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**Barnardo's
Scotland**

**Lessons for Scotland from the
Jay Report into Child Sexual
Exploitation in Rotherham:**
A Barnardo's Scotland discussion paper



Foreword by Martin Crewe, Director of Barnardo's Scotland

Barnardo's Scotland has campaigned for many years to highlight the shocking abuse of children through child sexual exploitation (CSE). This has been based on the experiences of our specialist CSE services in Scotland, who work every day with the victims of CSE, and those at risk. We have made major progress, working with the Scottish Government and local child protection agencies to improve the way we tackle CSE in Scotland.

Nonetheless, the Jay Report into CSE in Rotherham is sobering reading for everyone working to protect children in Scotland. The scale of the abuse, and the failure of services to protect vulnerable children is shocking and harrowing to read.

There can be no room for complacency. We know CSE is happening across Scotland. We know how devastating it can be. Yet we also know that while great steps have been made there is more that can be done.

It is with this in mind that Barnardo's Scotland is publishing this document. We must learn the lessons from everything that happened and failed to happen in Rotherham if we are to be certain that we are doing our best to protect children from this horrific abuse in Scotland.

The paper is designed to be challenging for central government, local agencies and indeed voluntary bodies that have a child protection concern. But, if there is one fundamental lesson from Rotherham it is that we must all challenge ourselves to make sure that children in Scotland grow up free from the horrors of child sexual exploitation.

Martin Crewe

The Rotherham Inquiry

The recent publication of the findings of an independent Inquiry into child sexual exploitation (CSE) in Rotherham sent shock waves around the UK. The report by Professor Alexis Jay, and its significance for Scotland must not be underestimated. Scotland needs to learn the key lessons from Rotherham, to ensure we are properly protecting children from CSE. By doing this we can become better at the key elements of tackling CSE: preventing children from being drawn into sexual exploitation, protecting children and supporting victims to recover from the impact of CSE, and pursuing perpetrators of this form of child sexual abuse. Barnardo's Scotland, therefore, has identified fifteen lessons which we think are of particular importance.

The Jay Report uncovered some of the most awful child sexual exploitation that the UK has ever seen. The seemingly unchecked abuse of an estimated 1400 children in Rotherham is almost impossible to contemplate.

Police were failing to investigate instances of multiple rapes. Social Work was telling desperately anxious parents that their daughters, who in their early teens were having sex with men twenty or thirty years older, were simply 'growing up'. Teachers were raising the alert that perpetrators were lying in wait at the school gates at lunchtime to pick up girls, but with no effect. Health services were failing to connect sexual activity in practically pre-teen girls, teenage pregnancy, and abortion and repeated STIs, with the sexual exploitation of these children. The Crown Prosecution Service was unable to bring most perpetrators to justice.

The question people around the country are grappling with is how and why did this happen? Child sexual exploitation occurs where perpetrators, who have a shocking disregard for the young girls and boys whom they target, seek out

vulnerable young people to abuse. Sadly, the Rotherham report recounts agencies treating these vulnerable victims "with contempt"¹.

The Jay Report exposes a system which failed to identify victims as children, or indeed children as victims. In many cases young people were blamed by agencies for their own, often appalling abuse.

Despite presentations of the full reality of the nature and seriousness of child sexual exploitation in Rotherham, senior managers and council members claimed not to know that child sexual exploitation was a significant issue. In effect, children were written off by agencies that had the responsibility to protect them.

Consequently, individual, systemic and institutional failures added layers, and years, to the suffering of victims and made it all the more easy for perpetrators to continue abusing children with impunity.

¹ Jay, A (2014) *Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013*. Rotherham Council. P.1.

The Scottish Context

We know CSE is happening across Scotland. There have been 2 large scale Police operations to identify victims and target perpetrators, one of which, Operation Dash, is ongoing.

Barnardo's Scotland has been providing services for children who are at risk of, or are already victims of, CSE since the early 1990s. We have services in Glasgow, Edinburgh and Dundee that are working with children and young people who are at risk or, or victims of CSE. We are raising awareness of CSE through training with professionals, across agencies. We are providing preventative education in schools and supporting parents whose children have been exposed to CSE. We have a team of therapists and project workers who provide intensive therapy for victims and support victims of CSE through advocacy. In the West of Scotland, we are working alongside Police Scotland to tackle CSE among children who go missing.

