**Barnardo’s NI Response to Consultation on a Code of Practice for Victims of Crime**

Barnardo’s is Northern Ireland’s largest children’s organisation and we work with over 9,000 children and their families every year across many local communities. We work with those children most at risk and who are most vulnerable and disadvantaged. We provide a range of services that span family support, work in prisons, early years, programmes to address educational disadvantage, support for disabled children and young people and support to children in care and leaving care.

The remit of Barnardo’s Safe Choices is to work with children and young people who are at risk of sexual exploitation through going missing from the care system. Whilst many of the professionals working with these individual young people may strongly suspect that they are being sexually exploited, few of the young people will ever make a disclosure or statement to this effect. Their reluctance to do so may be for various reasons including being fearful of what might happen to them should they disclose, misplaced loyalty towards those abusing and exploiting them or failure to view this as abuse given their often traumatic early childhood experiences.

We welcome the introduction of the Code of Practice for Victims of Crime. Whilst we will refrain from offering detailed comments on the Code of Practice, we would like to take this opportunity to highlight a few areas of particular relevance to the experiences of children and young people who have been sexually exploited. Some of the points we wish to make are reiterated from our recent response to the consultation on ‘Best Practice Guidance for Practitioners: Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, Using Special Measures and Provision of Pre-trial Therapy’.
The Challenges of Responding to Cases of Sexual Exploitation

Whilst all sexual offence cases present complex challenges for those working with victims, cases where young people have been sexually exploited present additional difficulties and challenges. Many of these young people will be viewed, at best, as reluctant witnesses. Many will struggle to see that what has happened to them as an offence, given the grooming techniques frequently employed by the perpetrators. Our experience would show that it is often only a number of months or years down the line, once they are extricated from the abusive situation, that a young person can see the abusive intent behind their experiences.

We welcome attempts to make this Code of Practice understandable to victims of crime. Whilst it may be understandable to many adults we believe that a separate leaflet for young people would be required.

Access to Information

In relation to cases of child sexual exploitation, taking cognizance of the reluctance of victims to come forward is crucial. Some of these young people, at some point, may go through a period of turmoil, deciding if they should disclose abuse. If the young person decides to proceed with this it is crucial that they are kept informed throughout the process because there is always the risk that, having been through the often traumatic experience of making statements, they may decide to withdraw those statements. If they are kept informed there is more of a chance that they will feel they have some control over the process, something many of them do not have while they are being sexually exploited. Experience has shown us that when they have not been kept informed, because of fear of their abusers and/or mistrust of authorities, they will often withdraw from the process.

Our experience has been that there can be significant delays in correspondence between police and a young victim of sexual exploitation. In situations of which we have been aware this has resulted in the young person not proceeding with the complaint, after the initial statement is made. One reason for this is that the young person is often still subject to the exploitation by the same people and therefore still feels vulnerable during this lengthy period during which they are not aware of what is happening to the case.

In cases where there has been one contact person for the young person, who is proactive in keeping the young person informed, this has been very beneficial for the young person and for progress in working towards a conviction.
Police Service of Northern Ireland – Feedback and Complaints

Whether Social Services have parental responsibility or not for a child with whom they have involvement, they should be provided with information relating to the progress of a criminal case. Depending on the nature of the information provided by the police, the young person and/or their family may require support. This line of communication should also be between PPS and Social Services. Barnardo’s Safe Choices has recently experienced a situation where this has not happened, where the information had to be relayed by Barnardo’s to Social Services.

Whilst it is welcome that those dissatisfied with the service from the police can have redress through the Police Ombudsman we would be confident that most, if not all, of our service users, who are some of the most vulnerable in our society, would not access this. We would suggest that there might be provision for an adult (parent, guardian or other) to do this on their behalf.

Public prosecution service – Providing Appropriate and Timely Information

In cases of no prosecution we would suggest that a letter to a young person, informing them of the reason, is not appropriate or sufficient. We believe that this should be conducted in person and in a suitable setting. We believe this to be crucial in respecting the rights of the child/young person.

Where a defendant is being prosecuted for offences other than those alleged by the (child) victim, and where there is no prosecution in relation to the victim’s allegations, the victim should be made aware of this.

Reviews of prosecution decisions

We welcome the fact that a nominated representative may request a review of a decision to be carried out if the alleged victim feels unable to do this. Many of the young people who access our Barnardo’s Safe Choices service may feel too vulnerable or lack so greatly in self-esteem that they would be unable to request this for themselves.

Northern Ireland Courts and Tribunals Service

We welcome the fact that, at court, a place to wait, away from others, can be given to victims; however, we would be concerned that this may not always be possible. As a result of the vulnerability of most young people who are victims of sexual exploitation and the fear they often face from their perpetrators, it would be essential to guarantee this.
**Monitoring of Performance**

Whilst we welcome the fact that the performance of each of the organizations will be monitored to ensure that commitments are achieved we believe that without more detailed commitments this would be difficult.

Cognizance should be taken of the fact that many vulnerable young people may not provide their views on their experiences of the criminal justice system, therefore, thought should be given as to how best achieve this.

**Conclusion**

We would like to suggest that the Barnardo’s Safe Choices service could be included as a service able to provide assistance to victims both during and after any criminal proceedings where the issue has been that of sexual exploitation.

As stated previously, we welcome the introduction of this Code of Practice for Victims and the opportunity to highlight the needs of children and young people who are sexually exploited in relation to the issues under consideration. We look forward to seeing the needs of this population better addressed as implementation of the Code of Practice is implemented.

**Barnardo’s Northern Ireland, January 2011**

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