

Reflections on Child Sexual Exploitation Action Plans

22 October 2015

Background

- The UN Convention on the Rights of the Child recognises that children as rights-holders have special rights to protection from abuse, exploitation and trafficking and to be supported in their recovery from abuse. In 2008, the UN Committee stated that government must improve data collection on sexual exploitation and ensure that children subject to abuse are treated as being in need of recovery, not as offenders.¹ Last year the Committee again stated that government needed to improve data gathering as well as to strengthen legal protections for children, incorporate related subject areas into the school curriculum, improve conviction rates and ensure that sufficient resources are provided.²
- The Independent Inquiry into Child Sexual Exploitation in Northern Ireland was initiated by the Ministers for Health, Justice and Education in 2013 and published its report in November 2014.³ The three Ministers made a commitment to develop action plans in order to implement the Inquiry recommendations. The Department of Justice (DoJ) released its plan in March, Health (HSC) in May and Education (DE) in June 2015. A Cross-Departmental and a revised DoJ plan were published during summer 2015. More recently a revised Education Action Plan and a Composite Plan have been made available.
- The Commissioner welcomes the commitment made by departments and statutory agencies to take forward the Inquiry recommendations but, in reviewing the action plans produced to date, has a number of concerns regarding the implementation process. **NICCY is concerned the process is fragmented, inconsistent and must more directly address the substance of the Inquiry findings.**

¹ Committee on the Rights of the Child (2008) Concluding observations on the Third and Fourth Periodic Reports of the United Kingdom of Great Britain and Northern Ireland.

² Committee on the Rights of the Child (2014) Concluding observations on the UK report on the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography.

³ The Inquiry was initiated following the police investigation known as 'Operation Owl' into cases of Child Sexual Exploitation (CSE) involving 22 'looked after' young people. At the time the Inquiry was announced the Health Minister also directed the Safeguarding Board to undertake a Thematic Review into the cases investigated as part of Operation Owl. The Thematic Review is yet to be published.

Fragmented implementation

- There has been a **proliferation of action plans**. To date there will be **seven** forms of action/implementation plans (three departmental plans, one Cross-Departmental Plan, a Composite Plan, SBNI will produce an Implementation Plan and a Regional CSE Strategy and an Implementation Plan is also being developed).
- **Cross cutting recommendations were not fully addressed** in the original plans. For example, none of the documents addressed the recommendation that the NI Assembly, through OFMDFM, should reaffirm its commitment to prevention and early intervention services. The Composite Plan includes this but does not list any associated actions, timeframes or outcomes. The Cross-Departmental Plan includes some recommendations designated to more than one of the three departments but does not address the four Inquiry all agencies recommendations (including the recommendation on working with communities to build trust).
- The original departmental action plans did **not include all recommendations** designated to their specific areas. For example, DE did not include 3 of 4 supporting recommendations for schools (including the recommendation on vigilance and reporting regarding forced marriage) and the DoJ Plan does not include a number of PSNI and PPS recommendations (such as, recommendations that prosecutors receive regular training on child abuse and CSE and that PSNI increases perpetrator profiling). Within the Composite Plan, while all recommendations are listed, a number of these have no actions or timelines against them. This includes the Justice recommendations referenced above and all recommendations made to the Safeguarding Board. The Composite Plan does not include the Education and Training Inspectorate recommendations which are incorporated into DE's Action Plan.⁴
- **Not all recommendations are accepted**. For example, DE has only partially accepted the recommendation that they should develop a register of quality assured agencies or programmes to provide schools with support to deliver the preventative curriculum⁵ and are reviewing the recommendation that the statutory personal development curriculum should specifically reference CSE.⁶ DoJ have not accepted that the recommendation to require legal bodies to ensure there is mandatory CSE training for legal professionals dealing with child abuse cases is within their remit.

⁴ The Education and Training Inspectorate made five recommendations in their 2014 report 'An evaluation of preventative education and the statutory curriculum to inform the Independent Inquiry into Child Sexual Exploitation'.

⁵ DE state that this is not viable but that it has hyperlinks to voluntary agencies on its website.

⁶ DE state that this requires legislative change which will be considered as part of a curriculum review and in the interim CSE will be referenced in the new RSE guidance.

It is difficult to navigate across the plans, to track recommendations or to establish that a holistic and integrated approach to implementation is being taken. NICCY acknowledges that this structural problem is, in part, addressed by the production of a Composite Plan but remains concerned that all the Inquiry recommendations must be properly and transparently addressed through one integrated overarching action/implementation plan process. In instances where a recommendation has not been fully accepted, a detailed rationale for this should be provided. NICCY also notes that all action plans should be dated and this must include the date of any revisions made to documents.

