sharing procedures as disempowering, such as not being aware of what will happen next, and who will be told. Two children said that after disclosing harm to trusted teachers, they were given no warning that police would show up at their school to interview them.
- Sometimes professionals are not meaningfully consulting children throughout the process, and are instead communicating with their parents by default.

Long waits for justice have a negative impact on children

- While long waits for decisions and progress with police investigations are not unique to child victims, these waits have a disproportionate impact on children.
- Children who wait months, or even years, spend a considerable proportion of their childhood waiting for justice. At such a formative time developmentally, this can lead to children developing mental health problems (feeling as though it is '*looming over them*'), and it can be disruptive to their education, with many struggling to attend and engage with school. For some, the wait is too long to endure, and they withdraw from the process.
- These waits are compounded by children often not receiving any form of justice - an outcome which is not always communicated to children and their families with the sensitivity needed.

"I've done everything right. I've reported it. I have evidence, I have text messages. I have a witness. I've done all of it. I went to the interview. I did all of that without, even crying. That was really scary going in this, like, horrible room. And it's still not going my way. There's nothing more I can do really."

- Girl, victim of sexual assault by someone she had previously considered a friend

Children are missing out on the support they need

- **Independent advocacy and communication support**
 - None of the children interviewed were offered the opportunity of an advocate, Registered Intermediary or another independent support person being in the interview (some were invited to have their parent, but this was declined as they didn't want them hearing all the details of the abuse).
 - In the data request made by the Commissioner to police forces, the vast majority of child victims of sexual abuse and domestic abuse (at least 92% of cases) receive no

support from Child/Independent Sexual Violence Advisers (ChIsvas/Isvas) and Child/Independent Domestic Violence Advisers (ChIdvas/Idvas).

- This data also shows that on average, only an estimated 1.2% of child victims of sexual abuse, domestic abuse and serious violence had a Registered Intermediary requested for them by police.

- **Mental health and therapeutic support**

- Despite the significant mental health impact of sexual harm, the children who were interviewed for this report struggled to access timely and appropriate therapeutic and mental health support.
- The data request to police forces reveals that only four police force areas were able to report on the number of referrals they made to children's mental health services. These four forces recorded, 36,596 total incidents of crime involving a child victim of serious violence, sexual violence or domestic abuse- yet only 216 referrals to children's mental health services were reported.

- **Support from school**

- Children who disclose in school do not always get the right response. Some children spoke about school staff seeming uncomfortable and awkward discussing sexual harm.
- Children who were attending the same school as the child who had harmed them did not always feel they were protected, and that the child who caused the harm was not always held accountable for their actions.
- In some cases, teachers and school staff fail to make the link between a child's experience of being victimised and their behaviour (such as struggling to attend school). Children can end up being punished for the harm they have experienced, rather than receiving compassionate and understanding responses.

- **Children's social care**

- Only one child victim of crime interviewed for the office had a social worker. This child had experienced intra-familial sexual abuse as a young child, possibly explaining why she alone received this support.

- Social workers can lead interviews with child victims,ⁱ however no police forces were able to provide the number of interviews conducted with a social worker present.
- When asked about referrals of child victims to children's social care, only nine police force areas were able to report the number of referrals they made.
- **Support for those who harm**
 - The majority of child victims consulted as part of this research experienced harm perpetrated by another child. While children felt strongly that the person who harmed them should be held accountable, it was striking that so many also mentioned how better support for them could have prevented the harm from occurring, and from the person going on to harm others.

Key recommendations

We must transform the response to children who have not disclosed or reported, children in the criminal justice system, and children in need of support. The full recommendations are published at the end of this report.

CCo's priority calls include:

1) Transforming the response to children and young people who have not yet disclosed or reported

- The government should introduce a new Children in the Justice System bill, to make the justice system in this country truly child-centred.

ⁱ *Achieving Best Evidence* guidance states: "Provided both the police officer or member of police staff and social worker have been adequately trained to interview child witnesses in accordance with the guidance set out in this document, there is no reason why either should not lead the interview. The decision as to who leads the interview should depend on who is able to establish the best rapport with the child."

- The government should develop statutory guidance on abuse in children's intimate relationships, to increase professionals' ability to identify and respond to this harm. Data on this harm should be collected as part of the Children in Need census.
- Schools must protect children from sexual abuse through providing them with age-appropriate knowledge and language to identify and disclose harm, as part of their safeguarding duties.
- The Ministry of Justice should develop a Victims' Code for children, with much more robust compliance monitoring and enforcement.

2) Transforming the response to children and young people in the criminal justice system

- The Ministry of Justice should conduct an End-to-End Child Sexual Abuse Review, building on the Rape Review carried out for victims of rape aged 16 and over.
- Every child victim of the most serious crimes - including violence, abuse and exploitation, should have the opportunity to access specialist advocacy support, such as Child Independent Sexual Violence Advisers (Chlsvas) and Child Independent Domestic Violence Advisers (Chldvas).
- Police must improve their data on child victims, including collecting centralised data on how many children have had a video-recorded police interview, whether they have had a needs assessment, and what these needs were.
- The Ministry of Justice should recruit more Registered Intermediaries to support children to safely and effectively give their best evidence. This service must be promoted to police, social workers, schools and other safeguarding partners, with the aim of increasing the number of requests being made for children.
- The Department for Education should update *Keeping Children Safe in Education* guidance together to give further direction to schools and professionals working with children about how to proceed when no further action is taken by police or criminal justice agencies.

3) Transforming the response to children and young people in need of support

- In exercising their duty to take the needs of children into account when carrying out their Joint Needs Assessments (a new requirement in the Victims and Prisoners Bill), relevant authorities should draw on diverse sources of data and insight into children's experiences of victimisation – to ensure levels of need are not significantly underestimated when commissioning services.
- All child victims should receive therapeutic support that is holistic and not subject to a postcode lottery. This includes the establishment of a sustainably-funded national network of Child Houses, which provide joined up care to child victims of sexual abuse.
- Government must provide sustainable, long-term funding for child victims' specialist support services.
- To prevent harm, joint local strategies must also prioritise interventions for those who harm.

1) Barriers to disclosing and reporting

To transform the response to child victims, we must first be able to identify them. Children who have experienced crimes face many barriers to disclosing and reporting what they have experienced. Research indicates that the majority of children do not disclose abuse during childhood, or indeed when they reach adulthood.^{1,2} Four out of ten children interviewed in this research chose not to report the crime to police. The higher representation of children who did choose to report to police likely reflects the difficulty of reaching children who are in touch with support services but who have not reported the crime (please see the methodology section in annex 1 for more information about how children were invited to participate in this study).

In some cases, children may not be aware that their traumatic experience(s) constitute a *crime* until they are older. This uncertainty about the seriousness of the crime can be inappropriately (and at times inadvertently) reinforced by the people around a child, including adults and professionals. The impact of trauma can also lead children to doubt their own experiences. In other cases, children do not come forward for fear they will be disbelieved, judged, blamed, and even get into trouble themselves.

This research also underlines the importance of a school's culture - which can act as both a protective and risk factor for children. In the context of children's experiences of sexual and domestic abuse, the person who has harmed them is most often someone they know (they may even attend the same school), and so children may fear that telling someone will get that person into trouble as well. Many children simply do not report because they have little confidence that anything will be done, and they will be re-victimised in the process.

These barriers are important to understand in order to remove them for other child victims. With the right early intervention and specialist help, children can be supported to safely tell their story.

“Report it and what's the point? Because where am I gonna get? That's just a waste of time in my eyes, because nothing happens. Why should somebody put themselves through that?”

– Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

"I didn't like that weight on my shoulders, having to come forward."

- Girl, victim of child sexual abuse aged 7–8

1.1 Gravity of harm minimised

One of the biggest barriers to children reporting and disclosing harm is the uncertainty they feel about whether what they have experienced is a crime.

"I didn't know if it was a big deal, or it wasn't."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

"I didn't ever actually put it all together until this year...that it had happened so terribly."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

This uncertainty is often reinforced by the people around a child, such as their peers. This may be because they too, as children, have not been adequately equipped by adults to identify when behaviour can be considered abusive, exploitative – and illegal.

"I told [friends] about it and none of them really acted like it wasn't a big deal. So then I felt even more like, 'oh, I'm overreacting like it's bad.'"

- Girl, victim of sexual assault by someone she had previously considered a friend

The gravity of the harm children experience can also be minimised by adults and professionals themselves, who should be safeguarding them. A lack of professional curiosity, often underpinned by a lack of knowledge or awareness of how to safely and appropriately make enquiries into the harm children may be experiencing, can mean children do not feel comfortable disclosing.

"Everyone had picked up that there was something more...but no one wanted to assume what that was." - Boy, victim of sexual assaults by multiple adult perpetrators aged 11

Even when children do disclose harm, sometimes adults and professionals still undermine the seriousness of the crime – meaning children do not feel empowered to report it to the police. Children

and young people felt this was particularly the case because they were children, and even more so where the person harming them is also a child.

"He was 14. I think they take it less seriously when it is a child doing the abusive behaviour."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

"Other friends that have had like pictures get shared of them and ...the police just brush it off... You really feel like, especially when the police aren't acting on it, like it's not that big of a deal. So because it's not at the top of their priority list ...it can't be that like big of a thing." – Girl, victim of sexual assault by someone she had previously considered a friend

"One of my friend's parents was like 'Is this an issue?' This is you just being a bit sensitive, and just not understanding, and not putting yourself in this position.' And it was sort of all the things that a victim's mind tells themselves." – Boy, victim of sexual assaults by multiple adult perpetrators aged 11

"[The mental health practitioner] just made me feel a bit, like, childlike - and like my problems weren't real or whatever, and it wasn't really, like, validating."

- Young woman, victim of sexual and domestic abuse aged 16

When adults and professionals minimise the harm children experience, it can inadvertently support the abuser's message – that what they are doing is 'normal' or 'legitimate'.

"I didn't realise for a long time how wrong it was. I was only 11 at the time. I was thinking it's fine, it was an adult, they know what they are doing."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

"I didn't know what was happening and I also didn't know that I could tell someone about it."

– Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

These responses can reflect a lack of understanding or awareness of the dynamics of harm that children experience, however in some cases it also reflects a legal gap in how the abuse and harm children experience is identified and responded to.

Minimising children's experiences of harm in policy and legislation

Outdated terms

Outdated and incorrect terms such as '*child pornography*' and '*child prostitution*' are still being used by public authorities. CCo is aware of these terms still being used on the Crown Prosecution Service's website.³ These terms wrongly imply children have agency in the sexual abuse and exploitation they are subjected to. This is harmful to children's perception of the gravity of the harm they have experienced, as well as the wider general public. All government departments and public bodies should instead refer to '*child sexual abuse materials*' and '*child sexual abuse/exploitation*'.

Domestic abuse

Figures from the Crime Survey for England and Wales show that children and young people aged 16-19 are disproportionately likely to experience abuse in their own relationships,ⁱⁱ including physical violence, threatening behaviour, sexual abuse, coercive control, economic abuse, and psychological and/or emotional abuse in the context of an intimate relationship.^{4,5} Despite the high prevalence of abuse in children's relationships, domestic abuse crimes are not legally recognised in the relationships of children under the age of 16.

While the research interviews focused principally on experiences of sexual harm, for many children this took place in the context of an intimate relationship.

"It sounds extreme, but I was kind of brainwashed by him...He's like a master, like manipulating people."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

"It's more of a coercion...there's a kind of backdrop of threat, and fear."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

ⁱⁱ These figures exclude instances where a child is a victim of domestic abuse because they "see or hear, or experience the effects of, the abuse", as defined in the Domestic Abuse Act 2021.

"I was in a bad place because it was soon after my dad passed away and I was kind of just like, you know, and he was feeding me these things that that made me believe that...[he loved me]." - Girl, victim of sexual abuse in the context of a relationship aged 14

Even children over the age of 16 who experience domestic abuse are often not identified, and struggle to access the right support. One of the young women interviewed for this report described being in an abusive relationship with a young adult man while she was 16 and still at school. The young woman described being 'love-bombed', after which the man became very controlling, in her words: *"he was very much puppeteering me the whole time."* The young woman described how he drove a wedge between her and her parents, who were worried about her: *"it was a lot, like, making him be the only force for good"*. From the outset and throughout their relationship, she was coerced into sexual acts she was not comfortable with, including BDSM (Bondage, Dominance and Submission, and Sadoomasochism) sexual practices. She also experienced sexual assaults and rape during their relationship. While this behaviour is illegal, teenage victims of domestic abuse continue to be under-identified, and services designed around the needs of adults are not always appropriate.

"I was younger and more, like, naïve...he had like all of the control over me. He had very extreme wants...he had me doing all this stuff and I was not that...into. But I was doing it cause I thought that's what you do. [...] I should not have been exposed to, like, kink behaviour at such a young age...He was an actual adult living independently, and I was still going to school every day...He seemed to have so much more knowledge about the world than I did, and that's dangerous."

While there is an acknowledgement in the Domestic Abuse Act guidance of 'teenage relationship abuse', which is referenced in *Working Together to Safeguard Children*, the lack of a statutory definition or comprehensive guidance on how to tackle this form of abuse risks it going under-identified by professionals working with children. Many children do not recognise that what they are experiencing is abuse, and professionals are not always equipped with the skills to identify and respond to abusive relationships between children, or appropriate services to refer children onto.

1.2 Fear of being judged, disbelieved and nothing being done

One barrier to children and young people disclosing and reporting is the fear that they will be either judged or not be believed, and they will not get justice.

When it comes to sexual harms in particular, victims can feel a lot of shame and embarrassment – and as though they are at fault for the harm they experienced. This is especially the case for child victims of sexual abuse, who often internalise self-blame. Many children experience abuse before they have ever had the opportunity to have open conversations with trusted adults about their bodies, sex, and consent - which contributes to the stigma and shame around child sexual abuse.

"I felt like if I went to the police, that all of the stuff that would then come would be put on me and be my fault." - Girl, victim of child sexual abuse aged 7–8

"It felt like one of those things that was a bit taboo...I wouldn't go to my friends and my pastoral director about my sex life...and while [my sex life and the abuse] are two different things – they are both personal - it's to do with your body, it does feel uncomfortable to share."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

This seems to be particularly the case where children have consented to elements of a sexual encounter or relationship, such as sharing an intimate image with someone they trust or are in a relationship with. When this trust is abused, children can be made to feel as though they were engaged in 'risky' behaviour.

"When you hear stuff at school 'don't send nudes, it will ruin your career.'"

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

Children also describe an intense fear of being disbelieved, by their peers as well as adults. Often this fear is justified, based on the treatment of others who have bravely come forward. It is not uncommon for a child who harms another child to attend the same school, which can make disclosing feel very exposing, and cause peers to 'pick sides'. Speaking about another girl who has disclosed sexual assault by another pupil, a young woman reflected *"all the boys said she'd lied about it."*

"It was not a fun feeling, knowing all these people in a different school didn't really, like, believe me." – Girl, victim of sexual assault by someone she had previously considered a friend

"I think in society generally there needs to be less of a like a stigma around [child sexual abuse], and I think people need to believe the victim more because I know that I was at first afraid that no one was gonna believe me." - Girl, victim of child sexual abuse aged 7–8

Closely related to children's experiences of the harm they have experienced being minimised, and the fear of not being believed, is the worry that disclosing or reporting the crime will not lead to any meaningful consequences. When it comes to police-recorded child sexual abuse offences, the most common outcome category is *"Insufficient evidence (suspect identified, victim supports action)"*, making up a just under a quarter of cases.⁶

"Lot of girls messaged me being like 'I don't wanna say anything because it's not gonna be taken seriously'."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

"Most women I know have been assaulted at some point...and none of them have gone to the police or done anything about it."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

"The likelihood that anything would actually be done about it is fairly low, so I just didn't feel like... it was worth the risk – how it could have affected me."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

1.3 School culture

When it comes to harms experienced by a child, schools are at the frontline of both prevention and response. A school culture can be a protective factor for a child - where there is openness, zero tolerance of harassment and abuse, and staff are equipped with the skills to identify and respond appropriately – in line with their safeguarding duties. However a school's culture can be also be a risk factor for children, creating an environment where abuse goes unchallenged, and children do not feel safe or empowered to disclose.

