

THE UNIVERSITY OF HULL

Child Criminal Exploitation: A New Systemic Model to
Improve Professional Assessment, Investigation and
Intervention

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Abstract

Child Criminal Exploitation (CCE) means coercive control of a child in order for them to commit crimes on the behalf of another. Often, a child that is a victim of criminal exploitation is not recognised as such when they come to the attention of criminal justice and child safeguarding authorities.

This thesis challenges the assumptions which underpin the tactical and strategic responses of professionals, and criminal justice and child safeguarding organisations. It provides a new theoretical model, which could be used for extending and improving the range of responses to the problem by analysing it as a pattern that emerges from the interactions between the child, the perpetrators of the exploitation and the environments in which they both exist.

Drawing upon diverse extant theories to generate an emergent, constructivist model CCE (which I have called “The Circles of Analysis”), the questions that are addressed in this thesis are:

- What are the components and mechanisms that maintain the relationships between the child, their environment and the perpetrators that lead to criminal exploitation?
- Precisely how can the relational understanding of child criminal exploitation, proposed in this thesis, result in better strategic and tactical responses by organisations concerned with safeguarding children and pursuing and prosecuting offenders?
- Can the theoretical model for CCE proposed in this thesis support and improve professional judgement and decision making in relation to safeguarding children at risk of criminal exploitation?

Through novel use of focus groups as a method of “market testing” the viability of the Circles of Analysis concept with practitioners, the final iteration of the model was coproduced with research participants. The result is a model that reflects professionals’ experience of CCE and has practical applications. It supports identification and analysis of CCE, aids

professional judgement and decision making and can improve collaborative safeguarding interventions.

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Chapter 1

Introduction

Child Criminal Exploitation, or CCE, refers to children that are forced to engage in criminal activity for others; to commit crimes by proxy. This pattern of child exploitation is not new, nor is it unfamiliar. In Charles Dickens' story of *Oliver Twist*, Oliver is homeless and starving when he meets a boy of about his own age. The boy introduces Oliver to his benefactor Fagin, a man who is a career criminal who recruits orphan children and trains them to pick pockets. In modern terms this would be regarded as an example of criminal exploitation of children, a practice that has in more recent years come to be epitomised in England and Wales by the control of children to transport and sell drugs in the context of the phenomenon known as "county lines". Modern examples of criminal exploitation are not limited to those associated with the county lines pattern; forced begging, street crimes such as ATM distraction theft, cannabis cultivation, charity bag theft, burglary, and even benefit and insurance fraud and money laundering are all patterns of child criminal exploitation in the 21st Century. The nature and scope of CCE is constantly evolving, adapting according to environments, opportunities and disruptive threats. On June 17th 2019, The Today Programme reported the emerging evidence for children being paid "bounties" by gang members to carry out knife attacks on their behalf (BBC, 2019). The diversity of criminality reflects the heterogeneity of criminal actors, who will exploit children in a variety of ways depending on their criminal needs and motivations. Different modalities or patterns of exploitation intersect with each other and are supported and maintained by ongoing child abuse in the form of physical and sexual violence, emotional and psychological abuse, and neglect.

I begin this thesis by describing a range of criminal activities in which children have been forced to participate by individual adults, organised crime groups or peers within youth gangs. I describe the nature and extent of CCE world-wide before focusing on the nature and the present scope and scale of the phenomenon as it presents in England and Wales. I argue that there are similarities in the characteristics of children that are targeted for criminal exploitation; there are similarities in patterns of criminal exploitation when those that have been exploited in the UK are compared with those in Central and Eastern Europe and Vietnam. Extreme poverty, adverse family contexts, poor education or special educational needs and disengagement from education, drug or substance abuse, exposure to domestic violence and prior victimisation and abandonment emerge as consistent themes in the adverse life experiences of children prior to criminal exploitation, regardless of ethnic background, country or region of origin. This raises the question however, why is it that not all children with these characteristics are exploited even though some are? I question the received wisdom that these characteristics are risk factors or predictors for CCE and argue that it is the differences between cases of CCE that help us to understand how it emerges and is maintained. These differences are represented by the relationship between the child, the exploiters and the environment in which they both exist. It is my assertion throughout this thesis that CCE is more easily understood as a pattern emerging from processes of child abuse, and by framing it as such, it is possible to apply theories of violence against children to identify the criminogenic motivations of criminal exploiters of children.

Responses to the problem of criminal exploitation of children in England and Wales often fail to identify a child as a potential victim (Brotherton & Waters, 2013 (Setter & Baker, *Child Trafficking in the UK 2018: A snapshot*, 2018). This is due to a response that is based upon flawed assumptions about those that have been exploited, about the perpetrators and about the processes of the exploitation. Consequently, current understanding of the problem is reductive, and interventions are limited. Understanding exploitation of children 'is not simply about identifying the characteristics of children who are vulnerable to abuse; it requires a wider

perspective and understanding of the contexts, situations and relationships in which exploitation [of children] is likely to manifest.’ (Ofsted, 2018). This thesis provides that perspective by constructing the “Circles of Analysis”, a theoretical framework that explains and describes the nature and aetiology of child criminal exploitation.

1.1 Background to This Thesis

In 2010 Operation Golf, consisting of a joint investigation team (JIT) formed between the Metropolitan Police and the Romanian National Police, tackled a specific Romanian organised crime network that was trafficking and exploiting children from the Roma community. The investigation led to the arrest of 126 individuals. The offences included: trafficking human beings (including internal trafficking within the UK), money laundering, benefit fraud, child neglect, perverting the course of justice, theft and handling of stolen goods (Europol, 2019). In 2013 the charity, Anti Trafficking and ‘Race in Europe’ project (Response Against Criminal Exploitation) published research on the problem criminal exploitation of children in the UK and included reports of trafficked children forced to undertake a range of criminal activities, including ATM theft, pickpocketing, bag-snatching, counterfeit DVD selling, cannabis cultivation and benefit fraud, as well as being forced to beg (Brotherton & Waters, 2013).

Until recently, there has been little attention paid to the problem of child criminal exploitation (CCE) when compared to the problem of child sexual exploitation (CSE). CCE has involved children from within the UK as well as children trafficked into the UK from abroad. According to National Referral Mechanism (NRM) data, these children historically mostly come from central and Eastern Europe, particularly Roma children from Romania and Hungary. Criminal exploitation in the context of Operation Golf refers to children being forced to commit street crime and beg. According to Anti-slavery, the trafficking of Roma nationals for the purposes of criminal exploitation, was still happening on a large scale between January 2011 and December 2013 when 3 318 foreign national

children were arrested for theft offences in the UK. (Anti-Slavery International, 2014). The charity ECPAT UK has reported that children have been forced to produce counterfeit goods such as DVDs (ECPAT UK, 2010) and trafficking for multiple purposes seems to be an increasing trend e.g. early and forced marriage is often a conduit to sexual exploitation, forced labour and domestic servitude.

Despite the increasing awareness of CCE, between 2016 and 2018 in the UK, the involvement of children in drug dealing and associated offences such as holding drugs and weapons and violent crime have increased dramatically since 2016 e.g. recruitment and exploitation of children in County Lines operations has quadrupled (National Crime Agency, 2019)

1.2 The Necessity for New Research

I have come to this research following thirty years practice as a forensic social worker and specialist in safeguarding children and vulnerable people. I have worked as a consultant practitioner and expert witness in both the civil and criminal justice systems, including the prosecution of complex cases of human trafficking and modern slavery. As a practitioner I have worked with both victims and perpetrators of sexual violence, physical and psychological violence, emotional abuse, neglect and exploitation in a wide variety of contexts. From this perspective I have become familiar with the challenges and complexities of child exploitation cases, the difficulties faced by other professionals from different disciplines in this field and the paucity of information and theory available to guide practice.

As a secret or hidden phenomenon, child criminal exploitation is surrounded by myths, assumptions and false perceptions. These are reinforced by political agendas, sensationalist reporting and representations of victims and those engaged in intervening to stop the trade or to “rescue” the victims. In Chapter 3, I will demonstrate and discuss how all these elements coalesce to form complex systems in which abuse and exploitation are maintained. The abuse and exploitation adapt to new pressures and opportunities but at the same time maintains their

cohesion, based upon the congruent characteristics of suitable targets for exploitation, the needs and motivations of both those that are exploited and those that exploit, and the context in which the exploitation occurs.

There is an absence of a coherent, aetiological model that describes and explains CCE. So far, the research in the field of child exploitation has been dominated by child sexual exploitation and this research itself has focused upon female victims primarily so that the sexual exploitation of young males has been largely overlooked (McNuoghton Nichols, et al., 2014). Existing guidance for safeguarding practitioners, law enforcement officers and lawyers has been dominated by check lists of signs and indicators of CCE and linear processes of intervention represented by simplistic flow charts such as the Home office updated guidance “Criminal Exploitation of Children and Vulnerable Adults: County Lines Guidance” (Home Office, 2018). Consequently, efforts to define and describe what constitutes CCE are inadequate due to their rigidity and inability to adapt to such a dynamic and evolutionary phenomenon. The evolution of definitions and concepts of child abuse are presented in chapters 2 and 3 and the current challenges and frustrations faced by professionals in this field are presented in chapter 6. This thesis therefore eschews existing linear approaches to develop a theory of CCE that explains and describes the problem relationally, as a pattern that emerges from the interaction of complex systems over time. In so doing it resolves many of the current difficulties faced by practitioners who must assess risk to children and communities, investigate crime, prosecute offenders and safeguard children who are either being exploited, have been exploited in the past, or are at risk of being exploited.

1.3 The Difficulties in Responding to CCE

1.3.1 Identification of Victims

It is often difficult to identify child victims of child criminal exploitation (SOC Strategic Analysis Team, 2014). Cases of criminal exploitation or forced begging are often viewed simplistically as public order issues or

petty crime in which the child is the perceived offender (SOC Strategic Analysis Team, 2014). In this thesis I demonstrate that the complexity of such cases is far greater than it may appear initially. I argue therefore that investigators, youth offending teams, safeguarding social workers and lawyers (in both the civil (family) and criminal justice systems) must develop a more analytical approach to assessment that includes a child's relationships, experiences, behaviour and environment over time. This requires a theoretical model to assist and support professional judgement and decision making.

Child protection systems and the criminal justice system require the identification of abuse or a crime through a disclosure or complaint. Trafficked and exploited children do not always self-identify for a variety of reasons that will be explored, described and explained in this thesis. Among those that avoid disclosing abuse and exploitation, many do not recognise that they are victims of exploitation in the first place and may not be able to do so until they are out of the exploitative relationship and environment. Evidence of exploitation must therefore be gathered by other means.

1.3.2 Keeping Exploited Children Safe

It has been widely noted that children going missing from care is a major problem for safeguarding agencies and increases a child's vulnerability to predatory criminals. Anti-Slavery International suggest that a significant number of the children that go missing from care have previously been trafficked for criminal exploitation, particularly Vietnamese children. RACE in Europe found that there were "few potential child victims of trafficking in local authority care" (Brotherton & Waters, Victim or Criminal? Trafficking for Forced Criminal Exploitation: UK Chapter, 2013) and yet not being identified as a potential victim of trafficking is a key risk to a child going missing from care (Shipton, Setter, & Holmes, 2016).

The NSPCC Child Trafficking Advice Centre received 715 referrals between 13/09/2012 and 19/04/2017; 161 of these had been reported missing at some time. Of those that went missing, 58% had been exploited for criminal activities (street crime) and cannabis cultivation (however these figures did not distinguish between exploitation that occurred before the child entered care or occurring during the time that the child was missing).

Shipton et al (ibid) reported that groups of formerly trafficked young people explained how a child might go missing to escape the demands of traffickers, implying that they did not feel that authorities could safeguard them effectively in their placement. The same research raised concerns that the children's criminality was prioritised over their vulnerability, both in terms of preventing episodes of going missing and also after the child had gone missing and during the resulting investigation.

Some children may feel a stronger affiliation to their exploiters and traffickers than to their own families and child protection agencies (Shipton, Setter, & Holmes, 2016). In yet other cases the exploiters may also be family members and the criminality has been justified and normalised within the child's lived experience (Knowlsely Council, 2015). The process of "target hardening" as a means of protecting children from exploitation and away from anti-social peers and predatory adults tends to be reactive and fails to take account of the complex relationship between the child and their exploiters and the dynamics of the exploitation (Schreck, Miller, & Gibson, 2003).

1.3.3 Lack of Definition of CCE

Difficulty in identifying children as being trafficked and criminally exploited is partly attributable to the lack of an agreed definition of CCE and strategic guidance. A cursory open source search of Local Safeguarding Board Policies relating to criminal exploitation of children conducted on March 19th, 2017 found only one local authority with a clear and specific strategy for this problem (Knowsley Safeguarding Children

Board, n.d.) and the Government's supplementary guidance on child trafficking (HM Government, 2015) was primarily concerned with sexual exploitation and did not specifically identify criminal exploitation and forced labour at all.

Two years on, a similar open source search of local authorities in England and Wales reveals that many lack any clear strategy for CCE, those that do only discuss CCE in the context of youth gangs and county lines and many do not even discuss or describe CCE in their policies and procedures for child exploitation (though Child Sexual Exploitation is often defined and discussed). A more rigorous investigation by Turner, Belcher and Pona (Turner, Belcher, & Pona, 2019) highlighted a "patchwork of data, understanding and responses to child criminal exploitation." This report described a lack of consistent strategies and approaches among statutory agencies that leaves professionals struggling to keep up with agile and adaptive criminals and groups that control and exploit children.

Whilst the professional discourse about exploitation of children in general acknowledges that children often remain in contact with their exploiters even after removal from the exploitative situation, there are no commonly agreed safety and protection standards for the placement of children that are known to have been, or are suspected to have been trafficked and exploited through criminal activities. I attribute this to a lack of theoretical foundation underpinning professional and statutory responses.

The problems of definition are manifold regarding who is a child, what constitutes exploitation, and how to define a gangs or organised crime. Statutory definitions of The Child vary between states and, even in the UK, statutory duties relating to a child's age vary in terms of criminal responsibility, crimes against children, safeguarding duties, application of legal instruments, parental responsibility and consent.

There is no consensus on definitions of what constitutes a gang, a gang member or gang activity (Decker & Kempf-Leonard, 1991; Bjerregaard, 2002) The term "street gang" tends to be used to describe any group of young people from those who spend their leisure time on the streets

together to those engaged in serious and co-ordinated criminality (Bennett & Holloway, 2004; Cottrell-Boyce, 2013; Pitts, 2007).

What constitutes organised crime is similarly contentious: some scholars define organised crime in terms of criminal structures, others in terms of activities. Klaus von Lampe, for instance, has collated some 200 definitions of organised crime (von Lampe, 2019). Whilst some aspects of CCE link directly to organised crime such as county lines, others do not.

1.3.4 Criminalisation of Victims

Shipton et.al. (ibid) found that being criminalised (for example, being arrested or prosecuted) seems to make trafficked children more likely to go missing. Their survey found that 65% of respondents from the not-for-profit sector and 38% from the criminal justice sector agreed that criminalisation has an impact on children, increasing the likelihood of them absconding from care.

Although non-prosecution principles exist in European Union law and policy, child victims of criminal exploitation continue to be prosecuted for crimes that they have been forced to commit. There have, nevertheless, been recent precedents in which judges have acknowledged the exploitation and even noted when a defendant had been trafficked (e.g. appeal court Judgements: (e.g. R-V-L(C), 2013). The R-V-L Judgement helps to ensure that the trafficked child is no longer prosecuted or punished and the Modern Slavery Act introduced a statutory defence for victims of trafficking that have been forced to commit criminal acts, commonly referred to as “the section 45 defence”, but rapid identification is crucial to achieving this end, not least because of a child’s vulnerability to re-trafficking and further exploitation. Some practitioners argue that the exceptions to the section 45 defence (under schedule 4 of the Act) are so numerous that it can be very difficult to mount an effective defence for genuine victims of criminal exploitation (Home Affairs Committee, 2019). RACE in Europe have suggested that although there is clear CPS

Guidance in relation to the non-prosecution of child victims¹ all decisions in the case remain with the prosecutor. As discussed by the Parliamentary Home Affairs Committee (ibid), it has been suggested by some defence lawyers that the CPS guidance is misleading regarding people that have been criminally exploited and there is a lack of understanding within the profession.

1.4 Current Responses

1.4.1 Criminal Justice Responses

Current responses to the problem of criminal exploitation of children are predicated upon identification of victims of CCE and their exploiters, investigation of child abuse through exploitation and trafficking and prosecution of perpetrators, thus they appear to be rooted in Criminal Justice approaches to the abuse and exploitation of children (Moore, 1995). The CJS Approach emphasises the identification of a crime, views the motivations of the criminal as an important cause of the crime and responds to this through the imposition of sanctions. As such it is a largely reactive approach. The person who is suspected of committing the crime is the child who has been caught engaging in the criminal act. This creates a dilemma: how to respond proportionately to a young person who is both an offender, and a victim whose offending is a consequence of their victimisation. There is therefore a tension between the goals of the criminal justice system and those of the child safeguarding system.

1.4.2 Social Care Responses

Child safeguarding models in health and social care tend to situate the problem with the child and their family (Firmin, et al., 2016). They adopt an alternative approach that emphasises prevention of abuse and exploitation through the identification and reduction of “risk factors” such

¹ http://www.cps.gov.uk/consultations/ht_consultation.html#a10

as vulnerability and adversity This is a target hardening approach that emphasises building a protective environment and strengthening resilience.

Traditionally statutory child safeguarding systems have focused upon younger children and the risk of intrafamilial abuse and neglect. More recently, the Contextual Safeguarding Approach (Firmin C. , 2017) has been achieving traction at the policy level. This approach combines open systems theory and principles of situational crime prevention and routine activities, in order to understand a child's vulnerability and resilience, exposure to threats and sources of protection in their social contexts beyond family and home. This approach is helping to address the needs of older children who are outside of the home for far greater periods of time and exposed to different risks compared to younger children (Longfield, 2019).

1.4.3 Critique of Current Responses

The Criminal Justice System and the Health and Social Care System share a common concern over child abuse through criminal exploitation, but they perceive the results differently: the Criminal Justice System identifies a criminal event; the safeguarding community identifies harm to a child (adapted from Moore, 1995). Between the two approaches is a gulf of concepts, principles, practice and values. Both can be equally reductive in terms of their explanation of causes of child criminal exploitation. However, attempts to respond to child criminal exploitation reflect the dominance of the criminal justice approach in both policy (HM Government, 2014; HM Government, 2015) and practice which emphasises the need to respond to the problem as a crime first and a child safeguarding issue second. For instance, a child may be arrested for committing a street crime such as shoplifting, ATM theft, pickpocketing, bag theft or even burglary. If the child is below the age of criminal responsibility they will not be prosecuted. If the property is recovered the crime may be recorded as detected and cleared up and the child released with no further action, potentially back to their exploiters (Love, 2017).

Some exploiters of children have deliberately targeted children under the age of 10 years because they will not be prosecuted (Haughey, Personal Contact, 2016). Among older children, those who have been found to be criminally exploited have often been arrested and prosecuted two or three times previously before being recognised as victims of exploitation (Southwell, 2018). Clearly the goals of the two systems are contiguous and therefore have the potential to be far more effective through integrated, collaborative approaches to the problem.

Since 2017, the Contextual Safeguarding approach has offered much, not only in developing greater collaboration not only between police and social services, but also developing engagement between statutory services and community groups, local businesses and the general public. Gradually, new local safeguarding arrangements have begun to emerge (such as those in Lincolnshire, Newham, East Riding and others) , with a focus on contextual safeguarding, and such arrangements have been found to have the potential to make this level of integration happen (Longfield, 2019). Whilst the Contextual Safeguarding approach sets out how and why such integration should be achieved; it does not offer a theory for CCE. A truly integrated response from front line professionals requires investigators, assessors and decision-makers to be able to identify, understand the phenomenon of child criminal exploitation of children and be able to communicate using shared knowledge and specialist insights within a mutually helpful organising framework. There is currently no such framework available due to the lack of research and theory development in the field of CCE. This thesis therefore seeks to advance the achievements of the Contextual Safeguarding Approach to develop practice in the contexts of social work risk assessment and management, criminal investigation and legal proceedings.

The neglect of the issue in the research literature may be due to such crimes inevitably involving hidden or hard to reach communities. It has been extremely difficult for researchers to obtain sample groups that are representative of trafficked and exploited children as a whole (Tyldum & Brunovskis, 2005). Much of the existing research has focused primarily on sexual exploitation of women and girls and more recently, labour

exploitation (Chuang, 2014). Nevertheless, the wider body of empirical data relating to human trafficking and modern slavery abuses is growing. In 2017 The UK Home Secretary, Amber Rudd, said that although a large body of data exists, modern slavery is still largely not understood; she suggested that some even doubt that it really exists (Rudd, 2017). I argue that the lack of understanding to which the Home Secretary referred, is due to the lack of a theoretical framework with which to organise and interpret the mass of data that has been so far collated. The consequence of this is that practice in working to prevent such abuse, safeguard exploited children from re-victimisation, and identify and prosecute offenders is undermined.

