

Sexual exploitation of children and young people

Date of Advice: **13 March 2014**

Advice no: **1597**

This advice is endorsed by the: Assistant Director, Child Protection, Statutory and Forensic Services Design.

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Introduction and purpose

This advice provides information for child protection practitioners and managers regarding Child Protection clients who are identified or believed to be at risk of sexual exploitation, the relevant policy and practice requirements, and strategies to prevent or disrupt persons perpetrating the exploitative activity.

Children and young people who are clients of Child Protection, in particular but not limited to those in out of home care and leaving care, are at risk of being sexually exploited. Understanding and managing these risks can at times be challenging for child protection and out of home care practitioners and police.

Legislation

Note: Use the Legislation link on toolbar to access full text versions of the legislation. Any sections of an Act noted in this Advice are partial references only and should not be relied on. Practitioners should refer to the Act for full details.

Children, Youth and Families Act

Children, Youth and Families Act 2005

Part 1.2 - Principles

- s. 10 Best interests principles
- s. 11 Decision-making principles
- s. 12 Additional decision-making principles

Part 6.1 – Offences relating to the protection of children

- s.495 Offence to harbour or conceal a child
- s.496 Offence to counsel or induce child to be absent without lawful authority
- s.497 Offences in relation to community service

Other relevant legislation

- *Family Violence Prevention Act 2008*
- *Personal Safety Intervention Order Act 2010*
- *Information Privacy Act 2000*

Charter of Human Rights and Responsibilities

Charter of Human Rights and Responsibilities Act 2006

All employees of the Department of Human Services have responsibilities created by the Charter. The particular responsibilities will vary depending on work role, however all departmental employees are expected to be familiar with the Charter and their consequent responsibilities, and should actively:

- encourage actions which are compatible with the Charter
- support others to act compatibly with the Charter
- respect and actively promote the Charter to clients, external service providers and departmental staff.

It is essential for Child Protection practitioners and managers to include consideration of human rights in decision-making for children and families. This applies to all aspects of Child Protection work and all decision-making regarding children and families. Refer to practice advice number 1568, 'Human Rights and Child Protection' - see Related content.

Standards and procedures

Terms and definitions

Sexual exploitation

Sexual exploitation of children is a form of child abuse as children and young people who become involved face significant risks to their physical, emotional and psychological health and well-being (Pan-London Child sexual Exploitation Operating Protocol, Metropolitan Police, March 2013)

Sexual exploitation of children is defined as:

“...children and young people under 18 being involved in exploitative situations, contexts and relationships where the young person (or third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities.

Child sexual exploitation can occur through the use of technology without the child's immediate recognition: for example being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain.

In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social, economic and/or emotional vulnerability”

(Tackling child exploitation: helping local authorities to develop local responses. Barnardo's 2012)

Grooming

It is common for a person with intent to sexually exploit a child or young person to make efforts to condition and build rapport with the child in order to reduce their resistance to, and increase compliance with, sexual exploitation. This is known as 'grooming behaviour' and, whilst difficult to isolate, it is important that practitioners have an understanding of this behaviour pattern.

Grooming behaviour may include:

- inappropriate 'accidental' touching
- giving gifts or attention for inappropriate purposes

- exposing the child to pornography or sexual acts (either openly or 'accidentally')
- talking about sex inappropriately in front of a child
- manipulating a child through threats or the misuse of authority.

Sexual exploitation template

The sexual exploitation template is a tool to support the collation of concise and relevant information regarding incidents of sexual exploitation concerning the person of interest, the child or young person, and the sharing of this information with Victoria Police.

It is a joint Child Protection and Victoria Police document and contains specific questions for child protection to consider and answer to support consideration of the need for police to conduct an investigation.

Upon being reviewed at a divisional level, the completed template must be forwarded to the Office of Professional Practice. Further analysis is undertaken by this office to determine if statewide links to other young people and persons of interest exist. Thereafter it is forwarded to Victoria Police Sexual Crimes Squad.

Undertaking similar analysis to determine if persons of interest are known to police, an Information Report is completed by the Sexual Crimes Squad and forwarded to the appropriate Sex Offences Child Investigation Team (SOCIT) for action.