A toxic school culture is reflective of wider societal issues, and therefore not confined to any one type of school. Children and young people that contributed to this research attended both private and state schools, religious and non-religious schools, and mixed and single sex schools.

A strong theme to emerge was 'lad culture' / 'rape culture'ⁱⁱⁱ being normalised. Often children, and boys in particular, are mimicking harmful sexual behaviours they have seen online. The Children's Commissioner has previously published two pieces of research on the impact of pornography on children. The first report found that the average age at which children who had seen pornography first saw it was 13, and 79% had encountered violent pornography before the age of 18.⁷ The second report evidenced the link with harmful sexual behaviour – with children 'copying' many of the coercive, degrading or pain-inducing sex acts seen in pornography in real life.⁸ Girls interviewed for this research were clear that pornography was infiltrating boys' views of girls and women in deeply harmful ways. They spoke about feeling hyper-sexualised, dehumanised, and unsafe at school.

"Hearing the way that [boys at school] talk about the girls that they like, and I'm like 'Oh God! They really are, like, all the same, and they're all thinking the same things...Just seeing women as not people. [...] I'm literally a human being. And they don't see you as one."

– Girl, victim of sexual assault by someone she had previously considered a friend

"I've been sat on buses before and there's been kids on their way home from school and they're talking about this girl that one of them fancies. But they're, like, basically discussing how they would gang rape her. And they think that's like a fun and cool thing to talk about...they're going to bend this girl over, and

ⁱⁱⁱ 'Lad culture' is defined by the National Union of Students as "a group or 'pack' mentality residing in activities such as sport, heavy alcohol consumption and 'banter' which is often sexist, misogynistic, racist or homophobic. It is also thought to be a sexualized culture which involves the objectification of women and rape-supportive attitudes, and occasionally spilling over into sexual harassment and violence."

'Rape culture' can be understood as a society or environment whose prevailing social attitudes have the effect of normalising or trivialising sexual assault and abuse. This term has more commonly been used in relation to school culture in the UK since the *Everyone's Invited* movement swept across the country in 2021 – which exposed the high prevalence of sexual harassment, abuse and assault in schools.

one of them's going have her from behind and one of them's going to have her mouth... And they're like small children, they look like they're in like Year 7 or 8... It's just really, really gross and, like, horrific."

-Young woman, victim of sexual and domestic abuse aged 16

"[My friend called me up and said]: 'You can't tell anyone what I'm about to tell you...my boyfriend says he'll break up with me if I tell you. Basically, [your boyfriend] has filmed you having sex with him, and he's showing everyone at school."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

The pervasive impact of pornography shows why it is vital that it is properly addressed through the RSHE curriculum. However, children also speak about the shortcomings of their wider Relationships and Sex Education (RSE). The Children's Commissioner has variously highlighted that despite being a statutory curriculum, it is the only subject on which Ofsted has not published a subject review.⁹ As the young woman highlights in this quote, when these topics are not addressed at school in an open and transparent way, it contributes to the shame and stigma of disclosing sexual harm.

"To be honest, I don't think that sex ed is very good in this country. It's not very well-rounded. I think that the whole thing should be a lot more emotion-based, and relationship-based. And communication should be a huge thing. [...] I mean, even like the amount of women, including like me until my mid-20s, who actually fully understood their own anatomy. Like, you're just not taught it. You could not use in the word vagina [in childhood]. But if a kid is being sexually abused, and they've got some really odd word for their genitals, they don't know how to explain what's happening to them. It's kind of implying that they are naughty words. Or they're kind of shameful in some way, rather than just another part of the English language, and a part of us."

-Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

A school's culture can influence how seriously children think abuse and harassment will be taken. Girls spoke about sexualised, misogynistic slurs at school being brushed off as 'banter'. It was felt that sometimes school staff turned a blind eye to this, and other times they even colluded in it.

"There have been countless times where we have heard the boys joke about sexual abuse and felt unsafe around them. It's often right in front of the coach who laughs along with it. It has been

dismissed as just the culture of the team for so long and was never called out for what it was...They are all openly homophobic, transphobic, very sexist and super misogynistic. The school aren't stupid, they know, but they've chose to keep silent on it, and I can't take it anymore."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

"The [school] culture was problematic. Out-of-touch teachers and inappropriate sexual behaviour by boys normalised."

- Young woman, victim of sexual and domestic abuse aged 16

Girls in particular complained that some teachers perpetuate harmful views that the onus should be on girls to protect themselves from violence and abuse, rather than challenging the behaviour of boys and children who harm. This contributes to a school culture where victims feel at fault for the harm they have experienced, and unable to get help.

"The thing that annoys me is how it's talks about sexual assault or rape in school. It's always 'girls don't walk alone at night.' No: boys, just don't rape people...Teach them that. [...] If boys were treated a little bit more like they're allowed to have emotions and not [that they] can't control themselves... and little girls not taught that they've got to put up with this kind of behaviour - and we don't."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

1.4 Deterred by others' experiences of reporting, and not aware of their rights

One of the biggest deterrents to reporting to the police is seeing the response to those who do report a crime. Some children did not report because of their friends' experiences, and those that had reported often warned their friends not to subject themselves to what can be a re-traumatising and re-victimising experience. Children's negative experiences in the criminal justice system, and in police interviews in particular, are discussed in more detail in Chapter 2.

"Honestly from like the stories I've heard about people who go to the police, it sounds like it's traumatising itself and I feel like it would have just really dragged the whole thing on for me, and just

made it a lot worse and sort of like made it the central point of my adult life as well as my childhood... I want to be able to move on... I don't think that if I did prosecute, it would even amount to a sentence for him, it would just be traumatic for everyone."

- Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

"You know my friend came to me the other day and she was talking about how she might report this and... I just stayed quiet, because I don't actually have much good to say about the police process."

- Girl, victim of sexual abuse in the context of a relationship aged 14

"Something happened to my friend similar a few weeks ago and we were just talking to her about what she wants to do, and she even she was saying no, like 'I can't, I can't go to the police. I've seen how they treated [you]'...I don't even want to turn around and go, 'No, do go to the police, get justice.' Because it's not gonna make her feel any better."

- Girl, victim of sexual assault by someone she had previously considered a friend

"I just warned that there was a risk of it making stuff worse and sort of bringing memories back up."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

Closely related to this fear of reporting the crime is children not being aware of their rights. Of the 10 children who were interviewed for this research, not a single one had been informed about the Victims' Code, the code of practice which sets out a victims' rights after they have experienced a crime, and the minimum level of service they should expect to receive from criminal justice agencies and relevant support services in England and Wales.¹⁰ Children are automatically eligible for a number of Enhanced Rights, such as shorter timeframes for key stages of the criminal justice process. However, children not being informed about their rights can be a barrier to them disclosing.

"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, victim of child sexual abuse aged 7–8

Children also have access to special measures through the Youth Justice and Criminal Evidence Act 1999, such as giving a video-recorded police interview, and pre-trial recorded cross-examination.¹¹ However,

these rights are immaterial if children are not informed of them. One example is children speaking about not reporting because of the fear of coming face-to-face with their perpetrator again - something which would never need to happen with special measures in place.

Children have other rights as victims, such as to compensation. However, without knowledge of this right, some children are deterred from seeking justice due to the very real practical and financial barriers to seeking justice.

“At some point I’m going to have to fork out for like £100 for a train to [city] for the night to go and sit in a court room...[My support worker] got quite annoyed when she realised that no one had ever told me that I was eligible for, like, compensation.”

-Young woman, victim of sexual and domestic abuse aged 16

1.5 Impact of trauma

The emotional and psychological barriers to disclosing and reporting harms should not be underestimated or ignored. This is especially the case for child victims. Experiencing both chronic and complex trauma, as well as a single traumatic event, is known to impact children differently to how it impacts on adults. Yet this is often not understood by professionals, with children’s symptoms of trauma being pathologised, medicalised or taken to mean they were somehow complicit in the abuse.

A common experience for child victims of sexual harm is guilt, and feeling responsible for what they were subjected to. Children must be supported to understand and process this, to appreciate they are not to blame.

“Surely I must have done something to, like, make the person do that?”

– Girl, victim of sexual assault by someone she had previously considered a friend

“A topic that comes up a lot [in my therapy sessions] is like the guilt I face around [the abuse]. And like the feelings that have, like, followed me from it.”

– Girl, victim of child sexual abuse aged 7–8

"I still had a lot of guilt and shame... I felt I put myself in a lot of those situations."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

Often tied into this feeling of guilt is a child's sympathy for the person who has harmed them. In most cases of child sexual abuse, the perpetrator is known to the child.¹² A barrier to disclosing and reporting can be the fear that doing so will get that person into trouble. Where the abuse is intra-familial, there is also a fear that disclosing and reporting will break up the family.

"I didn't want him to get into trouble."

- Girl, victim of sexual assault by someone she had previously considered a friend

"I had this fear of what would happen to me and to the person who did it, and like the people around me." - Girl, victim of child sexual abuse aged 7-8

Reporting a crime often requires a coherent, chronological recollection of a sequence of events. This is how police interviews are conducted, often asking 'what happened next?'. However, this line of inquiry does not reflect how traumatic memories very often form, and the impact of trauma on recollection. One boy who contributed to this research described a flooding of feelings and sensations when remembering the abuse, rather than being able to recall 'peripheral' details, such as the colour of the room. Another young woman, speaking about the sexual abuse she experienced aged 10, said she had no memory of the abuse until she became sexually active aged 19. She then understood that recurring nightmares she had had throughout her childhood were linked to the abuse. Often this trauma response can lead children to doubt their own memories, and lack the confidence to disclose and report.

"Since I told my friend it had been like 7 years [since the abuse]. After it happened for a while, I had blacked out of my memory, so it wasn't really something I'd thought about. But when I got older, I thought about it more." - Girl, victim of child sexual abuse aged 7-8

"I think we often dock things out or put them in a cupboard in our mind somewhere. It's very difficult to remember details of things. That's probably for a reason. You know, so it's quite skilful, I think sometimes to not to not remember it all."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 - 15

"It was very very difficult...something I haven't spoken about for years...I felt like I had forgotten a lot of the detail...I thought I was crazy."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

Without the right support, these barriers to disclosing and reporting can be insurmountable for many children. Children who do not disclose and/or report will never come to the attention of the justice system, support services and official statistics. Not only does this mean that child victims do not get justice, but also that they are still at risk of further harm – including the potentially life-long mental health impact of abuse. It also means the person who abused is not held accountable, and may go on to harm others.

Transforming the response to child victims must include this large - currently invisible - cohort of children. During the passage of the Victims and Prisoners Bill, the Commissioner pushed for children who have not reported the crime to be included in the definition of victim. The Commissioner is delighted this change was adopted – which is a crucial first step to ensuring these children are supported to heal, and access justice as and when they choose to and feel ready. As this report will show, with the right early intervention and specialist help, children can be supported to safely tell their story.

2) Experiences of the criminal justice system

For the children who do make the decision to report to the police what has happened to them, the response they receive is mixed. The experiences shared for this research were overwhelmingly negative. As the majority of the children consulted in this work did not have any prospect of their case reaching court, their experiences of the criminal justice process related mainly to interactions with the police and safeguarding partners. At its worst, a child's experience of disclosing and reporting is disempowering, disorienting, and re-victimising. Despite having 'Enhanced Rights' under the Victims' Code, it is evident these are not being consistently upheld. However, at its best, children would receive compassionate and caring responses from police and relevant professionals, who take time to get to know them, guide them through the process, and connect them with the support services they need to be safe and recover. It seems that a child's whole experience of the criminal justice system – whether positive or negative – was as important for feeling that justice was being done as any final outcome or charge.

"It feels like a punishment for the victim."

– Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

"Well, it feels like there's been what happened, and then there's been what's happened next - and they're two very difficult things. [Reporting the crime] just kind of made it worse...I think if I could do it again, I wouldn't, because I'd get over it much faster."

– Girl, victim of sexual assault by someone she had previously considered a friend

"I just wish the process to be over."

– Girl, victim of child sexual abuse aged 7–8

“I’m not allowed to forget it [...] [The investigation] keeps you in this state of having to keep it, like, fresh.”

– Girl, victim of sexual assault by someone she had previously considered a friend

2.1 Traumatic evidence gathering and interviews

The majority of the children consulted through this work spoke about the police investigation and interview as a key focal point of their engagement with the criminal justice system.

The *Youth Justice and Criminal Evidence Act 1999* means children’s video-recorded interviews can be used as their evidence-in-chief, meaning they do not need to repeat all the details of the offence in court, and they can also have a video-recorded cross-examination.¹³ For this reason, it is important that these interviews are carried out in the right way, since for many children, this is their main contact with the justice system. Even the minority of child victims of sexual harm who do have their case heard in court are unlikely to attend court themselves.

To help improve the quality of and consistency in how evidence-gathering should be carried out with children, police should refer to the Ministry of Justice’s *Achieving Best Evidence in criminal proceedings*. This guidance sets out clearly the importance of a thorough needs assessment, pre-interview preparation, and how medical examinations and interviews can be conducted in a child-centred way.¹⁴

However, from speaking to child victims who have been through the process it is clear that this guidance is often not being followed. In order to further investigate children’s experiences of police interviews, and the quality of these, the CCo interviewed children, requested data from all forces, and conducted analysis of transcripts of police evidence. This triangulation of different sources of information reveals plainly that children’s rights are often not upheld during these interviews, and on the whole police do not prioritise training, quality assurance and oversight of how these interviews are carried out.

2.1.1 Needs assessments: Evidence from children and police forces

The starting point of any criminal justice agency engaging with children should be a robust needs assessment. This ensures children have what they need to give their best evidence, in a safe way. *Achieving Best Evidence (ABE) guidance* is clear that child victims should receive a needs assessment before the interview. This is a right (Right 4) enshrined in the Victims' Code. A needs assessment is essential for determining the conditions in which children are able to give their best evidence, and any support they may require.

ABE guidance recommends, for example, using this needs assessment to ascertain whether the child needs a Registered Intermediary^{iv} or other advocate to support them to give evidence, and to understand the amount of time they need to give evidence – factoring in appropriate breaks and how long they are able to stay seated answering questions. Only twelve police forces could provide data on the number of requests for Registered Intermediaries (RI) made in 2022-23 financial year, including one police force which reported making zero referrals. Across these twelve police force areas, 122,818 total incidents of crime were recorded involving a child victim of serious violence, sexual violence or domestic abuse, yet only 1,491 requests for RIs were made. If we assume one crime per child victim, this would mean an RI was requested for 1.2% of victims. This suggests needs assessments are not taking place in the way they should be.

This is supported by the accounts of children interviewed by CCo. One example is that none of the children interviewed for this research reported being made aware they had a right to request that the police officer conducting the interview be a gender of their choice, which is something which should be discussed in a needs assessment.

“Before I had my videoed interview, [the police officer] asked my parents and I questions, but I think she must have just skipped some because she filled in the sheet and I've seen it, and it said like ‘oh they didn't want this, they didn't want this’, but she didn't ask, and mum and dad were both there and

^{iv} A Registered Intermediary is a communication specialist who helps vulnerable victims and witnesses with communication difficulties to give evidence to the police and to the court in criminal trials. Receiving support from a Registered Intermediary can be difference between a witness being able to give evidence or not. (Ministry of Justice (2022) The Witness Intermediary Scheme Annual Report. [Link.](#))

they both agree with me. She didn't, she didn't say any of this. [...] [My advocate] is exactly who I'd want to come in with me for that interview...and I didn't get offered her."

– Girl, victim of sexual assault by someone she had previously considered a friend.

Children's testimonies that they did not receive a robust needs assessment is supported by the data gathered from police forces. The office asked police forces if a central record is kept of whether interviews with child victims required an assessment in advance, as required by the statutory Victims' Code. Of the 41 police forces that answered the question, 12% of police forces confirmed they record this information as standard, while 88% of forces do not.

88%
of police forces do not collect data on whether children have received a needs assessment (Right 4 in the Victims' Code).

Of the five police forces that did record this information, only two were able to provide the number of child victims who had a pre-interview needs assessment in the 2022-23 financial year. In the two police force areas that could provide data, only 11% of child victims received a needs assessment on average.