Proper identification of child criminal exploitation can only occur if we are sensitised to look for something and recognise it as worthy of investigation. Investigation involves the seeking, finding and interpreting of evidence that leads towards or away from a hypothesis for what has happened. The interpretation of the evidence is dependent upon theory. If CCE is only conceptualised in terms of crime and perpetrator first and foremost, with a secondary concern for the victim impact, we distort and bias our understanding of the event and limit the range of responses. Similarly, if we only conceptualise the problem in terms of the vulnerability of the child and the harm that has been, or is likely to be, suffered we fail to understand the child's relationship with the perpetrators of the abuse and the processes involved. A theory is explanatory: it therefore enables us to develop a narrative to describe events and experiences, by informing the relevant questions that drive the inquiry, organise evidence and make pragmatic, informed decisions and plans.

The current state of knowledge is uneven. This reflects the fact that organisations, researchers and practitioners inevitably seek out and analyse data relevant to their specialist areas and interests influenced by their needs and objectives but is only an overview of such research that reveals some consistencies. To overcome this problem, this thesis synthesises the most helpful elements from diverse and sometimes conflicting theories with my own thoughts and ideas to construct a new theory: The Circles of Analysis.

1.5 Questions to be Answered by This Thesis

This thesis conceptualises the problem of CCE of children *relationally*: It will enable the reader to interpret the activities and processes of criminal exploitation of children in terms of the context of relationships between the child, the perpetrator, and the environment from which they both emerge and in which they both exist.

It has been my intention to produce research that would have practical value to investigators, prosecutors, and practitioners engaged in safeguarding children at risk of CCE, as well as children who are being subjected to or have been subjected to CCE in the past. This intention was clearly informed by underlying concepts of children's rights to social justice, well-being and safety. The research must be academically viable, valid and robust, but it needs to be comprehensible also to people outside of both my professional and academic disciplines (Coomans, Grunfeld, & Kamminga, 2010) and it needs to have utility for those that may wish to use the findings (Hart S. D., et al., 2003; Lynham, 2002). This has been a guiding principle in the development and evaluation of the Circles of Analysis Model.

To this end, the thesis will answer the following questions:

- What are the components and mechanisms that maintain the relationships between the child, their environment and the perpetrators that lead to criminal exploitation?
- Precisely how can the relational understanding of child criminal exploitation that is proposed in this thesis result in better strategic and tactical responses by organisations concerned with safeguarding children and pursuing and prosecuting offenders?
- Can the theoretical model for criminal exploitation proposed in this thesis support and improve professional judgement and decision making in relation to safeguarding children at risk of criminal exploitation?

1.6 Structure of this Thesis

The structure of this thesis is two distinct halves reflecting a two-part approach to the research and theory development. I will discuss this approach below in “A Note on Approach”. Structurally, the first half concerns the emergence and construction of the theory from an integrative literature review (chapters 1-5). In the second half I describe the process by which the theory has been evaluated and applied to real world conditions.

1.6.1 Chapters 1-5

These chapters represent the integrated literature review that incorporates empirical data on the nature and scope of the problem of CCE both nationally and internationally. An integrated approach was selected due to the nature of the research questions and the intention that this research should provide a theoretical framework that would enable practitioners to understand CCE and improve decision making and practice across professional disciplines.

The search for empirical data was a funnelling process comprising data from official sources such as the National Referral Mechanism and the National Crime Agency. Other sources of empirical data from NGOs concerned with child safeguarding or human trafficking and modern slavery were then sourced and compared. Academic articles and books examining the nature and scope of exploitation of children in different contexts were sought using the university data bases (primarily JSTOR, Psych Articles and Psych Info) using key terms *child exploitation, criminal exploitation, trafficking, child trafficking and child slavery, children and forced labour*. Subsequent searches of academic journals and books on specific topics such as organised crime, youth gangs, youth violence, systems theory and complexity.

Illustrative case study examples were initially sought through Nexis Lexis and West Law. Stated cases were identified and incorporated to illustrate the challenges faced by those on trial for crimes that they have been forced to commit. Appeal court rulings and transcripts of judgements were indicative of legal process and decision making but did not necessarily

offer insight into the antecedents and nature of criminal exploitation. To develop an illustrative account of different forms of CCE, an open source search via Google was undertaken. This search then filtered results in terms of authorship and author affiliation, expertise of contributors, transparency of agenda and identifiable processes for the promotion of accuracy and error correction. Two official reports were selected along with video news or current affairs documentaries from Sky News, Al Jazeera and the BBC.

Chapters 2-5 synthesises the empirical data that has been used to identify the presence and scope of CCE with a range of theoretical concepts to develop an explanatory model of CCE.

From these I begin the thesis by describing the nature and scope of CCE globally and within the UK and make the case for understanding trafficking and CCE as a process of child abuse or maltreatment. I argue that whilst part of the motivation for CCE is profit and gain, the sadistic nature and degrees of violence visited upon the exploited children is gratuitous; it is excessive in terms of the force that would be sufficient to achieve that gain. Understanding motivation for criminal exploitation of children in terms of material profit and gain only does not account for this violent victimisation of children as a major characteristic of the phenomenon. To address this, I proceed in the middle section of the thesis to draw upon and integrate the professional and academic knowledge relating to criminogenic drivers of violence towards children.

To investigate the underlying knowledge or assumptions that inform current responses by statutory and non-governmental organisations to CCE, I will present an overview of current policy and practice: Chapter 3 investigates the evolution of the current strategy and its influence on policy and practice specifically in relation to the problem. Some of the underlying assumptions are revealed and discussed.

The principles of professional practice in relation to CCE has been summarised in the Government's Modern Slavery Strategy as the "4 P's" paradigm: Pursue, Prevent, Prepare and Protect. I will discuss this strategy

further in Chapter 3, and throughout the first half of this thesis I will critically examine processes for identification of children at risk, pursuit and prosecution of offenders, and the development of child safeguarding strategies. I will also review social research data and associated strategies and policies that contributed directly to the development of the current UK Modern Slavery Strategy, and critically examine practice guidance that has been influenced by it. I will propose a working definition of Child Criminal Exploitation, providing terms of reference for the critical evaluation of criminal justice and child safeguarding responses to the problem in the rest of the thesis.

The middle section of the thesis develops the points in the second chapter and demonstrates how a pattern of exploitation emerges from the interaction between the child, the perpetrator and the environment in which both operate over time. A case study approach will be taken, using interviews with children gained from online open sources. I criticise recent attempts to formulate typologies of exploitation (such as the UK Home Office “A Typology of Modern Slavery Offences in the UK” (Cooper, Hesketh, Ellis, & Fair, 2017)) as distracting and counterproductive because such typologies tend to oversimplify a multifaceted and complex phenomenon such as trafficking and modern slavery: Whilst it may be argued that such types and typologies as those developed for the Home Office, identify, order and simplify data so that they can be described in terms that are comparable (McKinney, 1969), the concentration on shared characteristics of a number of cases gives the impression of clearly identifiable and distinct categories of trafficking and modern slavery. It fails to account for the ways in which children may be exploited in multiple ways across different contexts, over time or simultaneously. A child who is trafficked for the purposes of criminal exploitation must be sourced from somewhere; the provider of the child may be the first party to gain from the exploitation and may be the child’s family, corrupt officials, or others within the child’s community. In the case of exploitation by family members, the offenders, controllers and end users

may all be one and the same (this is not dissimilar to cases of domestic servitude).

Victims of CCE may pass through the hands of many parties before they are identified. Furthermore, a child that is being used for criminal exploitation is immediately vulnerable to other forms of exploitation and abuse (Finkelhor, 2008). The nature of the abuse will therefore depend largely on the motivations, needs and interests of the offenders and the value that the child represents to them. This can vary between offenders and crime groups or networks.

A child that is exploited for one form of criminality may only be of value for a limited period of time (e.g. they may become too old or too big or more conspicuous). They must then either be utilised in a different way or disposed of. When a child is no longer able to fulfil one role they may become better suited to recruitment or maintaining discipline among other victims, or maybe move into other areas of the criminal enterprise if that fits with the needs of the crime group (exemplified by the case study of “Cally” in Chapter 4). Disposal of the child by the perpetrators of exploitation may involve returning them to the family or community (Shelley, 2011), trading of the child, abandonment or murder of the child. The disposal method gives significant insights into the nature of the crime group i.e. their business models, activities, competence and expertise, connections with other criminals and crime groups and their interface with the legitimate economy and services.

A typology such as that proposed by the Home Office leads to “top-down” linear logic (“If CCE, then these characteristics). This distracts by providing an unrealistic description of the problem and is counterproductive because it limits professional enquiry and contributes to linear flow charts for decision-making and professional intervention. The Circles of Analysis model proposed by this thesis, takes a “bottom up” approach that enables the user to organise data in such a way as to identify patterns of interactions or relationships from which emerges child criminal exploitation as an output of a complex of systems.

In the first half of this thesis I therefore argue for the need to understand exploitation of children first and foremost as a pattern of child abuse. In so doing, it is possible to draw upon existing knowledge and experience in professional and academic literature on child abuse and neglect and integrate this with clinical experience. Chapter 4 concludes by establishing the need for a sound concept of criminal exploitation as a mode of child abuse built upon a solid theoretical foundation to take account of and better utilise existing resources, measures and remedies.

From this position I proceed to the formulation of the “Circles of Analysis” for criminal exploitation of children, which informs practice and interventions by enabling practitioners to make better use of the most robust statutory frameworks for safeguarding children. Thus Chapter 5 is the keystone of this thesis, synthesising complex systems theory with other theoretical principles to produce a new, explanatory theory for the criminal exploitation of children. The first part of the chapter develops the assertion of Chapter 4, that criminal exploitation is a pattern that emerges from a process of child abuse, maltreatment and neglect, arguing that whilst much has been achieved in understanding child maltreatment, in the intrafamilial context, significantly less attention has been paid to extra-familial abuse. I will provide a chronological overview of historic research on child abuse and maltreatment and argue that to date, research has neglected motivation of perpetrators of child abuse and the relationship between them and the child in the aetiology of abuse. I draw upon the fields of developmental psychology and criminology for theories of violence against children. The chapter proposes the “Circles of Analysis” as a theoretical model as a direct challenge to the dominant reductive, descriptive explanations of criminal exploitation (and child abuse more generally) that underpin policy and practice in the field of child safeguarding. This theory required testing in the field for real world application. The methodology for this is the subject of Chapter 6.

1.6.2 Chapters 6-9

Previous approaches to understanding the problem of CCE have been hindered by a “segregative” approach to not only theory development

(Kalmar & Sternberg, 1988) but practice guidance and service design. I have worked to overcome this problem by developing an integrative model of CCE; a theory that “integrates the best aspects of a set of given theories with one's own ideas regarding the domain under investigation, instead of emphasising those features that discriminate among theories to provide a unifying explanation of the problem (Kalmar & Sternberg, 1988; Ward & Siegert, 2002).

I explain and justify my methodology and the research decisions that I have made in Chapter 6 where I will introduce the design of the focus groups that constituted the field work. The aim of the field work is to engage with frontline practitioners from different disciplines to gain critical responses to the Circles of Analysis Model as a unifying, explanatory theory of CCE, thereby informing and supporting practice across disciplines. This was an innovative approach to the research and refinement of the theoretical model. Within the disciplines of Criminology, in Health and Social Work, focus groups as a research method have frequently been used to test and evaluate programmes and gain feedback and opinions from diverse professionals. Focus groups have also had wider applications in product design and testing, market research, and strategic development in the fields of politics, media and business. For the purposes of this research I used the method to test the real-world applications of the model and to explore its utility for professionals who must make statutory decisions in the field of CCE.

The focus groups not only evaluated the model but yielded valuable insights into the processes of CCE and the characteristics of exploiters and exploited children. The accounts shared by participants supported the case studies in the earlier chapter but crucially, the participants drew upon their practice experience to collaborate with me in refining and developing the model to its final iteration.

The outputs (results) of the mixed-disciplinary focus group will be reported in Chapter 7. This chapter also describes the overarching context to the results. I will structure the chapter to reflect the phases of the focus group data collection process and the key themes that emerged from the

group interviews. A fuller analytical discussion of the results and the thesis as a whole will be set out in chapters 8 and 9 concluding with answers to the Research Questions.

1.7 A Note on The Approach to This Theory

A problem that was highlighted by the UK cases of child sexual exploitation was a tendency within some agencies and among some practitioners, to assume that children who were engaged in sexual activity were making “lifestyle choices” (Jay, 2014) . Similar attitudes have also been manifested in cases of CCE and gang involvement (Carter, 2019). To counter this, many professional guidance documents have explicitly stated that child exploitation is abuse (Department for Education, 2017). This statement is in itself fairly uncontentious but does little to explain how the abuse happens, what it consists of, what makes these behaviours abusive or what the impact of the abuse is upon the child. In Chapter 4, I address this by asking “Where’s the harm?” The purpose of this question is to signal a line of enquiry that is concerned with legal standards or, where such standards do not exist, points to human rights norms and the need for new laws and/or new policies or practice standards. As well as exploring the academic literature within the field of CCE and the wider field of child abuse and protection, intrafamilial and extra familial abuse and exploitation, I have taken an approach that seeks testimonial evidence and analyses government policy and practice as the basis for developing an explanatory model.

This thesis tries to eschew a needs or deficit approach that characterises trafficked children as passive victims (McClintock, n.d.), instead recognising children as active agents with individual stories, aspirations and resilience. Similarly, I viewed all participants in this research as “experts by experience” (McClintock, n.d.) with their own perspectives and contributions to offer that would be additional to, and serve the development of, my own perspective and knowledge. I therefore actively sought critical comments and advice from a range of practitioners from

the field of law enforcement, social work, and family and criminal justice systems, as well as other academics.

By adopting this approach, I anticipated that I would be able to document not only characteristics of patterns of behaviour of children that are targeted for exploitation, but also the perpetrators of exploitation, and the institutions and policies that facilitate abuse and exploitation. Crucially however, I needed contributions from children that have been trafficked and from traffickers themselves. From both an ethical and pragmatic perspective obtaining these contributions was problematic.

1.7.1 Four Central Constructs of the Approach to This Thesis

In a critical examination of human-rights-based approaches to research, Maschi (2016) proposes four central constructs to conceptualise the rights-based approach. These constructs are also relevant to this research: children's rights are a necessary condition for achieving social justice and well-being of children, their families and communities. These in turn are shaped by cultural relativism (Maschi, 2016). This is particularly important: cultures differ by how they understand and how they respond to children's rights in particular, and human rights in general, they also vary in terms of who is considered a child, concepts of work and labour and what may or may not constitute exploitation and harm (Ballet, et al., 2002). Cultural relativism, according to Maschi, is grounded in notions of community autonomy and self-determination which may trump human and children's rights. When these four central constructs are applied, the criminal exploitation of children potentially represents a complex problem in terms of social justice, well-being of children, well-being of families and the wider communities that share diverse cultural backgrounds and locations. Cultural relativism also challenges the universality of UN declarations and conventions because they are ideologically and culturally orientated towards Western values and norms (Ballet, et al., 2002).

Consequently, I concluded that whilst linear models of causation and quantitative research methods have contributed to an understanding of the

scale and scope of the problem of CCE, such approaches offer limited insights into the root causes and complex relational dynamics of the problem. Therefore, this research was designed to be inductive, combining the use of written sources and case studies with qualitative participatory research techniques. These techniques were combined to construct and refine a theoretical model and evaluate its credibility with professionals and its utility in the field.

1.7.2 Assumptions of this Approach

In developing my approach, I have made an assumption that understanding criminal exploitation of children should be based explicitly upon the norms and values set out in the International Declaration of Human Rights and the United Nations Convention on the Rights of the Child (these together with other treaties, conventions, declarations and mechanisms for the protection of rights are presented and discussed in chapter 3). On this basis, states are morally obliged to implement policies and programs which adhere to international laws and standards: a decent standard of living, healthcare, education, protection against abuse and exploitation are all human rights (Henry-Lee, 2005) therefore a central dynamic of the of my approach is an effort to identify root causes of social issues, empowering “rights holders” (i.e. recognising children as actors within the exploitation with needs, goals and aspirations) while “duty bearers” are enabled to meet their obligations in upholding the rights and protecting the welfare of children.

1.7.3 Problems with This Approach

Coomans, Grünfeld, and Kaminga (2010) found that legal scholars and social scientists tend broadly to adopt different approaches: they describe lawyers as “system builders who rely on logic to determine whether arguments are compatible with an existing normal framework”, so that legal scholarship tends not to address legal systems “on the ground” and the lived experience of people working within or under those systems.

Consequently, even human-rights-based legal scholarship is sometimes at risk of remaining disconnected from reality. Social scientists on the other hand, attempt to understand social phenomena. Their findings can be empirically challenged and verified but risk ignoring or misinterpreting applicable legal standards. There is also a danger of leaning towards an over-reliance on secondary sources (Coomans, Grunfeld, & Kamminga, 2010). The approach that I have adopted in this thesis is intended to integrate these approaches for their relative strengths but in doing so there is a risk that the approach could amplify the methodological problems of each.

1.7.4 Overcoming Problems and Finding Opportunities

Recognising these potential difficulties requires some reflection on my own professional and academic orientation towards the subject of CCE, and this is discussed in Chapter 6. As a practitioner I worked extensively within both the public law family justice system and criminal justice system, and I held statutory duties regarding safeguarding of children and vulnerable adults. My academic career, shorter than my professional career, has provided me with a solid grounding in social sciences, and criminology in particular. In many respects these dual perspectives are a strength in this research, but the criticisms made by Coomans, Grünfeld, and Kaminga resonated strongly. The risk of the pitfalls they describe has been ever present, so that a strategy to counter or at least minimise these potential errors was required. The design of the research included the active participation of professionals and academics from other disciplines. Integrating their perspectives into the data and inviting their views, advice and guidance was important in identifying and correcting my own biases. This strategy has been a highly reflexive process throughout the research, beginning in the initial stages of enquiry.

It became my intention to produce a piece of research that would have practical value to investigators, prosecutors and practitioners engaged in safeguarding children at risk of CCE, as well as children who are being subjected to or have been subjected to CCE in the past. This intention was

clearly informed by underlying concepts of children's rights to social justice, well-being and safety. The research would need to be academically viable, valid and robust, but it needed to be comprehensible also to people outside of both my professional and academic disciplines (Coomans, Grunfeld, & Kamminga, 2010) and it needed to have utility for those that may wish to use the findings (Hart S. D., et al., 2003; Lynham, 2002). This has been a guiding principle in the development and evaluation of the Circles of Analysis Model.

To counter my inherent bias, I sought multiple perspectives on the issues of child exploitation (be that criminal or otherwise), child abuse and neglect, modern slavery and organised crime. I achieved this by exploring a diversity of data sources including empirical and scholarly literature, United Nations instruments and human rights reports (see chapters 2 and 3). To help understand the specific issues relating to criminal exploitation of children in England and Wales, I sought case studies in the form of local area reports such as The Knowsley Joint Strategic Needs Assessment Report (Knowsley Safeguarding Children Board, n.d.), the Islington County Lines Analysis (Dadabho, 2017) and the London Safeguarding Children Board's briefing in response to Operation Golf (in which Roma children had been trafficked for forced begging, street crime and benefit fraud). I also sought empirical research to check themes and patterns of intrafamilial abuse and extra-familial abuse of children its identification, social policy responses and the development of child safeguarding policies and counter-trafficking legislation over time and examined these developments from different selected theoretical perspectives (See Chapter 4).

Each iteration of the developing model was presented at conferences, workshops and in peer group discussions. Conferences were also used as opportunities to discuss my ideas informally with professionals such as police officers, social workers, lawyers and academics in Essex, West Midlands, London, Kent, Lancashire, Yorkshire and Wales. I will discuss this in greater detail in Chapter 6.

I also held conversations with practitioner and academic colleagues from within my professional network which allowed me to gain perspectives from professionals in Russia, Ukraine, Warsaw, Italy and Ireland. As helpful as these informal contributions were, I also needed more structured data collection concerning the viability of the Circles of Analysis Model. I decided to utilise focus groups for this purpose, and this represents the second of the two approaches to this research (I will discuss this method separately in Chapter 6). However, there was a problem in that the voices of the child and the perpetrators were needed.

Children are a vulnerable population for any qualitative research but children that have been subjected to abuse and exploitation are especially vulnerable. The nature of criminal exploitation and the diversity of children and contexts in which such exploitation occurs meant that selecting a representative sample that took account of age, gender, race, development and relationship between the child and their exploiters was impractical. It also risked re-traumatising children or causing unnecessary distress and confusion.

On a pragmatic level, identification of suitable child participants would be difficult due to confidentiality protocols in children's services. Obtaining consent would mean a request to whomever had parental responsibility for the child, and consideration of support for the child during any interview, potentially requiring the use of interpreters and the identification of suitable facilities and recording methods. Ultimately, there were too many unquantifiable variables in such a sample population that I could not confidently ensure that interviews with these children would not be detrimental to their well-being.