Barnardo's Scotland successfully petitioned the Scottish Parliament's Petition's Committee to hold an Inquiry on CSE². In response to Barnardo's Scotland call in the Inquiry, the Scottish Government is currently working on a National Action Plan for CSE. We've worked with the Scottish Government to ensure CSE was covered in the recently refreshed Nation Child Protection Guidance³.

Aileen Campbell MSP, Minister for Children and Young People, has shown a personal interest in ensuring that the Scottish Government does more to tackle CSE. Scottish Government commissioned research found that CSE in Scotland

reflects what has been found in the rest of the UK.⁴

Police, Social Work, Health, Crown Office and Procurator Fiscal Service and Education are aware of the problem and working to put the necessary infrastructure in place to tackle CSE in Scotland. As part of this process, we need to learn some specific lessons from Rotherham, which are detailed in the following section.

² Scottish Parliament (2014). *Public Petitions Committee 1st Report, 2014 (Session 4) Report on tackling child sexual exploitation in Scotland*.

³ Scottish Government (2014). *National Guidance for Child Protection in Scotland*. Scottish Government.

⁴ Brodie, I., and Pearce, J. (2012) *Exploring the Scale and Nature of Child Sexual Exploitation in Scotland*. Scottish Government. P.46.

15 lessons for Scotland

1. The scale and seriousness of CSE in Rotherham was underplayed, despite hard evidence that was emerging from frontline workers.

The Jay Report recounts a service manager in Rotherham, quite recently, calling for proportionality of approach to CSE, as the number of referrals received by Social Work only accounted for “2.3% of safeguarding work in Rotherham”⁵. Yet, as we now know, the vast proportion of the 1400 victims in Rotherham have not been identified, let alone been the subject of a Social Work referral. Further, those 2.3% that were referred to Social Work were those children who were most at risk of serious injury and harm.

Dedicated professional people who understood the severity of CSE in Rotherham, the Report tells us, were not listened to and there was general disbelief at the scale of the problem they described. The source of this attitude could not be identified but the Jay Report highlights that:

“Concern about the resources CSE could consume; professional and personal attitudes of some Council staff and the Police towards the girls involved has all been cited as reasons for the failure to address the seriousness and the scale of the problem.”⁶

Many opportunities were lost to address CSE and to give it the attention it needed.

In Scotland, if we are to tackle CSE effectively, we must accept that it is happening here, that the problem is severe, and that it demands a specific child protection response. We strongly believe that a renewed

focus is required around increasing agencies understanding and awareness of CSE as a major child protection issue.

2. Rotherham makes it clear that failures to secure convictions may stem from vulnerable young people not being judged to be credible witnesses in court, and also, that low numbers of prosecutions does not mean that child sexual exploitation is not happening.

The Report found that the low number of prosecutions, in Rotherham, was not in line with the number of children abused and the seriousness of the offences committed against them.⁷

To draw a worrying parallel with Scotland, since the introduction of legislation designed to tackle child sexual exploitation nearly a decade ago, we are only aware of 2 convictions for the offence of ‘payment of sexual services of a child’, under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

That payment, to be clear, does not need to be monetary but could extend to the waiving of a drugs debt, alcohol, a warm place to stay, a lift in a car or taxi, or gifts such as a mobile phone.

Victims of CSE need specific and specialist support to endure the process of a trial. In Scotland, we must properly establish why perpetrators of child sexual abuse are not being brought to justice, overcome barriers to prosecution and review the approach of the courts to vulnerable victims. We recognise the progress that has been made recently by Police Scotland to target perpetrators of CSE, but more needs

⁵ Jay, A (2014). P.30.

⁶ *Ibid.*, p.101.

⁷ *Ibid.*, p.37.

to be done, and, in conjunction with the Crown Office and Procurator Fiscal Service, if we are to see perpetrators of CSE being brought to justice in Scotland.

Of course, to get a case to court in the first place, Police, Social Work, Education, Health, the Voluntary Sector, and to an extent, the general public, must be able to identify CSE.