Disruption

Disruption is defined as police applying laws to a person in relation to matters other than sexual exploitation such as traffic or drug offences, when intelligence suggests that the person is perpetrating acts of sexual exploitation upon children. Police may have had difficulty investigating the person's suspected involvement in sexual exploitation of children due to the children involved being unwilling or unable to make a formal statement to police.

Person of interest

For the purposes of this advice, a person of interest is defined as someone known or suspected to be sexually exploiting a Child Protection client. It also refers to someone police would like to speak with or investigate further in relation to a crime.

A person of interest may or may not have convictions for child or other sexual offences or be subject to restrictions or monitoring by police or other agencies.

Registered sex offender

A person convicted of sex offences against children (and other serious sexual offences) and monitored by Victoria Police (or equivalent state or territory police force) pursuant to obligations under the Sex Offender Registration Act 2004 or equivalent state and territory legislation – refer to practice advice 1581, 'Children in contact with sex offenders' – see Related content.

Victoria Police Sex Offences Child Investigation Team

Within Victoria Police, SOCITs have primary responsibility for local investigations of allegations and concerns of sexual abuse and exploitation.

Operating within set geographical boundaries, the 27 SOCITs across the state work to where the abuse or exploitation occurred, not necessarily where the child or young person resides – refer to 'Protecting Children: Protocol between Department of Human Services and Victoria Police'- see Related content.

Victoria Police Sexual Crimes Squad

The Sexual Crimes Squad has a statewide role in the investigation of serious sexual offences and has a liaison function across Victoria Police, government and other relevant agencies. It also maintains intelligence on individuals or groups involved in sexual exploitation, child pornography, other online offending, or sexual abuse.

Identifying children and young people at risk of sexual exploitation

Children and young people at risk of sexual exploitation are often identified as being at high risk due to a range of activities or behaviours they are engaging in or exhibiting – refer to practice advice 1014, ‘High risk youth (HRY) – practice requirements’- see Related content.

Children and young people at risk of sexual exploitation include males and females and may include those with disabilities. Children and young people who are victims of sexual exploitation may be encouraged or enticed to procure (recruit) other young people known to them, including co-residents, for the purpose of sexual exploitation.

Indicators or signs that a child or young person may be at serious risk of, or is already being sexually exploited, include where they:

- are absconding from their care setting or time spent at placement being irregular
- are being picked up in cars by unknown adults from residential care units
- are associating with other young people who are involved with older men, or are known to be sexually exploited
- are associating with young people who are highly sexualised, accessing or being fixated with on-line pornography, having open and indiscriminate sexualised friendships or being preoccupied with sexual matters
- are receiving or sending sexually explicit messages and images via text or other internet based social media sites
- believe they are in a loving romantic relationship with an adult
- have experienced significant childhood trauma, including sexual abuse
- have disengaged from supports
- have significant drug and alcohol misuse or are mixing with persons involved in these activities
- have mental health concerns and/or are experiencing a deterioration in their mental health after being missing from their residential or other placement
- have money or goods that have come from unknown sources.

Responding to information that a child or young person is being sexually exploited

High risk youth schedule

Young people who are being sexually exploited are amongst our most vulnerable Child Protection clients. Consideration should be given to young people confirmed, or strongly suspected of being, sexually exploited, being placed on the divisional high risk youth schedule - refer to practice advice 1014 ‘High risk youth (HRY) – practice requirements’ – see Related content.

Placement of the child or young person on the HRY schedule enables support and direction for case practice through rigorous review of the case history, planning, intervention and outcomes. It also facilitates, multidisciplinary collaborative problem-solving and assists identifying effective future interventions and risk management strategies - refer to practice advice 1594, ‘High risk schedules and panels for infants and youth (HRI and HRY)’ – see Related content.

It is essential that information about the child or young person presented at the panel is contemporary and that movement on and off the schedule and between levels of risk is supported by case notes that record the rationale for decisions and as a record of associated activity.

With the support of the practice leader, the child protection area manager is responsible for the day to day management of the HRY schedule, determining those children or young people to be registered or deregistered as the need arises.

