

Crime and Policing Bill

Parliamentary Briefing

October 2025

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The Children's Commissioner's briefing on the Crime and Policing Bill

Dame Rachel de Souza, the Children's Commissioner, has a statutory role sitting at the heart of Government, delivering for children, and championing their voices and needs. Her role was established by the Children Act 2004, and strengthened by the Children and Families Act 2014.

The Children's Commissioner wants England to be the best place for children to grow up. Every child should feel safe and protected in their local area. However, this is not the case for too many children. In the Commissioner's Big Ambition survey, only 66% of children aged 12 to 18 said they felt safe and protected in their local area and 75% of children said they felt safe when they went online.

The Commissioner believes that the Bill, alongside wider statutory safeguards, is a welcome step towards improving the safety, protection and wellbeing of children and young people. The exploitation and abuse of children is an abhorrent crime that requires a coordinated multi-agency approach to ensure early identification and prompt, effective intervention so that no child is overlooked. However, there are a number of areas that the Commissioner believes should be strengthened and on which she would like to see more detail.

The Commissioner would greatly welcome the opportunity to speak with you in more detail on any issues raised here or in the Bill more generally. Please get in touch with Joe Lane, Deputy Director for Projects and Delivery (joe.lane@childrenscommissioner.gov.uk), with any questions.

Summary of key amendments the office supports

The office believes the Bill is important but that it could be strengthened in a number of areas. In particular:

- The office strongly supports an amendment that removes clause 40(1)(b). This ensures that any individual who exploits a child into violence and criminality, regardless of the child's perceived age, is held accountable.

- The office strongly supports an amendment that captures all image-generator tools that are capable of creating child sexual abuse material.
- The office supports amendment NC103, tabled by Sarah Champion in the House of Commons, which inserts an additional clause creating an offence to publish, allow or facilitate the publishing of pornographic content online which meets the criteria for harmful material under section 368E(3)(a) and section 368E(3)(b) of the Communications Act 2003.
- The office supports amendment NC9, tabled by Sarah Champion in the House of Commons, which requires training for anyone subject to a mandatory reporting duty under Clause 66(1).
- The office supports an amendment to compel the Secretary of State to issue guidance on how professionals working with children can identify and respond to abuse in children's intimate and sexual relationships.
- The office supports an amendment for a separate criminal offence to exist for wilfully concealing, or attempting to conceal, child sexual abuse.

Additionally, the office recommends the following changes are necessary:

- A comprehensive national strategy to address the criminal exploitation of children through a co-ordinated multi-agency approach.
 - A comprehensive reform of the National Referral Mechanism (NRM) system and the introduction of an automatic referral pathway for victims of child criminal exploitation, cuckooing and internal concealment.
 - A new Children's Plan platform delivered alongside the Unique ID. This should outline children's needs, set out the support they are entitled to and help coordinate all multi-agency support for a child.
 - Mandatory safeguarding referrals for any child arrested or suspected of criminality.
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Part 4: Criminal Exploitation of Children and Others

Chapter 1 Child Criminal Exploitation (CCE)

The office strongly welcomes the new offence of child criminal exploitation. The criminal exploitation of children is a complex type of child abuse, with its true scale undercounted.

Removing Clause 40(1)(b) to protect child victims

The office strongly supports an amendment that removes clause 40(1)(b). As currently drafted, the new offence would not apply where the victim is aged 13 or older and the perpetrator reasonably believed that the victim was an adult. The office is clear that where an adult exploits a child to engage in criminal activity that should always be a mandatory criminal offence, regardless of the child's perceived age.

This amendment is especially pressing considering the government's response to the *National Audit on Group-based Child Sexual Exploitation*¹ and acceptance of its first recommendation to introduce mandatory charges of rape.² This because the reasonable belief test in the new offence risks recreating the same grey areas that Baroness Casey identified with the current law around child sexual exploitation.

Without its removal, there is a significant risk that similar perverse outcomes in practice may emerge, with perpetrators attempting to undermine the credibility of vulnerable victims by focusing on the child's appearance or behaviour. This is of particular concern as perpetrators often target vulnerable children who, due to past traumas, may be seen as more mature and less innocent, and disproportionately affects children of black and mixed heritage.³ Failing to remove clause 40(1)(b) will severely undermine the effectiveness of this new offence.

Automatic National Referral Mechanism (NRM) referral pathway for victims of CCE

The office recommends introducing an amendment requiring that, when an individual is convicted of CCE under Clause 40, a National Referral Mechanism (NRM) referral must be mandatory for any identified or suspected child victim.

However, alongside this, the NRM system itself must be fundamentally overhauled and reformed to provide meaningful protection and support to victims. Currently, the existing measures in the Bill focus

solely on targeting exploiters and fails to protect and support children who are victims of exploitation and in conflict with the law. Any reform must provide clear pathways for victims of CCE, cuckooing and internal concealment to ensure that they receive timely and effective access to appropriate supports.