2.1.2 Evidence-gathering and medical examinations: Evidence from children

While evidence-gathering is a necessary and important part of any police investigation, when children's needs, preferences and views are not properly understood – and support is not put in place, this process can be re-victimising. Children said they were surprised how long this process took, and how many "waves of evidence" were needed.

Child victims are often asked if they will consent to a medical examination by a doctor. The purpose of this examination may relate to a child's health needs, as well as to gather forensic evidence. For child victims of sexual harm, this can often feel like a particularly invasive experience. Two young women spoke about how this was a difficult experience for them, which stirred up a lot of the feelings of the assault itself. Despite this, neither received any support immediately before or after the examination from specialist sexual violence support services.

“People have been assaulted or raped, and they've gotta go and have all these swabs done. And it's so invasive and like...I don't know what would be a better way to do that, but it's just so...it feels so horrible for victims of this stuff. It doesn't feel protective or supportive.”

– Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

Children’s consent for this examination is not always gained in the appropriate way, or in the appropriate circumstances. The ABE guidance includes updated guidance concerning the medical examination or assessment of a child, and the factors that should be taken into account when deciding if it is appropriate, and how consent should be sought. However, as mentioned earlier in this report, one young woman who was raped at the age of 15 said she resented that the police contacted her mother to organise for her to have a DNA swab. Another young woman, who experienced intimate image abuse in the context of a relationship aged 14, was asked if she would consent to a forensic examination. She went to a Sexual Assault Referral Centre (SARC) and waited for several hours and *“mentally prepared [herself] for it.”* However, she was then told this would not go ahead, because no physical evidence could be gathered that proved she had been a victim of intimate image abuse. Police should have taken the time to understand the nature of the crime and the purpose of a forensic examination before asking this of her.

As part of the evidence-gathering process, children may also have to hand in personal belongings, such as clothing and their personal devices, like phones and laptops. Children and young people navigate much of their lives – including relationships - online, and taking away a child’s device can feel like taking away an important part of their life, and possibly their support network. A young woman who experienced rape at the age of 15 said her phone was confiscated right before an exam, which meant she couldn’t speak with her peers before it. Children’s consent is not even needed to obtain their personal belongings. The Victims and Prisoners Bill states that notice of a Victim Information Request should be made to a parent, guardian, or failing that – *“any adult who the authorised person considers appropriate.”*¹⁵ This can further reinforce a child’s sense of powerless and loss of control.

“So they took my phone in for like a week and then I don't know what they downloaded off there.” - Girl, victim of sexual abuse in the context of a relationship aged 14

2.1.3 Pre-interview planning: Evidence from children

One of the most important pieces of evidence is a child's video-recorded interview. ABE guidance is clear about the importance of planning, including taking time to build rapport with a child, and explain what the interview will involve. Unfortunately as this stage of the process is not recorded in interviews it is not possible for CCo to draw wider conclusions from the review of police interview transcripts about the quality and consistency of pre-interview planning (Chapter 2.1.5). Where a child is already involved with children's social care services, it may be decided through this planning process that it would be more appropriate for the child's social worker to lead the interview.^v The majority of children that CCo spoke with did not report that this pre-interview preparation took place.

"[There should be] definitely the full warning, what [the interview] might entail cause, yeah, there was not much information. It was just 'we have to do this for court and you just have to talk about what happened.'" - Girl, victim of sexual abuse in the context of a relationship aged 14

One young woman described how when she first reported sexual and domestic abuse, the police officer who was meant to take her first statement had been called out on a 'live' job which took precedence, meaning she was assisted by an individual who she knew she wouldn't have further contact with, and who was not an expert in these types of cases.

"[Before the interview] no one goes 'OK, by the way, could you just bring a list of like, these things?' - which actually would be helpful...and give you that bit of preparation. Or if there had been an initial meeting before." - Young woman, victim of sexual and domestic abuse aged 16

However, there were two examples of police taking the time to get to know the child and plan the interview. Children found this very helpful, and made the interview feel less daunting.

^v ABE guidance states: "Provided both the police officer or member of police staff and social worker have been adequately trained to interview child witnesses in accordance with the guidance set out in this document, there is no reason why either should not lead the interview. The decision as to who leads the interview should depend on who is able to establish the best rapport with the child."

"[Before the interview] they had a chat with me and my mum to like say like how everything would happen... that's kind of helpful to have that preparation."

- Young woman, victim of a rape aged 15

Improving the quality and consistency of interviews

Currently there is no single, national framework for conducting needs assessments and pre-interview planning. However, work is underway to try and improve the quality and consistency of how police carry out interviews, particularly with children and vulnerable witnesses.

One example is the Pre-Interview Planning and Preparation (PIPPA) framework, currently being developed by Laura Hynes, the National Crime Agency's National Vulnerable Witness Adviser. This structured framework aims to assist interviewers with gathering and documenting relevant information prior to interview, including considering the use of other resources – such as Registered Intermediaries. It is a planning tool rather than an exhaustive checklist.

This framework is currently mid-evaluation, but has already been used to support serving officers to effectively support child victims of the most serious crimes. Below is feedback from a judge in a case where PIPPA was utilised:

*"Bearing in mind the nature of the case, where *Jamal had witnessed his own father murdering his mother in the kitchen of the family home, it is hard to imagine a more challenging interview of a child witness.*

I was most impressed with the way in which the officer conducted this interview. Her manner and tone were authoritative but reassuring.

I would commend this video to any officer wishing to learn how to question a young child."

*Not his real name.

2.1.4 Police interviews: Data from police forces and children

The lack of pre-interview planning, including a proper needs assessment, not only compromises the quality of the evidence children are able to give, but also negatively impacts on children's experiences of the interview. For many children, this might be the first time they have ever vocalised, in detail, what has happened to them. Without the right support, both before and after the interview, children are re-traumatised.

"[The video-recorded interview] was emotional... I think it was the first time I was like vocalising or it was the first time to anyone I had ever actually said what happened to me - because I had never fully gone into details, and I think I had to finally say, like, the reality of what had actually happened."

- Girl, victim of child sexual abuse aged 7–8

Every child victim of crime should have a video-recorded interview as part of the *Achieving Best Evidence* process, however we do not even know how many children go through this process every year. Of the 95% of police forces who were able to report whether or not they centrally record whether a child victim has had a video-recorded interview, only 19% of police forces confirmed they do record this data. Of the eight police forces that did record this information, only 3 forces were able to provide the number of child victims that had a video-recorded interview in the 2022-23 financial year.

Achieving Best Evidence guidance notes the importance of training police officers working with children and vulnerable witnesses. In order to assess whether this guidance is being followed, the Children's Commissioner asked in a statutory data request whether forces had a policy on how often ABE training should be refreshed, and asked about quality assurance processes for ABE interviews.

Police forces were asked how many officers and police staff they had in the 2022-23 financial year who had been trained to interview child victims on video. The majority (38 or 86%) of forces were able to answer: a total of over 10,331 trained officers and police staff. The average number of trained staff members per responding police force in the 12-month period was 272. This is equivalent to around only 4% of police officers and staff per police force on average in England and Wales in 2023.¹⁶

In total, 93% of forces responded to the question on how often this training should be refreshed for their staff. Of the forces that answered, only one in ten forces provided training annually and 5% provided training every three years or less often. Over half (54%) of forces had no policy on how often training should be refreshed, 27% relied primarily on Continuous Professional Development logs (and many provided periodic refresher training), 5% of forces provided an ambiguous response.

Over half

**of police forces do not
have a policy on how often
Achieving Best Evidence
training should be
refreshed.**

1

**police force was able to
comment on how often
ABE interviews are
quality assured.**

Achieving Best Evidence guidance also notes “It is important to note that training alone is unlikely to deliver effective performance in the workplace. Agencies regularly involved in conducting interviews with witnesses should have the necessary policies, procedures, and management structures in place to quality assure interviews on an ongoing basis.”⁷⁷ The majority of forces (91%) were not able to comment on how many video-recorded interviews with child victims in the force have been reviewed and evaluated for quality assurance purposes. Of the five police forces that responded, four provided a nil response.

We see this reflected in children’s experiences of the interview. Children who spoke to CCo often felt that they were going into the police interview ‘blind’, unaware of what it would entail and what support was available to them during the interview. In particular, children mentioned finding the interview in the police station very bewildering and not child-friendly. This also came out strongly in the analysis of video-recorded interviews with police, with one child clearly distressed by the presence of the large camera (detailed in Chapter 2.1.5).

“Between then and my, like, recorded interview and they were saying - again, no one tells you - they were just saying like, ‘oh, it’s practically like a living room. Like there’s tiny cameras, you can’t even see

them. There's microphones, like, hidden.' You walk in and it's literally just a massive sofa and like a massive - like the size of my head - ball camera staring at you and then, like, a microphone on that side, and a microphone on that side. And she offered me stress toys, but the only one they had was one that made noise, so I couldn't use it for the thing because they were recording. So it was just not fun at all, and I went in by myself because I didn't have an Isva [Independent Sexual Violence Adviser] because they didn't offer me one, and I didn't want mum to come in with me - because that's my mum, and it would be the whole story."

- Girl, victim of sexual assault by someone she had previously considered a friend

"That was really scary going in this, like, horrible room."

- Girl, victim of sexual assault by someone she had previously considered a friend

Children interviewed for this research also felt they should have been better prepared for the probing, and at times very uncomfortable and upsetting, line of questioning. Child victims of sexual harm are asked to give very detailed, graphic accounts of the abuse. When this is not properly communicated to the child, they found this distressing and re-traumatising.

"The interview was very...I just, I didn't realise what it was going to be. Obviously I knew I had to talk about what happened, but I didn't realise the extent that they would probe...It got me quite anxious."

- Girl, victim of sexual abuse in the context of a relationship aged 14

"[The interview] was very intense and tiring and I felt a lot worse afterwards because... I hadn't thought about a lot of it and hadn't like been over it with myself."

- Young woman, victim of sexual and domestic abuse aged 16

"It was direct. I mean they had to ask certain questions to fully understand what had actually happened. And I think at times it was quite uncomfy in the sense that I actually had to vocalise what he had done to me, and I think that it was difficult because I'd never said it out loud."

- Girl, victim of child sexual abuse aged 7-8

The interview was often made more difficult by the lack of reassurance throughout, and police interviewers not taking the time to explain why certain questions needed to be asked. While the person leading the interview must be careful not to influence an interviewee's answers, ABE guidance is clear

that the interviewer should not try to be too authoritative and they can provide reassurance, for example by acknowledging that certain questions may be difficult to answer. Even explaining to children from the outset the parameters of how much reassurance they are able to provide would be helpful, as well as reminding children they have a right to an Interview Supporter, who can provide more emotional support (Right 2 in the Victims' Code).¹⁸

"With the police... it feels like they're just not allowed to be sympathetic, but they are. They really are, like, they can be nice. They just choose to be all scary."

- Girl, victim of sexual assault by someone she had previously considered a friend

"I kept feeling like 'Oh have I said the wrong thing?' That was a thought that was on my mind. Have I said the wrong thing?... Reassurance that would have been helpful."

- Girl, victim of sexual abuse in the context of a relationship aged 14

Where this reassurance was provided, children found it really helpful.

"She [the police officer] was nice. Like, she'd say, 'if you don't know, don't guess.' Like all of that. Like 'if you don't remember, you don't remember.' 'If you don't mean by something, ask.' And I'd ask her, because I'd really want to make sure that I was doing everything right."

- Girl, victim of sexual assault by someone she had previously considered a friend

In some cases, police appearing 'cold' and not explaining why certain questions needed to be asked made children feel at fault for the harm they had experienced. Responses from professionals perceived to be victim-blaming can compound the sense of guilt and self-blame many child victims already feel. This is a theme that also came out strongly through the analysis of *Achieving Best Evidence* transcripts (detailed in the subsequent chapter). Children often lacked the confidence to ask why questions needed to be asked, so thought it would be better if police were proactive about this.

"And then [the police officer] went out at one point to ask the person filming and recording if he had any more questions. And then she came back in and he did. And it was like, "Did you try and run? Did you try and scream, Did you try and do this? Did you...?"

- Girl, victim of sexual assault by someone she had previously considered a friend

“There was a lot of trying to work out my character in that first meeting...it’s hard to be asked those questions without feeling like they’re trying to blame you...I [now] appreciate that actually they were asking all those questions because it made it clear to the police that I had been selected, for a reason - you know? But I kind of wasn’t aware... I was like, ‘oh it’s me... that was my doing...I wouldn’t have wanted to ask why they were asking [those kinds of questions] either...It’s very easy for me to still be like, ‘Oh, I’m just, like small and insignificant in this’. Why would I get to know why they’re asking me that?” - Young woman, victim of sexual and domestic abuse aged 16

However, there were some examples of good practice. Some children described more positive interactions with the police. Where interviews went better, they tended to involve warm, communicative officers who got to know the young person and explained things well. One young woman in particular said she developed a good relationship with the police officer investigating her case:

“I’ll sing that man’s praises probably for, like, years probably...The whole process is still massively chaotic, but he is a good guy and I trust he’s doing his job properly... We had the meeting on camera and it was all kind of pretty much as he had explained it was gonna be. [...] He was making it very clear there was no push for me to remember like a whole narrative... he understood that I was not going to have like this perfect narrative memory.” - Young woman, victim of sexual and domestic abuse aged 16

Sadly these experiences are far from universal. There is currently not enough consistency in and oversight of how interviews with children are conducted. To investigate this issue further, for the first time ever the Children’s Commissioner’s office analysed *Achieving Best Evidence* interviews with child victims of sexual harm for this purpose (Chapter 2.1.5).

2.1.5 Police interviews: New analysis of police *Achieving Best Evidence* interview transcripts

In order to understand more about the nature of interviews by police, CCo analysed a sample of transcripts of video-recorded evidence. As this section shows,^{vi} the practice identified in these interviews often closely mirrors some of the concerns that children interviewed by CCo raised about their experiences. There were also examples of good practice which are as important to learn from and replicate. The full findings of this research are published alongside this report.¹⁹

This analysis is not focused on whether or not the interviews produced reliable evidence, but rather the conduct of the interview and its impact on children. It is important to acknowledge that there may be evidential reasons why difficult or intrusive questions are necessary, but the impact of certain lines of questioning on a child must always be considered. Where certain questions do need to be asked, interviewers should take the time to explain why this is the case.

Poor practice

1) Police using inappropriate and incorrect language

In several transcripts, interviewers refer to a child's 'virginity' and the sexual assault as their virginity being 'lost'. Not only is this an outdated and unscientific concept, but the way that one victim reflects on this line of questioning demonstrates how the phrase is in itself damaging to a child's self-image.

Interviewer: How do you feel about the fact that you lost your virginity to your brother?

Victim: It just makes me feel really disgusting like impure to feel like I can never regain that part of me.

Certain inappropriate word choices are used by multiple interviewers across different transcripts. For example, 'normal sex'. Not only is this potentially confusing for children and young people as it implies

^{vi} Please note, where quotes are separated with a dotted line, this indicates they are excerpts from different interviews.

a shared understanding of what 'normal' sex is, but also suggests that some element of the sexual assault they experienced was normal, thereby implicitly minimising the traumatic event.

Another issue is inappropriate and incorrect language to describe children's bodies and anatomy. A particular issue with collecting evidence from children is that they may not have the scientific language to explain fully what they experienced. In several transcripts it is clear that the interviewer either does not take time to understand the language children use and build this common understanding, or that the interviewer's own lack of knowledge of anatomy - particularly girls' bodies - means there is a misunderstanding. Examples include interviewers using the word 'vagina' to describe a girl's vulva, and misrepresenting pain from sexual violence as a stomach ache.

Interviewer: And what is it that's painful?

Victim: It's like somewhere, it's like, it feels like my ovaries are like being squeezed, or like my, not cervix, but like somewhere in there it feels like somethings attacking me in there.

Interviewer: Right, so it's like pain inside your tummy really?

2) Minimising the crime and victim-blaming language

In several instances, the interviewer's questions and word choices appear to cast doubt on the severity of the reported crime or diminish the perpetrator's responsibility for the assault.