Mindful of Coomans, Grünfeld, and Kaminga's admonishment of some social science researchers for their over-reliance upon secondary sources I nevertheless decided to undertake a desk-based search for open source interviews with children and traffickers and exploiters of children in the context of CCE. Accessing television news items and documentary programmes by news agencies and journalists, I was able to watch and transcribe interviews with children and perpetrators who had been

engaged in criminal exploitation in the contexts of forced begging (Romanian Children), County Lines and gang based criminality, including recruitment of other children for abuse and exploitation and cannabis cultivation.

These powerful testimonies of people from different social and cultural contexts, of both male and female gender and of different ages illustrated the diversity of children that are recruited, but also drew attention to similarities between them, the patterns of their abuse and exploitation, and the relationship between them and their exploiters and the social contexts in which they existed. I would be later able to compare these recorded accounts with the first-hand experiences of police officers and social workers, prosecutors, defenders and civil lawyers, all of whom work directly with children and perpetrators and, in some instances, young people who have transitioned into perpetrator roles. By identifying and documenting these case studies I was able to develop the concept of the Circles of Analysis but also develop these ideas along a continuum of complexity.

1.8 Conclusion

I do not seek in this thesis to develop social policy regarding CCE other than to challenge the current assumptions that inform policy and strategic responses. Rather, my objective is to develop usable theory, to develop a robust framework that supports and guides professional judgement and decision-making, reliably informs practice and contributes to professional confidence in responding to a problem that is of great complexity.

To this end, as well as drawing upon extant theory I will draw upon the direct input of practitioners as “experts by experience”. This is a boldly innovative approach but one that will, I believe, ensure that the Circles of Analysis not only reflects the reality and complexity of, but responds to the needs of those professionals entrusted with investigating the phenomenon, assessing and managing risk to children, disrupting and prosecuting exploiters and the longer term safeguarding of children.

There are inevitably some limitations to the thesis. I have taken for granted that CCE exists and that the pattern of behaviour that will be identified, analysed and defined as CCE within this research is exploitative. The absence of direct involvement of children that have been trafficked and criminally exploited or the perpetrators of the exploitation is a notable limitation. Similarly, the absence of traffickers as primary sources is a further limitation. The ethical concerns that arise in research involving children that have endured traumatic experiences and the difficulties in engaging input from traffickers are discussed in Chapter 6 and the decision to use secondary open sources as illustrative case studies are justified as a non-intrusive solution to the problem of including the child's or the trafficker's voice.

Ultimately, this thesis is intended to provide an explanation of how child criminal exploitation (CCE) emerges in a variety of contexts amongst diverse actors. The purpose of developing this model is to assist professionals and improve the quality of decision making and interventions. Therefore the primary sources that I have relied upon are indeed those professionals who have contributed to the refinement of the model, ensuring that it is relevant to their lived experience as responders to the problem and reflective of their observations and interactions with both exploited children and exploiters of children in divergent social and institutional settings.

It is not possible to just arrest away CCE or create ever more intrusive and controlling measures to protect children and families from exploitation. The problem is complex; it is non-linear; it is a pattern that emerges from the relationships between targeted children, motivated exploiters and the environments from which they emerge and in which they co-exist over time. Therefore, this thesis represents a new, complex systems-based theory for the development of research and practice in the field of CCE. It provides a theoretical framework that describes and explains the complexity of relationships and processes of criminal exploitation of children. It achieves this by describing the nature and extent of CCE occurring in England and Wales at present; investigating the underlying knowledge or assumptions that inform current responses by statutory

organisations to CCE of children. Finally, it conceptualises the problem of CCE *relationally*: a way to interpret the activities and processes of criminal exploitation of children in terms of the context of relationships between the child, the perpetrator and the environment.

Chapter 2

Criminal Exploitation of Children in England and Wales: A Complex System of Dynamic Interactions and Consequences

In reviewing the literature on criminal exploitation of children, there is little research in comparison to other forms of exploitation such as forced labour, domestic servitude and sexual exploitation of women and girls. This may in part be due to a lack of definition of criminal exploitation and a lack of consensus on what should be studied (Tyldum & Brunovskis, 2005). Nevertheless, there is emerging data that indicates that children are being used by exploitative adults to commit criminal or anti-social acts on their behalf and for the gain of the exploiters. In this chapter I set out the nature, scale and social impact of the problem to demonstrate why this is an important area of research and will provide a description of how the problem manifests itself in England and Wales. This descriptive account draws on current empirical data, and the professional and academic literature in the field.

Responses to the problem of exploitation of children are based upon flawed constructs which assume sets of stable variables that can discriminate and help to identify the children that are exploited, the perpetrators and processes of the exploitation. These constructs are perpetuated by an abundance of lists and flow-charts of so-called indicators of exploitation which are insufficiently differentiated from markers for other forms of child maltreatment and neglect. As a result, general understanding of the problem remains reductive and interventions limited in terms of scope and flexibility. This leads to relatively few

positive, long-term outcomes for children that have been identified as trafficked and exploited.

Some problems relating to the research of criminal exploitation of children will be identified but it is argued that despite being acknowledged as an under-researched phenomenon (Tyldum & Brunovskis, 2005), there is in fact a body of knowledge of CCE in terms of empirical data. As yet, there has been a lack of a cogent and comprehensive theoretical framework within which to interpret and make use of this data.

To help to describe and illustrate the nature and scope of the problem of CCE, I have selected three official reports that demonstrate current patterns, demographics and processes of CCE, i.e. the recruitment and movement of children for criminal exploitation. These will be evaluated for the extent to which this data reflects existing empirical knowledge and assists the understanding of the problem. In addition to these documentary case studies, a transcript of a short interview by Sky News Social Affairs Editor, Afua Hirsch has been produced for discussion. This is as an illustrative case study that supports the findings of the documentary evidence and describes the experiences of one offender and one exploited young person in the context of a drug trafficking enterprise.

2.1 Trafficking for Criminal Exploitation: Scale and Scope of The Problem

Internationally, one in five victims of human trafficking are children. In Moldova, Bulgaria and Albania children have been more likely to be victims of trafficking for labour, begging and criminal activities than sexual exploitation. Over time, countries such as Romania have seen an increase in children trafficked for begging and criminal activities (Surtess, 2005). In poorer regions and sub-regions, such as Africa and Greater Mekong, children account for the majority of trafficked people (United Nations Office on Drugs and Crime - UNODC, 2015).

Based upon the UK Human Trafficking Centre (UKHTC) Baseline Assessment of 2012, the most common types of criminal exploitation that have been identified in Great Britain have been in cannabis cultivation and petty street crime (Anti-Slavery International, 2014):

- 2255 “potential victims of trafficking” were identified in the UKHTC Baseline Assessment. Of this number of people, 549 (24%) were children and the age of 99 (5%) of potential victims was unknown.
- Of these potential victims, 362 (16%) were identified as being trafficked for the purposes of criminal exploitation, including benefit fraud. 323 (66%) of potential victims were male, 85 (21%) were female and the gender of 45 (13%) of potential victims was unknown. 209 (58%) of them were adults and children accounted for 132 (36%) of the potential victims. The age of 21 (6%) of victims was not known.
- Of the 362 potential victims who reported having been criminally exploited, 58% (209 potential victims) stated they had been subjected to benefit or financial exploitation. Of these, 138 (66%) were Polish adults. The next most prevalent country of origin of potential victims exploited in this way was Slovakia with 36 (10%), 33 (92%) of whom were children.
- Cannabis cultivation was the next most prevalent subtype followed by theft. A range of Other criminal exploitation types included begging, selling counterfeit DVDs and smuggling cigarettes. Of those potential victims trafficked for cannabis cultivation, 56 (81%) were children.
- In 2013, the National Referral Mechanism (NRM) received 1746 referrals of potential victims and an 89% increase in adults trafficked for forced labour (including criminal exploitation) was identified. 123 of the people exploited under the category of

Labour were children but unfortunately, whilst the category includes criminal exploitation, it does not differentiate how many children were criminally exploited as opposed to exploited for other forms of labour.

By 2019 43% of people in the UK identified as potential victims of trafficking were children and young people under the age of 18. The ten nationalities of children referred to the NRM were British, Vietnamese, Eritrean, Albanian, Sudanese, Romanian, Afghan, Nigerian, Iranian and Iraqi (Home Office, 2020) The High number of British cases may represent the increased number of referrals for criminal exploitation (Setter, 2019)

Prior to 1 October 2019, the most common form of exploitation for both adults and minors were recorded as labour exploitation. Criminal exploitation was not recorded as a specific category and therefore may have been included in these figures (e.g. forced labour within a cannabis farm). In 2019 changes were made to the way in which labour exploitation was assessed and recorded and Criminal exploitation was identified as a category in its own right. Labour exploitation was the most common form of exploitation for adults, whilst criminal exploitation was most common for minors (Home Office, 2020)

2.1.1 Scale of The Problem in Cannabis Cultivation

According to Anti-Slavery, this is the most prevalent form of child trafficking in the UK and the NRM consistently identifies Vietnam as the most common source country (Beadle & Davieson, 2019). Of the victims of exploitation for cannabis cultivation identified as originating from Vietnam in the SOC Strategic Analysis (2014) (which accounted for 96% of the sample), 81% were children.

Although there has been evidence that production of cannabis is shifting from Vietnamese organised crime groups to White British and Albanian

gangs, the children that are trafficked for this purpose are still mostly from Vietnam (Brotherton & Waters, Victim or Criminal? Trafficking for Forced Criminal Exploitation: UK Chapter, 2013). It should be noted that these figures only concern children that have been trafficked for the purposes of Cannabis Cultivation and does not incorporate children and young people involved in other drug-related crimes or non-drug related crimes as a result of exploitation by gangs.

2.1.2 Scale of the Problem in Street Crime and Begging

This type of criminal exploitation of children has involved children from within the UK and children trafficked into the UK from abroad. These children most commonly come from central and Eastern Europe, particularly Roma children from Romania and Hungary. This form of trafficking and exploitation was highlighted as a significant threat as a result of Operation Golf, a UK and Romanian joint investigation tackling Romanian organised crime and child trafficking. In this case over 1000 mostly Roma children were trafficked for forced labour and sexual exploitation. The exploitation that took place in the UK was largely street crime and begging. Golf found that one child made to work in the UK could earn up to £11000 in a year.

According to Anti-slavery International (2014), the trafficking of Roma nationals for the purposes of criminal exploitation, is still happening on a large scale. Between January 2011 and December 2013, 3318 Foreign National Children were arrested for theft offences in the UK. 28% came from Romania, with the next highest numbers of children coming from Poland (10.8%), Slovakia (7.5%), the Czech Republic (6.4%) and Lithuania (6%).

2.1.3 Other Forms of Criminality

Trafficking for multiple purposes seems to be an increasing trend (Brotherton & Waters, Victim or Criminal? Trafficking for Forced

Criminal Exploitation: UK Chapter, 2013) e.g. production of counterfeit goods: ECPAT UK suggests that children are being forced to produce DVDs with Chinese nationals being most often the victims within the London area (Anti-Slavery International, 2014)

Children involved in drug related crimes including transporting drugs and weapons has emerged as a particular issue within the “county lines” phenomenon (National Crime Agency, 2015; National Crime Agency, 2019; Setter & Baker, Child Trafficking in the UK 2018: A snapshot, 2018) and will be discussed later in this chapter.

2.2 Current State of Knowledge

The issue of criminal exploitation of children in the research literature has been neglected. Despite the recent growth in interest and recognition of the problem (particularly in relation to the County Lines model of criminal exploitation and drug dealing), the current state of knowledge is also uneven (Setter, 2019). This reflects the fact that organisations, researchers and practitioners inevitably seek out and analyse data relevant to their specialist areas and interests influenced by their needs and objectives, but an overview of such research reveals some consistencies. In the next section I will discuss the current state of knowledge of transnational trafficking and exploitation of children for criminal exploitation before paying attention to the domestic context in England and Wales.

2.2.1 Transnational Trafficking of Children for Criminal Exploitation

Vietnam is the country from which the greatest number of children are trafficked for forced labour and cannabis cultivation. In 2013, RACE in Europe identifies Vietnam, Poland and Somalia as among the top 10 countries for trafficking children for cannabis cultivation (Brotherton & Waters, Victim or Criminal? Trafficking for Forced Criminal Exploitation: UK Chapter, 2013). Children that have been trafficked for the purposes of street crime and begging most commonly come from

Central and Eastern Europe, particularly Roma children from Romania and Hungary.

To some extent, the exploitation of children has been correlated with rapid social, political and economic changes on a global scale. The impact of modern mercantile capitalism and globalisation has had a negative effect upon many poor families and communities, particularly in rural regions (Shelley, 2010; Cunningham, 2015). Poverty drives child labour due to inequitable access to services and resources; children are thus compelled to work in order to meet their own and their family's survival needs. Understanding why children may be targeted, trafficked and exploited can be significantly enhanced by examining the situation in the country or region from which the child originates. This provides context to the exploitative relationship and can offer insights into the predisposing vulnerabilities that contributed to the child's viability as a target for trafficking and exploitation. Comparisons, for instance, between Vietnam, Central and Eastern Europe and the UK reveal some consistencies in the characteristics of children that are targeted and also in the accessing and controlling methods applied by perpetrators.

Data and case studies concerning British-born children that have been exploited through criminal activity is, perhaps surprisingly, more difficult to locate. Most research relates to child sexual exploitation, but the National Crime Agency has recently been collating useful data on county lines. A local analysis was undertaken by Knowsley Council (2015) who produced a Joint Strategic Needs Assessment (JSNA) that studied two cohorts of children under 18. One of the cohorts comprised children that had been sexually exploited and the other comprised children that had been subjected to criminal exploitation. The JSNA report helpfully compares the two cohorts and reflects national research in respect of both (Knowsley Council, 2015). The NCA and Knowsley data is discussed in the case studies later in this chapter.

2.2.2 Vietnam

Vietnamese children and young people, predominantly boys, are frequently found to be working as “gardeners” in cannabis factories. These children have been found and removed from cannabis factories during nationwide police raids². These children were often charged with drug offences, immigration offences and labelled as running drug houses (Beddoe, 2007). There are also links to human trafficking and debt bondage as a method of coercion and control, by organised groups bringing children into the UK from Vietnam (Beadle & Davieson, 2019).

Many children that are trafficked from Vietnam are taken to China and then flown to Russia. From there they are transported (usually by lorry) to Poland, the Czech Republic, Germany, France and finally the UK (Brotherton & Waters, n.d.; Anti-Slavery International, 2014). These are long, complicated journeys; violence and exploitation often begin from the point of departure and recurs throughout the trafficking process (Beadle & Davieson, 2019).

Emotional and physical abuse as well as debt bondage is common: families living in extreme poverty are vulnerable to money lenders who are often connected to traffickers. Culture and tradition dictate that children have a responsibility to support their families financially through work and this responsibility is often reinforced by the expectations of parents (Beadle & Davieson, 2019). This is more pronounced in poorer rural areas creating an environment favourable for recruiting trafficking victims (Child Exploitation and Online Protection Centre in Association With the British Embassy, Hanoi, 2011).

In Vietnam, many people living in economically disadvantaged provinces often lack formal education. While it is compulsory to attend education until the age of 14, 40%-50% of rural children do not continue in education after they reach 14 (Child Exploitation and Online Protection Centre in

² Notably Operation Keymer 25/09/2006-05/10/2006: A police operation focusing on properties being used to produce ‘skunk’ - a potent form of cannabis

Association With the British Embassy, Hanoi, 2011). According to RACE traffickers tend to recruit exclusively from rural areas of Vietnam and recruit children through offers of a better life abroad. Increasingly child victims are targeted and recruited via internet chat rooms (Brotherton & Waters; Beadle & Davieson, 2019) rendering the exploiters plausible and persuasive in their offers of work and prosperity.

2.2.3 Central and Eastern Europe

Trafficking of children for petty crime and begging is particularly well established in Central and Eastern Europe and most commonly affects the Roma communities in countries such as Romania, Slovakia, the Czech Republic, Hungary and Bulgaria. These communities suffer particularly high levels of poverty and unemployment and have a long history of marginalisation and discrimination.

There are high levels of multi-generational street homelessness among Roma people meaning that they often have no identification, rendering them invisible to state records (European Roma Rights Centre and People In Need, 2011). People living in extreme poverty do not have bank accounts and this is true for the Roma who have little option but to seek loans from moneylenders known as Kamatari. These lenders impose harsh and repressive terms to recover the debt, including forcing people to commit crimes such as begging and pick pocketing or forcing parents to traffic their own children for the same purpose, or to hand the child over to traffickers (Brotherton & Waters, Victim or Criminal? Trafficking for Forced Criminal Exploitation: UK Chapter, 2013). Family complicity in trafficking of children for all forms of exploitation has been noted by European Roma Rights Centre (ERRC) and People in Need (2011), whereby the child was usually recruited for exploitation by a close family member, or friends and associates with close family ties; furthermore, the report found that involvement of the sale of children by parents had also occurred.

In other circumstances families may send their children overseas for a better life and may not be aware that they are being exploited or forced to

commit crime. Some children are accompanied by parents or family members who may force them to beg or steal. In some instances, where family members (e.g. parents) make a child beg or to steal the child may understand this to be “for the good of the family” making them feel valued or useful (Ballet, et al., 2002).

A number of factors may drive people into the hands of traffickers. Domestic violence and substance abuse are common. Gender-based violence, as a form of sex discrimination and violence against children, has been found to be a significant contributing factor to women being trafficked. Elsewhere domestic violence and chaotic households have also been associated with child abuse and neglect which can push children towards sexual and criminal exploitation (Knowsley Council, 2015; European Roma Rights Centre and People In Need, 2011). Substance abuse has been found in all age groups within the Roma community even as young as six years old, especially among homeless street children. Drugs have also been identified as being used by traffickers to recruit addicted parents so that some young people or children are passed or sold to traffickers in order to maintain a habit or service a debt (European Roma Rights Centre and People In Need, 2011).

In Bulgaria, the Czech Republic, Hungary Romania and Slovakia, Roma have for generations faced great obstacles to accessing employment due to low levels of education and high levels of discrimination. The lack of employment opportunities and the resulting poverty and social exclusion have been listed in all five countries as the most prevalent vulnerability factors. Lack of education is consistently cited as a problem for Roma and Traveller children both in the UK and in Europe with high dropout rates and disproportionate placement in provisions for children with special educational needs (European Roma Rights Centre and People In Need, 2011; Bingham, 2010).

The following case study illustrates the systemic complexities of abuse and exploitation of children from within the Roma community in Romania and the challenges faced by investigators and safeguarding professionals.

2.3 Case Study 1: Operation Golf (Adapted from the London Safeguarding Children Board Briefing)

In 2007 the Romanian National Police opened an investigation into the trafficking from Romania of Roma children for forced criminality and other forms of exploitation across Europe, including the UK. They identified that the gang responsible and the child victims all originated from a single town in south-east Romania.

Over a four-year period, the Romanian police discovered that the gang moved 1107 children from this town into Western Europe. The evidence was that most of these children were exploited by being forced to beg or steal in a number of European countries. The investigation established that the proceeds of this criminality were then being routed back into Romania to benefit a few crime bosses, who were also from the Roma community. In 2008 a Joint Investigation Team (JIT) was set up by the Metropolitan Police and the Romanian National Police to combat this gang under the name of “Operation Golf”. On 8th April 2010, 26 gang members were arrested in Romania and charged with trafficking 181 children out of Romania for the purposes of criminal exploitation.

Operation Golf revealed that in many cases the parents of the children were complicit in their trafficking and continued exploitation. In other cases, the parents had been subjected to coercion based upon debt bondage. Within the UK a number of child victims were found living in a variety of domestic circumstances - some with parents, some with extended family and others placed with ‘families’ to which they were not related.

The London Safeguarding Children Board (LSCB) notified Local Authority Children’s Services of the trafficking threat to Roma children and their families. The notification advised the Children’s Services that traffickers were moving child victims between exploitative situations and addresses within a local authority or between local authorities. The official

advice warned social workers to be aware that on visits to addresses where there were children who may have been trafficked but not pre-identified as such, the children may or may not be with adults who claim to be their parents or relatives. The advice stressed that until the relationship between the adults and children had been checked and confirmed, the children should be viewed as potential victims and afforded the same service response as those confirmed victims (London Safeguarding Children Board, 2010).

Many of the Golf children were found to have multiple cigarette burns, indicative of the degree of physical abuse exerted in their coercion and control. The London Safeguarding Children Board Notification advised local authorities that two types of statutory accommodation option were available: Foster Care and Supported Accommodation. In planning accommodation, it was necessary to ensure that foster carers and residential staff were fully briefed as to the specific issues for trafficked children and the risks to children while in the placement e.g. the high likelihood that a suspected trafficker would attempt to contact the victim or the victim may attempt to contact the trafficker, by phone or via the internet. Close monitoring of the child's movements was recommended together with the close monitoring and the removal of any mobile phones the child may have; the child's usage of phones and the internet while in a placement had to be similarly monitored (London Safeguarding Children Board, 2010).