The team manager, practice leader and area manager therefore need to ensure that:

- the assessment leading to the development of the young person's case and crisis management plan is contemporary and informed by utilising key content experts in the area of sexual exploitation
- co-ordination and engagement with Victoria Police is active and robust
- the case plan identifies and allocates resources, tasks and responsibilities
- each child or young person residing in out of home care has a robust and multi-disciplinary care team
- each child or young person has a crisis management plan that has clearly defined roles and responsibilities, and ensures cross program and sector communication, coordination and joint planning.

Critical client incident reporting requirements

Upon receiving information that a child or young person has been sexually exploited, care or case management staff must complete an incident report. Please refer to practice advice 1046, 'Department of Human Services incident reporting system' – see Related content.

Sexual exploitation information template

When a child or young person is identified to be at risk of sexual exploitation the child protection practitioner, must:

- immediately inform SOCIT via phone or email of the exploitative activity (sexual abuse)
- conduct a thorough review of the child or young person's file to assess historical trauma and the impact it may be having upon the child or young person's current presentation
- consult with the divisional or statewide principal practitioner
- convene a care team or professionals meeting to gather information on the exploitation and formulate appropriate risk and management strategies
- enter into a sexual exploitation template all contextual and collated information relating to the exploitation, specifically the date, time and location of the act or acts, and if known, information on the alleged perpetrator - see Related content.

Upon completing the sexual exploitation template the child protection practitioner must submit the sexual exploitation template to the divisional child protection operations manager (CPP 6.2) or their delegate for review.

The child protection operations manager, or their delegate, is to provide operational oversight of the reported information, provide additional information as necessary and submit the template (via email) to the Senior Practice Advisor, Sex Offender Registry Liaison, Office of Professional Practice (OPP). The reviewed template must also be recorded in the CRIS file.

As new information comes to light, or on a minimum quarterly basis, the child protection practitioner is responsible for providing updates to information contained in the template. As with the original template, all updates are to be reviewed by the child protection operations manager, or their delegate.

Care team or professionals meetings

To ensure all information relating to a child or young person's sexual exploitation is sufficiently collated and documented, regular care teams (for children in out of home care) and professionals meetings need to occur.

Refer to advice numbers 1403, 'Information sharing in out of home care' and 1090, 'Information sharing in Child Protection practice' for details on care team or professional meeting composition, confidentiality and information exchange processes – see Related content.

Identifying and prosecuting alleged offenders

Children and young people who are being sexually exploited may often refuse to identify or report their abusers to police, child protection or other associated professionals due to threats against them or those close to them, 'gifts' and other inducements being offered, or other forms of manipulation being exercised by those who exploit them.

Children and young people may not recognise their sexual activity as exploitation or abuse: they may believe instead they are consenting and in control.

When young people are unable or unwilling to inform police or other associated professionals of the exploitative activity, and information is required by professionals to identify the perpetrator or person of interest, assist police to commence an investigation, or assist police to implement measures to disrupt or prosecute that person, the following alternative strategies may be considered.

Removal of a client's mobile phone

When a child who is the subject of a custody to Secretary or guardianship to Secretary order is exposed to sexual exploitation, and information on the activity or identity of the perpetrators is believed or confirmed to be held on the child or young persons mobile phone, the phone may be removed from them for the purpose of assisting police to conduct inquiries or to prosecute persons of interest.

A senior child protection management consultation must occur prior to a phone being removed from a young person, unless the child or young person willingly co-operates with their case manager or carers in relinquishing their phone. All decision-making leading to, and following, the removal of a child or young person's phone must be recorded on the clients CRIS file.

When can a phone be removed?

A mobile phone may only be removed or confiscated from a young person if it is believed:

- information of a sexually exploitative nature is contained in the phone
- information on the phone may assist police to cease or disrupt the exploitative activity
- the immediate safety of the child will be compromised due to them responding to phone based threats or demands to engage in sexually exploitative activity

and:

- the young person leaves the phone unattended
- the young person has possession but agrees to relinquish it.

A mobile phone should not be forcibly removed from a young person's possession.