Interviewer: And were they messing around trying to pull your top?

Interviewer: Because from what you've said, whilst it's hurting, it would only go on for a few more seconds anyway?

Interviewer: I'm trying to get a gauge are you saying he's like deliberately assaulting or he's just gone a bit over the top?

[Reading a text message from the person who harmed the child (*"Go get raped you cunt..."*)]
Interviewer: I mean I don't know how you read them... he's not threatening to rape you or threatening to murder you, he's just being offensive isn't he?

In some cases, the interviewer's line of questioning is not explained, which can lead children to feeling judged and at fault for the harm they have experienced. Child victims of sexual harm are very often asked about their previous sexual experiences. When the relevance of this line of questioning is not explained, it can come across as judgemental. It can also make a false connection between young people's consensual sexual experiences and non-consensual experiences.

Interviewer: Okay, so you've had sex before? Okay. So how old were you? So, you're 15 now. How old were you when you lost your virginity?

Lines of questioning regarding the victim's decisions prior to the assault often come across as implying that they were responsible in some way for allowing the crime to take place. In some cases, the victim's response indicates that they feel they are being blamed or misunderstood.

Interviewer: when you left to go to the bathroom after the first time why did you go back into the bedroom again, why did you not leave?

Interviewers ask some victims about their use of alcohol or drugs at the time of the assault. Given children's age, this is an added complexity as they will be aware that it is illegal for them to have been under the influence of these substances. However, interviewers rarely use this opportunity for reassurance, and can instead come across as judgmental, implying that the crime may not have occurred otherwise. These lines of questioning run counter to good, trauma-informed practice by exacerbating the guilt and shame that are pervasive features of trauma. Furthermore, it can play into common misconceptions about the impact of intoxication on the victim's memory of the event, which may impact the way that evidence is considered by the court.

Interviewer: Had you had any proper meals at any point?

Victim: No.

Interviewer: So do you think whilst you're sat in that room the only thing you've

eaten that day is a chocolate bar?

Victim: Yeah.

Interviewer: And you say that you had a drink, is that when you started to drink whisky?

Interviewers ask what the child was doing during the assault, often in a way that implies that they failed to make themselves understood or to call for help. This line of questioning undermines the common trauma response to 'freeze' and dissociate during an assault as a survival strategy.

Interviewer: Did you say anything to anybody at that point that you were uncomfortable?

Victim: that's when I said no

Interviewer: Right, and was it a no that he would have heard?

Interviewer: And did you tell him that it was hurting?

Victim remains silent

Interviewer: Did you make any noises that may have suggested to him it was hurting?

Interviewer: At that time were you compliant?

Victim: What does that mean?

Interviewer: Were you allowing him to do it, not fighting?

Victim: Not fighting.

Interviewer: Have you ever sort of escalated it to like screaming and shouting, anything like that?... what about punching him or slapping?

Often, interviewers ask for details about the clothes the child was wearing at the time of the crime, including details about their underwear. While there is sometimes acknowledgement that it is an uncomfortable subject, in none of the transcripts analysed is the importance or relevance of this information explained. This is particularly significant due to prevalent cultural narratives that suggest victims of sexual assault has some responsibility for the crime due to 'provocative' clothing choices.

In another interview, a child is asked intimate questions without any explanation of its relevance.

Interviewer: And am I right in thinking you were on your period as well?

Victim: Yeah.

Interviewer: So what were you using for your period?

Victim: Pads.

Later in the same interview:

Interviewer: And what colour was your underwear?

Victim: Pink

And we've seized those haven't we?

Victim: Yeah.

Interviewer: And you were on your period, so you had a pad in?

Victim: (nods)

Often when these questions are asked the child switches from engaging in the conversation to one-word answers or gestures which may indicate discomfort with the line of questioning.

Where questions do need to be asked that may make the victim feel their account is being undermined or not believed, interviewers should proactively explain why they are asking the question.

3) Understanding consent

It is clear from the interviews with children that not all interviewers have a consistent understanding of 'consent': how it must be mutually and continuously given and sought between two people, even where they are romantically involved with one another.

Several of the child victims described sexual harm taking place in the context of an intimate relationship with another child. However, while they might have consented to some things, such as kissing, they did not consent to other sexual acts. In some cases, children described being gradually coerced into sexual acts – and only complying in the hope of stopping other non-consensual sexual acts from happening.

When this dynamic is not properly understood by police, their line of questioning can wrongly imply that children consented to the abuse they experienced.

Interviewer: And you said that you were in agreement at that point, am I right?

Victim: Yeah... he, well he very much pressured me into agreement. He used to do this thing where he would kind of try and emotionally guilt me, saying that it was like my fault he was aroused or that he was, you know, sexually frustrated and he would say that I was like a bad partner if I wasn't helping him. So, I felt guilted into doing it.

Interviewer: So, you've said to him that you're not gonna do anything other than kissing but then you've changed your mind and you've agreed to masturbate him.

Victim: Yes and then I told him that I wouldn't do anything past masturbating him because I didn't want to masturbate him in the first place.

Interviewer: But you agreed to masturbate him.

Victim: I agreed to do it.

Interviewer: Yeah, okay. So could you not pull away?

Victim: I couldn't

In other cases, the interviewer does not acknowledge that consent can be withdrawn, and leads the victim to provide answers that undermine their experience of assault.

Interviewer: So it's always started off with consensual sex?

Victim: Yeah.

Interviewer: So can I confirm there's never been an occasion where he's forced you to have sex?

Victim: He's never forced me when we've started, no.

4) Risk of re-traumatising

As the child victims who spoke to CCo spoke reflected, the process of being interviewed can be distressing and re-traumatising.

Asking a victim to recount a traumatic event must be done sensitively, and ABE guidance sets out ways this can be done. One example is the guidelines specifying *that "questions should be phrased in the past tense; they should not be phrased in the present tense because doing so risks confusing the witness and mentally reinstating any trauma that they have experienced."*²⁰

The transcripts show that this was not consistently followed, for example:

Interviewer: are you sat up or are you lying down?

Victim: Lying down because he was on top of me.

Interviewer: Okay so he's on top of you.

There are also examples of the interviewer switching between first, second and third person pronouns which could be particularly confusing for a child.

Interviewer: so, we've had the oral sex on you, we've had intercourse... sex with you and then he's stopped?

In several transcripts, the interviewer reads aloud messages that have been sent by the offender to the victim and have been collected as evidence. These are often violent or sexually explicit in tone and hearing them read out, in particular by an authority figure, is likely to be upsetting for the victim.

Interviewer (reading aloud): Go get raped you cunt, go get murdered you slag, I don't give a shit anymore you slag.

5) Not picking up on children's distress

It is important that interviewers are able to pick up on any signs that children are becoming distressed. This may present in many ways, from children becoming increasingly emotional, distracted, 'tired' or withdrawn. When a child is showing these signs, the interviewer should check in, and offer the child a comfort break where needed. It is clear from the transcripts that this is not always the case.

In one transcript, a younger child frequently mentions that the camera makes them uncomfortable, and is clearly distressed by its presence. However, the interviewer is unable to provide much reassurance or alternatives, instead just encouraging them to ignore it and carry on.

Victim: Its embarrassing to say when the camera is looking straight at me

Interviewer: Ok. Well, try to forget about the camera, because we know it's there don't we and we know that its recording and there's no point pretending that it's not.

Victim: it is creepy

Interviewer: There's cameras around all the time even when you walk to the shops there's cameras out there aren't there?

Victim: Yeah but I don't see them.

Interviewer: Well don't worry about that

Interviewer: you're very focussed on that camera aren't you?

Victim: Because it staring directly at me

In another interview, the child appears to be uncomfortable and asking for a break, but the interviewer moves past these requests and continues with questioning. This may be in the interest of preventing distractions when key evidence is being collected or getting the interview finished quickly for the child, but could be distressing if the child is feeling overwhelmed and like they do not have agency over what is happening in the interview room.

Interviewer: Has he talked to you about it before?

Victim: Can I have another cup of tea.

Interviewer: Yes, you may. Shall I make you one in a moment? Has he talked to you about willys and things before?

Later in the same interview:

Victim: Can we go in the other room?

Interviewer: Yes, we can we are nearly finished do you mind two more minutes...

6) Poor understanding of online harms and non-contact offences

Children live much of their lives online. Many of the provisions in the Online Safety Act 2023 were developed in recognition of this. The Government has also introduced various non-contact, online sexual offences in recent years, such as 'cyber-flashing' and 'revenge porn' (image-based abuse).

Despite the changing nature of how many crimes take place, the interviews with child victims reveal that police often lack the knowledge needed to identify and respond to technology-facilitated sexual abuse.

Lack of awareness of online platforms that children use is a barrier to the crime being effectively investigated. In several of the transcripts, the interview becomes sidetracked as the child is asked to explain how a social media platform works. As more and more young people experience abuse and

harassment online, police should have up to date training on the modes of communication young people use, and the risks associated with them.

Interviewer: Okay did you exchange phone numbers at all?

Victim: Snapchat.

Interviewer: It was on Snapso... Snapchat? So, you don't have to exchange numbers do you on Snapchat? I don't have Snapchat, I'm a bit old you see for that, so I don't really get it.

Interviewer: And you were saying that throughout the night he took some videos... Snapchat, like a Snapchat story?

Victim: Yeah

Interviewer: Are those retained anywhere? You say you deleted them.

Victim: Yeah

Interviewer: Would that have been shared with anybody else and I don't quite know how it all works really, would they still have access to them?

Interviewer: They're on Instagram are they, ok, so is it his Instagram profile to your Instagram profile?

Victim: Yeah.

Interviewer: This is where I show my age, I'm not very good with Instagram, do you have a profile name on, or how does it work?

Victim: Yeah, you can message people, it's like Facebook.

Promising practice

1) Reassurance

There were some instances when police regularly checked in with the child victim, and offered reassurance - acknowledging that the process is difficult.

Interviewer: are you still feeling okay?

Victim: Yeah.

Interviewer: Relieved that we've got that through?

Victim: Yeah

Interviewer: Again, it's a difficult thing to remember and go back, I can see you're struggling a bit there, but do your best to describe what you could see.

Interviewer: I know it's embarrassing and I can see you're really really struggling but you're doing well.

In other interviews, the child is praised for coming forward and reassured about the process.

Interviewer: And you said he said don't tell anyone okay but you did... well done.

Interviewer: We'll get that after don't worry 'cause we may need to have a chat with her after. Not that she's in trouble or anything like that don't worry.

Interviews with police can be an opportunity for a positive intervention point. For example, by challenging the victim's self-blame rather than reinforcing it or moving past it.

Interviewer: So, what did you realise?

Victim: That I had actually done those with my brother and it's a bad thing.

Interviewer: But you're not in any trouble. You didn't do anything wrong; you were a child. You were 11 okay. So you didn't do them with your brother, your brother made you do it, okay?

2) Explaining why certain questions need to be asked

The ABE guidance makes clear that witnesses, including children, should understand the purpose of the interview as a whole, as well as the need for certain questions or routes of inquiry. This is particularly important when the questions are personal or distressing.

While practice was not consistent, there were some examples of good practice.

Interviewer: A few more things I need to talk to you about and they're all to do with the sex unfortunately okay, but we just need to clarify a few things okay.

Interviewer: And as I say, don't be embarrassed. Because, as I say, I talk about this every day and, you know, I do become quite matter of fact and I know it can feel quite uncomfortable but it's important we find out what's actually happened.

3) Making children feel comfortable

When a child is becoming distressed, tired or distracted – they should be offered comfort breaks (as per ABE guidance). There does not appear to be a consistent approach to whether or when they are offered, however there were some examples of interviewers picking up on children's need for a pause.

Interviewer: Right, I'm gonna give you a two-minute break, you're doing well, you're remembering quite a lot of detail.

Interviewer: that's helpful thank you. Okay. I'm gonna leave you just to have a quick drink of squash.

As well as access to an Interview Supporter, children may feel comforted by having access to toys or items they find comforting.^{vii} In some cases the transcripts show the child taking a break from the interview to draw or play. In the quote below, the interviewer engages in conversation about the child's play, before gently guiding the conversation back to the topic of investigation.

Interviewer: I do love [Redacted Teddy Bear's Name] she is lovely isn't she.

Victim: Once when we was playing hide and seek I jumped - I went under my bed and I hided behind her.

Interviewer: Was it big enough? Oh, I can't see you now you have totally disappeared!

Victim: And he never find me until I said I put my hand up...

Interviewer: Oh, that is really funny it sounds a good game

Victim: And it was a good hiding sport!

Interviewer: That is excellent, isn't it? So did anything else happen last night?

4) Building common understanding

In some cases, interviewers did take time to establish a common language that the child is comfortable with. This can be an opportunity to put the child at ease, and reassure them that they are allowed to be talking about this.

Interviewer: Just you whatever words you would use, however don't think you've got to try and put it into adult language.

^{vii} [Achieving Best Evidence in Criminal Proceedings Guidance](#), paragraph E.3.3

When it comes to sexual harm experienced by children, this is not only important for being able to talk about body parts and anatomy, but also sexual acts. Sometimes this takes the form of clarifying slang or euphemistic language that the child has used. There were some examples of this being done well, with certain knowledge not being 'assumed' by the interviewer.

Interviewer: you said that you were having an intimate moment. You've told me that you study biology. If you were in a biology class describe to me what you were doing in this intimate moment.

Victim: Well penetration of course you know like sex.

Interviewer: Now you say you slept with him.

Victim: Yeah.

Interviewer: So, some people's "I slept with him" could be different and I need to make sure what's happened is what I think has happened okay. Again, I'm not trying to patronise you, it's just I need to make sure one hundred percent. So, what happened?

Victim: I had sex with [redacted name].

5) Sources of support

Some transcripts capture conversations with the child about the other sources of support they have access to. This tells us about the wider context of reporting a crime and giving evidence as a child.

Interviewer: Have they spoke to you about - You might have heard the word CHISVA said, which is an Independent Sexual Violence Advisor for children? I know it sounds horrible, but you're technically classed as a child. I know it sounds like it's really young doesn't it, I'm sorry. But they're people that are independent of the police and they don't work for us, they're a totally different organisation. But they're there to help and talk to you about what's happened, about the police process. They can be people that if say you don't wanna talk to [police officer] but you can speak

*to your CHISVA, you can have a chat with them and then they can then talk to [police officer]
Would you be happy if we contact somebody and see if they can contact yourself and your mum?*

In another interview, the police officer asks the child if they will need sexual health services following the assault. When the child says they are not concerned about an unwanted pregnancy, the police officer takes the opportunity to explain to the child that the oral contraceptive pill does not prevent contracting sexually transmitted diseases – and signposts the child to support.

6) Concluding the interview and next steps

While most of the interviews concluded in a fairly abrupt way, there were some examples of children being asked about how they feel about the investigation, and what they would like to see happen next. Given that many children's cases will not reach court, this is a valuable opportunity to understand what other forms of justice that are important to the child, and the support services they may need following the interview and in the long-term.

Interviewer: How do you feel about the police investigating this?

Victim: I don't know. I don't care what happens to him. I don't care if it goes to court or not. I'm just not bothered about it anymore. It's just brought me down too many times and make me feel really crap about myself and I just need to get it over now.

Interviewer: How do you feel now you've done the interview today?

Victim: Don't know.

Interviewer: Okay and I've covered everything? Okay. What would you like to happen to him?

Victim: I just never want to see him again.

Interviewer: Would you like him to be punished for it?

Victim: No, I just don't want anything to do with him.

2.2 Sense of powerlessness and loss of control throughout criminal justice proceedings

When children do not receive the age-appropriate information, guidance and support they need, the criminal justice process can feel as though it is taking away their sense of power and control over their story.

2.2.1 Information-sharing

The way we respond children who have experienced harm is, rightly, different to how we respond to adults. Safeguarding policies exist to protect children, even in cases where a child may not be ready to make a full disclosure or want any further action to be taken. To keep children safe it is often necessary for appropriate referrals to be made even if a child does not want that to happen. This can and should be managed honestly and compassionately with children. However, without the right communication from adults and professionals, information-sharing without their consent can feel very daunting and disempowering. Children understandably feel ownership of their story, and feel this is not respected when information is shared without their knowledge. Two children described disclosing to members of staff in their school, and despite not initially wanting to report the crime to the police, were both shocked when police came to the school without any advance notice.