The nature of the coercion and control of children in this case appears to constitute torture i.e. the inflicting of intense pain, degrading and inhuman treatment: the children had cigarette burns on the parts of their body that were hidden under clothing. Such a sadistic form of child abuse seems gratuitous to the objective of gaining compliance from a child in earning money from crime and begging. Therefore, whilst the primary motivation for the criminal exploitation of children in this case is clearly the substantial profits to be made, the case needs to be further understood in terms of motivations towards violence and child physical abuse to gain

clearer insights into individual perpetrators of the abuse and the functioning of an organised crime group.

There is also a blurring of boundaries between who are criminal, those who are victims and those who are facilitators of the exploitation. The LSCB Notification suggested that whilst some of the adults were criminal members of an organised crime group, other adults were coerced into involvement, possibly providing and controlling their own children in the exploitation as a consequence of their own submission to coercion and control by others. This indicates potential difficulties in addressing the question of whether any crimes against the children were committed under duress or as a consequence of being trafficked and similarly exploited, a discussion that will be developed further in chapter 4.

The example of the cigarette burns indicates that the abuse of the children is complex and takes multiple forms, some of which may be directly related to the exploitation and others less so. The nature of the abuses and who within a group may have perpetrated these abuses, will influence the psychological and emotional impact on the child. This in turn will impact upon the child (or children's) ability and willingness to engage with police and social workers and any protective interventions.

Understanding the structural complexities of this crime group is only made possible by understanding its activities in the context of the Romanian Roma social history and lived experiences of the people. The case also highlights the uncomfortable issue of an exploited person's participation in the abuse and exploitation of others i.e. vulnerable adults in this context are targeted and recruited for exploitation. In turn, they target and recruit even more vulnerable people, such as their own children or other child family members. This point will be developed in Chapter 4.

2.4 Domestic Criminal Exploitation in England and Wales

Research relating to criminal exploitation of UK-born children within the UK is in its infancy. There is a substantial and growing body of knowledge and literature concerning child sexual exploitation (CSE), some of which

overlaps with research and data on criminal exploitation. CCE is currently identified primarily in association with gang-involved children. In these situations, children are transported away from home and have their mobile phones taken away, are being supplied with drugs to sell and sometimes provided with weapons. Whilst the children are being exploited for these purposes they are often given some kind of payment (Shipton, Setter, & Holmes, 2016) or recruited through the use of gifts, money and drugs (Knowsley Council, 2015).

A growing route by which children are being controlled in the context of gang-related drug dealing is the “county lines” model. The National Crime Agency has worked to develop the knowledge base on this model of organised crime and have recently been able to offer a detailed descriptive briefing summarised thus: A county line is the term used to describe the business model of an individual or, more often, a group, that sets up a telephone number outside of their own locality in order to sell drugs at street level. This model enables a group to expand their drug-dealing operations by crossing police force boundaries from urban to rural areas, most often in coastal or market towns (National Crime Agency, 2015). The recent Home Office Guidance explains that county lines exploitation is widespread, with gangs from big cities including London, Manchester and Liverpool operating throughout England, Wales and Scotland (Her Majesty's Government, 2017).

The telephone number is carefully guarded and kept well away from the locality in which the drugs are sold. The number acts as a “brand” through which the dealers can communicate with users. The drugs are then delivered through a relay system of runners who deliver drugs and collect cash. The base of operations in a locality generally belongs to a vulnerable person (often adult drug addicts or vulnerable females. The property is usually acquired by force or intimidation (often referred to as “cuckooing”). The gangs typically exploit children to deliver drugs from the urban to county location using intimidation, violence, debt bondage and grooming behaviour (National Crime Agency, 2016).

Children are recruited by gangs from within their urban areas and are then used to courier drugs and money to and from the county location. Sometimes they are driven by car but often by train or coach. The county base is usually a cuckooed address and, according to the NCA, children that have been exploited as runners have had to stay for periods of time at the locality base which are often characterised by very poor conditions.

Male children are most commonly exploited within the running of county lines but the NCA report that almost half of the areas that returned data on county lines also reported the use of female children. Violence is a dominant theme in the operations of drug gangs that are running county lines. Much of the violence can occur between gangs or is directed towards users but 70% of force returns indicated that violence is used towards other gang members, usually runners, when they made mistakes or were accused of stealing. If drugs or profits are lost by a gang member due to being robbed or arrested, they are held responsible for the loss and take on that debt leading to a model of debt bondage.

The following case study is based upon the Safer Islington Report “Islington County Lines Analysis” that formed a substantial part of the All Party Parliamentary Group on Runaway and Missing Children and Adults “Briefing of the Round Table on Children Who Go Missing and are Criminally Exploited by Gangs” (2017).

2.5 Case Study 2. Islington County Lines Analysis (Dadabho, 2017)

This report was produced to provide information on how Islington collated and analysed its information relating to the county line problem. It identified 14 county police forces as having had vulnerable children and adults from Islington linked to county lines activity. The furthest location from Islington in which a trafficked person was found was the east coast of Scotland.

Consistent with the NCA briefing, the Islington analysis found that Individuals who had been arrested for offences related to the supply of

drugs were often found in “*bandos*”, a colloquial term for a vulnerable drug user’s address in the county, which had been taken over (cuckooed) as a base for the drug-dealing operation locally.

The full age range of the trafficked people that were identified was between 14 years and 32 years but with largest number of people being in the age group of 15 – 17yrs. 45% of the people were aged under 18 when they were identified as linked to county lines operations. Most of the people identified in this analysis were males but the analysis also found an increase in the comparatively smaller number of females who have been identified. What the analysis fails to record is the roles and ages of the females within the county lines exploitation enterprise.

Beyond these details the analysis offers no further insight into the demographics of young people being recruited to county lines operations from Islington nor does it give any indication of other prior or recent adverse life experiences of the young people. The Islington analysis does suggest the following common recruitment processes used by the gangs:

- An offer of cash for one or two weeks of work. The report suggests that this lifestyle appears to be glamorous to many young people in the borough but does not offer any evidence to suggest that this is the actual perception of young people in Islington or whether this is based upon other research literature in the field (see Shipton, Setter, & Holmes, 2016).
- Young people are forced into drug running with threats of kidnap and violence.
- Young people are working to pay back a debt owed to the gang or a gang member.

2.6 Recruitment of Children

The recruitment processes of drugs gangs are unclear (National Crime Agency, 2016) and this may be better understood by examining how children become involved in gangs in general rather than specifically to drugs gangs, especially as organised crime groups tend in any case to

recruit urban street gangs, groups or individual street gang members. Some police force areas have highlighted that children appear to be groomed by gangs, either with gifts or promises that they will earn money, as illustrated in the Islington analysis. Like the recruitment of children for sexual exploitation, recruiters for criminal exploitation target children from poor backgrounds who are already engaged in offending behaviour, children experiencing problems at home or those who are in local authority care. One police force area identified a gang that targeted young males from homeless hostels. These children are often listed as missing persons or have school attendance problems. Social media is also used by recruiters to make initial contact (National Crime Agency, 2016).

The following brief case study is a transcript of two television interviews. The first interview is with a dealer, “Paco”, who ran a county line. The second interview is with a young person, Chris, who was exploited through a county line. The interviews have been transcribed from a Sky News report (Hirsch, 2015). The interviews serve to illustrate the NCA data and offer potential insight into the social and psychological processes of young people that are targeted, recruited and controlled by gangsters and the motivations and internal dis-inhibitors (such as cognitions, attitudes and justifications) of perpetrators for the abuse and exploitation.

2.7 Case Study 3: Transcript of short interviews with Perpetrator and Victim of County Lines

“Paco” is a former gang member. He claims to have made thousands of pounds by sending up to 10 young people a year into a small town where they were sometimes subject to violent attacks; they are also often subjected to arrest by the police.

Paco: Workers, they range from white, black, fat, skinny, young, old, whoever wants to work. They're just out there. They're on the estate, trying to get attention by doing little things. They want to be known, want to be with the big guys. You kind of noticed them as well... You just approach say

*what; you want to go to the country? He goes yeah, okay.
Cool, you start.*

*Probably went through like 10 workers at least because some
of them mess up, some are arrested. Some just can't handle
the pressure. You gotta sack them so..., You just go through
them like water*

Hirsch: *What happens if they mess up?*

Paco: *You might just think yeah, I'm going to pocket half the
money. Starts messing up, obviously is punishment innit?*

Hirsch: *And he can get killed for that?*

Paco: *Can do. He's messing with someone's business innit?
So, it's not a game as they say.*

Hirsch: *Can you describe the demographic of the young
people that you would recruit to work for you in the
countryside?*

Paco: *I would say from a broken home. I would say from
poverty. Lacking something. He needs that male figure in his
life, I think. He wants to be a part of something.*

Hirsch also interviewed “Chris” aged 16. Chris was trafficked all over southern England.

Chris: *I sold class A, crack, heroin, in the city as well. We go
and stay up there even a crackhead's house or a B&B: I
didn't like it. Crackheads can be quite violent sometimes, you
know, you've got money and they want to rob you for it. I've
got friends who'd been cut on their faces. I've got friends who
been hit with needles. So yeah, they can be quite violent, and
they want to come. So, there's the potential of that, being
apprehended and charged with intent to supply - which can
face a lot of years in prison for that, you know?*

Regarding young people's choices Chris explains:

Maybe they haven't got the same footing in their estate and they're kind of being exploited because they don't really have a choice. If they want things to run smoother for them in their community, it's better that they go and do this because it might give them some immunity.

Whilst Paco hints at violent punishment, including potentially the killing of a young person who has “messed up”, Chris’s account shows that the violence perpetrated against young people in the context of drug dealing is not only from the controllers but from other exploited people e.g. the people in the cuckooed addresses who are both vulnerable and exploited and violent offenders.

Paco’s attitudes to the children and young people are cynical and indicative of his pattern of offending and abuse of children. These indicators and motivations will be dealt with in chapters 3 and 4 in more detail. For now, this interview illustrates how children are recruited to drugs gangs. Both the accounts of Paco and Chris raise once more the uncomfortable point that some of the children and young people have made a decision to “work” for the exploiters. Whilst Paco is cynically exploiting the aspirations and needs of the children, Chris makes the astute observation that some young people take the decision to work for the exploiters to assuage other problems they face in their living circumstances: these choices and decisions that are made by the young people are therefore rational given the conditions under which they are made.

In this interview neither Chris nor Hirsch give details of the adversity faced by these children and young people and to some extent this interview supports common sense notions of who is likely to be exploited and why. The next case study is drawn from the Knowsley Joint Strategic Needs Analysis concerning children at risk of criminal exploitation and children at risk of sexual exploitation. This analysis is far more detailed and holistic than that undertaken by Safer Islington and identifies the complex mix of adverse early and current life experiences of children who have been exploited.

2.8 Case Study 4: Knowsley Council

In 2015, Knowsley Council produced its Child Exploitation Joint Strategic Needs Assessment (JSNA) the purpose of which was to bring together intelligence on child exploitation in Knowsley, focusing on child sexual exploitation and child criminal exploitation.

The report found that those children targeted are amongst the most vulnerable children. Those that exploit children for criminal activity had been targeting children with special educational needs (16% of the known cohort having statements of special educational needs). Similarly, these groups were targeted by offenders seeking to sexually exploit children. The children that were identified as being either criminally or sexually exploited often have had *Adverse Childhood Experiences* (ACEs is a common acronym), making them less resilient and more likely to be at risk of exploitation. The assessment reported that children and young people who are at risk of exploitation, or have been exploited, do not always recognise their own vulnerability, or the impact of their behaviours, particularly regarding social media and their increasing vulnerability.

The assessment found the seriousness of criminal exploitation to be escalating in terms of more arrests for class A drugs incidents over the preceding 18 months. The increased involvement of children and young people in transactions in class A drugs increased the level of danger to which they were exposed e.g. class A drugs are more expensive and so any loss through robbery or mistakes means that the debt to the drug gang is greater, increasing the extent of debt bondage. The evidence also indicated that young people selling drugs are also increasingly carrying weapons in the hope of self-protection.

In the Knowsley area, of the young people being recruited for criminal exploitation, the overwhelming majority were cannabis users with cannabis providing one of the main entry routes to involvement in criminal exploitation.

Debt bondage appeared to be one form of coercion and control, but threats were also made to harm a child's family formed another characteristic of coercion. As with child sexual exploitation (Child Exploitation and Online Protection Centre, 2011), there is evidence that exploitation can spread within peer and friendship groups where children are encouraged to recruit or introduce other children. There is also a risk of children transitioning to exploiters as they mature.

Gang membership also tends to exacerbate a child's marginalisation and isolation as, by their gang affiliation and criminal behaviour, they are perceived within the community as a threat. The consequence of this is that identification with the gang, the organised crime group (OCG) or specific exploiters is reinforced. In Knowsley 72% of children that have been criminally exploited have also been involved with school attendance services and many of this cohort of children have spent time outside of mainstream secondary education. 72% had attendance issues and 52% had at some time been referred to Educational Psychologists.

The assessment report states that "Within the criminally exploited cohort, there is only one female, the rest of the children and young people are male. In Knowsley, the ratio of offences committed by younger males far outweighs that of females; younger males also have higher rates of re-offending and tend to be involved in more serious crimes."

When comparing the CSE cohort with the criminal exploitation cohort the report noted that the dominant model in Merseyside is the "boyfriend model"³ of child sexual exploitation and found no robust links with serious and organised crime or organised crime groups. However, there are strong links between the criminally exploited cohort and local crime groups; one child was identified as a member of an organised crime group, three were

³ "The Boyfriend Model of exploitation and peer exploitation": The perpetrator befriends and grooms a young person into a 'relationship' and subsequently coerces them to have sex with friends or associates. This includes gang exploitation and peer-on-peer exploitation (Child Exploitation and Online Protection Centre, 2011).

known members of urban street gangs and nine were associated with urban street groups.

A history of adverse life experiences characterised the backgrounds of many of the criminally exploited children. These characteristics are shared by the sexually exploited cohort and supports themes identified by the CEOP thematic assessment of Child Sexual Exploitation (Child Exploitation and Online Protection Centre, 2011). Within the criminally exploited cohort, the JSNA found that 62% of children came from families where the parents were separated, or one parent had died. 25% of the children had criminality within the family; in general, this was the father but included older siblings as well. Criminality included child sexual offences, fraud, rape, domestic violence and drug convictions.

Many of the families had issues with ill health, poor mental health and bereavement. Combined with a single parent household these problems seemed to contribute to the child being beyond parental control ⁴. The report explained that death of a close family member or close friend had significant impacts upon children and young people. It also indicated that chaotic family environments, or a general lack of effective supervision, contributed to vulnerability to being targeted for exploitation; this factor also correlated with missing episodes not being reported by parents.

⁴ Relates to the grounds for a Care or Supervision Order Children Act 1989 s2 “A court may only make a care order or supervision order if it is satisfied— (a) that the child concerned is suffering, or is likely to suffer, significant harm; and (b) that the harm, or likelihood of harm, is attributable to—

(i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or

(ii) the child’s being beyond parental control.

2.8.1 “Deets and Squares”

Whilst there has been increasing media, public and political attention paid to the county lines phenomenon, another mode of exploiting young people has been quietly emerging causing increasing concern to law enforcement and the banks. “Deets and Squares” refers to a scam involving children and young people. “Deets” is slang for bank details and a “Square” is a credit or debit card. Young people are enticed into becoming ‘money mules’ by handing over their bank details to fraudsters in exchange for money, making them accessories to the fraudsters’ crime.

Some local authorities are now flagging the problem in their child safeguarding guidance e.g. Luton Safeguarding Children Board (Luton Safeguarding Children Board, 2017) highlighted in its guidance to professionals that the UK fraud prevention service (Cifas) reported that in the first half of 2017 there were 17,040 instances of ‘misuse of facilities’ fraud which involves the genuine account holder misuses their account for profit. 4222 of these account holders were aged under 21.

The young people that fall prey to this method of exploitation for the purposes of money laundering are often tempted by what they believe is the opportunity for getting cash by allowing someone to use their bank account for a bank transfer. Many are aware that it is illegal but see it as a victimless crime, often persuaded by the criminals that it is risk free. However, knowingly becoming involved in such activity runs a risk of a prison sentence, a ruined credit history which can incur financial problems into later life (Barclays Bank, 2019).

Most victims become money mules unknowingly, as savvy criminals take advantage of university students’ financial worries. Research by Barclays Bank has revealed six in 10 (61 per cent) worry about their financial situation on a weekly basis, which is leaving students vulnerable to some of the most common techniques.

The number of young people being recruited by criminals to launder money this way has nearly doubled in the past two years. Whilst university students being actively targeted by criminals as they start the new academic year, children and younger people are becoming lucrative new targets for fraudsters.

2.9 Discussion

The Knowsley JSNA highlights local links between youth gang involvement and recruitment to drug gangs, which also reflects the NCA analysis of criminal exploitation of children by drug gangs.

The JSNA identifies victim characteristics and vulnerabilities found among children that are exploited by criminal gangs. Hirsch's Sky News Interview with Paco demonstrates how exploiters are attuned to these vulnerabilities. These characteristics are generally shared by victims of sexual exploitation also, and the case studies above indicate that a child may be subjected to more than one form of neglect, abuse or exploitation and may have been exploited by more than one person or group by the time they are identified in the context of criminal exploitation.

The correlation between children going missing or absconding from home or care is another theme and an issue that is often put forward as a marker of exploitation and gang involvement (Setter, 2019). It is also a prominent problem in relation to case management and safeguarding of children that have been identified as victims of exploitation (Shipton, Setter, & Holmes, 2016). There are however problems with the way in which this correlation is interpreted, an issue that is discussed more fully below. The JSNA identifies histories of non-attendance at school and missing incidents as characteristic of exploited children's backgrounds and experiences, but wisely does not emphasise this as a marker but merely a correlation for exploitation; a child that is missing from home or school is not necessarily being exploited but their vulnerability to recruitment and grooming for exploitation is increased due to the lack of any protective environment or effective supervision of safety. The adverse life experiences are factors

that can push children towards absconding as well as towards gangs and exploiters, increasing their visibility and accessibility to predators such as Paco.

2.10 The Association Between Children That “Go Missing” and Criminal Exploitation

It is generally accepted that children going missing from care is a major problem and increases vulnerability to predatory criminals and gangs. Anti-Slavery suggest that a significant number of the children that go missing from care have been trafficked for criminal exploitation, particularly Vietnamese children. Of the 90% of Looked After Children⁵ that go missing from care, 60% are suspected victims of trafficking. RACE in Europe found that there were few children identified as potential victims of trafficking in local authority care (Brotherton & Waters, Victim or Criminal? Trafficking for Forced Criminal Exploitation: UK Chapter, 2013).

There has been much emphasis on the association between ‘going missing’ with gang involvement, criminal exploitation and particularly child sexual exploitation, to the extent that it is frequently cited as a marker for CSE (NHS, 2015; NSPCC, 2017; Barnardo's, 2017; Berelowitz, Firmin, Edwards, & Gulyurtlu, 2012; Beckett, Holmes, & Walker, 2017) and to some extent for gang involvement and criminal exploitation (Her Majesty's Government, 2017; Hampshire Safeguarding Children Board, 2016; Medway Safeguarding Children Board). This is misleading as it tends to imply that missing incidents are indications that abuse, and exploitation are occurring; the fact is that going missing from home, care and education correlate with incidents of exploitation and gang involvement but are not causes or necessarily consequences of it. Running away from home, staying out later than expected or intended, and truanting from school are all behaviours that increase a child’s vulnerability to

⁵ The Term Looked After Children or Looked After Child or LAC refers to children or a child that are in some form of statutory care (e.g. residential care or foster care) where the Local Authority has Parental responsibility or shared responsibility for the child concerned.

exploitation due to their increased visibility to predators and increased accessibility. The drivers of the behaviour (the cause of the missing incident) may more likely be found within their own homes or places of education. This difference between an *identifier* or marker for exploitation and *risk factor* (a circumstance or characteristic that increases the likelihood of a harmful event occurring) is more effectively articulated by some organisations such as the College of Policing, The Children's Society, Sefton Council and Knowsley Council.

Whilst the professional discourse about exploitation of children in general acknowledges that children often remain in contact with their exploiters even after removal from the exploitative situation, there are no commonly agreed safety and protection standards for the placement in residential or foster care of children that are known to have been, or are suspected to have been, trafficked and exploited through criminal activities.

As with criminal exploitation of children, missing children and missing incidents do not conform to a single model. The extent therefore to which data on missing incidents is reliable in tracking or predicting patterns of exploitation is questionable. Unauthorised Absences are not now recorded by Police as a part of the Management, Recording and Investigation of Missing Persons (National Policing Improvement Agency, 2010). Looked After || Child care-providers have a duty to record episodes such as coming home late, staying out overnight or not being in the place that the child was expected to be found in, as missing incidents. By contrast, children that do not return to their family home when expected, or indeed for several days afterwards, may never be reported as missing. Variations in recording practices and missing person criteria are therefore often inconsistent between agencies and areas.

In Chapter 4 I will demonstrate that a child's pattern of absence and absconding is better understood in the context of their previous and present life experiences, current circumstances and relationships. Indeed Shipton (2016) suggests that the problem of many children that go missing following their identification and accommodation in local authority care placements, is determined by a lack of trust in adults tasked with their

safeguarding. This point is echoed by Hallet (2016) and so suggests the possibility that the motivation to abscond from local authority care may be less about a desire to return to the gangs and more about a need to flee the perceived threat of the safeguarding agencies.