This may involve raising the alarm about child sexual exploitation even when victims cannot bring themselves to believe that they are being sexually abused. This is because a child has been carefully, and sometimes very slowly, groomed by a perpetrator(s) with whom they understand themselves to be in a 'relationship'. However, this relationship may involve violence, coercion, rape and sexual activity between an adult and a child under 16.

There may be no disclosure from the child, and no conclusive evidence. We must understand that what we see is the grooming and manipulation of a vulnerable child, not a consensual relationship. Sex between an adult and a child under 16 is always wrong and it is not the child's responsibility to say "no".

3. Rotherham highlights that perpetrators target residential units, and the most troubled and isolated children.⁸

Our services in Scotland report that perpetrators are targeting children in residential homes because they know that they can manipulate young people who have had particularly unstable and chaotic lives. Children who are 'looked after', such as those in foster care, and particularly those who are in residential care settings

are at a significantly increased risk of being exposed to sexual exploitation.

The Centre of Excellence for Looked After Children in Scotland, based on a small sample of 75 of looked after children found that 21% were suspected, known or confirmed to have experienced CSE during the last year.⁹

A similar study, carried out by Glasgow City Council, on a case file analysis of 39 accommodated children in Glasgow found that 33% of children and young people were at substantial risk or harmed through sexual exploitation.¹⁰ When extrapolated to a looked after population of 16,000 children in Scotland, it is likely that hundreds of looked after children are sexually exploited in Scotland each year.

4. In a post- Rotherham world, the lesson must be learned: that where there is an ethnic dimension to CSE such as a large number of the abusers coming from a particular ethnic, cultural or social background, whatever that background may be, issues around CSE must be directly addressed with, and by, that group.

The Report found that concerns about community unrest, racism, political extremist groups and community cohesion (which the Jay Report notes were valid), prevented public discussion of the issue, or effective engagement about CSE

⁸ *Ibid.*, p.37

⁹ Lepriniere, J., Hawthorn, M., Smith, I., Connelly, G., Kendrick, A. and Welch, V. (2013) *The Sexual Exploitation of Looked After Children in Scotland: A Scoping Study to Inform Methodology for Inspection*. Glasgow: CELCIS. P. 66.

¹⁰ Rigby, P. & Murie, S. (2013). *Sexual Exploitation of Vulnerable People: Looked After and Accommodated in Glasgow*. Glasgow City Council. P.10.

with the Pakistani –heritage community.¹¹

However, we recognise that we must be extremely careful here- not out of concerns around so-called 'political correctness', but because CSE is perpetrated by individuals and groups across communities, ethnicity, and gender.

By focussing solely on one type of victim or perpetrator, there is a danger of failing to identify other victims and perpetrators. The Jay Report states, "(...) there is no simple link between race and child sexual exploitation, and across the UK the greatest numbers of perpetrators of CSE are white men."¹²

5. *Girls from white British backgrounds in Rotherham were not the only victims of sexual exploitation.*

Barnardo's has highlighted that there is a danger that boys, although they make up a lower proportion of victims, are even less likely to be identified as victims, and to be treated as such.¹³ The Jay Report highlights that only two boys, out of a group of ten who had all been victims of rape, were identified as 'meeting the threshold' for Social Care.¹⁴

This is likely to have had serious consequences for the boys who were abused but did not receive support.

In Rotherham, girls of Pakistani heritage, victims of sexual abuse of the same severity as that experienced by girls of white British backgrounds, did not identify their

abusers due to complex hierarchical grooming and the manipulation of cultural norms.¹⁵

6. *One of the common threads running through child sexual exploitation cases in England is that there are 'hot spots' where young people may be particularly vulnerable.*

In Rotherham, the prominent role of taxi drivers led to a pro-active response from Licensing Boards. Young people avoided the use of taxis if at all possible and their parents strongly discouraged them from being on their own at night in a taxi unless it was a company they personally knew.¹⁶ Rotherham Council has now produced a 'Taxi Driver's Handbook' and safeguarding training will be mandatory. Council Licensing Boards also need to be vigilant and revoke licences where there are safeguarding concerns.