“School told me they were making a referral, but that it wouldn’t go any further. But on Monday morning, the police came in. ”

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

While children often understand that safeguarding procedures mean the information will need to be shared with relevant safeguarding partners and sometimes parents, they occasionally felt that this extremely personal information was shared with people who did not need to know – at least immediately. One girl reported the sexual and domestic abuse she experienced to the adult perpetrator’s place of work. She later discovered that the details of the crime, including identifiable details about her, had been shared with at least five people in the organisation, which she felt was a breach of privacy and

could have put her at risk. Again, children would like to know upfront who exactly will be informed when they disclose and report.

"It all happened very fast...I'd disclosed this with my pastoral head, who I was comfortable with, who I'd known and been seeing for years, and suddenly I was writing a full report to my eating disorder therapist who I'd known for 3 months....It was one of those things you just got swept up in."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

"A lot of the teachers seem to know...those class teachers could have told teachers that, like, I don't really know." - Young woman, victim of a rape aged 15

2.2.2 Process not properly explained

As well as wanting upfront information about safeguarding policies and information-sharing, children reflected more generally that it would be helpful if the whole criminal justice process was more clearly explained from the outset. Children resented that the process relied on them having to ask questions, because often they did not know what questions they should be asking, or lacked the confidence to.

"I kind of almost would rather they over-explained it... than just kind-of assuming I knew... I understand that runs the risk of making people feel like they're being patronised, but they could also then say like 'We're aware you may already know this, but we have to run through it.'"

-Young woman, victim of sexual and domestic abuse aged 16

Children felt that it would be helpful to have an online hub of child-friendly, accessible resources which clearly explained their rights. As mentioned before, of the ten children and young people interviewed for this research, not a single one had been made aware of the Victims' Code. Children want bite-sized information, such as short explainer videos, which sets out what they should expect from every stage

of the criminal justice process, including the standards.^{viii} One girl described trying to do this research independently online, but only finding advice for people who had been accused of committing crimes against children. She was surprised when police told her they would need to interview her friends and current boyfriend.

“The top results are always advice for perpetrators...like men’s advice groups or solicitors that are like explaining what to do when you’re accused...The only way that you can find that information is really to go on the Crown Prosecution Service website that has a really chunky, lengthy document – you have to really search for what you’re looking for...it’s interesting that the information that I would be looking for is so inaccessible.” -Young woman, victim of sexual and domestic abuse aged 16

Many children felt that it would be helpful for this advice and guidance to come from someone independent, such as an advocate, who could give them a realistic sense of how long the criminal justice process would take, and the chances of the person who harmed them being charged and prosecuted. They also felt it would help them to understand the legal jargon used by criminal justice agencies.

“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. They just said, like you’ll have your interview and then he’ll have his interview and then they’ll decide. [...] The police know that there’s like a 1% chance it will be taken to court and then half of that, that they’ll actually prosecute.”

– Girl, victim of sexual assault by someone she had previously considered a friend

“There have been times when [the police officer] used terms and I don’t know what that means.”

-Young woman, victim of sexual and domestic abuse aged 16

^{viii} The Ministry of Justice has published a guide for young victims of crime under the age of 18, to explain the Victims’ Code to them. However, not all of the rights children are entitled to are communicated in this document. It also does not set out the minimum standards children should expect at each stage of the justice process, for example drawing on other guidance such as *Achieving best evidence in criminal proceedings*. Children interviewed for this research were not aware this guide existed.

2.2.3 Lack of choice over engagement

Because of their age, children do not always have autonomy over how they engage with the criminal justice system. Children's evolving competency and capacity to consent is a complex issue. A balance must be struck between protecting children and not disempowering them. It is interesting that children's rights vary so much between different systems. In health services, children over the age of 16 are presumed to have capacity (for example to consent to or refuse treatment), and even children younger than 16 who are deemed to be 'Gillick competent' are afforded the same rights without the need for parental consent.²¹

However, the criminal justice system operates in a different, more adult-centric way. The Victims and Prisoners Bill excludes all children under the age of 18 from direct engagement and consultation in parts of the criminal justice system, including around Victim Information Requests and the Independent Public Advocate role. This means if a criminal justice agency requests personal information from a child victim – such as their counselling notes – this request will potentially be sent to *“any adult who the authorised person considers appropriate.”*²² Similarly, if a child is a victim of a major disaster, they are the only cohort of victims who will not be directly supported by an Independent Public Advocate. For some children, direct communication may be most appropriate. For other children, it may be more appropriate to have a representative such as a parent or an advocate - but this should not preclude giving children choice over who is best placed for this role.

These are just two examples, but children that CCo spoke with described feeling a lack of choice over how they engaged with the criminal justice system more generally. Often the default is for police and other professionals to communicate with parents and carers on a child's behalf. Older teenagers felt particularly that they should have more agency. One young woman, who was raped at the age of 15, resented that the police contacted her mother to organise for her to have a DNA swab. She felt that at her age, information should have been shared with both her and her mother, rather than just her mother. This was also her feeling about where she ended up receiving therapy.

“Then a policeman came to our house. They told us he wasn't going to come...I didn't like him because he spoke to mum, and then he spoke to dad a bit. And then he spoke to me, and he didn't really let me

finish. So on his initial report it was only, like, the first half of what had happened...I wasn't really done, and he asked me what I was wearing on the day."

- Girl, victim of sexual assault by someone she had previously considered a friend

"I feel like [the police] spoke to my mum a bit, like, more than me, they didn't really address me...I would like to be more involved...older teenagers, especially if they're like 15, 16...they should have the option."

- Young woman, victim of a rape aged 15

"I'm not really being informed of what's happening, but I know that's mainly because my parents haven't been telling me. [...] If I could change something it would be more communication with me because I think, personally, I would like that communication. I think going through my parents is good, but it's not the best way to get information to me." - Girl, victim of child sexual abuse aged 7-8

Most children will have at least one loving parent or carer who supports their child to make informed choices for themselves. However, there will be occasions when it is not appropriate or viable for a parent or "any adult who the authorised person considers appropriate" to be consulted on a child's behalf. The parent of children involved with children's social care may retain Parental Responsibility, for example, but it could be very inappropriate and even unsafe for criminal justice agencies to share information with them or consult with them on a child's behalf. A proper process - with all the necessary safeguards in place - should be established to allow children who are competent to choose who supports them.

Even when a child has a good relationship with their parent, the nature of sexual harm - and any traumatic experience - means that children understandably do not always want their parent or carer to hear every graphic detail of what happened, and the impact it has had on them. Children feel this could be very upsetting and disturbing for their parent, and further exacerbate their own trauma. However, often children have very little choice over whether they are able to discuss the crime in private with professionals.

"A policewoman came in. My mum was away so my dad had to come in and my Year Head. It was really awkward. They said they had to have a parent there."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

[Speaking about her personal statement being read aloud back to her] "I think my mum was at home, so I think I felt quite, like, embarrassed, to be honest, because, I was scared that she would hear what I said about my feelings and how I felt because of it... I wish the process was maybe a bit more private"

- Girl, victim of child sexual abuse aged 7-8

[Speaking about his parents finding out what happened] "That unnerved me a bit...It's not something you tend to talk about with your parents."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

"I didn't want mum to come in with me [to the police interview] - because that's my mum, and it would be the whole story."

- Girl, victim of sexual assault by someone she had previously considered a friend

As previously mentioned in this report, children also reported that they were not aware that they had a choice over the gender of the police officers who interviewed them. The Victims' Code states that *"if you are a victim of sexual violence, gender-based violence or domestic abuse, you have the Right to request that the police officer conducting the interview is of a gender of your choice."*²³ Not having this choice can lead to children, particularly girls who have experienced sexual harm by a boy or man, to feel uncomfortable, and to hold back important information for the evidence-gathering process.

Right 6 of the statutory Victims' Code obliges the police to engage in a discussion with victims of crime about the frequency with which they would like to receive updates about the progress of the case. Children also spoke about wanting more choice over the practical and logistical side of engagement, such as whether they received updates via text, WhatsApp, email or phone calls. All of their preferences should be captured through a thorough needs assessment at the earliest opportunity. However, as this report has demonstrated – these needs assessments are rarely happening in the way they should be.

2.3 Long waits and poor communication

“In an ideal world, it would be a quick process, and...just more laid out for young people...Just some sort of reassurance that I'm not just being lost in this system, you know, because it discourages people from speaking up.”

– Girl, victim of sexual abuse in the context of a relationship aged 14

One of the strongest themes to come out of the interviews with children who had reported the crime was the long waits for updates in their case, and poor communication from criminal justice agencies. Child victims of sexual abuse wait on average nearly two years between the abuse being reported to the police, and the case concluding in court – with a significantly longer wait time in relation to rape offences.²⁴ The Home Office does not consistently break down its policing statistics by whether the victim was a child or adult, meaning it is not possible to look at how long children wait at every stage of the criminal justice system. Many children's cases will, sadly, never reach court, but they are still subject to long waits for charging and prosecution decisions.

The Victims' Code sets out clear timelines for when victims should be provided with information about the investigation and prosecution, with shorter timelines for children - who have Enhanced Rights under the code. However, in practice, many of these targets are not met, and children are not aware of their rights to receive these updates. Children spoke about not being informed if the person who harmed them had been arrested, interviewed under caution, or released without charge or on bail.

“They arrested him the next day, but I don't think I knew. I'm pretty sure I found out a few days later.” - Young woman, victim of intimate image abuse in the context of a relationship aged 14

Children who reported the crime felt they would have benefitted from more regular updates about the progress of the investigation. For many, this stage of the process dragged on for months, and even years, sometimes without even reaching a charging decision. One young woman said the police downloaded content from her phone in April 2021, and didn't finish reviewing it until early 2023, almost two years later.

"I'm gonna have to wait till after summer for anything...And then it might be a year again. And then that's two years since it happened...it's laughable how long it's taken."

- Girl, victim of sexual assault by someone she had previously considered a friend

"The fact that I could have done a whole degree in that time... feels insane."

- Young woman, victim of sexual and domestic abuse aged 16

"They weren't actually that communicative with me about it. I remember being left in the dark with it... I was in that limbo for 6 months."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

Children said that even updates to say there was no update would have been reassuring.

"Updates... Like, just tell me even if there's no news."

- Girl, victim of sexual assault by someone she had previously considered a friend

One child did get these regular updates, and found them very helpful.

"I think it was dealt with really well because we were informed of what was going to happen. This policewoman did, like, keep me and my dad up-to-date of what was happening and how they were building a case." – Girl, victim of child sexual abuse aged 7–8

Children feel that transparency would be much better than no communication whatsoever, or unrealistic expectations for when key developments would happen.

"It's been in, like, all aspects just really long and confusing. And just no sense of actually what's going on...[Back in 2021] I was getting some updates but it was almost like empty promises to me, that's the way I see it, because it was "yeah this is going to happen".. and "it should happen by this point", and it never did happen by this point... They [the police] have not reached out to me since 2021."

- Girl, victim of sexual abuse in the context of a relationship aged 14

While all victims experience long waits in the criminal justice system, the impact of these waits on children is disproportionate. For many children, a huge proportion of their childhood is spent waiting. This can make healing and rebuilding their lives after the crime very difficult, with the perpetual sense that it is still 'looming over them'. This impacts on children's mental health, and ability to attend and engage with school. For some, the wait is too long to endure, and they withdraw from the process.

"It's not knowing that's the worst bit and it always has been the worst bit... things just take so long... It is also the one bit that I would have control over because I could drop out. I don't want to, but it just such a long... and it's so all-consuming."

- Young woman, victim of sexual and domestic abuse aged 16

"I think that there was a trial set, but it keeps on being pushed back... I'm quite confused. It does make me wonder if what I've said is enough." -Girl, victim of child sexual abuse aged 7-8

"I thought that I would not really be affected, to be honest, but it puts me in a position where I'm kind of like, unable to focus on things that I should be focused on now. For example, like my school... I don't really focus on it because I feel like it's always looming over me."

- Girl, victim of sexual abuse in the context of a relationship aged 14

2.3.1. High caseloads and high turnover

As well as backlogs in the court system, one of the drivers of these long waits is police having high caseloads. Data from the Crown Prosecution Service shows that there has been an increase in its caseloads since the peak of the pandemic.²⁵ Children are often aware of this reality, and sympathetic, but rightly question why there is not more resource being invested into the system.

"If you guys can help with just one thing to, like, actually change - loads of cases are being handed to one person. I don't know how many of them there are, but like [the police officer] has got so many things to deal with, and he's been rubbish with all of them."

- Girl, victim of sexual assault by someone she had previously considered a friend

This pressure can often translate to a high turnover, with the investigating officer changing – sometimes without a child being informed. Children would prefer there to be just one key person working on their case who they could reliably get in touch with.

“Why hadn't they [the police] communicated with each other? Because I presume the first person I spoke to wasn't his regular job, and they just had found someone else to do it.”

- Young woman, victim of sexual and domestic abuse aged 16

“Two years on now...the detective never got in contact with me, and I had one meeting with him, and then he never got in contact with me again... If police are moving in between departments and leaving and not dealing with the case anymore, I would have appreciated the detective getting in touch with me...because no one has gotten in touch with me just to let me know, like, ‘Hi, I'm this person in charge of this in your case. We haven't forgotten about your case.’”

- Girl, victim of sexual abuse in the context of a relationship aged 14

2.4 No justice

The impact of these long waits is compounded when they do not lead to a child getting any justice. Police may drop the investigation because of evidential difficulties or for other reasons. Other child victims' cases may be brought to the Crown Prosecution Service, who decide to take 'No Further Action'. For the minority of children who do see a suspect charged and prosecuted, there is still a high chance they will not be convicted.

Latest data on outcomes of police investigations shows that in England, only 11% of child sexual abuse offences investigated by police lead to a suspect being charged.²⁶ In the minority of cases where the police and CPS do decide to charge and prosecute a suspect, many children still do not get justice. For child victims of rape, the prosecution-to-conviction rate is 49%. This is lower than for adult victims of rape (55%).²⁷ There are many possible reasons for this, including the higher chance of children being victimised by other children. It is possible that this difference also relates to the government's 2021 Rape Review for adult victims.

“I've done everything right. I've reported it. I have evidence, I have text messages. I have a witness. I've done all of it. I went to the interview. I did all of that without, even crying. That was really scary going in this, like, horrible room. And it's still not going my way. There's nothing more I can do really.”

- Girl, victim of sexual assault by someone she had previously considered a friend

"I had waited so long because the backlog for processing phones is insane... and then there was nothing on it. I was very upset about it. [...]"

- Young woman, victim of sexual and domestic abuse aged 16

"I got a letter basically saying that like the case was closed because they couldn't find anything... I remember I was just like...angry about it. That's all I remember really."

-Young woman, victim of a rape aged 15

"I thought that me telling the police would do something and would give me that sense of, 'It's OK, you're heard'... but it didn't give me that, instead it actually like lowered my confidence and it pushed me back." - Girl, victim of sexual abuse in the context of a relationship aged 14

The lack of the protective and supportive system response for victims also then means that there's very little consequence for those perpetrating [crimes]."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

2.4.1 Children and restorative justice

Right 3 in the Victims' Code states that child victims have the right to receive information about Restorative Justice (from the police where the offender is an adult, and from the Youth Offending Team where the offender is a child).²⁸ Restorative Justice is a voluntary process which brings the person harmed and the person who harmed them into communication, supported by trained facilitators. It can enable those affected by a crime to gain closure and heal.

Only one child interviewed for this report was offered Restorative Justice, who described it as an overall positive experience: *"I said everything I felt. It was good closure for me...I'm glad I did that. It was a good thing to do."*

As this report will go on to explain in the section on 'Lack of support for those who harm', the children interviewed for this research often felt some sympathy for the person who harmed them, particularly

where it is another child who has been victimised themselves. Not all children want the person who harmed them to be punished, but they still want justice. For many, this is more about being heard and believed.