2.11 Plenty of Data but Little Insight into the Problem

The Knowsley JSNA highlights local links between youth gang involvement and recruitment to drug gangs, but this also reflects the NCA analysis of criminal exploitation of children by drug gangs. This is a helpful contribution to the development of a rich description of the phenomenon. Unfortunately, this acknowledgement of the problem of criminal exploitation and assessment of the threat level is not widespread. An open source search of Local Safeguarding Board Policies relating specifically to criminal exploitation of children conducted on March 19th, 2017, found no local authorities with a clear and specific strategy for this problem other than Knowsley Safeguarding Children Board and Sefton Safeguarding Children Board. The Government's supplementary guidance on child trafficking within the "Working Together" guidance (HM Government, 2015) is primarily concerned with sexual exploitation and does not specifically identify criminal exploitation and forced labour at all, which will be discussed further in Chapter 3. The most recent version (2018) offers a description of both county lines and CCE, taken directly from the Serious Violence Strategy (HM Government, 2018) but no specific guidance on addressing or responding to the problem.

In February 2019 The Children's Commissioner for England, Anne Longfield and her team, produced an important report on youth gang membership and corresponding criminal exploitation of children in gang contexts. The report acknowledges difficulties with undertaking research in this area, perhaps most significantly the lack of definition of what constitutes a gang. However, the Commissioner found that:

- It is suggested by British Crime Survey data there are 27000 children in England who identify as a gang member.

- There are also children who are being groomed and exploited by gangs, but who would not identify as gang members.
- The Analysis by the Children’s Commissioner’s Office shows that 313,000 children aged 10-17 know someone they would define as a street gang member.

(Longfield, 2019)

2.12 Definitions and Language

With growing data indicating that children are being controlled and directed to commit crimes for and on behalf of others, the diversity of the children, the differing contexts, relationships and range of criminal activities and patterns of behaviour, have made it difficult to formulate a clear concept of the phenomenon. There are characteristics that are consistent with more familiar forms of child maltreatment abuse and neglect such as emotional abuse, psychological abuse, physical and sexual violence. There are varying degrees of organisation. There is evidence of children being moved about the country or held in places that are not their home and in other cases there is no such movement. Perhaps crucially, there is no statutory definition of what is meant by the term child criminal exploitation i.e. it is not specified in law. (Beadle & Davieson, 2019) (Setter, Child Trafficking in the UK, 2019).

Despite this lack of consistent definition, much of the language used to describe and identify CCE reflects the current modern slavery discourse (Setter, 2019). Modern-day slavery is a wide-reaching term that is essentially about the varied exploitation of vulnerable adults and children, from and within a variety of contexts. The term “trafficking”, as used to refer to the movement of children for the purposes of criminal exploitation, is closely bound to the concept of modern-day slavery (indeed, the UK is the only country that has adopted the term “modern slavery and used this to incorporate trafficking - other countries tend to refer only to Trafficking of Human Beings).

The term “trafficking” has certainly helped professionals and the public alike to link the problem of transporting children for the purposes of

exploitation to a concept of significantly harmful abuse. Unfortunately, the children that are targeted for this kind of exploitation are often already both troubled and troublesome, meaning that children who are engaged in criminal activities due to coercion may have previous records of criminal or antisocial behaviour. The coerced criminal activity is potentially misidentified as a behavioural problem rather than the fact that they are being forced and exploited.

Another term that is also linked to concepts of modern slavery is “debt bondage” and it recurs in discussion of the problem of criminal exploitation (Beadle & Davieson, 2019; Pitts, 2007; Setter, 2019). It may also be a source of confusion. Debt bondage describes important methods of recruitment in the Vietnamese context and the Roma context. In these settings the moneylenders may be a part of the organised crime group or a separate enterprise linked to the organised crime group that is running the exploitation. In the county lines context, debt bondage may be an element of the grooming and ensnaring process, that is similar to processes in child sexual exploitation (e.g. gifts and rewards are given to the child by the groomer and then at a later date the child is told that the gifts must be paid for). The term grooming is more likely to be used to describe the same pattern of recruitment and victim accessing in the context of child sexual exploitation. Within the drugs gangs “debt bondage” is also used as a method of punishment and a way to continue or maintain the commitment of the child to the group e.g. if the child “messes up” – is robbed or loses money or merchandise. Though there are parallels there are also context specific differences between the nature and function of debt bondage that need to be articulated and understood.

Concepts of who is or might be a “victim” or a perpetrator are not clear cut and can be confusing. Existing lists of markers for criminal exploitation, gang involvement and sexual exploitation can be applied to almost any child that is known to social services and youth justice agencies. Such approaches have been dangerously misleading in the context of child sexual exploitation for instance (Jay, 2014) because the nature and contexts for exploitation and abuse are too varied and adaptive. It therefore follows that the risk of decision-making based upon false

positives and false negatives for the presence of exploitative abuse is increased. Put simply, check lists may be empirically based and superficially reassuring but they are ultimately useless. They cannot work because there are too few fixed variables regarding which children are, or may be exploited, where they come from and who is exploiting them. Trafficking and exploitation is infinitely adaptable and victims and perpetrators are not heterogenous. The use of labels and typologies leads to a “top down” process of explaining, describing and understanding exploitation: if D then C, preceded by B, preceded by A. This runs the risk of creating tunnel vision as cases that do not conform to the definitions of the problem are misidentified or missed altogether. The case studies discussed in this chapter demonstrate the non-linear complexity of criminal exploitation of children, vulnerability and risk, and the potential for individuals to simultaneously be victims and perpetrators or transition from one to the other.

2.13 Conclusion

This chapter has described the nature and scope of criminal exploitation of children in the UK. It has identified victim characteristics and vulnerabilities found among children that are exploited by criminal gangs in the UK and abroad. It is striking how similar these characteristics are between those that have been trafficked and exploited in the UK, in Central and Eastern Europe and Vietnam; the themes of extreme poverty, adverse family contexts, poor education or special educational needs and disengagement from education, drug or substance abuse, exposure to domestic violence and prior victimisation and abandonment are consistent in the adverse life experiences of children prior to criminal exploitation. This is true regardless of ethnic background, country or region of origin.

These characteristics are generally shared by victims of sexual exploitation also; the case studies indicate that a child may be subjected to more than one form of abuse or exploitation and may have been exploited or victimised by more than one person or group by the time they are identified in the context of criminal exploitation.

The Knowsley JSNA identifies histories of non-attendance at school and missing incidents as characteristics of exploited children's histories but wisely does not emphasise this as a marker but merely a correlation for exploitation. The adverse life experiences are factors that can push children towards absconding as well as towards gangs and exploiters.

There is less information in the academic and professional literature relating to perpetrators of Child Criminal Exploitation. Despite this lack of empirical data relating specifically to traffickers and exploiters of children, the ethnic, social, cultural and economic contexts from which perpetrators and exploited children emerge offer insights into the social processes that motivate offenders and generate opportunities for this form of criminal event. It is possible to anticipate some of the cultural imperatives and norms that facilitate recruitment and control of young people. These come not only from overt threats of harm to them or their families but also from the cultural expectations of a child that are accepted as a norm by the young person and their families and provide a mechanism by which exploiters maintain control of the exploited child.

It becomes apparent that common characteristics are emerging that may be described as distal or pre-disposing risk factors for children to be targeted and exploited by predatory adults and these are largely located within a child's adverse childhood experiences and the environmental circumstances. The acute dynamic risk factor, or trigger to the exploitation, is therefore proximity to the suitably motivated perpetrator(s). Elsewhere I have described these as Historical Conditional factors and Current Conditional factors⁶ (Barlow C. , *The Adapted SIPPS for CSE: Evaluation of a Pilot Project in a South London Borough*, 2017). The likelihood of exploitation and abuse occurring is dependent upon relationships and movements between these components within a child's entire eco-system over time. Any intervention in any part of that system will cause perturbations that result in a range of potential outcomes for the child and other elements of that system: trafficking and criminal exploitation can only be fully understood as a product or output of a

⁶ In relation to vulnerability to Child Sexual Exploitation

complex, interactive system and not as an end result of a linear pathway of causality.

To understand child criminal exploitation is to understand it as a modality of child abuse or maltreatment: it incorporates emotional and psychological abuse, sexual abuse, physical abuse and neglect which varies in nature according to the characteristics of the child, the perpetrator and the environment from which the abuse emerges. The professional and academic knowledge on issues of child maltreatment is extensive. The motivation for the criminal exploitation of children may be simplistically assumed to be financial or material gain but this is insufficient to account for the mechanisms that maintain the exploitation such as the extreme violence and emotional and psychological abuse of the children. Fortunately, the professional and academic knowledge relating to criminogenic drivers of violence is also large and growing. This knowledge will be synthesised to formulate a conceptual model for criminal exploitation of children that informs practice and interventions by enabling practitioners to make better use of the most robust statutory frameworks for safeguarding children. This will be the focus of the middle section of this thesis but first it is necessary to comprehend the development of understanding and current responses to child exploitation and abuse.

The absence of a specific and clear definition of CCE remains a problem in establishing precisely what it actually is, what the focus of attention should be in developing a useful description and explanation that can assist professionals in safeguarding children and identifying criminal acts of exploitation.

The problem of child criminal exploitation has increasingly been discussed as one form of modern slavery and so , in the next chapter, I will provide an overview of these statutory frameworks and will examine the definitional terms of slavery, servitude, forced or compulsory labour and trafficking as they might be applied to the criminal exploitation of children. The next chapter will describe the slow and careful evolution of the current definitions. It will also present a critical overview of current

policy and strategic responses and identify how these have evolved from these definitions and associated assumptions.

Chapter 3

An Overview of Policy and Practice

Part 1

Concepts of Trafficking, Slavery and Organised Crime

Increasingly, CCE has become a part of the modern slavery discourse incorporating concepts of trafficking, exploitation (Anti Slavery-International, 2014; Brotherton & Waters, 2013; Ofsted, 2018; Setter & Baker, 2018) and, particularly with regard to the county lines phenomenon, organised crime (APPG On Runaway and Missing Children and Adults, 2017; ECPAT UK, 2010; HM Government, 2014; HM Government, 2018; National Crime Agency, 2019; Turner, Belcher, & Pona, 2019).

The exploitation of children by coercing or controlling them to engage in criminal activities is frequently acknowledged within the key strategies and policies produced by the UK Government, but rarely described in any detail, nor is it explained. This contrasts with the attention that is given to the trafficking, exploitation and abuse of children, particularly girls, in the context of sexual exploitation (Lee, 2011). In this part of the chapter I examine the concepts of trafficking, slavery and organised crime in relation to child criminal exploitation. The purpose is to work out to what extent, if any, they are useful in not only defining the problem. but more importantly, explaining it.

In April 2015, The UK Government's much-anticipated Modern Slavery Act received Royal Assent. This, and the appointment of the first ever Anti-Slavery Commissioner, had been key components of the Modern Slavery Strategy (HM Government, 2014). The Act was reviewed 12 months after its implementation (Haughey, 2016). The purpose of the

review was to evaluate whether the Act was achieving its objectives. It also examined the extent to which it was assisting investigators and prosecutors in combating modern slavery in the UK context and, to a lesser extent, abroad. It represents the evolution of understanding, responses and current practices by all agencies to the problem. It also identified limitations, uncertainties and constraints on investigators and the need for further development of responses and statutory systems.

Haughey's report recommended that the government provided effective training for professionals in relation not only to the application of the Modern Slavery Act 2015, but its investigation and the identification, recording and presentation of evidence that indicates exploitation in relation to the offences under sections 1 and 2 of the Act.

The subsequent Independent Review of the Modern Slavery Act 2015 (Field, Butler-Sloss, & Miller, 2019) also identified uncertainty and confusion among key stakeholders (e.g. law enforcement, the criminal justice system, statutory safeguarding services and NGOs). The review made 80 recommendations and stated that

“The recommendations made in Caroline Haughey’s 2016 Review of the Modern Slavery Act relating to training and the need for specialist advocates in modern slavery cases should now be implemented.” (Field, Butler-Sloss, & Miller, 2019)

Haughey's identification of this issue just one year after the implementation of the Act, was an early warning: despite a statutory framework that included definitions of slavery, servitude forced and compulsory labour and trafficking, a lack of understanding of the phenomenon was hampering the application of this important legislation and undermining the government's Modern Slavery Strategy. The failure to act on that recommendation over three years seems astonishing given the stated ambition of the UK Government to lead the world in the fight against Modern Slavery (May, 2016; Gadd & Broad, 2018).

With the problem of child criminal exploitation emerging within the research by Anti-Slavery (2014), ECPAT (2010), The National Crime Agency (2015) and others cited in the previous chapter, illustrations of lived experiences of children and young people within mainstream news reports (Anti Slavery-International, 2014; Hirsch, 2015) and investigative documentaries (Tipurita, 2011; BBC, 2019) and local reports and analysis (Knowlsely Council, 2015; Dadabho, 2017) the extent and diversity of the problem has been well established. Despite this, the UK Government is yet to formulate an effective response to child criminal exploitation be that in terms of prevention and safeguarding of children at risk of exploitation, supporting children that have been exploited towards safety and recovery, and pursuing and prosecuting the exploiters.

Whilst there is a statutory defence under s45 of the Act concerning children and vulnerable adults that have been forced to commit certain crimes, what constitutes “exploitation”, where CCE sits in relation to the section 1 of the Act (namely slavery, servitude and forced or compulsory labour) and section 2 of the act (human trafficking) is largely a matter of interpretation. As discussed in the previous chapter, there is no statutory definition of child criminal exploitation i.e. it is not set out in law (Turner, Belcher, & Pona, 2019; Setter, 2019). This is an issue that is not fully addressed by the Independent Review. Consequently, there is widespread inconsistency in how child criminal exploitation might be defined and described not only in terms of what it is but also who might be a victim (Field, Butler-Sloss, & Miller, 2019; Turner, Belcher, & Pona, 2019).

Definitions are important in that they often provide some degree of description of an object, process or phenomenon. Inevitably then, any definition of a phenomenon such as CCE is a construct that represents some form of consensus (be that among law makers, policy makers, social scientists, religious leaders, the or lay people within society as a whole) concerning behaviour that constitutes child criminal exploitation (Frazier, Cochrane, & Olsen, 1995). CCE may therefore be defined in law (i.e. actions prohibited by the state and punishable under the law). It may be

defined in moral terms according to the norms and morality of religion. What constitutes CCE may be defined socially according to the norms and values of a society or as a set of harmful behaviours that reward the actor at the expense of another person or group (Andrews & Bonta, 2010).

The aim of this chapter is to examine the evolution of the current strategy and its influence on policy and practice specifically in relation to the problem of criminal exploitation of children. By so doing I will identify, then discuss, some of the underlying assumptions that have informed or contributed to the present state of professional practice in respect to children and young people that may have been exploited through forced criminal activity; the identification, pursuit and prosecution of offenders, and the development of child safeguarding strategies.

I shall begin by setting the UK's strategy and policy development in the wider context of international efforts, through a broad overview of relevant conventions and protocols; these are crucial to understanding some of the key concepts that underpin UK strategy and legislation.

I shall also draw upon existing social research data and associated strategies and policies that contributed directly to the development of the current UK Modern Slavery Strategy and examine practice guidance that has been influenced by it. With an overview established of the research that has led to the strategy and subsequent policies and procedural guidance established, I set out a working definition of child criminal exploitation. This provides terms of reference for the critical evaluation of criminal justice and child safeguarding responses to the problem in the next chapter.

3.1 The Evolution of Definitions and Descriptions

The formal abolition of slavery in the nineteenth century was undeniably a major achievement in the face of stubborn resistance from an establishment that had become dependent upon the trade's huge economic rewards. This achievement nevertheless had important limitations in both

its scope and effect that are frequently overlooked (Quirk, 2006). In some respects, the formal abolition of the transatlantic slave trade (specifically the ownership and sale of black African slaves), has inadvertently created the opportunity for the illicit and more diverse slave market that is referred to as modern-day or contemporary slavery. The strong abolitionist arguments of the nineteenth century may also influence modern popular understanding of what slavery is or may look like: slavery has changed and adapted through time and is influenced by politics; cultural, social, moral or religious values; migration, war, colonialism, natural disaster and economics. An understanding of the dynamics of modern slavery as an activity or process cannot be achieved without recognising these contexts (Lee, 2011).

The word "slavery" today incorporates more than the traditional chattel slavery and medieval serfdom: it covers a variety of abuses of human rights. This diversity of activity has made definitions of the problem and identification of its existence and scale difficult (Quirk, 2006; Lee, 2011). In 1991, the UN High Commissioner for Human Rights published a factsheet that included slavery-like practices specific to the exploitation of children that included the sale of children, child prostitution, child pornography, the exploitation of child labour, the sexual mutilation of female children, the use of children in armed conflicts, and debt bondage (UN Office of the High Commissioner for Human Rights (OHCHR), 1991). This list demonstrated how the range of abusive and exploitative activities that are recognised as slavery-like practices has continued to grow; however, the UN High Commissioner's list did not include domestic servitude and nor did it include the coercion and control of children (as well as vulnerable adults) to engage in criminal activity, perhaps demonstrating the evolutionary nature of our understanding and growing intolerance to such practices.

Quirk points out that the nature and forms of abuse are not discrete from each other, often coexisting and overlapping in terms of the nature of the abuse, targets of the abuse and objectives of the abusers, who are always

adaptable and open to new exploitative opportunities. This leads to substantial difficulties in formulating a coherent rationale which links offenders, victims and exploitative criminal practices together (Quirk, 2006).

These difficulties have led to not only extensive academic debate, but also political debate and effort, in order to produce a range of protocols, treaties and instruments for the detection and control of trafficking of human beings and slavery or slavery-like practices. Whilst various definitions and instruments have been accepted or rejected in different jurisdictions, it is necessary to identify the most important in terms of their relevance to the development of UK strategies, legislation and policies regarding criminal exploitation of children.

The “*Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention 1926*”, known as the “1926 Slavery Convention” was established under the auspices of the League of Nations. The Convention provided the foundation for the prevention and suppression of the slave trade across the world and in colonial jurisdictions⁷ establishing rules and articles by which slavery and the trade in slaves were banned. The convention defined slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” (United Nations). This definition went through further refinements in the UN Convention on Human Rights Supplementary Convention (United Nations, 1956) but prior to these developments, the International Labour Organisation made considerable progress on the issue of forced and compulsory labour with the Forced Labour Convention, 1930. This convention sought to build upon the 1926 Slavery Convention (which undertook to “suppress the use of forced or compulsory labour in all its forms”) and defined forced or compulsory labour thus:

⁷ The Abolition of Slavery Act 1833 abolished slavery in *most* of the British Empire with the exception of "the Territories in the Possession of the East India Company," the "Island of Ceylon," and "the Island of Saint Helena".

For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

(International Labor Organisation, 1930)

The Convention introduced important limitations to what constituted forced or compulsory labour⁸ but also made illegal exaction of forced or compulsory labour a criminal offence (Article 25).

Perhaps the most famous and influential development in the safeguarding of human beings against violence, oppression and exploitation was The Universal Declaration of Human Rights (UDHR) that was proclaimed by the United Nations General Assembly in 1948. It is generally accepted as a major milestone in the developmental history of human rights as it set out fundamental rights to be universally protected. The relevance and impact of the UDHR cannot be underestimated as it has been the keystone of the international human rights movement, incorporating both the 1926 Slavery Convention and the ILO Forced and Compulsory Labour Convention to clearly state in its Article 4 that

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

In 1950 the Council of Europe opened the Convention for the Protection of Human Rights and Fundamental Freedoms (better known as the European Convention for Human Rights) for signature in Rome. It came into force in 1953 and was the first instrument to

⁸ Forced or Compulsory Labour does not include-- a) compulsory military service laws for work of a purely military character; b) any part of the normal civic obligations of the citizens of a fully self-governing country; c) any work as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations; d) any work or service in cases of emergency, i.e., in the event of war or of a calamity, and in general any circumstance that would endanger the existence or the well-being of the population; e) minor communal services can therefore be considered as normal civic obligations incumbent upon the members of the community.

give effect to certain of the rights stated in the Universal Declaration of Human Rights and make them binding on signatories. It also established the European Court of Human Rights (Council of Europe, n.d.).

Article 4 of the Council of Europe Human Rights Convention is born of the 1948 Declaration of Human Rights, adopting the same Article 4 statement on slavery and forced labour. The European Convention goes further:

- 1. No one shall be held in slavery or servitude.*
- 2. No one shall be required to perform forced or compulsory labour.*

It was the European Court of Human Rights that published guidance on how to interpret Article 4 and the prohibition of slavery, servitude and forced or compulsory labour (European Court of Human Rights, 2014). The guidance demonstrates how the Court draws on the international instruments referred to above, unequivocally, using the 1926 Slavery Convention's definition of slavery. Forced Labour then undergoes greater clarification and analysis. The European Council Guidance on Article 4 explains that forced or compulsory labour includes any *work* or *service* and is not limited to manual labour (and therefore potentially incorporates forced begging and criminal activities).

