



Journey to Justice:

Prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse

Summary of key findings

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Summary of key findings

This document summarises key findings from research undertaken by Barnardo’s Research, Evaluation and Impact Team¹. The study focused on exploring:

- how the support needs of young victims and witnesses involved in criminal justice processes relating to child sexual exploitation (CSE) and child sexual abuse (CSA) can be addressed through support from a voluntary sector child-focused specialist worker
- the practical and operational considerations of undertaking this kind of work, within a multi-agency environment.

The research prioritised the gathering of children and young people’s views about support provided by Barnardo’s workers at key milestones before, during and after prosecution (Table 1).

In addition to interviews with children and young people who have been supported through a police investigation or prosecution by Barnardo’s – as either a victim or a witness – the research also explored views and experiences of parents and carers, Barnardo’s practitioners, and, representatives from police forces who have worked with Barnardo’s through investigation or prosecution processes.

The study provides valuable insight into the experiences of young victims and witnesses in relation to CSE and CSA cases, and of their support needs, and contributes to the evidence base for young victims and witnesses to have access to both therapeutic support, and long-term and coordinated support from an independent child-focused worker.

Five elements were identified as being central to helping children and young people to cope with the emotional stress and turmoil they can experience, and help set them on a pathway to recovery (Figure 1).

Table 1: Key milestones of the police investigation and prosecution process

Before prosecution	Preparing for and during prosecution	After prosecution
Disclosure and Barnardo’s initial involvement	Preparation for the trial (including offering and organising Special Measures)	Receiving information about the verdict and sentencing
Police investigations (including questioning, interviews, and pre-trial therapy)	During the trial and cross-examination	Moving on
Possible ‘no further action’ (NFA) decision from the Crown Prosecution Service (CPS)		

Figure 1: Elements of Wellbeing



¹ The full research report ‘Journey to Justice: Prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse’ can be accessed at www.barnardos.org.uk

This summary document focuses on how these five elements can be addressed by support from a voluntary sector child-focused worker, to ensure that the best interests of young victims and witnesses are put first, and their wellbeing prioritised.

Key findings

- Consistent, one-to-one support from a Barnardo's worker is crucial to the promotion of the wellbeing of young victims and witnesses, and to supporting them onto a pathway to recovery.
- Barnardo's workers play a central role in:
 - advocating for children and young people's rights and wellbeing to remain paramount in the course of police investigations and trials, and for potential re-traumatisation to be limited as far as possible
 - safeguarding young victims and witnesses in relation to ongoing risks of sexual exploitation and abuse, by supporting them to stay safe, and reducing their risk of future exploitation and abuse
 - raising awareness of the needs of young victims and witnesses among other agencies, thereby influencing how others treat children and young people involved in criminal justice processes in relation to CSE/A.

"[Name of Barnardo's worker] said from day one, "I don't know what's happened, I'm not allowed to know what's happened but we believe you." That's the first thing she said. My family believed it and my police officer I worked with believed it, but as a whole... the whole criminal justice system were just like "phh" basically. That's what I felt like, yeah." (Young Person)

Sense of self and control

Children and young people involved in criminal justice processes relating to CSE/A report feeling disempowered and often experience a sense of self blame, a lack of sense of self, a poor sense of self-efficacy, and feelings of lacking control over their situation.

While these feelings often result from the distress and trauma of the abuse they have experienced or witnessed, such feelings can be exacerbated by aspects of the criminal justice process – for example, a lack of understanding of criminal justice processes, and poor communication and exclusion from decision making can contribute to children and young people feeling a loss of control over their situation, which can lead to distress and retraumatisation.

"She was taken out to the hospital where the trauma came out by way of kicking and screaming and punching and shouting, and just being a real nightmare to handle ... And I think the investment in that training paid off, because they were able to recognise that this was trauma. The easiest thing to do would be to arrest her and put her in handcuffs, and take her to the station. Five years ago that may have happened." (Detective Inspector)

Children and young people can find cross-examination particularly difficult and confusing. The approach of 'adversarial cross-examination' can reinforce feelings of blame, with children and young people feeling that defence teams try to 'trip them up', which leads to them feeling that they are not believed.

In supporting children and young people, it is therefore important that they feel a degree of autonomy, power, and control, and an improved sense of agency over their lives. Support must avoid replicating the disempowerment experienced in exploitative relationships.

Support from a practitioner showing they are committed to listening, and facilitating engagement in decision-making helps to promote children and young people's wellbeing. However, the complexities of the criminal justice system, and the often protracted and fluid timescales of police investigations, can pose a challenge in this regard, and impact negatively on children and young people's wellbeing.