Inconsistent approach

- **Implementation plans are not consistent** in their approach. For example, only Justice has included outcomes against which progress is to be measured and only HSC includes costs of implementation. The Composite Plan does not contain any outcomes for implementation.
- **Accountability lines** between departments and their ‘families’ of statutory bodies are unclear. For instance, the HSC Plan states the Safeguarding Board will produce their own Implementation Plan although actions related to Health and Social Care Board and Health and Social Care Trusts recommendations are included. The RQIA recommendation to consider peer inspectors in children’s homes is not referenced and DHSSPS also passes ownership of some recommendations to the Safeguarding Board.⁷ Within the Composite Plan, recommendations for RQIA and SBNI are not populated and no target dates for these recommendations are given.

NICCY is concerned that all plans should be based on improving outcomes for children and strengthening safeguarding arrangements. The implementation of all recommendations should be tracked across ‘families’ of statutory agencies.

Substance of plans

- Detail regarding recommendations can be **descriptive** of current positions or work rather than substantive. For example, DE in “ensuring with other departments that there are appropriate safeguarding arrangements for children in all non-statutory settings” states that independent schools will receive revised RSE guidance and that Education Authority guidance for Elective Home Education will consider this issue.⁸ No indication of further processes to assess adherence to and the effectiveness of guidance in ensuring appropriate safeguarding arrangements are in place is given.

⁷ This includes the all agency recommendation to engage with local communities and build up trust.

⁸ The Cross-Departmental Plan includes this recommendation but does not reference Independent schools or Elective Home Education.

For instance, DHSSPS in exploring “the benefits of amending or adding to standards for inspection of children’s homes” to ensure they promote children’s best interests and reflect the needs of separated children and those at risk of CSE notes it will not alter the standards but will issue guidance. While the Inquiry does not state that the Department “should” amend the standards, it is unclear how the production of guidance will be integrated into ongoing inspection processes to specifically monitor how homes are promoting a culture conducive to children’s best interests and taking account of the needs of these vulnerable groups.⁹

The HSC Plan in addressing the recommendation that the Health and Social Care Board “should adopt a strategic approach to the provision of support services for those who have been subject to CSE, to ensure equality of access” states simply that the development of a strategic framework is being considered with a timeline of November 2017 noted. The processes and resources that are being dedicated to ensure that all children who are in need of services can access these is not outlined.

For example, Justice in establishing a forum to “examine how changes in the criminal justice system can achieve more successful prosecutions of perpetrators of CSE” and in leading a project to examine legislative changes, notes it will hold a workshop/s to examine whether there are potential CJS changes and bring forward legislative changes if appropriate. This is of concern when such changes have already been identified by the Inquiry and prior to this a range of bodies, including the UN Committee on the Rights of the Child.¹⁰ The outcomes for these recommendations do not include a strengthened legislative framework or an increase in successful prosecutions.

- **Timelines** for actions are at times extended when considering that the Inquiry Report was published in November 2014. For instance, Justice in examining how more successful CSE related prosecutions can be achieved states that workshop/s will be held by March 2016. DE note that a records management policy for schools will be issued 31 March 2016 and Health state they will revise Circular HSS CC 3/96 Information Sharing about Individuals who may pose a Risk, with accompanying guidance by March 2016. The CSE Regional Strategy and Implementation Plan is timetabled to be issued in June 2017.

⁹ NICCY’s 2013 submission to the Children’s Homes Minimum Standards consultation had previously recommended that standards must address the particular needs and circumstances of separated children subject to immigration control, those at risk of CSE and those at risk of suicide.

¹⁰ 2014 Concluding observations on the UK report on the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography. See also 2008 Concluding observations on the Third and Fourth Periodic Reports of the United Kingdom of Great Britain and Northern Ireland.

Implementation should be timely and must address the full substance of the Inquiry's findings and recommendations in order to strengthen safeguarding arrangements.

NICCY's Key Concerns

- There must be a **single integrated and coordinated implementation process**, based on a child rights approach.
- This should include identified **outcomes for children and young people** that are reported against.
- **Funding and resourcing** for implementation should be identified and protected.
- There should be clarity about the implementation processes that are in place for **learning from 'Operation Owl' and the SBNI Thematic Review as well as the Inquiry.**

NICCY's call

- Government must put in place **independent oversight** to ensure that recommendations and learning from CSE inquiries and investigations are being properly implemented and are strengthening protection and support for children.
- This mechanism must not only reference implementation plans and reports but also include feedback and direct experience of young people and those working directly with them.