“Force” refers to control or constraint on the victim and compulsory refers to the imposition of “any penalty”. That may include physical violence or restraint but may also include subtler forms such as psychological coercion (which might include “grooming” behaviour), or threats of violence or threat to denounce the victim to police or other authorities.

The development of human rights through these conventions has been a slow and complex process but has resulted in many of the fundamental principles that guide both legislation, policy and practice in safeguarding

children and vulnerable people from exploitation, oppression and violence in the twenty first century.

3.2 Trafficking

A practice that has become inextricably linked to exploitation is trafficking of human beings. The generally accepted definition of trafficking of human beings was formed within the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”, better known as “The Palermo Protocol”. This was one of three protocols that supplemented the United Nations Convention Against Transnational Organised Crime 2000. The protocol defines Trafficking thus:

- a) *“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*
- b) *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this Article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*
- c) *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;*
- d) *“Child” shall mean any person under 18 years of age.’*

(United Nations, 2000)

This is an important, comprehensive and highly influential definition but its birth within the Convention Against Transnational Organised Crime is significant. Firstly, this definition is describing the transport of people, through whatever means, for the explicit purpose of exploitation be that in the form of slavery, forced labour, servitude or some other form of exploitation. It extends the concept of “force” to the recruitment and transportation *prior* to the exploitative activity. This effectively makes slavery, servitude and forced or compulsory labour a spectrum of exploitative activity that does not simply begin and end with a single user or controller of the victim, but incorporates potentially a chain or network of agents that gain from the exploitation (e.g. as recruiter, transporters, facilitators who provide the means for the exploitation).

If the ILO Convention of 1926 overtly made forced labour subject to the penal code of any jurisdiction in which it occurred, this convention and the Palermo Protocol situated trafficking of children within the context of serious and organised crime.

Although The Palermo Protocol provides a widely accepted descriptive definition of trafficking, it has been criticised for its separation of trafficking from smuggling as somewhat binary, failing to clearly set out or accommodate the overlaps between illicit migration, smuggling and trafficking of human beings (Di Nicola, 2011). It has also been argued that the protocol’s emphasis on women and children has gendered the problem of human trafficking and exploitation and contributed to a disproportionate emphasis in research and policy on sexual exploitation of women and girls at the expense of male victims and other contexts such as labour exploitation (Goździak & Vogel, 2020). Further criticism of Palermo is that it prioritises a criminal justice response to trafficking of human beings as an activity of organised crime over safeguarding victims (Shoaps, 2013).

3.3 The Influence Upon Policy and Practice in England and Wales

It has been a slow progression from the Abolition of Slavery Act of 1833 to the point at which, 173 years later, the transportation and exploitation of people was criminalised. In the UK the Modern Slavery Act 2015 and the Serious Crime Act 2015 has finally provided statutory definitions of the trafficking of human beings, slavery, servitude and exploitation of children and adults. It provides a legal framework by which these crimes against vulnerable people can be identified, prevented, investigated and prosecuted. However, to do so requires understanding of the complexities of such cases: the varied forms of exploitation, vulnerabilities, interpersonal dynamics, roles and responsibilities. The process of trafficking and exploitation is therefore multifaceted, driven and shaped by relationships between the exploited person, the exploiter and the physical, social, economic, political and social environments from which all agents in the process emerge and co-exist (Di Nicola, 2011). It is insufficient to only describe a phenomenon such as child criminal exploitation. For professionals to be able to identify, investigate and evaluate child criminal exploitation, they must be able to understand it and understanding requires theory by which patterns of child criminal exploitation can be thought about and analysed. Theory should inform policy and practice (Pearce, 2019) which can be developed and nurtured through training and education.

The influence of the Palermo Protocol's definition of trafficking and its situation within the context of transnational organised crime, has ensured that the UK response to modern slavery is conceptualised as primarily a criminal justice matter (Gadd & Broad, 2018). Although there is no statutory definition of child criminal exploitation, official guidance on the topic invariably makes the term synonymous with county lines (Her Majesty's Government, 2016; 2017; 2018; Ofsted, 2018; National Crime Agency, 2019) which serves to narrow the focus in terms of victims and perpetrators.

Such a narrow focus is problematic. Definitions and models of organised or networked crime may vary in terms of their aetiology, structure and activities and this both influences and is influenced by policing models in different countries and contexts (Sergi, 2017). What constitutes organised crime, organised crime groups and networks therefore remains highly contested (von Lampe, What is Organised Crime, 2019). Furthermore, where children are engaged in criminality, whether or not they are coerced and controlled in order to do so is rarely easy to discern: victims of CCE are a heterogeneous group and may not comply with assumptions about who is or isn't a victim of exploitation (Gadd & Broad, 2018) and may simultaneously occupy both victim and perpetrator spaces simultaneously (Pitts, 2007).

The Convention Against Transnational Organised Crime defines an organised crime group or network in this way:

- A structured group of three or more persons,
- Existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences, in order to obtain, directly or indirectly, a financial or other material benefit (United Nations Office on Drugs and Organised Crime, 2004).

It defines *serious crime* as conduct constituting an offence punishable by at least a maximum deprivation of liberty of four years or a more serious penalty. Although serious and organised crime are terms that are frequently used together to describe a single crime event, it is useful to understand the separate definitions of both, particularly in the context of trafficking and exploiting children. As Surtess (2005) explains in her description of trafficking of minors, it is easy for a lone adult or a couple (e.g. a man and a woman) to control and transport a child. Clearly, in this context this would not be an act of an organised crime group or network but the criminal event comprising trafficking of the child for exploitation would constitute a serious crime.

The UK Government published its Serious and Organised Crime Strategy in 2013. At the time of its writing, there was no legal definition of

organised crime in England and Wales. In 2015 the Serious Crime Act introduced the offence of participating in activities of an organised crime group (Her Majesty's Government, 2015), the definition of which reflects that of the Convention.

The Serious Organised Crime Strategy adopted a model to tackle organised crime that was developed within the UK Counter Terrorism Strategy “CONTEST” (Her Majesty's Government, 2011). This Model has been highly influential, providing not only the basis for the Serious and Organised Crime Strategy but also the UK Modern Slavery Strategy (HM Government, 2014). Each strategy is organised around four “workstreams” often referred to as the “4 Ps”: Pursue, Prevent, Protect, Prepare. Its influence on the subsequent strategies between 2011 and 2015 is conspicuous when the objectives of the 4Ps are set out alongside each other (see Table 1.)

CONTEST: Counter Terrorism Strategy	Serious Organised Crime Strategy	Modern Slavery Strategy
<p>Pursue:</p> <ul style="list-style-type: none"> Assess counter-terrorism powers and ensure they are both effective and proportionate; Improve ability to prosecute and deport people for terrorist-related offences; Increase capabilities to detect, investigate and disrupt terrorist threats; Ensure that UK judicial proceedings can better handle sensitive and secret material to serve the interests of both justice and national security; and Work with other countries and multilateral organisations to enable the UK to better tackle threats at their source. 	<p>Pursue:</p> <ul style="list-style-type: none"> Establish strong, effective and collaborative solutions. Develop capabilities. Attack criminal finances Ensure that effective legal powers are available Internationally improve the UK's capabilities and cooperation with others 	<p>Pursue:</p> <ul style="list-style-type: none"> Utilise strong organisations and effective collaboration. Develop and utilise new and existing capabilities. Attack criminal finances. Ensure that effective legal powers are available. Internationally, improve capabilities and cooperation with international partners.
<p>Prevent:</p> <ul style="list-style-type: none"> Respond to the ideological challenge of terrorism and the threat from those who promote it; Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and Work with a wide range of sectors (including in particular education, faith, health, the internet and criminal justice) where there are risks of radicalisation which need to be addressed. 	<p>Prevent:</p> <ul style="list-style-type: none"> Raise Awareness of the reality and consequences. Intervene to stop people being drawn into different types of serious and organised crime. Develop techniques to deter people from continuing in serious and organised criminality. Establish an effective offender management framework to support work on Pursue and Prevent. 	<p>Prevent:</p> <ul style="list-style-type: none"> Improve our evidence base on modern slavery offenders. Deter people from engaging in modern slavery through raising awareness of the reality and the consequences. Prevent the facilitation of modern slavery. Use interventions to stop people being drawn into modern slavery crime. Utilise both the established offender management framework and new bespoke tools to deter re-offending.
<p>Protect:</p> <ul style="list-style-type: none"> Strengthen UK border security; Reduce the vulnerability of the transport network; Increase the resilience of the UK's infrastructure; and Improve protective security for crowded places. 	<p>Protect:</p> <ul style="list-style-type: none"> Protect borders Protect national and local government Improve protective security in the private sector. Protect people at risk of becoming victims. Improve anti-corruption systems. Strengthen systems for establishing identity. 	<p>Protect:</p> <ul style="list-style-type: none"> Protect people at risk of becoming victims. Strengthen security and improve ability to detect victims and traffickers at the border. Improve awareness of the signs of modern slavery amongst members of the public. Improve both public sector and private sector awareness and resilience.
<p>Prepare:</p> <ul style="list-style-type: none"> Continue to build generic capabilities to respond to and recover from a wide range of terrorist and other civil emergencies; Improve preparedness for the highest impact risks in the National Risk Assessment; Improve the ability of the emergency services to work together during a terrorist attack; and Enhance communications and information sharing for terrorist attacks. 	<p>Prepare:</p> <ul style="list-style-type: none"> Ensure major serious and organised crime incidents are brought to a rapid and effective resolution. Ensure communities, victims and witnesses affected by serious and organised crime have the support which they need. 	<p>Prepare:</p> <ul style="list-style-type: none"> Proactively identify and recognise victims of modern slavery. Provide victims of modern slavery with appropriate and effective support. Provide specialist support to child victims of modern slavery. Support the reintegration of victims into society. Support victims and witnesses of modern slavery through the court proceedings Ensure effective safeguards to prevent victims being criminalised.

Table 1: Comparison of the *CONTEST: UK Government Strategy for Counter Terrorism* (Her Majesty's Government, 2011), "*Serious and Organised Crime Strategy*" *Invalid source specified*. with the "*Modern Slavery Strategy*" (HM Government, 2014).

The activities that may constitute the trafficking and criminal exploitation of children are frequently similar to other forms or patterns of criminality such as fraud and financial crime, including money-laundering, all of

which are associated with organised crime. Furthermore, as Quirk (2006) and Di Nicola (2011) have pointed out, many forms of slavery-like offences overlap with each other and so such exploitative offences are synergetic with other areas of criminality, as the following example of money laundering shows:

The Serious Organised Crime Strategy was updated in November 2018 and asserts that “There were 3.3 million fraud incidents in the year ending June 2018, amounting to almost a third of all crimes. The overall scale of economic crime is estimated to be £14.4 billion per year, with the cost to businesses and the public sector from organised fraud no less than £5.9 billion per year.” Although most fraud is against the tax system, children may be trafficked for the purposes of benefit fraud in addition to other forms of exploitation of the child, a detail that is not acknowledged in the strategy.

Money-laundering is the means by which organised criminals move money and hide its origins. The previous organised crime strategy document explained that approximately £1 billion each year is laundered through money service businesses (MSBs) and informal value transfer systems such as networks of informal unregistered bankers. In addition to these facilitators of organised crime and the movement of money, criminals also launder money through cash-rich overt businesses such as nail bars and licensed premises, companies offering security services, taxi firms and car washes. Such businesses are also strongly associated with human trafficking, forced labour and child sexual exploitation - in fact, the Serious Organised Crime Strategy 2018 (HM Government), like its predecessor, makes quite detailed reference to child sexual exploitation. Unlike the previous strategy, it acknowledges the criminal exploitation of children but emphasises the drugs-crime context to this and otherwise vaguely references “other forms of child exploitation”. This probably reflects the high levels of anxiety concerning child sexual exploitation and organised networked abuse and the rapid growth in awareness of the county lines phenomenon over the past two years. It is a further example of how concepts of exploitation are evolving. Nevertheless, the intersections between different types of organised crime and child abuse

and exploitation are not adequately addressed in this latest strategy document. It also serves to situate child criminal exploitation within the context of serious organised crime and neglects other contexts of criminal exploitation such as children that are exploited by a family member or close affiliate.

3.4 Organised Crime and the Exploitation of Children.

The National Crime Agency CEOP Command has referred to child exploitation as the most serious organised crime threat to the UK at present (National Crime Agency, n.d.) and the UK Modern Slavery Strategy states

There are strong links between modern slavery and organised crime. We know that a large number of active organised crime groups are involved in modern slavery crime.

(HM Government, 2014).

However, not all modern slavery offences, including those involving the criminal exploitation of children, will constitute organised crime.

Although the Serious and Organised Crime Strategy did not give much consideration to exploitation of children in general, or in relation to forced criminal activities specifically, it recognised the intersection between street gangs and organised crime. At s5.5, the strategy explicitly states that local crime-mapping has identified

overlaps between street gangs and organised crime groups. Organised crime groups may use street gang members as a part of their supply chain, including street-level drug dealing or transporting drugs around the country. Street gangs may try to engage in organised activity.

The “Prevent” component of the Serious Organised Crime Strategy is concerned with interventions that stop or disrupt the routes by which people are drawn into organised crime, and the mechanisms by which they are maintained in organised crime. This part of the strategy has drawn upon two particularly important pieces of research. The first was

undertaken by Lancaster University for the Home Office and was published alongside the Serious Organised Crime Strategy (Francis, Humphreys, Kirby, & Soothill, 2013). This was a quantitative survey examining the criminal histories of offenders who had become involved in organised crime, drawing from administrative data on criminal sanctions and the Police National Computer. Given that the UK had no formal definition of organised crime at the time of the research, the researchers had to depend upon data concerning offences “associated” with organised crime as reflected in crime type, sentence length and sentencing of co-offenders.

The work by Humphreys et al. helpfully refers the reader to Kleemans and de Poot, who presented the findings of quantitative and qualitative research into the criminal careers of offenders involved in organised crime. They produced a much more nuanced account that was far richer in detail by paying greater attention to the social ties and the role these play in organised crime (Kleemans & de Poot, 2008). Although formally citing the Kleemans and de Poot research, the strategy somewhat oversimplifies its conclusions. Both pieces of research clearly demonstrate the heterogeneity of offenders engaged in organised crime, but the strategy cites the following factors as putting people at risk for being drawn into organised crime:

- Having family or social links to organised crime.
- A criminal history resulting in prison sentence and consequent proximity to organised criminals.

Crucially Kleemans and de Poot demonstrate that criminal careers emerge from within complex systems. Although the “Prevent” component strategy identifies the systemic relevance of gangs, families and prisons to organised crime (in terms of recruitment and maintenance and in terms of proliferation) it does not explicitly adopt a systemic model of intervention. It identifies the importance of the Troubled Families programme⁹ and the

⁹ Troubled Families is a programme of targeted intervention for families with multiple problems, including crime, anti-social behaviour, truancy, unemployment, mental health problems and domestic abuse.

Ending Youth Gang Violence (EYGV) Programme¹⁰ and interventions that aim to divert people from involvement in organised crime. The 2018 SOC Strategy stresses the value of this and refers to the Home Secretary's announcement in October 2018 of further new measures to tackle serious violence, including a consultation on a proposed new legal duty to underpin a 'public health' approach to tackling serious violence and a new £200 million youth endowment fund to focus on young people at risk of crime and violence. The legal duty to which the Home Secretary refers is a proposal to make police officers, health professionals and teachers more accountable for failing to identify young people's involvement in violent crime and gangs (BBC, 2019). The impact of this will be discussed in Chapter 8.

Despite the recognition of children's potential vulnerability to recruitment to organised crime and criminal exploitation, there remains an assumption of a linear pathway of causality and an attitude that situates the problem with the child and their family, seeking to resolve this by ever increasing target-hardening approaches. Enmeshed within these assumptions is an equation that exposure to youth gangs, gang activity and involvement in youth gangs is an indicator of CCE. This is reinforced by the conflation of county lines drug distribution model with the wider issue of youth gangs and youth violence within the government's Serious Violence Strategy and Ending Gang Violence and Exploitation Strategy.

3.5 Youth Gangs and Organised Crime

The latest revision of the Ending Youth and Gang Violence programme has sharpened the focus on the exploitation of children in the context of gang crime and particularly the exploitative involvement of girls and children between the ages of 12 and 14 in gangs and "county lines" (Her Majesty's Government, 2016; National Crime Agency, 2015).

¹⁰ The Home Office funded Ending Gang and Youth Violence (EGYV) programme. The aim of the EGYV programme has been to reduce violence, and to achieve this through supporting a change in the way that public services respond to gang and youth violence (Her Majesty's Government, 2016).

In this regard, both the Serious Organised Crime Strategy, the Ending Youth Gang Violence and Exploitation programme and the NCA Intelligence on county lines gives a greater insight into the criminal exploitation of children and young people than does the Modern Slavery Strategy. The latter refers to criminal exploitation in the context of labour exploitation but does not specify to what extent children are recruited to this form of modern slavery, despite giving indicators of prevalence and source countries with regard to other forms of slavery and exploitation, such as child sexual exploitation (HM Government, 2014 see sections 2.21; 2.24-2.28).

The “Prevent” section of the strategy relating to child exploitation, only refers to child sexual exploitation (CSE) and sexual offenders. Taking into account that this strategy was produced in 2013, it appears that knowledge and understanding of the nature of the criminal exploitation of children has outgrown the strategy. Nevertheless, based on improved knowledge and understanding, the UK Government “refreshed” its EYGV programme having found that vulnerable people and children were being exploited by gangs; the problem is often hidden, and not always understood (Her Majesty's Government, 2016) and there is a growing lack of cohesion between different strategies that all include responses to the problem.

Part 2 The Child Safeguarding Context.

3.6 Current Knowledge of Criminal Exploitation of Children in the UK

In the UK, cases of people that have been trafficked for the purposes of criminal exploitation have involved children and adults that have been coerced into crimes such as ATM theft, pick-pocketing, bag-snatching, counterfeit DVD selling, cannabis cultivation, metal theft, benefit fraud and sham marriages, as well as being forced to beg. Based upon the UK Human Trafficking Centre (UKHTC) Baseline Assessment of 2012 the

most common types of criminal exploitation have been cannabis cultivation and petty street crime (Anti-Slavery International, 2014). Nevertheless, there are other forms of criminal exploitation that are occurring as discussed in Chapter 2.

Between 2016 and 2018, the number of county lines operations identified by the NCA (2019) had quadrupled. Exploitation of children and vulnerable adults as well as violent coercion are core components of the county lines model.

Whilst the scale and scope of the problem of CCE has been studied for several years, few explanatory insights have been generated. The constant generation of new prevalence rates and demographics is doing nothing more than flagging the problem and making general recommendations e.g. training for professionals (Di Nicola, 2011). The research to date has been largely descriptive. The policies and practice guidance that has relied upon this research offers nothing to assist professionals within the spheres of child safeguarding and law enforcement or the civil and criminal justice systems to understand the aetiology of the problem, identify, organise and interpret evidence, assess risk and formulate interventions or make judgments and decisions.

3.7 Challenges for Safeguarding and Law Enforcement

Investigators

In her review of the Modern Slavery Act 2015, Haughey heard from Police investigators who were struggling to properly evidence “exploitation”. Similarly, as described above, there is very little assistance available to safeguarding investigators (social workers) within the Children Act 1989, the Children Act 2004, Working Together 2018 and any of its supplementary guidance. This may be because exploitation is not explicitly defined in the Act, nor is there a “standalone” offence of exploitation set out within the Modern Slavery Act. Whilst linking exploitation to sexual offences has proven comparatively straightforward, as many such offences are already contained within the Sexual Offences Act 2003 and more recently the Serious and Organised Crime Act 2015, it

has been more difficult to make such connections in relation to slavery related offences such as forced labour and domestic servitude.

Haughey explores this in her review of the Act and quotes Peter Carter QC and Riel Karmy Jones QC who suggest that it seems anomalous that the Act did not make “Exploitation” an offence in its own right. They explain that “the difficulty with creating a child exploitation offence lies in confining the scope of the offence to activity that can properly be described as criminal, rather than as falling within the scope of other areas of law such as family law” (Haughey, 2016). The particular questions for all investigators to address then may be the following:

- a) Is the activity in which the child is participating criminal?
- b) Who is gaining both directly and indirectly from the child’s criminal activities (i.e. does the child keep the proceeds for his or herself or are the proceeds retained, in whole or in part, by another?).
- c) Is the child’s criminal activity consequent to their experience of neglect?
- d) Is the neglect wilful (i.e. the person responsible for the child’s care and welfare knew that the child would have recourse to no other means of meeting their needs except by criminal activity such as stealing, or was reckless to how the child’s needs would be met)?

Given that the Modern Slavery Act 2015 was intended to provide a “one stop” piece of legislation that pulled together other relevant legislation with regard to slavery offences, answering these technical questions is a rather convoluted process that must include civil/family law as well as criminal law. Though compulsory or forced labour is not specifically defined within the Modern Slavery Act, s1(2) states

The references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention.

