

The Children's Coalition

Report Stage – Victims and Prisoners Bill

Parliamentary briefing

This briefing sets out 4 ways in which the Bill can better recognise, support, and hold relevant agencies to account for their treatment of child victims and survivors of abuse and exploitation

Overview, aims and ambitions for report stage

Report stage of the Victim and Prisoners Bill offers a crucial opportunity to finally address the needs of children and young people and transform the criminal justice system.

Throughout the passage of the Bill, a coalition of leading children's charities and sector experts have continued to advocate for better protection and support for children experiencing abuse and exploitation. Collectively we have unique insight into the challenges that children face when they have experienced abuse and exploitation.

Our ambition is to amplify the voice of children and strengthen legislation to transform the criminal justice response. Together we urge Government to commit to a child-centred, sufficiently resourced, and accountable justice system.

What the Bill must do to better protect and support child victims of abuse and exploitation:

- Specify support for children under the duty to collaborate guidance
- Create a transparent and accountable justice system
- Establish 'victim support roles' for children
- Recognise children who have experienced criminal exploitation as victims

1. Specify support for children under the duty to collaborate guidance

Lack of support for child victims of abuse and exploitation

- The average time between child sexual abuse happening and contact with a support service is 19 years¹
- The NSPCC found only 23% of local authorities say they offer specialised support for children who have experienced sexual and or domestic abuse in the form of independent and specially trained advisors²
- The Domestic Abuse Commissioners mapping of domestic abuse services found only 29% of victims and survivors were able to get support for their children³

Services for children who have experienced abuse and exploitation are not protected. Only accommodation-based services for child victims of domestic abuse are statutory. This means there is no obligation for commissioners to deliver vital, life-saving services in the community and no guarantee children will be able to access support.

There is overwhelming evidence showing children still face limited sufficient and specific support. The Independent Inquiry into Child Sexual Abuse found nearly three-quarters of victim and survivor respondents reported not having accessed any



support services, with only just over a quarter having received some form of support, advice, or treatment due to their experience of child sexual abuse⁴.

The findings indicate those responsible for commissioning support services are experiencing considerable unmet need for all forms of support services. Forty-three percent of adult victims and survivors who participated in the Inquiry said that they currently had an unmet need for support services associated with their experiences of child sexual abuse. One local authority told the Inquiry that it had commissioned a service designed to support 800 individuals per year but received over 800 referrals in the first three months of the contract⁵.

The Victims and Prisoners Bill offers a crucial opportunity to address the lack of support for child victims. To uphold Government's commitment to a vision where 'the right support should be available to all victims of crime, when they need it', as set out in the Victims Funding Strategy 2022⁶. Children must be considered a key part of this vision and have access to sufficient specific support.

What we are calling for

Expand clause 14 - guidance for 'victim support functions' - to include "relevant victim support services" including for children

The Victims and Prisoners Bill should include on the face of the Bill that supplementary guidance will specify what victim support services commissioners must deliver. Guidance for the relevant authorities must go beyond how they collaborate, but what services they collaborate on. This would support the authorities to deliver services which are separate to accommodation-

based support and ensure support is delivered for children. This would also support a collaborative approach to consistently deliver sufficient services, as specified on the face of the Bill, and avoid a piecemeal approach.

The Bill's language which only directs the relevant authorities to have 'due regard' to children when considering their duties in delivering victim support services, is irresponsible. The Bill offers no framework on which to base 'due regard'. The Children's Coalition is concerned that this will only exacerbate the postcode lottery of support on offer to children and young people if the guidance proposed for relevant authorities does not outline the types of support they are to collaborate on under their new duties. The Bill must set a strong benchmark for directing the relevant authorities to ensure support is in place for children and young people.

2. Create a transparent and accountable justice system

Current state of victims and survivors' rights

- 1 in 6 victims do not receive their rights under the Victims' Code⁷
- Three in five (60 per cent) victims are not receiving vital rights – like being updated about their case and referred to support services⁸
- The majority of victims and survivors place more value on how the justice system treats them than the outcome of their case⁹

Currently the Victim and Prisoners Bill does not address the poor reality that many children are experiencing when involved with the justice system.



Evidence shows children can face professionals with inadequate training; a lack of special measures to help them feel comfortable and protected in court; be left in the dark about what to expect; give evidence in unsuitable facilities; be made to feel like they are not believed, retelling their story time and time again, often without specialist support¹⁰.

Failure to deliver children's rights and entitlements to support inevitably undermines their ability to give their 'best evidence'¹¹ and ultimately, hold those who have harmed to justice¹².

Victim Support has¹³ found that as many as six in ten victims do not receive their rights under the Victims' Code, including 20% of victims not being referred to support services, 46% of victims not receiving a written acknowledgement of the crime, and 60% not receiving a needs assessment. These statistics should serve as a wake-up call for all those entrusted with delivering victims' rights.