While Restorative Justice may not be appropriate in every case, children should be consistently informed about this service, and supported to understand if it is the right path for them.

"I feel like maybe a separate sort of section of justice for it because it happens to so many people... like a group of people who specifically deal with these sorts of cases... like a more private matter than a massive trial."

– Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

3) Experiences of support services

There is no question that children who have experienced the most serious, traumatising crimes need and deserve specialist support access justice and to heal - a right that is enshrined in the Victims' Code. There was not a single interviewee whose mental health and wellbeing was not impacted by the sexual harm they were subjected to, and - as this report has demonstrated - many children need independent advocacy to navigate the justice system and access their rights within it.

However, children's ability to access the support services they need is incredibly patchy. Not only are children's needs not being effectively identified by professionals, but sadly it is often the case that the specialist services children need are simply not being commissioned. When the Victims and Prisoners Bill becomes law, it will require relevant authorities in an area to consider the distinct needs of children, both in their joint needs assessments and joint strategies for delivering victim support services. In developing their support offers, the services children need cannot just be a bolt-on to adult services. As this report shows, in the rare cases where children are able to access specialist support that is child-centred, holistic, and trauma-informed – it is completely transformative.

“To know that there was a place that could have helped sooner, that was free of charge and had good healthcare, had everybody there that needed to be there...yeah, it would have made a big difference.”

3.1 The need for support

While there is an extensive evidence base on the long-term and lasting impacts of sexual harm on child victims, this research underlines the multiple and far-reaching ways that abuse can impact on children's childhood and adulthood. This research is principally focused on children's experiences of services and the support for children after harm, and so children and young people were never asked directly to speak about the crime. However, many children did choose to not only speak about the nature of the harm they experienced, but also the impact it has had on them.

The children and young people that were interviewed spoke about their experiences of:

- Anxiety
 - Depression
-

- (Complex) post-traumatic stress symptoms such as flashbacks, panic attacks and a perpetual heightened perception of risk – including being triggered by previously innocuous settings, like classrooms and their own bedroom.
- Self-harm
- Suicidality
- Eating disorders
- Development of compulsive behaviours, including Obsessive Compulsive Disorder (OCD)
- Sleeping difficulties, nightmares and insomnia
- Struggling to attend and focus in school
- Struggling to work
- Dissociation (feeling disconnected from yourself and the world around you)
- Negative impact on other relationships and friendships
- Risk of further harm, including exploitative relationships, further assaults, and traumatic ‘re-enactment’
- Self-blame and self-loathing

It is worth highlighting in particular that half of the children interviewed (five) mentioned they had struggled with eating disorders as a coping mechanism following the abuse. For some children, developing disordered eating was a way to feel like they had regained control over their bodies after having their autonomy violated. For others, it was a way to overcome feelings of numbness and dissociation, as can be the case with self-harming behaviours.

These are just some of the ways children described the impact of the abuse on them:

“To begin with you’re in survival mode and then it, then it kind of catches up with you... I honestly felt like I would never feel better... I wanted to kill myself.”

– Young woman, victim of intimate image abuse in the context of a relationship aged 14

“My room is, like, completely different now. I’ve had to like get a new bed...there’s literally nothing the same in my room...[The rape] is very stuck with me whether I realise it or not. It’s like some parts of it are just really still like here.”

-Girl, victim of sexual assault by someone she had previously considered a friend

"I got into work, and I just sat on the floor and I could not move. And I can't do my job - I mean, I'm the only one in on a Sunday morning. I just couldn't move. Everything's moving too fast in my brain. I'm trying to process everything...it's a really odd kind of experience. And it was that that made me go to [support service] and be like, 'OK, I need to deal with this', because if I don't do something, I can't move past it."

– Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

"I was in a really rough place for quite a long time. I wasn't eating very well. I was not very, like, present. I was dissociated a lot. Not really like interacting with my life."

– Young woman, victim of sexual and domestic abuse aged 16

"I used to have a flashback every night... so I wasn't sleeping that much. My average sleep was maybe 2-4 hours a night, which was then impacting the self-harm and eating, and just my general mood...I got a very self-sabotage mindset – I started putting myself in dangerous situations... and so it kept happening... to this current day, I've been assaulted 7 times... it ended up being something that I just sort-of believed would be my life, my destiny."

– Boy, victim of sexual assaults by multiple adult perpetrators aged 11

"I feel like I get quite anxious about it because I'm like...he knows where I live. He knows everything...He could at any point, you know...if he wanted to, do something you know. He has all the means to do that and, it does give me a lot of anxiety, yeah."

- Girl, victim of sexual abuse in the context of a relationship aged 14

"That's when I started to get depressed because I self-harmed when I was in Year 8 or 9... I was really depressed when I [started therapy]. Like, I could barely even talk to them in the sessions... I was officially diagnosed with severe depression, severe panic disorder, severe social phobia and then moderate to severe OCD." – Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

3.2 Advocacy support

Many of the barriers children face to accessing safety and justice relate to the lack of advocacy support available to them. 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.²⁹ The Children's Commissioner's recent advocacy audit revealed there are serious shortcomings in how many of these statutory roles function in practice,³⁰ 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.

However, 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 from services. 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.

"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, victim of sexual abuse in the context of a relationship aged 14

"I do have quite an open and strong relationship with my parents. [...] But on certain things, I did feel like I had to, like, hold back in case I was saying, like, too much to hurt them."

- Girl, victim of child sexual abuse aged 7–8

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 patchy.

As part of the data request to police forces, the Children's Commissioner also asked about how many child victims are referred on to these specialist advocacy services in the 2022-23 financial year.^{ix} The findings, previously published in *Child victims' access to advocacy*³¹, revealed that:

1) Most police forces did 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)^x received no support from Child/Independent Sexual Violence Advisers (Chlsvas/Isvas). In 102,000 recorded incidents involving child victims, there was 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)^{xi} received no support from Child/Independent Domestic Violence Advisers (Chldvas/Idvas). In 116,000 recorded incidents involving child victims, there was no record of a referral to advocacy services.

^{ix} 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.

^x 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.

^{xi} This figure is also likely an underestimate for the same reason.

- For child victims of domestic abuse, the average referral rate across the 4 forces that provided data on the number of victims of domestic violence and number of referrals to specialist advocacy support 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.
 - 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 that police refer children to 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.³²

- 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.

Good practice: Specialist advocacy support

For the few children interviewed for this research who were able to access independent, specialist advocacy services, they described this support as transformative. One young person described it as 'a switch'.

"[My ChIsva] - 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].

[...] 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).

"[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).

Why do advocates need distinct training and qualifications to work with children?

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.

3.3 Therapeutic and health support

Given the huge mental health impact of violence and abuse, child victims should be offered timely therapeutic support. Figures from the last Adult Psychiatric Morbidity Survey (2014) show that nearly 9

in 10 (89%) of people aged 16 or over who survived sexual abuse in childhood were not receiving mental health treatment.³³ The Children's Commissioner's annual mental health briefing underlines that this is a much wider issue, with over a quarter of a million (270,300) children in England still waiting for treatment at the end of the 2022-23 financial year.³⁴

Children who contributed to this research said this was often their experience, waiting months or even years for mental health support. Children also commented on the fact that this support is often inflexibly time-limited to a set number of sessions, which doesn't reflect the time it takes to build trust, and to recover from sexual abuse.

"Probably like six months after it happened, like when the case was closed, I got counselling for like six months or something, [...] I don't know how much it helped or not, it was short."

– Young woman, victim of intimate image abuse in the context of a relationship aged 14

"I've been referred [to CAMHS] so many times...for where I live it's a two-year waiting list [...] I think it's a bit rubbish with all of this because everywhere's got waiting lists, and then after that you're only allowed like four sessions or something."

- Girl, victim of sexual assault by someone she had previously considered a friend

In the data request made to police forces, only four police force areas reported on the number of referrals they made to CAMHS, of which two police forces reported making zero referrals. Across the four police force areas that reported making any referrals to CAMHS, 36,596 total incidents of crime^{xii} were recorded involving a child victim, yet only 216 (0.6%) referrals to CAMHS were reported. While many police forces will often refer on to children's social care to make this

**2**

police forces reported that they made *any* referrals to children's mental health services.

^{xii} Police forces were asked to provide data on incidents of serious violence, sexual violence and domestic abuse. Please see the methodology for further information.

referral, police should feel empowered to make this referral directly as well. CAMHS services vary in their policies about which professionals can or should refer children directly, which could explain some of the discrepancy, but it is important that police officers are enabled to directly refer so that no child falls through gaps.

For those children and young people who were able to access any support, they did not always feel it met their needs. Children commented that they feel that often mental health practitioners do not have the expertise to respond to complex trauma, particularly where it relates to child sexual abuse. Children felt that they were 'passed around' the more they disclosed, and would prefer a more holistic response which did not divide up their experiences, behaviours or symptoms between professionals. In some cases, health professionals did not pick up on the signs that a child's physical or mental health condition was linked to undisclosed abuse.

"You get really passed around as soon as you get comfortable with someone. You've got to talk to someone about, like, the assault and the actual event, but then like the stuff that happens after it - like if your eating is getting worse and your sleeping, then they say 'Oh, hang on, I don't specialise in that. I'm gonna have to pass you on to someone else.' And then you start talking about different stuff and they go, 'Oh, I don't specialise in that. I'm gonna have to pass you onto someone else.'"

- Girl, victim of sexual assault by someone she had previously considered a friend

"The eating disorders therapy wasn't really going anywhere... because [of] the underlying trauma." - Boy, victim of sexual assaults by multiple adult perpetrators aged 11

This was particularly the case with school and college-based mental health support. Often this is the only help child victims are able to access, however these services tend to be designed as an early intervention for children with low-level poor mental health – and therefore not appropriate for children with more complex needs. Several children felt unable to speak about how they were really feeling.

"[School counsellors] weren't equipped to deal with anything... 'heavy duty', as it were. It was more like, drawing pictures and analysing your dreams, which is fine... But also, if you want to kill yourself, I'm not gonna want to draw a picture... Because I didn't really feel like they knew how to deal with it, I didn't mention it." - Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

"I was offered counselling in college...It was just the type where they just, kind of like, validate your feelings basically...And for me that was, like, not what I needed."

– Girl, victim of sexual abuse in the context of a relationship aged 14

[Speaking about the wellbeing drop-in sessions her university offers] "The drop-in sessions are 20 minutes long. So what am I gonna do in 20 minutes? Introduce myself to the person? And then that's kind of it." – Young woman, victim of sexual and domestic abuse aged 16

In some cases, children felt actively discouraged from speaking about their experiences of harm in therapy because of an ongoing investigation. Children's counselling and therapy notes can be requested by police and criminal justice agencies. This report has previously mentioned how a common trauma response is child victims' feelings of guilt and self-blame. When these feelings are disclosed in therapy, they can be used by the defence against the child as admission of culpability. This can lead to both professionals side-stepping speaking about the abuse, as well as children self-censoring. One young woman who experienced rape at the age of 15 said about her school counsellor: *"they don't let you talk about anything"*. She was told to focus on talking about her school day, and not the assault. This rule appeared to have come from the police advising her school, who in turn advised caution. The young woman would have liked to have had the choice about this as a child.

In recognition that victims' right to access support (Right 4 in the Victims' Code) can be undermined by this practice, in April 2024 the Victims and Prisoners Bill was amended to mandate that requests for counselling notes may only be requested where they are likely to add *"substantial probative value"* to an investigation, and that the assumption must be that counselling notes are not pertinent unless proved otherwise.³⁵ It is vital that this new change translates into practice, with clear advice for professionals that child victims should not be discouraged from accessing therapeutic support and speaking about what they have experienced.

Good practice: Holistic, joined up therapeutic support

When a child experiences the most serious crimes, they should have guaranteed access to high-quality support which meets their multiple, intersecting needs. Rather than a child being split between services, models of care, and thresholds for support, statutory and community-based

services in an area should come together to coalesce around the child. This is the principle which underpins the Child House model, based on the Icelandic Barnahus model.

The Lighthouse in Camden operates the only Child House model in the country. The Lighthouse brings together a range of professionals and organisations under one roof to offer a child-centred, multidisciplinary service for child victims of sexual harm and related crimes. As well as health support, advocacy (such as Child Independent Sexual Violence Advisers), third sector and therapeutic support, children can be supported by trained clinical psychologists, police, social workers and Registered Intermediaries to access their rights to special measures in court proceedings, such as giving evidence through a pre-recorded video interview. This means children and their family do not have to re-live their trauma with multiple professionals.

An evaluation of the Lighthouse found that it generates a net saving in public expenditure.³⁶ The Child House model has been recommended by the Independent Inquiry into Child Sexual Abuse,³⁷ the Home Office,³⁸ NHS England,³⁹ and the Government's own *Tackling Child Sexual Abuse Strategy*.⁴⁰

As part of this work, CCo spoke with child victims who had accessed support at The Lighthouse. Children really valued that they were able to access different services under one roof, and support was also available to their parents and families.

Child 1

"It feels like one team, so I think here they do it quite well. I mean even just having that space you know where you do feel safe... it does give you that chance to be heard."

"I had been quite closed off to like therapy, so I wasn't sure if I wanted to really utilise The Lighthouse. But they showed me that it wasn't as bad as I thought."

Child 2

"If I'd known The Lighthouse existed, I think I would have had the opportunity of coming there a bit earlier. To know that there was a place that could have helped sooner, that was free of charge and

had good healthcare, had everybody there that needed to be there...yeah, it would have made a big difference."

"From 11 to 15, I had sort of just been holding on for dear life, on this fraying rope, just trying to pull myself somewhere. I didn't know where it was. And it felt nice to sit back and let go, and have a whole team of people hold on for me. [...] Somebody else had the control and I don't have to hold on so tightly anymore, and I could sit back and this would take me there – and that was one of the most amazing things ever."

"[My parents] got a support system through the Lighthouse as well, which is more than I could have hoped for. The Lighthouse is amazing... it was about everything anybody who had been through something could have dreamed of."

3.4 Support in school

This report has already outlined how a school's culture can enable or disable children to disclose. For those children who did make a disclosure in school, several interviewees reported problems with how their school dealt with the abuse coming to light. *Keeping Children Safe in Education* statutory guidance includes advice around how to respond appropriately to child-on-child abuse and harassment, however it is clear from children's testimonies that this guidance is not being consistently followed.

In some cases, children felt as though school staff were not equipped to respond appropriately to sexual harm and abuse. Two girls commented that they felt male staff members seemed to find it 'uncomfortable' and 'awkward', and other children also spoke about their disclosures not being handled with enough sensitivity.

"The Year Head was sat there. He couldn't make eye contact with me."

– Young woman, victim of intimate image abuse in the context of a relationship aged 14

"I feel like school might have been the worst at handling it. [...] It was definitely not, like, sensitive." -
Young woman, victim of a rape aged 15

"[The school staff] were very, very insensitive, and they just dealt with it in a very bad way."

- Girl, victim of sexual abuse in the context of a relationship aged 14

The response to a disclosure of abuse was also a critical moment for children. Several children identified a member of staff at their school as the person they felt most comfortable disclosing to, and as being key to them accessing safety and justice. However, other children had more negative experiences, including feeling victim-blamed.

"[...] We went to a teacher who's one [my friend] feels comfortable with...And the teacher was going well 'Girls like you're growing up now, you can't just do the same things that you'd be doing when you were younger. You're growing up now, you could be sending the wrong signals out.'"

- Girl, victim of sexual assault by someone she had previously considered a friend

Children who were attending the same school as the child who had harmed them did not always feel they were protected, and that the child who caused the harm was not always held accountable for their actions. The young woman who experienced intimate image abuse said that the boy was pulled in by his school and he admitted to it. They gave him a day's isolation and said he couldn't play sports for a week. In her words: *"It should have been dealt with more. [...] It boils my blood."* One girl commented that when her friend experienced a sexual assault by another pupil, they felt more adjustments were made for him than for her. Another young woman said she felt that the school didn't safeguard appropriately following the earlier allegation of rape against the boy who raped her: *"none of the teachers ever mentioned to my mum that he had previously, like, been in trouble with the school for, like, being inappropriate with other girls."*

A lack of support for child victims and impunity for the child causing harm seems to be particularly a problem where schools misunderstand criminal justice agencies' decision not to charge or to take no further action in a case. While the evidentiary threshold in the criminal courts is *'beyond reasonable doubt'*, in children's social care it is *'on the balance of probabilities'*. A decision to take no further action does not necessarily mean the accused is not guilty, and safeguarding partners and schools should work together to consider what further action is needed to safeguard any children affected. In some cases, the child victim may attend the same school as the person who harmed them. While there may be insufficient evidence for charging, prosecuting or convicting, it is incumbent on schools to have robust safeguarding policies which are upheld independently of criminal justice proceedings and outcomes.