Section 3 of The Act defines exploitation as “*securing services etc by force, threats or deception.*” The person is subjected to force, threats or

deception designed to induce him or her— (a) to provide services of any kind, (b) to provide another person with benefits of any kind, or (c) to enable another person to acquire benefits of any kind. Section 3(6) concerns securing services etc. from children and vulnerable persons. Compelling someone to participate in criminal activities such as drug offences (cultivation, transporting and selling), property crime, theft, selling counterfeit DVDs, social benefit fraud and begging would therefore, conform to s3(5). The issue of the exploited person being a *child* is dealt with by s3(6) but *neglect* may not meet the definition of *force* or *threat of penalty* contained within Article 4. Therefore criminal activity by the child consequent to neglect may find remedy within the context of family Law (Children Act 1989 s47: “child suffering or likely to suffer significant harm” or Children Act 1989 s 17: “ child in need”) whereby

...once a child is born, neglect may involve a parent or carer failing to provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

(HM Government, 2018)

There is a further criminal remedy within the Children and Young Person’s Act 1933 S1(1): this would apply to anyone over the age of 16 that has care or control of a child under 16 and

wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health

(including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement¹¹)

It includes the following statement:

A parent or other person legally liable to maintain a child or young person...shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided.

Criminal activity by a child may then be forced directly by the actions of another or indirectly through neglect or circumstances that the other person could have prevented or changed. In either instance the child has no alternative but to engage in the activity. Thus, forced criminal activity may then constitute a form of forced labour if it is not simply a survival mechanism for the child and their family but where he or she is exploited by another, (including a family member), for the other's gain. It is the calculated gain by the other that constitutes exploitation of the child. Whether or not a criminal remedy is viable with recourse to "Wilful Neglect", raises the possibility of an alternative civil intervention under the Children Act 1989.

3.8 Non-Prosecution Principles

The UK has been obliged by international law, conventions and standards concerning the human rights of trafficked people, to ensure that trafficked children are not prosecuted, detained or punished for crimes that they have committed as a direct consequence of being trafficked (Piotrowicz & Sorrentino, 2016).

¹¹ Amended by the Serious and Organised Crime to "whether the suffering or injury is of a physical or a psychological nature"

A failure by the court to consider whether defendants are potential victims of trafficking in order to ensure that they are not being unfairly punished through the criminal justice system, is a breach of the UK's obligations under Article 26 of the Council of Europe's Convention Against Trafficking of Human Beings, 2005. The Convention requires States to:

“[P]rovide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.”

Prior to the MSA 2015, Appeal Court cases emerged demonstrating the ways in which victims have been arrested, charged and prosecuted for offences that occurred as a direct consequence of being forced to do so or having no alternative due to the person being a victim of trafficking. For example: victims of trafficking for sexual or labour exploitation who were given false identity documents by their traffickers, the possession of which is a criminal offence (R-v-O [2019] EWCA Crim 1389). A further example concerned Vietnamese boys who were trafficked for forced labour in cannabis grow houses and were later arrested and charged with the production of drugs (R-v-N and R-v-LE [2012] EWCA Crim 189).

In drafting the Modern Slavery Act 2015, the UK introduced a statutory defence in s.45, commonly referred to as “the Section 45 Defence”, a recognition in law that it would be unjust and in breach of the UK's international obligations to punish such individuals.

Section 45 introduced two different defences, one for trafficked adult victims i.e. over 18 years of ages – s45(1) and one for children i.e. under the age of 18 – s.45(4). The defence for adults provides that a person is not guilty of an offence if:

- a. they performed the act because they were compelled to do so (s.45(1)(a-b));
- b. the compulsion was attributable to slavery or relevant exploitation (s. 45(1)(c));

- c. a reasonable person in the same situation and sharing the person's relevant characteristics would have no realistic alternative to doing the act (s. 45(1)(d)).

Compulsion (s.45(2)) may arise from a third party (such as threats or the exertion of violence by traffickers) or from circumstances (e.g. having been transported into the country on false documents by the traffickers) and is attributable to slavery/exploitation if it is a direct consequence of the person being, or having been, a victim of slavery or relevant exploitation (s. 45(3)). (Mennim & Wake, 2018).

Less is required for children relying on the Defence. Here, the Defence will succeed under Section 45(4) of the MSA 2015 if the child is able to show that:

- a. They committed an offence as a direct consequence of their being a victim of slavery or relevant exploitation; and
- b. A reasonable person in the same situation and having the person's relevant characteristics (including their age) would have committed the offence.

Though the element of compulsion is not relevant in relation to children (it matters not whether they consented to the travel or criminal activity), the "reasonable person" test has been criticised. In 2016, GRETA, the Group of Experts on Action against Trafficking in Human Beings (responsible for monitoring State implementation of the Council of Europe Trafficking Convention), referred to a number of cases where child victims had been convicted for drug related offences in the context of cannabis cultivation and imprisoned. Clearly, they were not identified as possible victims by the relevant professionals they were initially in contact with including police investigators, duty solicitors and the CPS (GRETA, 2016). Three years on, and news reports indicated that this remains the case in the UK (Modin, 2019).

GRETA noted that the "reasonable person" test indirectly introduces an element of compulsion that should not have to be proven in children's

cases. UK authorities have argued in response that the “reasonable person” test is designed to ensure that the person’s “relevant characteristics”, which include their age, are reflected. Thus, the fact that they are children, and that children are particularly vulnerable, can explicitly be taken into account when considering whether the defence should apply. However, as GRETA pointed out, The Northern Ireland Human Trafficking and Exploitation (Justice Service and Support for Victims) Act, which also includes a statutory defence along the same lines as the Modern Slavery Act 2015, does not include the “reasonable person test” for children, providing a clearer protection for those who are forced to commit crimes whilst they are children (GRETA, 2016).

Some law enforcement professionals and others in the CJS have been concerned that the s.45 defence was being used by children and adults, on the advice of their solicitors, as a “get out of jail free card”. This issue was raised in the independent Review of the Modern Slavery Act (Field, Butler-Sloss, & Miller, 2019) but no evidence was found to indicate this as a reality. In fact, children continue to be detained and prosecuted for criminal offences when the defence has been raised as prosecutors seek to establish that there is no nexus between the exploitation and the offence based upon a four-stage test:

1. Is there a reason to believe that the person is a victim of trafficking or slavery?
2. Is there clear evidence of a credible common law defence of duress?

If yes, then the case should not be charged or should be discontinued on evidential grounds.

If not:

3. Is there clear evidence of a statutory defence under Section 45 of the Modern Slavery Act 2015? If yes, then the case should not be charged or should be discontinued on evidential grounds

If not:

4. Is it in the public interest to prosecute? This must be considered even where there is no clear evidence of duress and no clear evidence of a s.45 defence or where s.45 does not apply (because the offence is excluded under Schedule 4)

Prosecutors should consider all the circumstances of the case, including the seriousness of the offence and any direct or indirect compulsion arising from their trafficking situation (Crown Prosecution Service, 2020).

In England and Wales, the burden of proof when bringing such a defence has been contested with prosecutors often interpreting the wording of the defence as requiring the defendant to prove that they have been the victim of trafficking and exploitation and compelled to commit the offences. This was addressed by the Court of Appeal in the important case of *MK-v-R* and *Gega-v-R* [2018].

MK appealed against her conviction for conspiracy to supply cocaine and “being in possession of an identity document with improper intention”. *Persida Gega*, appealed her conviction for the “possession of an identity document with improper intention”. Both were Albanian nationals who claimed to have been a victim of trafficking and sought to rely on Section 45 of the MSA 2015 during their trials. The following is drawn from the Court of Appeal Transcript [2018] EWCA Crim 667.

“In Both trials, the judges had argued that the best approach should see:

The defendant bear an evidential burden to raise the issue of whether they were a victim of trafficking or slavery.

Once the defendant has successfully done so, the prosecution must prove beyond reasonable doubt that they were not a victim of trafficking (original emphasis).

If the prosecution succeeds in doing that, then the Defence will fail.

If the prosecution fails to prove beyond reasonable doubt that the defendant is not a victim of trafficking,

then the burden once more falls on the defendant to prove the following on the balance of probabilities (Original emphasis):

That they were compelled to commit the offence

That the compulsion was as a direct consequence of them being or having been a victim of slavery or relevant exploitation; and

That a reasonable person in the same situation and having their relevant characteristics would have no realistic alternative.

In a judgment handed down in March 2018, the Court of Appeal in MK [2018] found that the interpretation of Section 45 of the MSA 2015 taken by the trial judges was incorrect. While it agreed that the burden on a defendant is evidential, it concluded that it applied in a different way: the defendant must raise evidence of each of the elements of the Defence, which the prosecution must then disprove (whether it be one or more than one) in the usual way.”

In deciding that the trial judges had misdirected the jury as to the burden and standard of proof, the Court of Appeal in MK [2018] found that there was nothing in the language of the MSA 2015, nor any logical basis, to support the approach that different elements of the defence should have different burdens.

As a starting point, the Court of Appeal recognised that the principle has long been established that the “golden thread” seen throughout English criminal law is that the prosecution must establish guilt beyond reasonable doubt. It considered that there is a category of statutory presumptions which operate to transfer the burden to the defendant: these can be categorised as ‘exemptions’, under which the accused must establish that they are exempt from the offence if they wish to avoid conviction, but this is not an essential element of the offence.

The example given by Lord Burnett CJ, who delivered the unanimous judgment in MK [2018], was a case where the burden of proof is on the defendant to establish on the balance of probabilities that he had a necessary licence or qualification in the context of an offence which prohibits behaviour save in circumstances where such licence or qualification is held. However, it was held that Section 45 of the MSA 2015 contains the language of a defence, and not an exemption, as it necessarily implies that a person does not have the requisite mens rea to have committed the offence. The section is clear that those who can avail themselves of the Defence will be “not guilty”.

The Court of Appeal also found that a reverse burden would frustrate Parliament’s objective and undermine the protection that Section 45 of the MSA 2015 was designed to afford to vulnerable people who are likely to be traumatised by their experiences and potentially still under the hold of their traffickers.”

The judgement in relation to MK and Gega is important because it establishes that a victim of trafficking does not need to prove their defence, they simply need to provide an evidential basis for asserting the defence that operates to cast reasonable doubt upon the prosecution’s case.

The Court of Appeal’s confirmation of this approach was widely welcomed for the provision of clarity and the hope that it will ensure that victims of human trafficking are properly protected in the criminal courts, in accordance with the UK’s international obligations. Rapid identification of a child victim of criminal exploitation is a component to achieving this end, not least because of a child’s vulnerability to re-trafficking and further exploitation.

RACE in Europe (Brotherton & Waters, 2013) suggested that although there is clear CPS Guidance in relation to the non-prosecution of child victims¹² all decisions in the case remain with the prosecutor. There is a

¹² http://www.cps.gov.uk/consultations/ht_consultation.html#a10

consensus among researchers, practitioners, statutory agencies and inspectors (GRETA, 2016; Haughey, 2016; Rosser, 2019; Crown Prosecution Service, 2017; Southwell, 2018; Field, Butler-Sloss, & Miller, 2019; Setter, Child Trafficking in the UK, 2019; Turner, Belcher, & Pona, 2019) that responses to child criminal exploitation and the application of the statutory defence is inconsistent between regions, agencies and professionals and uncertainty remains over how evidence of the basis of the defence may be identified (Haughey, 2016) and admitted to the court (Rosser, 2019).

It may therefore be the case that there remains a lack of awareness of the nature and processes of trafficking and criminal exploitation, the relationships between those that are being exploited and their exploiters or the factors that contribute to and maintain the opportunity to criminally exploit a child.

The Modern Slavery Strategy aims

to reduce significantly the prevalence of Modern Slavery in the UK, as well as enhance our international response

(s3; HM Government, 2014).

One of its objectives is to achieve greater awareness among frontline professionals. In the context of the criminal exploitation of children. The term “frontline professionals” includes police officers, social workers, youth offending services, the criminal and family courts, education, child and adolescent mental health and primary health services. In every local authority in England and Wales, each of these agencies were represented by their Local Safeguarding Children Boards (LSCBs), which were disbanded by 2019 and replaced by Safeguarding Partnerships under the Children Act 2004, (as amended by the Children and Social Work Act 2017). Under the legislation,

the three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies

(as they consider appropriate) to safeguard and protect the welfare of children in their area.

(H M Government, 2018).

There remains however, a disconnect between the child safeguarding legislation that underpins a local authority's duties, and criminal legislation. The primary legislation with regard to safeguarding of children is the Children Act 1989 which establishes the concept of a "Child In Need" and the important concept of "Significant Harm". I shall deal with these concepts below as they are crucial in terms of statutory responses to child abuse in general, but the Children Act has certain limitations when it comes to interventions to prevent child criminal exploitation, or any other form of exploitation other than that which is occurring within the context of a child's family (Firmin C. E., 2017). Statutory interventions under the Children Act as a response to exploitation of a child by perpetrators outside of the family could only be predicated upon parents' capacity and willingness to protect their child or a child being "beyond parental control".

The spirit and intention of The Children Act 1989 is greatly informed by the United Nations Convention on The Rights of the Child (UNICEF, 1989) and provides some clear principles that are taken to be the foundation for all safeguarding decisions in relation to children: to whom the terms *child* or *young person* refer; the welfare principle; and the principle of a child in need and a child that is suffering or likely to suffer significant harm. The legislation itself is supported by a substantial guidance document "Working Together To Safeguard Children" (HM Government, 2018) and its various supplementary guidances. This document informs multi-agency child safeguarding protocols, particularly within the context of social care, health and education. This most recent version now incorporates extra familial threats to a child's safety and welfare:

These threats can take a variety of different forms and children can be vulnerable to multiple threats, including:

exploitation by criminal gangs and organised crime groups such as county lines; trafficking, online abuse; sexual exploitation and the influences of extremism leading to radicalisation. Extremist groups make use of the internet to radicalise and recruit and to promote extremist materials. Any potential harmful effects to individuals identified as vulnerable to extremist ideologies or being drawn into terrorism should also be considered

3.9 Definition of Child

Although “Working Together 2018” acknowledges that a child can also be a perpetrator of abuse and exploitation it does not discuss or offer particular guidance with regard to a child that is trapped in the dual role of victim and perpetrator. When an older child (an adolescent) is involved in criminality there are difficult and emotive arguments over issues of *mens rea*, duress, coercion and control. When and where should the lines of criminal responsibility be drawn?

The definition of “child” has been surprisingly problematic for scholars and legislators, a struggle that Shannahan (2007) describes as ambivalence due to the failure to differentiate *children* from *childhood*, and a conflation of childhood as a social construct by which childhood is constructed as a “social good”. Furthermore, the construction of childhood, particularly in the West, is often incompatible with wider social policies designed to protect and empower children. For instance, in Indonesia, the age of majority is 21 unless an individual is married younger. The legal age for marriage is 16 for both boys and girls. Once married the young person is deemed to be an adult. Even if the marriage is ended somehow, the newly single young person is still an adult in law.

The “Review of 6 States” (Coomaraswamy & Satkunanathan, 2006) found that although all of the countries that were reviewed ratified the international statutes on the age of majority, this was often incompatible with primary legislation. Thus counter-trafficking legislation in Bangladesh identifies a child as a boy under the age of 14 years and a girl

under the age of 17 years. In Indonesia and Nepal much of the legislation against trafficking, slavery and exploitation does not differentiate between adult women and girls. An issue identified within Coomaraswamy and Satkunanathan's review is the inadequate recognition of the child's vulnerability and ongoing need of protection after emancipation from slavery and exploitation.

Whilst the focus of this thesis is the criminal exploitation of children in England and Wales, the children that have been exploited in this jurisdiction may originate from outside of the UK where the legal status of a child and safeguarding policies, practices and social or cultural norms and expectations may be very different and controversial. Safeguarding interventions in England and Wales must therefore be cognisant of these differences and controversies, not least in order to reduce the likelihood of re-victimisation of an emancipated child.

In general, statutory guidance, legislation and conventions identify a child as a person under the age of 18. This is reflected in the UK legislation such as the Children Act 1989 and the Sexual Offences Act 2003 and is reflected internationally in the UNCRC and the Palermo Protocol. Whilst acknowledging the variance in the age of majority and the definition of "child" across different jurisdictions, we find that even in the UK, the definition of Child is not as straightforward as it may seem:

- The Children and Young Persons Act 1933 and, most recently the Serious Organised Crime Act 2015, refer to a child as under 16.
- A child leaves compulsory education at 15/16 and can take up employment and training although statutorily still a child.
- *Doli Capax*¹³ was reduced from 14 years of age to 10 years of age in England and Wales and 8 years of age in Scotland (though criminal prosecution would not be pursued with a child under 12).

Thus, there are pragmatic challenges for investigators, prosecutors and safeguarding professionals. Age assessments can be very difficult, raising the risk of Abuse of Process in criminal cases – according to Caroline

¹³ *Doli Capax*: Deemed capable of forming the intent to commit a crime or tort, especially by reason of age (ten years old or older). **Invalid source specified.**

Haughey, this is an uncertainty that is often exploited by criminal gangs (Haughey, 2016).

It can be argued that an age of eighteen as a cut off between child and adult is somewhat arbitrary and it is not my intention to rehearse that debate further here. It is sufficient for this thesis that in England and Wales a child or young person is anyone that has not attained their eighteenth birthday (HM Government, 2018).

The Working Together guidance stresses the importance of early intervention to support vulnerable children and their families, and the act places a duty on social workers to undertake an assessment or investigations under particular conditions: A Child in Need and where a Child is Suffering or is Likely to suffer Significant Harm.

A child in need is defined under s17 of the act as

a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Children in need may be assessed in relation to their special educational needs, disabilities, as a carer, or because they have committed a crime.

(HM Government, 2018)

Thus, a child that has been identified as engaging in criminal activity (and this seems to be regardless of *doli capax*) should meet the statutory criteria for an assessment of need (as long as they are under the age of eighteen). However, Working Together offers little guidance for assessing the likelihood or probability of a child coerced or controlled for the purposes of criminal activity. This seems surprising given the growing data being produced by the NCA with regard to “county lines” and the “Ending Youth and Gang Violence and Exploitation” reports; this may be more reflective of an anxiety to address public concerns regarding child sexual exploitation and radicalisation. On this point it is noteworthy that:

- Supplementary guidance [to Working Together 2015] on Safeguarding Children and Young People From Sexual Exploitation addressed child sexual exploitation in some detail (Department for Children, Schools and Families, 2009).
- Working Together explicitly references the role of the Channel programme to safeguard children and vulnerable adults at risk of radicalisation and being drawn into terrorism¹⁴.

There is further guidance with regard to Safeguarding Children Who May Have Been Trafficked (Department for Education, 2014). This practice guidance states at paragraph 2.2:

Children are trafficked for many reasons, including sexual exploitation, domestic servitude, labour, benefit fraud and involvement in criminal activity such as pickpocketing, theft and working in cannabis farms. There are a number of cases of minors being exploited in the sex industry.

The guidance goes on to point out helpfully at paragraph 2.16 that

Whilst the majority of child trafficking cases known about involve cross border movement, it is also known that child trafficking occurs within the UK. A number of serious cases involving organised child sexual exploitation and trafficking have raised this issue and, whilst this guidance focuses mainly on trafficking from abroad, agencies should be aware of the risks in relation to this type of trafficking.

Thus, the focus of the guidance drifts back to sexual exploitation and away from other modes of exploitation. Nevertheless, it stresses the different types of harm that exploitation can cause a child in terms of health, development and general welfare in the following domains:

¹⁴ Channel: Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism.

- Physical abuse
- Emotional and psychological abuse
- Sexual abuse
- Neglect

3.10 Concept of Significant Harm

A child may be referred to child safeguarding services due to actual or suspected maltreatment. It is not uncommon for evidence of maltreatment to emerge during the course of existing work with a child and their family or during a Child in Need Assessment. Following the supplementary practice guidance with regard to safeguarding children that may have been trafficked, it is clear that exploitation of any kind may be harmful to the child. In these circumstances, Local Authority Children's Social Care must initiate enquiries to find out what is happening to the child and whether protective action is required. Local authorities have an investigative duty to make enquiries under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, to enable them to decide whether they should take any action to safeguard and promote the child's welfare. There may be a need for immediate protection whilst the assessment is carried out (HM Government, 2018) and such enquiries may be conducted jointly with the police.

The Welsh Assembly guidance is broadly similar to Working Together and explains that in order to understand and establish significant harm, it is necessary to consider:

- The family context
- The child's development within the context of their family and wider social and cultural environment
- Any special needs, such as a medical condition, communication difficulty or disability that may affect the child's development and care within the family

- The nature of harm, in terms of ill-treatment or failure to provide adequate care;
- The impact on the child's health and development
- The adequacy of parental care.

(Welsh Assembly Government, 2006)

These considerations reflect an important element in the concept of significant harm: “harm” means ill treatment, or the impairment of health or development. This refers not only to the child’s physical well-being but the psychological and emotional well-being also. Whether or not the harm is “significant” is not overtly defined but is more a matter of professional or clinical judgement using the standard of the health or development to be reasonably expected of a similar child (s.31(10)).

