



## Child Sexual Exploitation and the law

C.S.E. is not a specific criminal offence in itself. It does, however, encompass a range of sexual offences and other forms of serious criminal misconduct. Various legal orders can be used to disrupt and prosecute this form of abuse. This leaflet outlines the key legislation and policy guidance for professionals to tackle C.S.E. where an offence is suspected. The purpose of this leaflet is to raise awareness regarding the steps that may be taken to tackle C.S.E. The information contained within should not be used as a substitute to seeking advice from legal services when considering actions to address C.S.E. and is not an exhaustive list.

### Legal Context – C.S.E.

A child under the age of 13 is not legally capable of consenting to sex or any other type of sexual activity.

#### **The legal age of consent is 16 years old**

Any sexual activity with any child or young person under the age of 16, whether they consent or not, is a criminal offence.

It is an offence for a person to have a sexual relationship with a 16- or 17-year-old if they hold a position of trust or authority in relation to them.

Where the sexual activity with a 16- or 17-year-old does not result in an offence being committed, it may still result in harm or the likelihood of harm being suffered.

It is a crime to possess, take, make, distribute or show anyone an indecent or abuse image of child or young person under 18 years of age.

#### **NB While the age of consent is 16 the relevant age in relation of indecent images is 18 years.**

Non-consensual sex is rape, whatever the age.

If the victim is incapacitated through drink or drugs, or the victim, or his or her family, has been subjected to violence or the threat of it, they cannot be considered to have given true consent and, therefore, offences may have been committed.

C.S.E. is an issue for all children under 18 years of age and not limited to those in a specific age group.

### Sexual Offences Act 2003 – Internal Trafficking

A person commits an offence if he intentionally arranges or facilitates travel within the United Kingdom by another person (B) and either:-

- (a) He intends to do anything to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence, or
- (b) He believes that another person is likely to do something to or in respect of B during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence.

**This can include arranging and / or paying for taxis for young people to be taken from one place to another for the purpose of sexual exploitation.**

## Risk of Sexual Harm Order (RSHO)

Application to a Magistrate's Court in respect of a person aged 18 or over, where:-

The defendant has on at least 2 occasions done an act within subsection (3), and as a result of these acts, reasonable cause to believe it is necessary for an order to be made. The acts are:-

- Engaging in sexual activity involving a child or in the presence of a child
- Causing / inciting a child to watch a person engaging in sexual activity or to look at still or moving sexual images • Giving a child anything that relates to sexual activity
- Sexual communication with a child (Child in this instance means a person under 16 years)

## Sexual Offences Protection Order (SOPO)

A Sexual offences prevention order (SOPO) is intended to protect the public from the risks posed by sex offenders by placing restrictions on their behaviour. The court must be satisfied that an order is necessary to protect the public or any particular members of the public from serious sexual harm. A key factor to be considered is the risk presented by the defendant. Breach of any prohibition contained in a SOPO gives rise to criminal proceedings and penalties

When a victim does not wish to make a complaint, an investigation can still ensue by focusing on the behaviour of the offender. This can result in a prosecution that does not rely on the support of the victim. The Police may be able to access CCTV, seize relevant forensic evidence from the victim and/or offender and they will work with partner agencies in building intelligence to disrupt/prosecute illegal activities

## Useful Contacts

**The Trauma Healing Collective** [www.traumahealingcollective.co.uk](http://www.traumahealingcollective.co.uk) (request a call)

**Barnardo's Safe Choices** (028) 9065 8511 (Monday to Friday 9.00am - 5.00pm)

**Police** 101 or 999 in an emergency

**Crimestoppers** 0800 500 111

**NSPCC** - Child Trafficking Advice Centre (CTAC) 0808 800 5000

**NSPCC** - Child Line 0800 1111