

THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

Supplementary Witness Statement of CHRISTIAN PAPALEONTIOU

I, Christian Papaleontiou, of the Home Office, 2 Marsham Street, London, SW1P 4DF, will say as follows:

1. I make this second statement further to the original written witness statement I provided to the Inquiry on 20 February.
2. I committed to respond in writing to the Inquiry in reference to four questions raised during my oral evidence session at the Inquiry's public hearing on 1 October and I shall address each of those questions in turn.

Data the Home Office collects on Section 45 of the Modern Slavery Act 2015:

3. Section 45 of the Modern Slavery Act (MSA) 2015 provides a statutory defence for victims of modern slavery who were compelled to carry out criminal offences as a result of their exploitation (in the case of an adult) or committed the crime as a direct result of being a victim (in the case of a child) for example, in cases of criminal exploitation where an individual is forced to produce or sell illegal drugs. Schedule 4 of the MSA 2015 sets out a list of offences to which the defence does not apply. The defence does not apply to the most serious crimes, such as sexual offences or offences involving serious violence. The statutory defence was introduced under the MSA 2015 to protect those very vulnerable people who were previously being unfairly prosecuted for crimes they were forced to commit by their exploiters – notably cannabis cultivation. It provides enhanced protection measures for victims and a route to ensure victims have the confidence to come forward. Having a defence in place also allows us to meet our international law obligations under the non-punishment provision, as set out in Article 26 of the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT).
4. The Home Office does not collect data on the use of the Section 45 defence. However, we continue to engage with the police and Crown Prosecution Service (CPS) to monitor and assess how it is being used in practice across all stages of the criminal justice system.

5. This follows the Independent Review on the Modern Slavery Act (22 May 2019) (Exhibit HO/1) which considered the effectiveness of the defence following concerns about its use being raised by the police and the CPS. The Review concluded that the current legislation achieves the right balance between the need to protect victims from criminal prosecution and preventing abuse of the defence. The Government Response to the Independent Review (9 July 2019) (Exhibit HO/2) accepted this finding and noted that the Government would continue to monitor use of the defence, working with operational partners - and that the Independent Anti-Slavery Commissioner (IASC) would also work with criminal justice agencies to better understand what is happening on the ground.
6. Further to the Independent Review, on 17 January 2020, the IASC launched a call for evidence seeking those with practical experience or knowledge of cases involving Section 45 to submit written evidence. On 8 October 2020, the IASC published her report from her call for evidence (Exhibit HO/3). The report highlights four key findings and makes ten recommendations, which cut across the police, the CPS, the Department for Education (DfE) and the Home Office. The Home Office welcomes the report and we are considering the recommendations together with criminal justice system (CJS) partners and the DfE.
7. The IASC's report also noted the data limitations and suggested that it is essential that the police, CPS and courts collaborate to identify a way in which section 45 can be recorded, monitored and reviewed both qualitatively and quantitatively. We will continue to work closely with CJS partners to determine the practicalities of this.

The criminalisation of children and the extent to which those records which some children have which relate to exploitation and prostitution (which was a crime until 2015), or exploitation by organised networks prior to the Modern Slavery Act 2015, are being removed, and whether other criminal convictions should be deleted if they occur in the context of child sexual exploitation (CSE) or child sexual exploitation by organised networks:

8. *The overturn of convictions for criminal offences committed by victims of child abuse:* Any application for a pardon in such cases would need to be considered on an individual case basis. The most far-reaching type of Royal Pardon, a so-called free pardon, would remove the 'pains and penalties' which flow from a conviction, but would not affect a conviction itself or remove it from a person's criminal record. It would be for an appeal court to quash a conviction, following investigation and referral from the Criminal Cases Review Commission (CCRC). Individuals can apply to the CCRC to look into particular cases. The CCRC also has the power to refer cases to the Secretary of State for Justice when it feels that a Royal Pardon should be considered.
9. *Disregard of convictions:* Whilst the Government has established a regime for disregarding certain convictions through provisions in the Protection of Freedoms Act 2012, the process can only be used in prescribed circumstances in cases where the original offence is no longer illegal. There is no precedent for disregarding

convictions where the behaviour remains an offence. Developing a policy to disregard the convictions of child abuse victims could be problematic due to the challenges of demonstrating that the crime had been committed as a result of exploitation or coercion, without essentially retrying the case, and ensuring that the impact on the victim of the crime is also fully considered. Any change would need to be considered very carefully by ministers.

10. *Disclosure of records:* Where individuals seek to work in certain roles working most closely with children or vulnerable adults, such as teaching and social work, there are certain offences that would lead to the individual being automatically barred but these offences are principally serious sexual or violent offences such as rape or sexual activity with a child. For the vast majority of roles, the employer is only entitled to ask about unspent convictions. It is only in those roles working most closely with children and vulnerable adults that certain spent convictions and cautions will be disclosed.