The Victims Commissioner's recent Victim Survey¹⁴ finds a justice system in need of reform. The findings show when victims lose trust in the system, they are less likely to report a crime. The Commissioner found only 10% thought the justice system effective, and a mere 8% believed they would receive justice by reporting a crime. Victim confidence and satisfaction with the justice system is also devastatingly low – only a third of victims say they would report a crime to the police again.

What we are calling for

Strengthen the [Victims' Code compliance factsheet on clauses 6-11](#) by enshrining its ambitions on the face of the Bill

Although the government's 'fact sheet' [Clauses 6-11: Review of Compliance with the Victims' Code](#)

which sets out government policy on national oversight of Victims' Code compliance does go some way towards meeting our ambition of an accountable justice system. This includes the setting of 'indicators' to identify severe non-compliance and consequences for where these indicators highlight severe non-compliance in the form of issuing Non-Compliance Notifications.

This paper is not legislation by itself, nor regulation, or statutory guidance. It can cease to be government policy at any point and the proposals may change or be watered down. In order to give them strength, we suggest taking the key proposals relating to national oversight and accountability and place them on the face of the Bill.

This should come under Clause 11 of the Bill, '*Guidance on code awareness and reviewing compliance*', where Subsection (2) sets out the provisions that the Victims Code guidance may include. This would include:

- The establishment of a cross-criminal justice system governance structure to monitor compliance with the Code nationally
- That the Secretary of State sets indicators to identify severe non-compliance with each right in the Victims Code, with issues escalated after the indicators are met in two consecutive quarters
- The issuing of public 'Non-Compliance Notifications' to bodies where indicators have identified severe non-compliance and improvements have not been made.



Victim support roles

Lack of specialised advocacy support for children

- NSPCC found only 23% of local authorities say they offer specialised support for children experiencing sexual and domestic abuse in the form of independent and specially trained advisors¹⁵
- A Freedom of Information request by Barnardo's found that, in the financial year of 2023-2024, just 16.9% of advocates commissioned by Police and Crime Commissioners to support victims of domestic and sexual abuse were child-specific, in the forms of CHISVAs and CHIDVAs¹⁶
- The research also found that more than 1900 FTE CHIDVAs and almost 500 FTE CHISVAs are needed to fill the gap between advocates available and the number of children affected by sexual and domestic abuse¹⁷

Every child affected by abuse and exploitation must have access to appropriate advocacy support which is specific to their needs. The Bill must ensure the role of Child Independent Sexual Violence Advisors (ChISVAs) Child Independent Domestic Violence Advisors (ChIDVAs), and Independent Child Trafficking Guardians (ICTGs) are on the face of the Bill.

They provide a vital service for child victims of abuse and exploitation. Advocates support children with the practical challenges and emotional trauma of facing abuse and exploitation, and help them to understand and navigate support services, the criminal justice system, and social care services.

"I couldn't have done any of it without my CHISVA. If it wasn't for her, I wouldn't be here anymore, she is the kindest, most patient and understanding person I have ever met." – Child survivor supported by a CHISVA at Safeline.¹⁸

Home Office guidance is clear that ISVAs working with children and young people require specific training and skills¹⁹. The response children require is different to that of adults. This can include separate and distinct risk factors, safeguarding processes and separate safety planning. The response should also change dependent on the age of the child or young person. For example, the behaviour and safety needs of much younger children aged 0-5 is incomparable to the needs of children aged 12 and above.

What we are calling for

Ensure section 13 specifies that the relevant authorities have due regard to 'guidance about specified victim support roles' as per section 15

The Children's Coalition want to ensure the relevant authorities are considering and commissioning against the need for victim support roles, including for children, when carrying out their duties under section 12 and 13 'duty to collaborate'.

The Bill must ensure when collaborating on victim support roles, relevant authorities are directed to include these vital advocacy services for children within their commissioning strategies.



3. Recognise children who have experienced criminal exploitation as victims

Scale of child criminal exploitation

- While the true scale is unknown, it has been estimated that there could be as many as 200,000 children in England aged 11 to 17 who are vulnerable to serious violence²⁰
- Children make up nearly half (44% or 7,432) of all referrals to the National Referral Mechanism (NRM)¹ – a framework for identifying victims of modern slavery, exploitation, and trafficking²¹
- In the period ending March 2023, there were 11,110 instances where gangs were a factor and 14,420 instances where Child Criminal Exploitation was a factor²²

The Victims and Prisoners Bill presents a powerful opportunity to ensure children who have been criminally exploited are seen and treated as victims first.

Child Criminal Exploitation (CCE) is the grooming and exploitation of children into criminal activity. The Children's Society uses a definition of child criminal exploitation from young people who describe it as 'when someone you trusted makes you commit crimes for their benefit'²³. This definition conveys the key components of exploitation – a trusted person taking advantage of vulnerability to deceive, control, coerce or manipulate children into criminal activity. In some cases, children are enticed to take part through manipulation and the promise of reward, and in other cases violence and threats of violence play a more direct role in how control is exerted. Coercion

and violence go hand in hand in cases of exploitation²⁴.