"I'd say for the criminal justice system, [try] to include the young person a bit more, because I remember feeling like everything was just happening around me and I had no control and obviously, in a case like this, with that type of crime, a lot of control's already been taken away from you and stuff, so I think it's important to give the young person a choice." (Young Person)

The trial preparation phase is viewed as being extremely important in preparing children and young people for potential scenarios.

Relationships/support network

Children and young people involved in criminal justice processes relating to CSE/A benefit from being able to rely on support from both formal and informal support networks. In addition to providing much needed professional support, practitioners can play a key role in helping children and young people to identify, strengthen and reinforce their existing non-professional support networks, and help ensure that children and young people have access to non-professional support at the points in the processes at which they might need it most.

The importance of support from an independent child-focused worker is highlighted by the fact that sometimes a support worker can be the only 'constant' in a child or young person's life throughout their engagement in the criminal justice process. It is therefore important for workers to:

- build a trusting relationship with each child/young person
- provide continual reassurance that a child/young person is believed
- reassure children/young people that they will 'be with them all the way'.

In strengthening a child or young person's non-professional support networks, practitioners identified the importance of undertaking work with parents and carers, and listening to any concerns they raise in regard to their own or their child's situation. Such work can improve parent/carer confidence and ability to provide a solid support network for their child and strengthen family relationships.

Work with parents and carers can involve:

- explaining criminal justice processes
- alerting them to the support their child may require, and when additional support might be required – for example, helping to make plans to ensure support at home after police questioning or interviewing sessions, which can be particularly retraumatising experiences for young victims and witnesses

- updating on proceedings, and relaying information to and from police (as agreed with the child/young person)

"In terms of the police questioning and the interviews, you need to make sure that young people have a good support network lined up after. Because it's really re-traumatising. And you can never really judge how they're going to respond. Sometimes they'll be acting okay and it'll be a couple of days later that it hits them. Sometimes they come out and are physically sick and are in a very, very bad way. So it's making sure that you've thought of a bit of a plan with them before."
(Barnardo's practitioner)

The research identified a gap in terms of support and explanation for parents and carers. There should be more emotional and practical support provided to parents and carers, from an independent source, to promote their own wellbeing and understanding of the process and to promote a solid support network for their child throughout this time.

Emotional and physical health

Children and young people involved in criminal justice processes relating to CSE/A often require support to address physical and emotional health issues – both in the course of their engagement in their case, and/or after the conclusion of a case.

With regard to helping children and young people to promote their physical health, practitioners can play a key role in facilitating access to physical health services – such as organising or providing sexual health support (e.g. assessment, advice, treatment, access to contraception), and encouraging them to adopt good self-care routines, around eating and sleeping, for example.

Court appearances can be a particularly scary and retraumatising experience for children and young people. Access to therapeutic support can be particularly important, as in addition to the trauma of their exploitation, many children and young people involved in CSE/A investigations have experienced other traumas in their lives, have difficult home lives, and/or experience attachment issues.

Worryingly, the research identified a concern among practitioners that children and young people may be being given inconsistent advice regarding their entitlement to pre-trial therapeutic support. Some children and young people may therefore wrongly be being stopped from receiving necessary therapeutic input. Indeed, victims and witnesses can access therapy during a criminal investigation, as long as the adopted approach remains within the boundaries of the 'pre-trial therapy protocol' of the CPS.

Children, young people, and their parents/carers also shared grievances about pre-trial mental health support. In particular, children and young people aired frustrations around not being allowed to share detailed information regarding their experiences, until after a court case. In addition to the benefits that earlier discussion of their experiences could have on their wellbeing, the constraints around what can be discussed pre-trial may deter children and young people from wanting to access pre-trial therapy, at all.

Practitioners made particular reference to the importance of supporting children and young people to access therapeutic mental health support when No Further Action (NFA) decisions are given. This is because of the shock, disappointment and overall emotional toll that 'failed investigations' can have on children and young people.

The research identified a gap in Barnardo's ability to support children and young people with severe or complex mental health needs, in relation to criminal justice processes in relation to CSE/A. Barnardo's should look to strengthen its strategies to provide this support in-house, or improve its linkages to support elsewhere, especially for those with acute and immediate needs.

Practical support

The practical support an independent child-focused worker can offer to a child or young person can go some way to helping alleviate the immediate stresses and anxieties experienced through involvement in criminal justice processes relating to CSE/A.