A comprehensive national strategy and guidance on CCE

A comprehensive national strategy to address the criminal exploitation of children must accompany this new offence. This strategy should include a co-ordinated multi-agency approach to help improve the identification of children at risk and allow for a more thorough assessment of need, including CCE's connection to particular offences, such as Clause 56 Cuckooing and Clause 59 Internal Concealment.

Additionally, Clause 60 Guidance should be amended from 'The Secretary of State may issue guidance' to 'The Secretary of State must issue guidance'. Clear guidance, case studies and best practice examples is necessary to support practitioners, services and systems recognise the wide range of criminal exploitation of children and take appropriate action. It should also address safeguarding children and their families from repercussions as well as considering safeguarding in family contexts such as older and younger sibling relationships.

For guidance in connection with CCE prevention orders, the office recommends that relevant officers must consider the wider network of individuals involved and any patterns indicating exploitation involving multiple people. This ensures that the prevention order can effectively prevent perpetrators from circumventing enforcement by getting others within their network to continue the exploitation.

Mandatory safeguarding referrals for any child arrested or suspected of criminality

The office recommends inserting a new broader clause that any time a child is arrested or suspected of criminality by the police, a mandatory multi-agency safeguarding referral and review must be triggered. This will help improve detection of criminal exploitation, ensure the youth justice system adopts a safeguarding first approach and support the use of CCE prevention orders.

Mandatory safeguarding referrals for Clause 44 CCE Prevention Orders

The office strongly welcomes the introduction of the CCE prevention orders. However, the office recommends inserting an amendment that where a court makes a CCE prevention order under Clause

44, the relevant authority must immediately refer any identified or suspected child victim to the relevant safeguarding process outlined in the new national strategy for CCE.

Introduce a Children's Plan

A new Children's Plan platform should be delivered alongside the Unique ID. This should create a new platform for establishing children's needs and setting out the support they are entitled to. Any plan for ongoing support offered to a child should be set out through the Children's Plan.

This plan should help coordinate all multi-agency support for young people and enable state services to understand the wider context of children's lives. It should also give schools the ability to commission support services from health and social care when children's attendance starts to deteriorate.

Chapter 2 Cuckooing

Safeguarding referrals for children charged with cuckooing

The office strongly welcomes the new offence that criminalises those who exert control of another's home for criminal purposes. However, there are serious concerns that vulnerable children who are victims of CCE could be unjustly criminalised under this new offence. These children could be found at the property by police, increasing the risk of them being charged with cuckooing instead of those higher in the chain who are directing the control of the property and the exploitation of these children. To prevent this, any child suspected of committing an offence under this new clause must receive an automatic safeguarding referral and review for CCE.

Automatic National Referral Mechanism (NRM) referral pathway for victims of cuckooing

The office is concerned that despite the introduction of the new offence of cuckooing, there remains the risk that victims of cuckooing – those whose homes are used for criminal activity - may not receive the necessary supports. This issue is particularly concerning for 16- and 17-year-olds in independent housing, who are especially vulnerable to cuckooing and are recognised under Clause 57(5)(a) as being unable to give consent. A comprehensive reform to the NRM system is necessary and must include mandatory referrals for victims, with clear pathways to ensure they receive timely and effective access to appropriate supports.

Statutory guidance for cuckooing

The office strongly recommends that cuckooing is supported by statutory guidance for relevant stakeholders, including housing boards and police, to safeguard victims of cuckooing and ensure a co-ordinated multi-agency approach. Despite cuckooing being recognised as a criminal offence under the new Bill, there is concern that victims may still be left vulnerable without clear, consistent statutory guidance on the support they should receive.

Part 5: Sexual Offences and Offenders

The Children's Commissioner welcomes the steps the government is taking in this legislation to improve the identification of child sexual abuse, and protection of child victims. Child sexual abuse is a horrific crime. Despite being tragically prevalent in our society, it often remains a hidden harm: far more children are sexually abused than official police data suggests. The true prevalence of victimisation is estimated by the Centre of Expertise on Child Sexual Abuse to be upwards of half a million children a year in England and Wales. Indeed, when you look across the whole life course – children are disproportionately likely to be victims of sexual offences when compared to adults. Despite the prevalence of this harm, children are too often let down by the adults and professionals who should be protecting them.

Chapter 1 Child Sexual Abuse

Strengthening Clause 63 Child sexual abuse image-generators

The office strongly welcomes addressing the alarming rise in AI-generated images of child sexual abuse material and criminalising moderators and administrators of websites that host child sexual abuse material. The office strongly supports an amendment that clarifies Clause 63 so that image-generator tools that are not “optimised” to create child sexual abuse material - but are nonetheless capable of creating it - are in scope of the Bill.

Criminalising harmful online pornographic content

The office supports amendment NC103, tabled by Sarah Champion in the House of Commons, which inserts an additional clause that makes it an offence to publish, allow, or facilitate the publishing of pornographic content online that meets the criteria for harmful material under section 368E(3)(a) and section 368E(3)(b) of the Communications Act 2003.