All mobile phones removed must be immediately forwarded to the local Victoria Police SOCIT or other police unit as advised by SOCIT.

Considerations when planning to remove a phone

Due to likely negative responses, detailed planning is required to remove a mobile phone from a child or young person. This includes giving consideration to the following:

- input from members of the care or professional network associated with the young person
- the range of negative responses from the child or young person, including destruction of property, self harm or harm to others
- timing, including support to care staff and others if the phone is removed outside core business hours
- likely police involvement
- post removal support to the young person
- likely and immediate engagement of the young person in sexually exploitative acts to procure funds to purchase another mobile phone if a replacement is not provided by the case management service

- the view of the divisional or statewide principal practitioner.

Overriding guiding principles to consider when removing a mobile phone from a young person are:

- the Department of Human Services (or the State), as a responsible parent for children on custody to Secretary and guardianship to Secretary orders, must take reasonable and appropriate actions to ensure the safety and wellbeing of children
- consent from the young person, whilst advised, is not required to non-forcibly remove an implement (phone) that may imperil their safety
- sexual exploitation is abuse, and a child under the age of 18 years cannot consent to their own abuse.

Family Violence and Personal Safety Intervention Orders

An intervention order is a court order designed to protect a person by placing limits on the behaviour of another person. Contravention or breach of an intervention order can lead to criminal charges resulting in potentially significant penalties, including fines and terms of imprisonment.

When information is received that a child or young person is being sexually exploited by an identifiable alleged perpetrator, the child's parent, a child protection practitioner or a member of Victoria Police may apply for an intervention order to protect that child or young person's safety – please refer to Advice No 1578, 'Family Violence Intervention Orders and Personal Safety Intervention Orders – child respondent exclusion condition' – see Related content.

All applications for an intervention order must be guided by the following principles:

- sexual exploitation of a child or young person constitutes an act (or acts) of violence and is unacceptable in any form
- unless protective measures are taken, the exploitation will continue
- the safety of the child or young person must always be paramount
- the child or young person may not recognise the exploitation as abuse and is unwilling or unable to take independent steps to ensure their own safety
- the child or young person's parent or guardian may be unable or unwilling to apply for an IVO on their child's behalf.

Interim intervention orders may be made *ex parte* (in the absence of the respondent) and urgently, thereby providing immediate legal protection to a child or young person at risk of sexual exploitation.

For all intervention order applications where Child Protection is the applicant, consultation with the divisional principal practitioner, child protection area manager, Child Protection Litigation Office (CPLO) or the divisional equivalent and Victoria Police is required and the outcome of this documented in the child or young person's CRIS file.

Offences in relation to children in out of home care

If Child Protection receives information that an identifiable person of interest is engaging in any of the offences under ss. 495, 496 and 497 of the CYFA (with or without the intent to sexually exploit that child) Victoria Police may interview and charge that person.

Offences include:

- harbouring or concealing a child subject to specific court orders
- counselling or inducing such children to be absent from placement without lawful authority, and
- entering, lurking and loitering where children are placed.

To initiate processes under the above mentioned sections of the CYFA, Child Protection must provide police with concise and contemporary information relating to the alleged offence.

Following this exchange, a meeting between divisional Victoria Police Sex Offences Child Investigation Team (SOCIT) representatives, CPLO (or their divisional equivalent) and Child Protection must occur to:

- discuss and document the alleged offence
- discuss intervention options; and
- clarify tasks, roles, responsibilities and implementation timeframes.

Consultation must occur between Child Protection, CPLO, or the divisional equivalent and Victoria Police regarding any prosecutions to be brought under ss. 495, 496 and 497 of the CYFA.

Prosecution procedure guidelines

Only a member of Victoria Police can prosecute a person of interest for harbouring or concealing offences under the CYFA, and SOCIT will usually lead the investigation.

To prosecute a person for the offences, it is desirable that police or Child Protection have previously informed the person that:

- the child or young person is subject to monitoring by the Secretary to the Department of Human Services
- the child or young person has not been given permission to associate with, or attend any residence owned or frequented by the person of interest, and
- information received subsequent to the date of notice regarding the child or young person being harboured or concealed by the person will result in a police investigation.