It is crucial that we identify 'hot spots' where CSE is taking place in Scotland. This may involve taxis, petrol stations, takeaways, 24 hour shops and 'party flats'. These are places where vulnerable and underage young people go in search of alcohol, a free lift, food, or a warm place to stay while 'missing', and therefore could be exploited.

Use of all statutory powers available, including licensing regulations, is essential in tackling CSE.

7. *In Rotherham, there was little or no specialist counselling or appropriate mental health support for victims, despite their acute distress. Specialist mental health services deleted children's names from the waiting list if*

¹¹ Jay, A. (2014), P.91.

¹² *Ibid.*

¹³ Barnardo's (2014) *Hidden in plain sight: A scoping study into the sexual exploitation of boys and young men in the UK- Policy briefing*. Barking: Barnardo's. P.5.

¹⁴ Jay, A. (2014). P.32.

¹⁵ *Ibid.*, p.94.

¹⁶ *Ibid.*, p.73.

they missed their first appointment.¹⁷

The Jay Report strongly emphasises that victims of CSE need a therapeutic response and one that offers a long term and sustained commitment to a child's recovery.¹⁸

Barnardo's Scotland has raised concerns that provision of mental health services for children is very uneven across Scotland. Children in one Health Board area, on average, can wait five and a half months, and in another, only a few weeks.¹⁹

Agencies must adapt to the needs of a sexually exploited child. Professionals need to match, if not better the attention, effort and time, that perpetrators give to the child. As part of the grooming process, perpetrators work extremely hard to foster a positive attachment.

At Barnardo's Scotland, our therapeutic services continue to work with a child, despite missed appointments, because our CSE practitioners are aware of the impact that abuse, a chaotic life, and often a mistrust of authorities, have on the child's ability to engage with the therapy that they badly need. Persistent outreach and regular contact with a child is often needed to establish a therapeutic relationship. There are no quick fixes in dealing with the impact of CSE and agencies must understand that victims will need support over a long period of time.

8. Online grooming can move from online contact to personalised contact very quickly.²⁰

¹⁷ *Ibid.*, p.56.

¹⁸ *Ibid.*, p.48.

¹⁹ Scottish Government (2014) *Child and Adolescent Mental Health Services Waiting Times in Scotland: Quarter ending March 2014*. Scottish Government.

²⁰ Jay, A. (2014). P.38.

Grooming is an offence in Scotland that carries with it a punishment of up to 10 years imprisonment. Grooming must be regarded as a serious offence in its own right, and not merely as 'part of the narrative' of a child's abuse.

There is always intent to exploit and abuse, and grooming is therefore the beginning of a process that ultimately leads to child sexual abuse. Once abuse takes place however, and the longer it goes on, the harder it is to pull that child back.

Agencies in Scotland must disrupt the grooming process and not wait until a child has been sexually exploited, before taking decisive action. This is ever more important when children are increasingly being exposed to sexual exploitation through unsupervised use of text, and other forms of mobile messaging, online gaming, and social networking sites. When engaging in these activities children are seeking attention, comfort and friendships. They do not expect to be abused.

9. Sex education was often out of touch with what children need to know to protect them.

Young people in Rotherham were scathing about the sex education they received at school, which only focused on contraception.²¹ Barnardo's Scotland has been delivering awareness training on child sexual exploitation for many years. Children really need to know about consent and risk. Furthermore, sex education must be accessible and relevant to LGBT young people, and those with learning disabilities who may be particularly vulnerable to being sexually exploited.

²¹ *Ibid.*, p.71.

10. A child going missing, whether overnight or longer, is a serious problem and should always be considered to be a risk indicator of CSE.

The Jay Report highlights that the proportion of missing looked-after children in Rotherham was higher than the national average, and, "that there had been a sharp increase in the numbers of missing children in their mid-teens"²². The links between missing, running away, and CSE are well established.²³ Repeated missing episodes are a strong indicator that a young person may be at risk of, or is being, sexually exploited. In Rotherham, 63% of the cases reviewed by the Inquiry involved children who had been reported missing more than once.²⁴ We also need to be mindful of those children who may be 'absent', or not where they should be, such as skipping a period at school, as they are often not reported as missing and can be at greater risk.