This practical support can include what practitioners frequently referred to 'crisis' or 'stabilisation' work – for example, ensuring children and young people have access to safe

accommodation, and food. Sometimes this work can involve supporting a child or young person to organise suitable accommodation, monitoring how an investigation or trial is affecting their school work, or helping them to enroll for a college course.

“I had one yesterday, “I got no money, I got no food.” I got one that said, “I got a letter I don’t understand – it’s from a psychologist – I’m going to go off my fucking head in a minute if you don’t....” That is what you get. That is the crisis. And that in itself is not a crisis but the person’s inability to understand, perceive it, and manage it, becomes the crisis.” (Barnardo’s practitioner)

Practitioners can also provide transport for children and young people to/from police interviews, and plan positive activities to do with children and young people.

Safety and safeguarding

By virtue of their involvement in CSE/A, young victims and witnesses require support aimed at helping them to stay safe, and reduce their risk of future exploitation and abuse.

This work involves education on relationships and sexual health, including provision of information on safety strategies, and advice on how to identify grooming and controlling/abusive relationships, and potentially risky situations.

Practitioners identified challenges in balancing prioritisation of immediate safety and awareness of risks to future danger or exploitation, with avoiding being accused of affecting evidence, or of 'coaching' or 'guiding' during a live police investigation, which can impact on the likelihood of a continued or successful trial. For this reason, practitioners noted that it is often necessary for this critical CSE safety work to be undertaken in the third person. Practitioners, were agreed, however, that a child/young person's safety must be prioritised over and above any police investigation, where their needs are paramount

“So we always go along the lines of – just do the work, in a third-party scenario type way. So ‘this is CSE’, you use case scenarios not about them... So it’s like a teaching based [approach].” (Barnardo’s practitioner)

*“I have to show that I am safeguarding a young person as well as not hindering an investigation. Obviously that’s hard.”
(Barnardo’s practitioner)*

Conclusions

Consistent, one-to-one support from an independent, voluntary sector, specialist worker is crucial to the promotion of the wellbeing of children and young people involved in criminal justice processes relating to CSE/A, and to supporting them onto a pathway to recovery.

As a voluntary sector organisation with extensive experience of working with young victims and witnesses of CSE/A, Barnardo’s is well-placed to provide support to promote the wellbeing of young victims and witnesses, by providing information to help them to make informed decisions, advocating for a degree of choice to remain with them, and for them to have their views listened to, in a process that is very disempowering.

Through working in a nurturing and trauma-informed way, Barnardo’s workers can play a significant role in contributing to the wellbeing of young victims and witnesses – before, during, and after their engagement with the criminal justice process. However, in order to safeguard and promote their wellbeing, and for potential re-traumatisation to be limited as far as possible, support must be thoroughly planned from the outset of investigations, and prepared for at each stage of the criminal justice process.

The work of Barnardo’s cannot, however, be viewed in isolation from challenges which exist within existing criminal justice processes, which can, at various stages, undermine the wellbeing of children and young people. Indeed, the impact that criminal justice processes can have on the wellbeing of children and young people can also be heightened by other vulnerabilities that witnesses and victims of CSE frequently experience. It is therefore critical that support provided is shaped by these vulnerabilities. Such vulnerabilities include: being in care, having severe mental health needs, and, regularly going missing from home. Support should also take into consideration other factors in children and young people’s lives, including key milestones such as transitioning into adulthood, or moving into new accommodation.

In addition to directly supporting children and young people, Barnardo’s can, therefore, also play a key role in raising awareness among other stakeholders involved in investigations and trials, of the vulnerabilities and complexities young victims and witnesses may face, thereby influencing how others respond to children and young people. Such work can include raising awareness of the potential manifestations of exploitation, abuse, and trauma, and of the impact these can have on the presenting behaviours of young victims and witnesses – for example, the complex attachment that victims of CSE/A can – in some circumstances – appear to show towards perpetrators of abuse. This is particularly important where understanding of concepts such as trauma or consent may vary, for example, among criminal justice workers, and juries considering evidence.

While recent improvements to supportive practice within particular aspects of the criminal justice system will likely address some of the concerns raised in this research, there is yet more that can be done to ensure wellbeing of children and young people is prioritised still further..

Every child or young person involved in criminal justice processes relating to CSE/A should have access to consistent support from a single, independent worker. This support must be provided at the earliest stage possible, and must continue post-engagement with the criminal justice system, in order to help children and young people to come to terms with the final outcome.

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