It is not a legal requirement to advise the person of interest in writing of the above; however all dialogue with the person of interest must be documented in CRIS, inclusive of dates, times and communicated responses.

Considerations for good practice

Note: Use the Practice Resources link on the toolbar to access further Practice Guidance and Research.

Background factors

Children or young people at risk of sexual exploitation may be vulnerable and susceptible to:

- psychological dependence upon the perpetrator
- peer pressure and fear of being excluded from their friendship group
- fear of retribution from offenders to themselves or family
- desire for money, drugs and gifts that are on offer
- distorted perceptions of what is acceptable adult behaviour
- unresolved trauma and a drive for mastery and control.

Grief and ongoing loss of family warmth and connection may result in young people in out of home care being particularly vulnerable to the seduction and manipulation of offenders who are skilled at grooming them using attention, flattery and the promise of, for example, parties, car rides, technology (that is new mobile phones), alcohol and drugs.

Pro-active, considered case planning, and when necessary, effective crisis planning are of utmost importance; however a process of critical reflection is also important so that as a system, and as caring adults, we do not repeat previous interventions that have not been effective.

Being particularly vulnerable to sexual exploitation may also be usefully framed as a symptom of the unresolved trauma and distress experienced by the young person. This is almost always connected to the pain associated with their experiences of, and within their family of origin as well as an ongoing sense of

hopelessness and frustration that these can change.

In managing the symptoms and crises that arise, attention should remain firmly focussed on the underlying causes. Young people need to be understood within the context of their past and current circumstances and warm, caring, enduring and healthy relationships are vital to changing their trajectory – as are positive, safe and healthy relationships with their family members and carers.

Strong and collaborative engagement and information sharing practice also needs to occur between child protection, police, community service organisations and other key stakeholders to strengthen the system's ability to adequately protect children and young people from sexual exploitation – refer to practice advice 1090, 'Information sharing in Child Protection practice' – see Related content.

Practice principles

To guide practice in relation to children and young people identified as experiencing or at risk of sexual exploitation, the following practice principles should be considered:

- senior operational and place-based Child Protection managers must oversee collaborative efforts with Victoria Police and other key stakeholders to both prevent and disrupt sexual exploitation
- sexual exploitation of children is child abuse and should not be minimised as 'adolescent experimentation'
- children cannot consent to sexual exploitation
- to effectively safeguard children or young people at risk of sexual exploitation, a zero tolerance approach to sexual exploitation must be adopted
- prompt and regularly updated information sharing between Child Protection, out-of-home care providers and Victoria Police forms the foundation for collaborative, effective and preventative interventions
- robust relationships and communication strategies among key operational stakeholders are crucial for achieving good outcomes for children and young people
- when children and young people are unable or are not be ready to make sworn statements to police about the sexual exploitation, disruptive policing methods to keep children safe must be utilised.

Boys and young men are equally at risk of sexual exploitation but it remains a hidden area due to the associated stigma of what other's will think, pressure to keep quiet and assumptions that boys are more in control of their situation. There is also a correlation between offending behaviour (low level crime) and sexual exploitation.

Contact for further procedural advice

- Supervising Team Manager
- Practice Leader
- Divisional Principal Practitioner
- Child Protection Operations Manager

Related content and external links

Note: Advice, Protocols and Policy Documents directly related to this Advice are listed below. To access the full range of Protocols and Policy documents use the Protocol and Policy links on the Home Page.

Related Content:

Advice no. 1014 – High Risk Youth (HRY)

Advice no. 1046 – Department of Human Services' incident reporting system

Advice no. 1090 – Information sharing in Child Protection practice

Advice no. 1403 – Information sharing in out of home care

Advice no. 1578 – Family violence intervention orders and personal safety intervention orders

Advice no. 1594 – High risk schedules and panels for infants and youth (HRI and HRY)

Sexual exploitation information template

2012 Protecting Children: Protocol between Child Protection and Victoria Police

External links:

For this Advice there are no external links

Checklist of required standards:

For this Advice, there are no required standards.