11. Specialist services that sit outside of mainstream statutory services, which understand both CSE and child protection, have an important role to play.

In Rotherham, the Risky Business project was the first public service set up to identify and support young people involved with CSE but was often seen by agencies as "something of a nuisance"²⁵. However, within a multi-agency framework, the service held a critical position by sitting alongside mainstream statutory services. Risky Business workers were able to create

and retain trust with vulnerable young people who had no trust for statutory services. It also had a valuable 'soft' intelligence gathering role. The Report notes the tension between the particular service and the rest of Rotherham Council's Social Care department, and the failure to recognise the "distinctly professional role"²⁶ of Risky Business staff.

Frictions between agencies must be both understood and overcome if CSE is going to be tackled effectively, as a multi-agency collaborative approach is essential.

12. Thresholds for intervention by agencies need to be clearly defined and set at an appropriate level.

In 2005, the Safeguarding Board in Rotherham approved a comprehensive action plan which included interagency planning procedures. In 2012 however, there were still calls for a shared, clear definition of referral processes and threshold criteria for a response to be agreed by all agencies.²⁷ The Jay Report found that thresholds had been "unacceptably high,"²⁸ which meant that children who needed the support and intervention of Social Care, did not get it.

We must be careful that in Scotland, cases of CSE are identified and meet appropriate thresholds for multi-agency intervention and support.

13. The Jay Report states: "An issue or responsibility that belongs to everybody effectively belongs to nobody".²⁹

We are all accountable for what we see, what we know about abuse that

²² *Ibid.*, p.9.

²³ Smeaton, E. (2013) *Running from hate to what you think is love: the relationship between running away and child sexual exploitation*. Barking: Barnardo's.

²⁴ Jay, A. (2014), p.38.

²⁵ *Ibid.*, p.79.

²⁶ *Ibid.*, p.82.

²⁷ *Ibid.*, p.66.

²⁸ *Ibid.*, p.45.

²⁹ *Ibid.*, p.113.

is happening around us, and what we do about it. However, child protection is also the particular responsibility of particular agencies and individuals, including Health, Police Scotland, Education, Social Work, and the Voluntary Sector. In working within a multi-agency framework, which is often so successful in safeguarding children, we must be careful not to allow any child to fall into the gaps between agencies or to be written off and forgotten.

14. *Strategies, action plans, protocols and procedures do nothing at all for children if they are not implemented.*

In Rotherham, protocols and procedures were clearly not evidence of safeguarding, as checks were rarely undertaken to ensure they were being implemented.³⁰

The Jay Report highlights that in 2006, an Ofsted Joint Area Review judged Rotherham council to be successfully protecting children from sexual exploitation, which was thought to have given staff a false sense of security.³¹

It may be tempting, in the face of the scale of a complex problem, competing priorities and limited resources, to think that an action plan or a satisfactory inspection report is the equivalent of keeping a child safe from harm.

In Scotland, we must scrutinise and challenge policies, priorities and procedures, to ensure that children are being safeguarded from CSE in every region.

15. *Finally, "this abuse is not confined to the past but continues to this day."*³²

The Jay Report is not a watershed of before and after CSE. It is still happening in Rotherham and it is taking place across Scotland. While there is good work ongoing to tackle child sexual exploitation, we cannot be so naive to think that CSE occurs in isolated incidents, or that it is not happening to children in cities, towns and villages, all over Scotland.

Rotherham is a wake-up call for Scotland. We must learn lessons quickly and take recommendations from the Jay Report very seriously.

There must be recognition at every level among agencies with child protection responsibilities in Scotland that sex between an adult and a child under 16 is always wrong and it is not the child's responsibility to say 'no'.

We must understand that what we see is the grooming and manipulation of a vulnerable child, not a consensual relationship.

In Rotherham, children were effectively written off as agents in their own abuse by the organisations that had the responsibility to protect them. We cannot let this happen in Scotland.

We must do more to tackle CSE in Scotland and ensure a more co-ordinated approach across the country.

³⁰ *Ibid.*, p.2.

³¹ *Ibid.*, p.106.

³² *Ibid.*, p.1.

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