Government funding to organisations who deliver long-term support for victims and survivors:

11. Support for victims and survivors of child sexual abuse (CSA) encompasses a wide range of statutory and non-statutory services funded by several different national and local commissioners. For example, local authorities commission specialist sexual health services, Clinical Commissioning Groups are responsible for mental health services and Police and Crime Commissioners (PCCs) commission support services for victims of crime. At a national level, NHS England commission a network of Sexual Assault Referral Centres, the Ministry of Justice (MoJ) funds specialist voluntary sector services for victims of all forms of sexual abuse (including CSA) and the Home Office supports national services for victims of CSA.
12. In its Interim Report, the Inquiry recommended that the Department of Health and Social Care, the DfE, the MoJ and the Home Office work together to establish current levels of public expenditure, and the effectiveness of that expenditure on services for child victims and adult survivors of CSA in England. The Government's response was published on 26 February 2020 (Exhibit HO/4). The response sets out government spending on services providing targeted support to victims and survivors of CSA, as well as broader sexual violence service. Victims of CSA may also access universal government-funded support, such as general health services, policing, children's social care and youth services. However, given these services are also widely accessed for reasons other than sexual assault, the response sets out the challenges of determining the proportion of these funds that go towards victims and survivors of CSA.
13. Since the publication of the Government's response, the Home Office and MoJ have doubled the funding (£2.4 million in total between 2020 and 2022) available to national voluntary sector organisations through the Support for Victims and Survivors of CSA fund (SVSCSA). This funding is enabling a range of vital national services supporting children, adult survivors and non-abusing parents and carers. Services supported by the fund include helplines, in-person and remote

counselling, online psychoeducation resources, training for professionals working with victims and specialist support to children with disabilities (Exhibit HO/5).

14. This year the Home Office has also launched a new £2.8 million CSA Support Services Transformation Fund which will enable statutory and non-statutory organisations to promote and embed best practice in support to children and young people who have experienced sexual abuse, improve the quality of support to children from all backgrounds and build our understanding of what works to support victims and survivors. This funding will also enable improved multi-agency working between commissioners, providers and communities.
15. The MoJ Rape and Sexual Abuse Support Fund has also been increased by £4 million per annum up to 2022 (to a total of £12 million per annum), delivering a 50% uplift in funding to all MoJ-funded local rape support centres to address continuing high demand for support to victims of sexual violence, including CSA. £1.88 million of this funding is ring-fenced specifically for support for victims and survivors of recent and non-recent CSA. A further £4 million per annum investment to 2022 has been made in expanding the number of Independent Sexual Violence Advisers across England and Wales. In addition, the MoJ has this year allocated £4.8 million to PCCs to specifically commission services for victims and survivors of recent and non-recent child sexual abuse across their communities.
16. The Government is committed to ensuring access to high quality support for victims and survivors of CSA, wherever they live in the country and regardless of when the abuse occurred. There is no 'one-size fits all approach - each individual victim or survivor will have different needs and preferences, which will influence the combination of services they need or choose to access, and how and when they do. Even though services may be offered by a range of statutory and voluntary sector providers, it is vital that the pathways between these services are easy to negotiate and appear seamless to victims and survivors.
17. The Government has committed to develop a Victims Funding Strategy to cover support to all victims of crime, including CSA. This strategy will be underpinned by a new delivery model to ensure there is a sustainable and joined up approach to funding at both national and local level to maximise the impact of the support we provide. Support to victims and survivors will also be a key objective of the new cross-Government Tackling CSA Strategy.

The definition of what should be seen as child sexual exploitation and how that relates against CSA, including what we should be understanding by organised groups and networks as far as the interface with CSE is concerned, and whether the link between the two is helpful or whether it potentially opens up some gaps and cracks in policy approaches:

18. The work that the Home Office has conducted to better understand group-based CSE has allowed us to draw some insights about the impact of the group both on how the offending manifests itself and on the investigation. It should be noted that

our understanding of this type of offending is based on known and reported cases, and is therefore limited, and still within those there is a significant amount of variation. However, for the purpose of understanding and tackling offending, we believe there may be factors specific to offending by groups that it would be useful for practitioners to be aware of, as set out below.

19. There is no universal structure of organisation among networks involved in CSE. There is research that points to the fact that many CSE networks are not well organised, with no clear hierarchy or demarcation of roles within the group. Research indicates offender networks are often based on pre-existing social connections and as such it is common for offender networks to appear fairly loose, although there are instances of closer networks. Some of the more organised networks we have seen in the cases we have examined have been within groups involved in wider criminal activities.
20. The potential size of networks, and the fact that it is common for networks to be loosely connected and not organised, has implications for the identification of complex group-based offending. These complexities can make networks more challenging to investigate with a large number of leads to follow up on and peripheral (and possibly non-criminal) associations to work through. This is further complicated by the fact that nicknames can often be used for members of the group, so tracking these individuals down can be difficult. The tenuous connections between individuals, and the challenges identifying offenders, coupled with underreporting, typically makes network significantly more difficult to disrupt than individuals.
21. Another distinguishing factor of group-based offending is the role the group plays in motivating offenders. Some research has identified that operating in a group may exacerbate an individual's drive to offend, as well as the severity of the abuse they conduct, while also helping to lower inhibitions and 'normalise' the offending behaviour. Practitioners should be aware of these dynamics when consider preventative activity focused at group-based offending specifically.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

DPA

Dated:

21 October 2020