In some cases, teachers and school staff failed to make the link between a child's experience of being victimised and their behaviour. Increased and persistent absence from school is very common following children experiencing something as traumatic as sexual harm.

"My whole life was falling apart...I wasn't really in school."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

However this isn't always identified, and children can end up being punished for the harm they have experienced. A girl who experienced sexual abuse in the context of a relationship aged 14 was being bullied and 'slut-shamed' by her peers after disclosing the abuse. She did not feel teachers did enough to intervene, and when she began skipping school the response was punitive, rather than compassionate and understanding.

"I stopped going to my lessons...And I was always getting into trouble...But I'm like, 'I've been telling you why I'm not going'... They didn't deal with anything around sexual assault very well in that school."

- Girl, victim of sexual abuse in the context of a relationship aged 14

[Speaking about a friend who experienced a sexual assault] "[The teachers] think she's just trying to, like, skip lessons." -Girl, victim of sexual assault by someone she had previously considered a friend

Good practice: A trusted adult at school and a supportive environment

For several of the children interviewed, school was where they first disclosed the abuse. While some of the responses that followed were negative, and not in line with *Keeping Children Safe in Education* guidance (as detailed above), some children did have more positive experiences. Children who were well-supported at school often talked about having a trusted teacher or staff member who shows professional curiosity about their personal life, and an open and understanding school environment where adjustments can be made.

"Whenever I need space or time away... I can go to certain teachers. I can be open with my school... I have a good environment where I feel confident enough to go to them. At school we have a safeguarding lead and so she's also my teacher for one of my lessons. So she sometimes asked me to stay behind and she asks me how things are going... we hadn't seen each other for a while so she

kept me behind. And so I had told her about another incident, and I think she's really involved in it. [...] I have people there at school who are there to listen to me and who actually care about my wellbeing... My head of year is also very involved and is always there for people."

- Girl, victim of child sexual abuse aged 7–8

3.5 Social care support

Despite many of the children interviewed for this report having multiple vulnerabilities, very few received support from children's social care. The Children Act 1989 was originally conceived to better protect children within their homes, though over the years there has been a welcome increase in understanding of the risks faced by children (particularly older children) from those beyond the family. However, it is notable that the only child who had a social worker was also the only child interviewed who experienced abuse as a young child by someone within the extended family. Children's accounts suggest that even when they disclosed to their school first (rather than the police), schools tend to make a referral to the police rather than children's social care.

It was not always possible to discern in the analysis of the video-recorded interviews whether the interview was being led by a police officer or children's social care. This data is also not centrally held by the majority of police forces. In response to the data request to police forces, only 5 of the 42 police forces (12%) that responded to the questions confirmed that a central record is kept of whether a social worker was present during video-recorded interviews with child victims, of whom none were able to provide the number of video-recorded interviews with child victims conducted with a social worker present in the 2022-23 financial year.

When asked about referrals of child victims to children's social care, only nine police force areas were able to report the number of referrals they made. However, statistics published by the Department for Education show how often children's services receive referrals from police: this is the most common source of referrals with around 3 in 10 or 184,530 referrals from police in 2022-23.⁴¹ Neither the Home Office nor Department for Education publish a breakdown of referrals from police to children's services by whether the child was, for example, a victim, witness, or suspected perpetrator of a crime.

3.6 Support for those that harm

The majority of child victims consulted as part of this work experienced harm perpetrated by another child. While children felt strongly that the person who harmed them should be held accountable, it was striking that so many also mentioned how better support for them could have prevented the harm from occurring, and from the person going on to harm others.

"What's actually happened to them? What's gone on in their life to make them think that?"

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

When it comes to children, often the line between 'victim' and 'perpetrator' is blurry, with many children displaying harmful behaviours having been victimised themselves. This was something that the children who contributed to the research commonly reflected on themselves.

"I do know he grew up in a house where his dad abused his mum. You can see the pattern repeating. [...] He was deeply traumatised himself."

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

"Sometimes I do you think to myself that my ex is as much a victim in this as I am because he is a product of his circumstances. [...] He had such an unmonitored life... he had no one stopping him doing anything and he was so angry."

- Young woman, victim of sexual and domestic abuse aged 16

"He was from a bit of a broken home."

- Young woman, victim of a rape aged 15

"He'd been through a hard childhood. I know that his father had been abusive. He was in prison for his abuse." - Girl, victim of sexual abuse in the context of a relationship aged 14

The dynamics of abuse in children's relationships are often reflective of wider societal inequalities. The majority (9/10) of the children and young people interviewed for this research were girls and young women. Without the right support, boys and young men are ill-equipped to challenge and reject sexist, misogynistic and toxic masculine influences present in wider society. Every young person who had been harmed by another child commented on the negative impact of pornography in particular. This is a topic

the Children's Commissioner has explored in-depth in two reports, which show not only the prevalence of exposure to harmful pornography among children, but also the link with developing harmful sexual behaviour.⁴² This research firmly supports the existence of this relationship. One young woman said that the young man who harmed her as a teenager had become so desensitised to violence that he was seemingly unable to orgasm unless he watched violent porn or raped her.

"There's a lot of really aggressive stuff out there that is just so easily accessible as well... you can get really addicted as well, which is not great at all. I think that causes even more problems."

– Girl, victim of sexual assault by someone she had previously considered a friend

"The kind of things that get pushed [in pornography] are not healthy...It's not normal stuff and...people get the wrong idea of what sex should be and what they should find pleasurable... If you're then going out onto the street and reenacting that stuff - yeah, that is real. That's a crime." – Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

"It's kind of scary how available [porn] is to 12 to 14 year olds... especially now it's very hardcore... and obviously for kids and young teenagers, that's going to make an impression, even if they don't think it is." – Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

As well as supporting children to understand the potential harms of pornography and address harmful sexual behaviour linked to pornography exposure, child victims also commented on the need for children to receive support around emotional literacy, communication, and challenging gender stereotypes. Girls felt that boys are often socialised to not express their feelings - apart from through anger and violence. This can make it more challenging for boys and young men to feel they can seek early support for their mental health.

"He had a lot of mental health problems. He could just lose it quite a lot, and he could be quite violent... He'd had a lot of bad things happen in his childhood. [...] The whole patriarchal system negatively affects everyone. It doesn't just negatively affect women...Men are not given the ability to, or are they not allowed to, feel emotions - unless it's anger. Well of course, then the things that happen are violent crimes." – Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

"He had never received adequate, like, therapy when his mum passed away."

- Young woman, victim of sexual and domestic abuse aged 16

Children's incredible ability to articulate this gap in support is not only driven by their empathy, but also their wisdom about the importance of prevention. While it is tragically too late to prevent the harm these children have been subjected to, increasing support for those displaying harmful behaviours is essential for preventing further harm. Children feel strongly that it is incumbent on adults and those in positions of power to protect children from harm.

"We need a massive overhaul in this country. I don't really see how this current way of doing it is working...If you can regulate your emotions, you're not going to have necessarily these outbursts of anger, or this need for a power trip. That is what rape and sexual assault tends to be about."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

"In the same sense that I didn't get offered much help, neither is he [the boy who harmed her]. And he might really need it. [...] They don't see it, and then he does it again."

- Girl, victim of sexual assault by someone she had previously considered a friend

"Personally I'm not particularly angry with these people because they were kids too, and they didn't really necessarily fully understand what they were doing."

- Young woman, victim of sexual abuse in the context of a relationship from age 13 – 15

Recommendations

1) Transforming the response to children and young people who have not yet disclosed or reported

During the passage of the Victims and Prisoners Bill, the Children's Commissioner pushed for children who have not yet reported the crime to be recognised as victims. The Commissioner welcomes that this change will soon be enshrined in law. Children's legal recognition is only the first step to ensuring they get what they need to heal and get justice.

Recognising the harms children experience in law

- 1) The government should introduce a new **Children in the Justice System** bill, to make the justice system in this country truly child-centred. The Youth Justice and Criminal Evidence Act 1999 introduced many important measures for children in contact with the criminal justice system. Nearly a quarter of a century on from this legislation, it is time for a radical refresh of how the system works with and for children. In particular, CCo would like to see:
 - Specialist youth courts and children's hearings for children accused of crimes - where after guilt is determined any next steps are agreed by social workers;
 - An independent specialist advocate for all child victims of the most serious crimes;
 - More child-friendly settings for children to give evidence, in line with the Child House model;
 - A child-focused model of Restorative Justice, with children supported to access this service when they want to and when it is appropriate.

- 2) **The Government should develop statutory guidance on abuse in children's intimate relationships, to increase professionals' ability to identify and respond to this harm.** The CCo strongly welcomed the Domestic Abuse Act 2021. While the statutory guidance includes a small section on 'Teenage relationship abuse' (which is also referenced in Keeping Children Safe in Education guidance), it is clear from this report that professionals do not have a thorough and

consistent enough understanding of this kind of abuse, particularly where the children involved are younger than teenage.

- 3) **The government should introduce this type of abuse as a new factor identified at assessment in the Children in Need census**, and update the other domestic abuse categories to distinguish this harm from when a child is a victim of domestic abuse because they “see or hear, or experiences the effects of, abuse” between parents and carers (as defined in the Domestic Abuse Act 2021).

“My first proper boyfriend was also sexually coercive. And so obviously from my previous experience, I sort of just, like, went along with it... So I feel like more awareness [is needed]... Watch out that you don't accept other bad stuff because you think it's the norm.”

- Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

Identifying children who have not yet disclosed or reported yet, and supporting them

- 4) In the statutory guidance for the new duty in the Victims and Prisoners Bill (soon to be Act) that requires relevant authorities to collaborate in the commissioning of victims’ services, the **Ministry of Justice** should be clear that **children who have not reported the crime are recognised as victims** in the eyes of the law, following this amendment to the Victims and Prisoners Bill. The guidance should direct commissioning of services which therefore ensures that children have the option of accessing specialist victim support services which **do not require them to report to the police in order to access the service**, and services that accept self-referrals.

“The pressure of having to report it is not something [child victims] want to deal with because I think not everyone is ready to go to the police straight away, but they still want that support.”

- Girl, victim of child sexual abuse aged 7–8

- 5) **Every local authority should have a specialist safeguarding team to address extra-familial harms.** As part of a revised Children Act, there should be clear expectations around the need for specific teams which have a focus on addressing the harms that children face in their wider environment, including relationship abuse, criminal exploitation and sexual exploitation. These

local teams would work closely with youth services, offending services, and community provision to provide an expert response.

Helping children to understand the harm they have experienced

- 6) **Schools must protect children from sexual abuse through providing them with age-appropriate knowledge and language to identify and disclose harm, as part of their safeguarding duties.** Across all age groups, police data shows that children aged 10-14 are disproportionately the most likely cohort to experience sexual offences, with many experiencing sexual abuse even younger. This research also evidences clearly that children experience abuse in their intimate relationships from a young age. **An effective Relationships and Sex Education (RSE) should introduce these concepts gradually in an age-appropriate way from primary school. It is impossible to prevent abuse if children are not empowered to identify or articulate it.**

"[We must] just take away like the taboo of everything sexual...It's still a sensitive subject, but just allowing people to not feel embarrassed by it."

- Girl, victim of sexual abuse in the context of a relationship aged 14

"Obviously you know, you're 10 years old. That's really young, but also, a lot of abuse does happen to kids that age...[We need to] introduce education about abuse on a very, like, kid-friendly level."

- Young woman, victim of sexual assault by someone she had previously considered a friend at the age of 10

Informing children about safeguarding processes

- 7) **The Department for Education should update *Keeping Children Safe in Education* guidance to include develop a more detailed section on how school staff can effectively communicate safeguarding processes to children,** including the importance of informing children which other agencies may need to become involved. CCo heard from two children who disclosed abuse to school staff that, despite not wanting to report to the crime to police, police officers came to their school without the children being forewarned.

“School told me they were making a referral, but that it wouldn’t go any further. But on Monday morning, the police came in.”

- Young woman, victim of intimate image abuse in the context of a relationship aged 14

Increasing children’s awareness of their rights

- 8) **The Ministry of Justice should develop a Victims’ Code for children.** Children’s experiences of victimisation will be very different to adults. Their age, vulnerability and circumstances will mean that all those within the system must treat them differently. Children will need to be supported in different ways, timelines will mean different things to them, and they will have a whole ecosystem of services around them which adult victims might never encounter. Additionally, their understanding and development will change throughout the course of their involvement with the criminal justice system, so their needs cannot be seen as static.

The Children’s Commissioner successfully pushed for the Victims and Prisoners Bill to mandate that the distinct needs and experiences of children be taken into account in the Victims’ Code. The refreshed Victims’ Code is an opportunity to ensure the code more adequately reflects a child’s distinct needs, experiences, rights, and unique legal status.

- 9) **Relationships and Sex Education (RSE) guidance must be updated** to mandate that schools make children aware of their **rights under the Victims’ Code**.
- 10) **The rights in this code must be communicated in a way that is most useful and accessible to child victims**, as well as the professionals supporting them. The code should be accompanied by a social media campaign and **hub of online resources** explaining child victims’ rights in a succinct way. Children want bite-sized information, such as short explainer videos.

“And it was just to have that confidence, just to know that you can do something.”

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

Identifying and responding appropriately to the harm children have experienced

- 11) **Schools should be made the fourth statutory safeguarding partner**, alongside police, health and social care.
-

- 12) **The Department for Education should update *Working Together* guidance to include more specific guidelines on how safeguarding partners can support children to safely disclose.** It should specify:
- How professionals can avoid using inappropriate and incorrect language with child victims of sexual harm (for example, talking about child victims of sexual abuse *'losing their virginity'*).
 - How professionals can better explain to child victims why certain questions need to be asked, to avoid making children feel as though they are being victim-blamed.
- 13) **All government departments and public bodies to remove references to *'child pornography'* and *'child prostitution'*, and instead refer to *'child sexual abuse materials'* and *'child sexual abuse/exploitation'*.** CCo is aware of these terms still being used on the Crown Prosecution Service's website. These are outdated terms which wrongly imply children have agency in the sexual abuse and exploitation they are subjected to. This is harmful to children's perception of the gravity of the harm they have experienced, as well as the wider general public.

"It all happened very fast...I'd disclosed this with my pastoral head, who I was comfortable with, who I'd known and been seeing for years, and suddenly I was writing a full report to my eating disorder therapist who I'd known for 3 months."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

2) Transforming the response to children and young people in the criminal justice system

Effectively upholding children's rights

- 14) **The Ministry of Justice should develop statutory guidance for professionals who are key to supporting children to access their rights under the Victims' Code.** This should not only focus on criminal justice agencies, but all safeguarding partners and professionals working with children, including health, children's social care and education, and Youth Offending Teams where the offender is also under the age of 18.

This guidance should set out how agencies can:

- Promote awareness of the code to children they work with.
- Adjust their ways of working based on a child's needs, including seeking specialist support where needed - for example from a Registered Intermediary or independent advocate.
- Support children to safely disclose and report the crime, including how to avoid victim-blaming and harm-minimising language and responses.
- Centre the needs and preferences of a child when it comes to information-sharing and safeguarding procedures, including whether a report is made to children's social care or the police.
- Work together to conduct a robust needs assessment of a child at the earliest opportunity, support with pre-interview preparation, and develop a support plan.
- Support children throughout their engagement with the criminal justice system, and following it.
- Support children to access Restorative Justice where they would like to.

15) **Agencies must be held accountable for ensuring child victims' rights are delivered.** The research presented in this report evidences clearly that children are often not accessing their rights under the Victims' Code. In the developing the framework for monitoring code compliance, the Ministry of Justice should collect and publish both quantitative and qualitative data on children's experiences of the justice system and support services. CCo fed into the Ministry of Justice consultation on what these metrics should be (please see Annex 2).