“Children and young people cannot consent to be exploited” – DEx Project Worker, The Children's Society

The exploitation can take a variety of forms, including children being forced to work in cannabis factories, coerced into moving drugs or money across the country, forced to commit financial fraud, forced to shoplift, or pickpocket or forced to take part in county lines²⁵.

What we are calling for

The Bill must introduce a statutory definition of child criminal exploitation within Part 1 definition of a 'victim'

Creating a statutory definition of CCE would create understanding across agencies and professions on this issue, ensuring timely identification and support for child victims. It would also allow for more effective action against those who exploit children, sending a clear message that they cannot act with impunity.

“We definitely need the definition to do our job, it's a 21st century crime we are prosecuting with outdated legislation” – Police Officer (speaking to The Children's Society, Jan 2024)

The Minister during Committee Stage in the Lords stated that “the phrase “child criminal exploitation” in itself implies someone who has been exploited by criminal conduct” and would therefore be covered and recognised as a victim. However, without definition or recognition on a statutory footing, these child victims will continue to be overlooked and unsupported.

Although child criminal exploitation is defined in statutory guidance such as *Keeping Children Safe in Education* and *Working Together to Safeguard Children*, front-line practitioners have told us that



having multiple definitions across different guidance are impractical and can lead to inconsistencies in responses to child victims.

How we can work together

As a Children's Coalition of sector-leading organisations, we have unique insight into children and young people affected by abuse and exploitation and their experience of the criminal justice system. As the Victims and Prisoners Bill enters its next phase, we are available to offer our support and expertise to inform debate and strengthen this legislation. We can provide case studies, evidence, and further briefing on any of the points provided.

We would be keen to meet with you to discuss these issues in further detail. Contact Ellie Pirrie, Senior Policy and Public Affairs Officer at NSPCC (Ellie.Pirrie@nspcc.org.uk)

¹ Rouf, K. and Waites, B. (2023) [Guidance on responding to disclosures of non-recent \(historic\) child sexual abuse: Safeguarding and support implications](#)

² NSPCC (2023) [77% of local authorities offer no specialist support for children who have experienced sexual abuse](#)

³ Domestic Abuse Commissioner (2023) ['Patchwork of Provision' How to meet the needs of victims and survivors across England and Wales](#)

⁴ IICSA (2022) [The Report of the Independent Inquiry into Child Sexual Abuse](#)

⁵ IICSA (2022) [The Report of the Independent Inquiry into Child Sexual Abuse](#)

⁶ Ministry of Justice (2022) [Victims Funding Strategy](#)

⁷ Victim Support (2017) [Victim of the system: The experiences, interests and rights of victims of crime in the criminal justice process](#)

⁸ Victim Support (2017) [Victim of the system: The experiences, interests and rights of victims of crime in the criminal justice process](#)

⁹ Victims Commissioner (2022) [Victims Experiences: Annual Survey 2022](#)

¹⁰ Plotnikoff, J. and Woolfson, R. (2019) [Falling short?: a snapshot of young witness policy and practice](#)

¹¹ Ministry of Justice (2023) [Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures](#)

¹² Plotnikoff, J. and Woolfson, R. (2019) [Falling short?: a snapshot of young witness policy and practice](#)

¹³ Victim Support (2017) [Victim of the system: The experiences, interests and rights of victims of crime in the criminal justice process](#)

¹⁴ Victims Commissioner (2022) [Victims Experiences: Annual Survey 2022](#)

¹⁵ NSPCC (2023) [77% of local authorities offer no specialist support for children who have experienced sexual abuse](#)

¹⁶ Barnardo's (2023) [Victims and Prisoners Bill – provision of child-specific advocates for victims of domestic abuse and sexual violence – new Freedom of Information \(FOI\) data](#)



- ¹⁷ Barnardo's (2023) [Victims and Prisoners Bill – provision of child-specific advocates for victims of domestic abuse and sexual violence – new Freedom of Information \(FOI\) data](#)
- ¹⁸ Safeline (2023) [Child Independent Sexual Violence Advocates](#)
- ¹⁹ Home Office (2017) [Essential Elements Guidance](#)
- ²⁰ Crest (2021) [Violence and Vulnerability](#)
- ²¹ Home Office (2024) [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023](#)
- ²² Department for Education (2022) [Characteristics of children in need in the year 2021 to 2022](#)
- ²³ The Children's Society (2019) [Counting Lives: Responding to Children who are criminally exploited](#)
- ²⁴ The Children's Society (2019) [Counting Lives: Responding to Children who are criminally exploited](#)
- ²⁵ The Children's Society (2021) [Child Criminal Exploitation: PCSC Bill Briefing](#)