It is the view of the Children's Commissioner that no child should be exposed to pornographic content, and the Commissioner is concerned that children and adults are still being exposed to harmful pornography online which would not be legal to publish offline. This is despite the recently announced duties on pornography providers to put in place Highly Effective Age Assurance to prevent children from accessing pornographic content on these sites and it is despite recent legislative changes made in the

Online Safety Act. The Commissioner wants there to be parity to the regulation of pornography in both online and offline publications. Extremely harmful genres of pornography such as incest porn and scenes in which adult performers portray themselves as children, which are illegal to distribute in offline formats like DVDs, are still legal to publish on online platforms like pornography websites.

Chapter 2 Duty to report suspected child sex offences

Last year, the office worked with child victims and survivors of sexual abuse, to understand their experiences accessing safety and justice.

The office welcomes measures to better protect children and increase accountability for their safety. If implemented in the right way, mandatory reporting has the potential to increase the number of child victims of abuse who are identified and supported, as well as increasing identification of perpetrators. The office responded to the Home Office consultations on mandatory reporting, setting out that to be effective, this law change but be implemented in tandem with:

Protection of safe spaces and services which support children to disclose

It is essential that children who have experienced abuse feel able to access support services and can build trusting relationships with adults and professionals who can help them. In the Children's Commissioner's own work with child victims of sexual harm, children spoke about how they wanted to get help without feeling pressure to disclose or report the harm right away. One girl, who was sexually abused by a family member when she was 7, said *"there should be like a space where [young victims are] open to talk about their feelings, but without feeling pressured to report it straight away...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."* The introduction of this duty must not have the unintended consequence of fewer children seeking support.

The office welcomes Clause 78, which empowers the Secretary of State to provide for limited circumstances where specified services for child victims would be exempt from the duty, where the service they provide is protecting the safety and/or wellbeing of the child. This might include services providing confidential advice and support to child victims, such as helplines and online chat services.

Clarity on the exemptions, including new statutory guidance to enable mandated reporters to assess whether children's sexual and intimate relationships are "consensual", or if they are abusive.

The office strongly supports Baroness Casey's recommendation to introduce mandatory charges of rape in the *National Audit on Group-based Child Sexual Exploitation*.⁴ Any adult who intentionally penetrates the vagina, anus or mouth of a child under 16 must receive mandatory charges of rape.

Guidance should be provided to those professionals subject to the mandatory reporting duty on ways to assess the extent to which young people's sexual and intimate relationships are consensual. This includes 16- and 17-year-olds, who despite being above the age of consent, may not be in a consensual sexual or intimate relationship. Professionals must be equipped to identify abuse in younger people's relationships to ensure this exemption does not have unintended perverse consequences and that there is no confusion or delay when a child is at risk of abuse.

The office supports an amendment to compel the Secretary of State to issue guidance on how professionals working with children can identify and respond to abuse in children's intimate and sexual relationships. This guidance is essential for professionals to feel confident in assessing whether sexual activities between children can be considered "consensual" and therefore exempt from mandatory reporting duties, so that no child at risk of abuse is missed.

Appropriate and proportionate sanctions

It is important that the introduction of this duty includes appropriate and proportionate sanctions. The duty must provide clear guidelines on when failure to uphold the duty warrants civil sanctions, and when it amounts to a criminal offence.

The office supports the government's proposal to apply professional and civil sanctions to those who fail to make a report under the duty. This will help to avoid creating a defensive, fear and blame-based child protection sector, and increasing unsubstantiated reports by mandated reporters looking to cover themselves 'in case' a child has been harmed. This could not only put children at risk but could divert resources away from children who have been victimised.

Where it can be proved that deliberate action has been taken to obstruct a report being made, criminal sanctions are most appropriate. However, it is important that in the application of sanctions, clear accountability is established.

The office supports an amendment that creates a new offence for wilfully concealing, or attempting to conceal, child sexual abuse. The act of concealment – whether that be concealing abuse someone has discovered themselves or has been reported to them by another person – should face strong criminal penalties.

Sufficient investment in training of mandated reporters

The office supports amendment NC9, tabled by Sarah Champion in the House of Commons, which requires training for anyone subject to a mandatory reporting duty under Clause 72(1). It is essential that all professionals and adults working with children are properly trained and supported to identify harm and respond appropriately to disclosures of sexual abuse. The introduction of mandatory reporting only makes the need for this training more fundamental, particularly given the breadth of professionals subject to the duty – which includes volunteers.

This training should equip professionals with the skills to effectively communicate with children their responsibilities under the new duty, at the appropriate time. In the office's research into children's experiences as victims of sexual abuse, children talked about how the fear they would lose control of their story can be a barrier to disclosing or reporting sexual abuse.

References

¹ Home Office, Independent report National Audit on Group-based Child Sexual Exploitation and Abuse. Accessed 18 July 2025. [Link](#).

² Home Office, Independent report Government response to the National Audit on Group-based Child Sexual Exploitation and Abuse report. Accessed 18 July 2025. [Link](#).

³ Independent Office for Police Conduct (IOPC), Bitesize learning: Adultification. Accessed 10 June 2025. [Link](#).

⁴ Home Office, Independent report National Audit on Group-based Child Sexual Exploitation and Abuse. Accessed 18 July 2025. [Link](#).



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