Responding appropriately to crimes affecting children

- 16) **Ensure that no child involved in the consensual production and/or sharing of intimate images is criminalised, or recorded as an 'offender' in local or national police data.** Data from the National Police Chief's Council's Vulnerability Knowledge and Practice Programme (VKPP) shows that the average age of perpetrators of Indecent Images of Children (IIOC) offences is 14 years old, with nearly half (47%) of perpetrators recorded as female (compared to 13% of all Child Sexual Abuse and Exploitation offences). This implies that many girls who have taken images of themselves are incorrectly being recorded as 'perpetrators'.
- 17) Police have developed 'Outcome 21' as a proportionate and pragmatic approach to policing youth-produced sexual imagery where it is considered "non-abusive". However, children and young people who have been victimised through intimate image abuse by another child inform

CCo that this crime is not always appropriately responded to. **Where a child non-consensually ('abusively') shares an intimate image of another child, or uses Artificial Intelligence to generate sexualised and pornographic images or videos of someone they know**, there must be a robust joined up response from criminal justice agencies, schools, health and social care – which takes a safeguarding first approach and does not minimise the harm caused to the victim.

18) The College of Policing should improve guidance and training for police on online harms and non-contact offences. CCo's research shows clearly that police officers' lack of awareness of online platforms that children use and online harm they experience is a barrier to the crime being effectively investigated. In many transcripts of police video-recorded interviews analysed by CCo, the interview becomes sidetracked as the child is asked to explain how a particular social media platform works. As more and more young people experience abuse and harassment online, CCo would expect police to have up-to-date training on the modes of communication young people use, and the risks associated with them.

Tackling long waits for justice and improving transparency

19) **The Ministry of Justice should conduct an End-to-End Child Sexual Abuse Review.** While rape victims over 16 still face many barriers to accessing safety and justice, the End-to-End Rape Review has helped to improve transparency and accountability in the system, and increase awareness of the importance of specialist advocates and other support services for adult victims.

However, this review excluded child victims of rape (as well as wider sexual harms) under the age of 16, and the action plan does not reflect the distinct challenges children face to accessing safety and justice. An End-to-End Child Sexual Abuse Review should build on the Rape Review, considering wider sexual harms, and expanding in scope to span prevention and supporting children who have not yet reported the crime – right through to post-charge outcomes and the courts.

"I'm gonna have to wait until after summer for anything...And then that's two years since it happened...it's laughable how long it's taken."

- Girl, victim of sexual assault by someone she had previously considered a friend

- 20) **All published government data on sexual offences and other crimes affecting children should be broken down by the age** of the victim and offender.

Reducing the trauma of interviews and evidence-gathering

- 21) **The Ministry of Justice should develop a national framework for pre-interview preparation and needs assessment of all children and vulnerable witnesses**, with regular training, monitoring and quality assurance - building on good practice. The data presented in this report shows that police have no way of knowing whether a child's needs have been assessed, and very few forces have policies in place to quality assure the interviews.
- 22) ***Achieving Best Evidence* guidance should be reviewed and updated to make sure the focus is on children's rights** and supporting them through the interview process, including how to avoid incorrect and inappropriate language, questions that may be victim-blaming or harm-minimising, and misconceptions of consent. Interviewers must be encouraged to strike a balance between the need for evidence, and a child's rights and best interests.
- 23) **His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and HM Crown Prosecution Service Inspectorate (HMCPSI) should consistently inspect *Achieving Best Evidence with child victims***, analysing not only how effective the evidence is, but also how child-focused the interviews are.
- Police forces should be a priority for inspection if they conduct few needs assessments of children, have low numbers of ABE trained officers, low levels of quality assurance, and/or infrequently refreshed training.
- 24) **In the statutory guidance on Victim Information Requests, the Ministry of Justice should set out clearly how professionals should engage with children** to understand their views and preferences about a Victim Information Request being made, and who is best placed to receive a notice of a request on their behalf.

- The **Parliamentary and Health Service Ombudsman** should keep under review how children experience Victim Information Requests, given they are only one of two cohorts of victims who are not eligible to receive these notices directly.

"[The police] took my phone in for like a week and then I don't know what they downloaded off there."

- Girl, victim of sexual abuse in the context of a relationship aged 14

Supporting children through the criminal justice process

- 25) **Every child victim of the most serious crimes - including violence, abuse and exploitation, should have the opportunity to access specialist advocacy support, such as Child Independent Sexual Violence Advisers (ChIsvas) and Child Independent Domestic Violence Advisers (ChIdvas).** This report has shown that the vast majority of child victims of sexual and domestic abuse (at least 92%) do not have access independent advocates, despite the value of these roles for supporting victims to navigate the criminal justice system and wider support services.

"[My Child Independent Sexual Violence Adviser] would have been brilliant to have had earlier because I've gotten better since having her at just accepting the fact that it's gonna take a while...So I've just gotta focus on exams, which I have to do."

- Girl, victim of sexual assault by someone she had previously considered a friend

- 26) Once the **Ministry of Justice** has improved data on the number of children who have been through the *Achieving Best Evidence* process, as well as their needs, **the department should develop a workforce strategy for recruiting more Registered Intermediaries**, and promoting this service to police, social workers, schools and other safeguarding partners. Currently official data shows a high match rate, but not enough requests are being made. CCo data shows that on average, only an estimated 1.2% of child victims of sexual abuse, domestic abuse and serious violence had a Registered Intermediary requested for them by police.

- 27) The **Ministry of Justice should invest in supporting police forces to develop technical solutions** to the issue of victims feeling unsure about the progress of their case. Police forces

should develop online victims' portals which allow victims to regularly check for any updates, and see which officer is assigned to their case. This is already happening in some police force areas.

"In an ideal world, it would be a quick process, and...just more laid out for young people...Just some sort of reassurance that I'm not just being lost in this system, you know, because it discourages people from speaking up." - Girl, victim of sexual abuse in the context of a relationship aged 14

Delivering safety and justice – whatever the criminal justice outcome

28) The Department for Education should update *Keeping Children Safe in Education* guidance together to give **further direction to schools and professionals working with children about how to proceed when no further action is taken by police or criminal justice agencies**. While the evidentiary threshold in the criminal courts is *'beyond reasonable doubt'*, in children's social care it is *'on the balance of probabilities'*. A decision to take no further action does not necessarily mean the accused is not guilty, and safeguarding partners and schools should work together to consider what further action is needed to safeguard any children affected. In some cases, the child victim may attend the same school as the person who harmed them. While there may be insufficient evidence for charging, prosecuting or convicting, it is incumbent on schools to have robust safeguarding policies which are upheld independently of criminal justice proceedings and outcomes.

29) 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 children who have displayed harmful sexual behaviour to children's social care services.

3) Transforming the response to children and young people in need of support

Understanding need

30) The Victims and Prisoners Bill, which will soon become law, requires local areas to carry out a Joint Needs Assessment in order to develop a joint strategy for carrying out victim support functions, and to specifically have regard for children in these assessments. This change is welcome, and **guidance should support relevant authorities to consider diverse sources of data and insight into children's experiences of victimisation**. As well as official crime statistics, this should include data from schools, children's social care and health – as well as crime surveys which include children (including those who have not reported the crime), and data and insight from community-based services supporting children. These needs assessments must take into account children's many characteristics, to identify groups of children who are disproportionately likely to experience certain crimes, and ensure the right specialist services are commissioned for them.

Guaranteeing the right support

31) **Children should be able to access holistic, joined up support under one roof when they experience sexual harm**. During the passage of the Victims and Prisoners Bill, the Government committed to promoting the Child House model as an example of good practice in statutory guidance. This model, already up and running in London at The Lighthouse, should be scaled up and rolled out nationally, as other countries have done.

"The Lighthouse is amazing... it was about everything anybody who had been through something could have dreamed of."

- Boy, victim of sexual assaults by multiple adult perpetrators aged 11

32) **To support local areas to exercise their new duty to collaborate in the Victims and Prisoners Bill, government departments - including the Home Office, Ministry of Justice, Department for Education, and Department for Health and Social Care - should pool funding for child victims of crime**. This will enable more strategic, long-term and joined up funding for specialist support services for child victims, including effective prevention. This report has highlighted the

lack of specialist independent advocates for child victims of sexual and domestic abuse, which is symptomatic of a wider **gap in specialist community-based services for children**.

33) No child should be turned away from mental health support, or left waiting more than four weeks for an initial assessment of their mental health needs, and four weeks for treatment to begin in Children and Young People Mental Health Services (CYPMHS). Given the high prevalence of experiences of violence and abuse among children – and the impact of this harm on children’s health and wellbeing, **child victims should never be discouraged from seeking therapeutic support** and mental health **professionals should feel confident making sensitive enquiries**. If children do disclose sexual abuse to mental health professionals, **they should receive holistic support to recover**.

“You get really passed around as soon as you get comfortable with someone. You’ve got to talk to someone about, like, the assault and the actual event, but then like the stuff that happens after it - like if your eating is getting worse and your sleeping.”

- Girl, victim of sexual assault by someone she had previously considered a friend

34) Children’s mental health services should support police in their area to make appropriate referrals of child victims following needs assessments.

35) Children are clear that they want more prevention and early intervention support for those who harm. In the development of their joint strategies (a new requirement in the Victims and Prisoners Bill), local areas should commission interventions for children and adults who harm. These services and interventions should not divert resources away from victim support services, but be funded and commissioned in parallel. Child sexual abuse and other crimes affecting children are not inevitable.

“In the same sense that I didn’t get offered much help, neither is he [the boy who harmed her]. And he might really need it. [...] They don’t see it, and then he does it again.”

- Girl, victim of sexual assault by someone she had previously considered a friend

Annex 1: Methodology

This research brings together qualitative and quantitative data from three sources.

1) Interviews with child victims of sexual harm

The Children's Commissioner's office (CCo) worked with Dr Elly Hanson, a clinical psychologist, to interview ten victims of sexual harm in childhood in England between March 2023 and October 2023. 'Sexual harm' was chosen as the focus of this research (rather than wider crimes children and young people are subjected to) for several reasons. In 2023 the Commissioner published two in-depth pieces of research on the impact of pornography on children, including the link with harmful sexual behaviour. This research therefore builds on this work to consider the experiences of child victims of sexual harm. Sexual harm is also highly prevalent among children: under-18s make up one-fifth of the population in England and Wales, but two-fifths of victims of recorded sexual offences.⁴³ While this report is illustrative of the barriers that many child victims of other crimes also face, the nature of sexual harm means that some of the challenges are specific to this crime type.

Interviews were semi-structured, and lasted approximately 1-2 hours on average. Children and young people were not asked to speak about the sexual harm they had experienced in detail if they did not want to.

The minimum age for participation was 13, and was inclusive of young adults with recent experience of sexual harm during childhood. Children and young people were not excluded based on the type of sexual harm they experienced, or whether the abuse was perpetrated by another child or adult.

Children and young people were invited to participate via specialist support services they were in contact with. All children and young people that were interviewed had received some form of support around the abuse they had experienced.

In recognition of children and young people's time, expertise, and the emotional energy needed to participate in research of this kind, interviewees were offered a gift voucher as thanks for their contribution.

The interviews were then analysed by the interviewer and CCo team to draw out key themes and quotes.

Overview of the interview participants:

- 9 / 10 interviewees were girls, and one was a boy.
- The age range was 15 to 25 at the time of being interviewed by the CCo. Children and young people experienced abuse between the ages of 7 – 16.
- Interviewees lived in the South West, South East and East Midlands.

2) Transcripts of *Achieving Best Evidence* police interviews with children

The Children's Commissioner's Office (CCo) gained permission from one English police force to review a sample of *Achieving Best Evidence* (ABE) transcripts of interviews with children who have been harmed and children who have harmed another child.

These were originally supplied to CCo as part of the May 2023 paper *Evidence on pornography's influence on harmful sexual behaviour among children*. However, the CCo was keen to understand the extent to which ABE interviews were being conducted in a child-centred way, and gained permission to re-analyse these interviews with this aim.

379 transcripts of video-recorded interviews were collected under Section 2F of the Children Act 2004. These are interviews which are conducted under the Ministry of Justice's *Achieving Best Evidence in Criminal Proceedings (ABE)* guidelines, where the recording is intended to be played as the witness's evidence-in-chief in court, meaning they do not need to repeat all the details of the offence in court. The 379 ABE transcripts relate to 307 children in 179 cases.^{xiii} Transcripts were then manually categorised as interviews with children who have been harmed (victims) or who have harmed another child.

34 transcripts were identified as in scope for this research as defined by the following criteria:

- Subject of the interview is a victim
- Interview took place since 2018

^{xiii} Details of anonymisation and initial data cleaning are available in the May 2023 report.

Of these, 20 were read in full and analysed in detail by 3 researchers. The full findings of this research are published alongside this report.⁴⁴ In some cases minor edits have been made to the transcripts to correct syntax or remove repetition.

3) Data gathered from police forces in England and Wales

The Children's Commissioner requested data from police forces in England and Wales under Section 2F of the Children Act 2004. This legislation enables the Children's Commissioner to gather information from public bodies to inform her work. All 44 police forces in England and Wales, including the British Transport Police, responded to the request within the required timeframe (November 2023 to January 2024). Data was requested using a closed survey using the secure, online SmartSurvey platform.

The survey included a series of force-level questions including the number of crimes involving a child victim of a) sexual violence b) domestic abuse and c) serious violence reported in the 2022-23 and how many referrals had been made during this time period, whether central records are kept of whether child victims had a video-recorded interview, whether a pre-interview needs assessment was conducted and whether a social worker was present, and the proportion of staff that had been trained in conducting video-recorded interviews with child victims.

Annex 2: Quantitative and qualitative metrics for Victims' Code monitoring and compliance

Key quantitative metrics:

- Children's **knowledge and awareness of the Victims' Code**.
- Centrally recorded data on the **number of child victims**, and the **number of video-recorded interviews** with children.
- Centrally recorded, standardised data on **children's needs assessments** (whether they have taken place, and what their identified needs are).
- Number of applications for a **Registered Intermediary**, and number of successful matches.
- Number of children **referred onto support services**, types of support services children are referred onto, and length of time before they started to receive support (including specialist independent advocacy).
- Number of children offered and accessing **Restorative Justice**.
- Number of children accessing **compensation and expenses**.
- Length of time children wait to have their **personal property returned**.
- Timeliness:
 - Proportion of children **referred onto support services within 2 working days**, and average length of time to be referred.
 - Proportion of children who **are informed of key decisions and updates in their case within 1 working day**, and average length of time children wait to be updated.
- Workforce
 - Proportion of **police officers who are trained to carry out Achieving Best Evidence (ABE) interviews**, and the regularity of this training being updated.
 - Proportion of ABE interviews which are **reviewed and quality assured**.
 - Proportion of ABE interviews carried out with a social worker present.
- Proportion of eligible children assigned a **Victim Liaison Officer**.
- Proportion of eligible children offered support from a **Youth Offending Team**.
- Proportion of eligible children assigned an **Independent Public Advocate**.

Key qualitative metrics:

- Children's **knowledge and awareness of the Victims' Code**.
- Where applicable, **children's experiences of disclosing the crime** to a trusted adult or professional.
- Children's experiences of **reporting the crime** to the police.
- Children's experiences of the **needs assessment**.
- Children's experiences of the **video-recorded interview**.
- Children's experiences of the **investigation**, with a focus on levels of satisfaction with **communication and timeliness** of updates and key decisions.
- Children's experiences of **Restorative Justice**.
- Children's experiences of **victim support services**.
- Children's experiences of the **court process**.
- Children's experiences of **'No Further Action'** decisions.
- Children's experiences of **Victim Liaison Officers**.
- Children's experiences of **Independent Public Advocates**.
- Children's experiences of **Registered Intermediaries**.
- Children's experiences of **specialist advocacy services**.
- Children's experiences of **parole board** and the **offender being released**.
- Children's **complaints** and what action was taken.
- Whether or not children **would choose to report the crime again** if they could go back in time.

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- > [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)

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