It can therefore be concluded that a child in need due to their involvement in crime may be a child that is controlled or coerced for the purposes of that criminal activity. The coercion and control may be by an immediate or extended family member, others outside of the family, in the context of street gang involvement or in the context of organised crime, but establishing whether the criminal activity is a result of coercion is extremely difficult and there seems little by way of practice guidance in how to identify and intervene. This is where statutory guidance weakens in relation to exploitation and abuse outside of the family; where it exists, it situates the problem of exploitation primarily with the child and their family as the point of intervention. There are some useful concepts and guidance available that may be applicable to the criminal exploitation of children within various Working Together Supplementary Guidance, youth and gang violence programmes, the Prevent elements of CONTEST, the Serious Organised Crime Strategy and the Modern Slavery Strategy which all imply the need for multi-systemic and early interventions. In the next section I will discuss how, and to what extent, the concepts used in these documents and protocols may be applied to the criminal exploitation of children; whether these concepts contribute to any understanding of the

phenomenon and the formulation of effective tactical and strategic responses by the authorities.

Part 3

Where Criminal Exploitation and Organised Crime Do, and Do Not, Converge

The dominance of county lines in current discussion of CCE links the exploitation of children to concepts of organised crime in the context of drugs-trafficking. Although CCE and other forms of exploitation are now acknowledged as forms of child abuse, current child safeguarding legislation does not address this particular pattern of abuse. If a child is identified as a victim of CCE, the remedies to that lie within the criminal justice system, not the child safeguarding system. This divergence accounts in part for the parallel, rather than convergent pathways of the criminal justice system and the child safeguarding system (Moore, 1995). This section finds that there are different degrees of organisation of CCE and therefore potentially different opportunities for intervention to stop or disrupt it by integrating criminal and family law.

3.11 The Nature of Criminal Exploitation

Recent cases have demonstrated the enormous profits that are to be made by organised crime groups that are exploiting children. Operation Golf tackled major cases of criminal exploitation of Roma children (Anti-Slavery, 2010). Between 2007 and 2010 the investigation had led to the arrest of 126 individuals. The offences included: trafficking human beings (including internal trafficking in the UK); money laundering; benefit fraud; child neglect; perverting the course of justice; theft and handling of stolen goods (European Commission, n.d.). The gang were responsible for recruiting and controlling children aged between seven and fifteen who

were then trained to beg and steal. It is estimated that the children were earning the traffickers up to £100,000 a year, through begging and the theft of credit cards, cash and mobile phones.

Operation Golf helped to demonstrate the vast sums that criminals were making from such exploitation and how wide and varied are the criminal activities through which children and vulnerable adults are being exploited. This makes it surprising that it has not received greater attention. It is therefore appropriate that criminal exploitation of children should be addressed within the context of the Serious and Organised Crime Strategy, but not all such exploitation will be a product of organised or networked abuse and exploitation. In other cases, the child's family may be the exploiters, facilitators of the exploitation or be victims of exploitation themselves.

3.12 To What Extent Does CCE Constitute Organised Crime?

The term "organised crime" is highly contentious with decades of criminological debate about whether organised crime is best understood structurally or in terms of its activities (von Lampe, What is Organised Crime, 2019). Yet further debate concerns the conditions that are required for organised crime to develop and prosper (Sergi, 2017). In his seminal work "Theft of the Nation" Donald Cressey examined, analysed, described and explained the workings and development of the Sicilian Mafia and the American Cosa Nostra (Cressey, 1969). In it he argues that such organised crime flourishes as long as a community or society is willing to tolerate it. In the UK, the exploitation of children has been largely connected to street crime comprising pickpocketing, bag snatching, shoplifting, ATM distraction thefts and forced begging. Petty street crime and begging may be perceived by society in general as a "nuisance" and the children that are seen to perpetrate these crimes are seen as delinquent. By labelling the children as delinquent, society situates the problem with the child and or their family. This is a narrow focus that may see this kind of crime as opportunistic and relatively disorganised and avoids examining the

activities and routines of society that create the opportunity for such criminality, failing to recognise where organised and networked abuse is occurring. Cressey's thesis might support the suggestion that there is a wider vested interest in this pathologising of the child through what Cressey describes as a form of "scapegoating". Many otherwise law-abiding citizens may also benefit from such crime through the purchase of counterfeit goods such as videos, music, cheap goods and cheap devices such as mobile phones, laptops and tablets - they are prepared to show little interest in where these bargains have come from.

Criminals dealing in illicit goods and services are not seen to be any great threat to the nation or the stability of society and the well-being of communities. However, the danger of organised crime arises because the vast profits acquired from the sale of illicit goods and services, or forced begging, are reinvested in further activities and enterprises that are both licit and illicit, benefitting from the corruption of economic and political domains (Cressey, 1969).

Obtaining children for criminal exploitation is not difficult for lone offenders, joint enterprise offenders or OCGs but patterns may vary across regions and by crime type. Globally, particularly vulnerable groups of children include unaccompanied migrant children, children living on the streets, children from very vulnerable families (extreme poverty, very low level of education, alcoholism, domestic violence, etc), children from poor Roma communities, neglected or abused children, children who dropped out of school, children, particularly those in rural areas, subjected to work exploitation, children with disabilities, children whose parents both work abroad, migrant children accompanied by vulnerable families, etc. (Ionescu & Fusu-Plaiasu; Shelley, 2010; Surtess, 2005). Research relating to youth violence and gang involvement (Bennett & Holloway, 2004; Pitts, 2007; Cottrell-Boyce, 2013) recruitment to county lines (Harding, 2020) and child sexual exploitation (Child Exploitation and Online Protection Centre, 2011; Beckett & Warrington, 2014; Hallet, 2016) indicates that similar patterns of recruitment and victimology exist within England and Wales also.

Roma communities in countries such as Romania, Slovakia and Bulgaria suffer debt bondage to moneylenders (known as 'kamatari') that are essentially loan sharks, who charge unmanageable terms on loans. The children then sometimes then be required to work for the lender to service the debt. In these circumstances, the extreme poverty of families makes them vulnerable targets and the exploitation of the children is the aim of the offenders.

Cunningham (2015) also found that in some regions children are sold by their families or exchanged for “dowries” in early or forced marriages which are often a conduit to sexual and other forms of exploitation. In these contexts, there is an emerging chain of exploiters who gain different results and opportunities through their use of the child victims.

Modern slavery is usually assumed to be found in the nexus of demand, supply and profit. Examples such as Operation Golf show that the profits are substantial to the controller of the child. However, the controller may in some instances be considered the first-order beneficiary or user of the victim but there may be a system of second order beneficiaries who act as facilitators, suppliers of the children or the suppliers of licit and illicit goods and services. They all profit from the criminal activities. Indeed, criminal exploitation may be the lucrative tip of a criminal iceberg, its earnings funding both criminal and legal activities and creating the opportunity for co-operative activities between criminals.

3.13 Current Responses of Statutory Agencies to CCE

Current responses to the problem of CCE of children are predicated upon identification, investigation and prosecution. Strategic responses are consequently rooted in criminal justice approaches to the abuse and exploitation of children (Moore, 1995). The criminal justice approach emphasises the identification of the crime and the criminal and responds to this through the imposition of sanctions. As such it is a largely reactive approach which may fail to recognise an exploited child who is loyal to

their exploiter (through fear, grooming, family and friendship ties), or who does not perceive themselves to be exploited.

Child safeguarding models within health, social care and family and youth justice systems tend to situate the problem with the child and their family. These models adopt an alternative approach that emphasises prevention through the identification and reduction of “risk factors” such as vulnerability and adversity. This is a target hardening approach that emphasises building a protective environment and strengthening resilience.

The criminal justice system and the health, social care and family justice system share a common concern that is child abuse through criminal exploitation but they perceive the results of the exploitation differently: The criminal justice system identifies a criminal event; the safeguarding community identifies harm to a child (adapted from Moore, 1995). Both can be equally reductive in terms of their explanation of causes of child exploitation. However, statutory attempts to respond to child exploitation reflect the dominance of the criminal justice approach in both policy (HM Government, 2014; HM Government, 2015) and practice, which emphasises a response to the problem as a crime first and a child safeguarding issue second, when in reality both are symbiotic.

The duality of the predicament of exploited children is that they are victims who are involved in crime, actors who are perpetrating the crime. Investigation therefore needs to be conducted jointly and co-operatively between law enforcement and social care agencies with jointly formulated interventions and safeguarding plans.

Investigation involves the seeking, finding and interpreting of evidence that leads towards or away from a hypothesis for what has happened. When the crime is an output of CCE investigators need to understand the child’s relationship with the perpetrators of the abuse and the processes involved, or otherwise fail to address the potential for secondary victimisation of the child. If the criminal justice system conceptualises CCE in terms of criminality first and child safeguarding second, child safeguarding systems tend to conceptualise the problem in almost opposite

terms. The problem is framed differently, and this causes frictions between authorities who are essentially sharing similar goals.

There is a problem with language: the words victim, offender, slavery and trafficker, and even the term “criminal exploitation” itself are unclear to many people and laden with preconceptions, assumptions and emotions. In 2014 a programme of work in a South London borough developed a risk assessment protocol¹⁵ and training programme for social workers addressing CSE (Barlow C. , 2017). CSE was often perceived as a new form of child abuse rather than as a modality of sexual abuse; the abuse itself was no different to any other manifestation of sexual violence and generally, once practitioners understood this, they were better able to draw on their professional knowledge and clinical experience to examine the problem in the context of extra-familial child abuse.

Professional and academic knowledge in the field of sexual abuse is large and continues to grow. This is not the case for criminal exploitation but there are conspicuous similarities in terms of victimology, victim accessing, coercion and control and impact upon the health and welfare of the child. Having reviewed the development of strategic responses, relevant legislation and practice guidance I will conclude by offering a definition of terms that will be used in the rest of this thesis.

3.14 Conclusion

This chapter has set out the international conventions and protocols that have informed the United Kingdom’s response to modern slavery and the child safeguarding legislation, policies and practice that exist in England and Wales. It has discussed some of the characteristics of criminal exploitation in England and Wales and identified the intersection with youth gang violence, exploitation and organised crime. However, there

¹⁵ Adapted from The Systemic Investigation, Protection and Prosecution Strategy (SIPPS) for CSE **Invalid source specified**. Developed out of a prosecution strategy formulated by myself and Barrister Caroline Haughey of Furnival Chambers in 2014 in a case of Human Trafficking for Sexual Exploitation of vulnerable adult females.

remain some unreconciled issues. The response to youth gang violence is clearly a work in progress but still tends to be influenced by the systems and requirements of the youth offending services and the youth justice system. There is a good overlap between these policies and safeguarding principles which recognise some of the systemic nature of the problem of youth offending, violence and gang-involvement but both models situate the problem with children and target them and their families for intervention. In general this seems to have been effective in addressing some aspects of youth crime (Cottrell-Boyce, 2013) but is much weaker when it comes to understanding how children come to be exploited in the context of organised crime and the dynamics of the exploitative relationship. CCE is not always connected to organised crime but may be a manifestation of family disfunction and welfare need.

Concepts of child criminal exploitation (and sexual exploitation) have, since the Modern Slavery Bill, been increasingly shaped by the modern slavery discourse in which innocent victims must be “rescued” from ruthless and greedy criminals (Gadd & Broad, 2018). Although there is no definition of child criminal exploitation in the Modern Slavery Act 2015, the statutory defence to certain crimes (such as theft, possession with intent to supply drugs) relies on the defendant establishing that they have been trafficked for the purposes of the exploitation. Trafficking, under s2 of the Act is defined according to the Palermo Protocol to Prevent, Suppress and Punish Trafficking of Persons, Especially Women and Children (United Nations, 2000), which supplements the UN Convention against Organised Crime. To have the benefit of this defence, the defendant must therefore be identified as a victim of modern slavery.

The only description provided by the UK Government in terms of what constitutes child criminal exploitation is contained within the Serious Violence Strategy (HM Government, 2018). This has been reproduced within the Working Together guidance (2018) together with a description (also from the Serious Violence Strategy).

These place the problem of CCE, from a statutory perspective, entirely within the law enforcement and criminal justice system. The government's approach to modern slavery (a term that has only been adopted in the UK) relies upon a simplistic binary construct in which victims are weak and passive and perpetrators are brutal, violent and motivated entirely by greed (Gadd & Broad, 2018). This not only implies assumptions regarding who may be considered a victim and prescribes how a victim should present, it diminishes the complexity of the exploitative relationship and is too reductive in terms of the motivations and decisions of the exploiter and exploited as active agents that interact with each other in a shared environment (Beckett & Warrington, 2014; Gadd & Broad, 2018).

If those that are criminally exploited, and indeed those that exploit, do not conform to these constructs, or the pattern of exploitation does not involve "trafficking" or violence, the defendant may have difficulty meeting the tests for the s45 defence or even realising that they are a victim with a viable defence. Even if they do, the designation of a child as a victim of modern slavery may not offer any tangible benefit in terms of supporting them towards safety and recovery nor realistically describe and explain their experience.

I have discussed the evolution of current definitions and some of the problems inherent in formulating a clear definition for such a complex problem as child criminal exploitation.

There is no specific legal definition of CCE but many of the activities and behaviours that maintain patterns of criminal exploitation are set out in various legislation. The benefit of these definitions is that they offer tests by which to measure evidence (points to prove) and a corresponding range of statutory interventions and remedies to the problem if it is identified. Legal definitions are also very narrow and inflexible which is a problem when seeking to explain a phenomenon such as CCE (Di Nicola, 2011).

Although this thesis will go beyond legal definitions and simple description to explain the nature and dynamics of child criminal

exploitation (it's aetiology, contexts and patterns), a working definition is of CCE is nevertheless required in order to establish the focus of this research.

In concluding this chapter, I have drawn together the following definitions in an effort to make clear what is being studied and the parameters of the investigation:

Child and Young Person: In line with the Children Act 1989 as the primary childcare legislation for England and Wales, The UNCRC and the Palermo Protocol it will be assumed that the term child or young person refers to anyone that has not attained their 18th birthday.

Child Criminal Exploitation: Currently there the most commonly used definition of criminal exploitation in relation to children has been drawn from that used in the government's Serious Violence Strategy:

“where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology”

This definition has been incorporated into Working Together 2018 but the government habit of copying and pasting definitions across different documents is again apparent. This definition of CCE, is almost identical to the definition of CSE which itself was introduced in Working Together 2015.

“Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a)

*in exchange for something the victim needs or wants, and/or
(b) for the financial advantage or increased status of the
perpetrator or facilitator. The victim may have been sexually
exploited even if the sexual activity appears consensual.
Child sexual exploitation does not always involve physical
contact; it can also occur through the use of technology.”
(HM Government, 2015)*

Using these definitions and this review of the key strategic responses, legislation, policy and procedures I will, in the next chapter, seek to identify and analyse specific cases of criminal exploitation of children. I will identify any themes that may emerge in regard to identification, investigation, prosecution and safeguarding of children that have been exploited or targeted in this way and to what extent these definitions help or undermine professional practice in responding to CCE.

Chapter 4

From Linear Causality to Complex Systems

The movement of children for the purposes of exploitation, is a common characteristic of the phenomenon that is criminal exploitation of children. Referring to this with the term “trafficking” binds the exploitation to the concept and processes of modern slavery. However, what constitutes modern slavery is not always clear-cut or easy to identify (van der Watt & van der Westhuizen, 2017). What constitutes criminal exploitation is harder still. Children and young people that are being exploited for the purposes of criminal activity can be perceived by professionals and the public, as having made a positive choice (a decision based upon a rational cost/benefit analysis) in terms of their actions and their affiliations (Fogg, 2008). The children themselves may share this view and those that are engaged in criminal activity may not be identified as being coerced or controlled.

Cases are complex and so, in this chapter, I will develop the points that I made in Chapter 2 and demonstrate how a pattern of exploitation emerges from the interaction between the child, the perpetrator, and the environment in which both operate over time.

A challenge facing researchers in the context of child criminal exploitation is inevitably access to those that have been exploited and those that exploit or facilitate the exploitation (Di Nicola, 2011). Children that have been exploited in this way may be entangled in criminal and civil proceedings; there are judgements to be made regarding whether participation is in the child’s interests and the child themselves may be reticent about engaging with discussion about experiences in which they may have been involved in criminality (Di Nicola, 2011). Delineating victims and perpetrators can also be problematic in the context of CCE as children and young people may transition between both spaces in each direction or even occupy both victim and perpetrator space simultaneously

Thus traditional binary conceptualisations of those who are exploited and those who exploit others can be too simplistic (Broad, 2018) and gaining access to participants, developing and maintain engagement is a formidably difficult and lengthy process (Di Nicola, 2011).

Obtaining accounts of exploitation from these different perspectives is one way to accommodate, if not necessarily overcome this problem (Di Nicola, 2011). Using the definitions set out at the end of the previous chapter (pages 98-99), I undertook an open source search to find a set of four case studies that illustrate the experiences of those that have been concerned with criminal exploitation as victims, perpetrators or both. These are presented in the form of transcribed television interviews, with children that have been exploited in the contexts of begging, cannabis cultivation, county lines drug running, and gang exploitation. These case studies are consistent with much of the empirical data relating to trafficking for exploitation of children (as discussed in chapter 2) and were selected on the basis that each demonstrate the complexity of the young person's experiences and presentation.

Recent attempts to formulate typologies of exploitation such as the UK Home Office "A Typology of Modern Slavery Offences in the UK" (Cooper, Hesketh, Ellis, & Fair, 2017), can be distracting and counterproductive. I argue here for the need to understand exploitation of children first and foremost as child abuse. By doing so, it is possible to draw upon current knowledge in professional and academic literature and upon clinical experience. On this basis, there is a great deal of knowledge about the social and psychological processes of child abuse and victim impact, perpetrator motivation and behaviour. Reframing the case studies as cases of child abuse and neglect can offer greater opportunity for flexible, multi-systemic interventions. In some of the case studies within this chapter, the young person has made choices and taken decisions which superficially appear to be reckless, dangerous and even collusive with the offenders. A closer analysis reveals that these decisions and choices are rational given the conditions under which they were made and are consistent with choices, decisions and behaviours exhibited by people

within other high-stress contexts for abuse and neglect (Elster, 2001; Fogg, 2008; Child Exploitation and Online Protection Centre, 2011).

Despite the detail and breadth of academic and clinical knowledge and experience, strategic responses have been confusing and reactive. These responses are consequently failing to reflect the relatively robust statutory infrastructure, not only for the investigation and prosecution of perpetrators of such abuse, but the disruption of facilitative environments. They also undermine the development of primary preventative measures and secondary interventions that support children towards safety and recovery, thus reducing the potential for re-victimisation (Moore, 1995).

Within this chapter I present the debates in formulating a concept of criminal exploitation of children before discussing the controversies that exist in relation to the identification and identity of “The Child”. I will examine the aetiology of criminal exploitation in relation to concepts of organised crime. A concept of the degrees of organisation in relation to criminal exploitation is presented to describe and explain its presentation and modalities. The purpose of the case studies is to illustrate the research evidence that has been cited and the argument that is being made.

I conclude the chapter by establishing the need for a sound concept of criminal exploitation as a mode of child abuse, built upon a solid theoretical foundation to take account of, and make better utilisation of existing resources, measures and remedies.

4.1 Conceptualising Exploitation of Children

Definitions and categories of exploitative and criminal behaviour are perceived as useful - necessary even - because they provide a structure for exploring motive and victimology. It is important however, to be mindful of the problems in reducing criminal, exploitative or otherwise abusive behaviour to a series of types with the potential for these to be interpreted as a prescription for dealing with a problem **Invalid source specified.**

Therefore, my intention is to begin by deconstructing the term “criminal exploitation of children” and identify the challenge of definition and the

implications for those with the responsibility for investigating and prosecuting offenders and safeguarding children. This will draw upon the debates and controversies in relation to the issue of what counts as child criminal exploitation, concepts of child and childhood, and whether this area of criminality may constitute organised crime. Establishing working definitions supports the proposed model for understanding the phenomenon of child criminal exploitation that is presented in Chapter 5.

Criminal exploitation is diverse in terms of the criminal activities that children may be coerced, induced or incited to take part in (Brotherton & Waters, 2013). There is an overlap between types of exploitation and modern slavery e.g. sexual exploitation, domestic servitude, forced labour and criminal exploitation, and children may be exploited for more than one purpose. Detection of such exploitation is hampered by uncertainty regarding the nature and interpretation of evidence (Haughey, The Modern Slavery Act Review, 2016). Prosecution can be difficult due to the perception of witnesses as unreliable, particularly child witnesses. Children and young people may not recognise the coercive nature of their relationships which may be especially salient when criminal exploitation emerges from within the child's own family (for example when perpetrated by the parents). Similarly, social learning processes and the behaviour of controlling adults over a period of time, may condition a child to behave in a specific way (ECPAT UK, 2010). The way in which they perceive the nature, conditions and purpose of the activities in which they are engaged, may mean that a child does not hold a construct of themselves as victim.

4.2 Work, Labour and Exploitation

In the UK, a child that has been coerced, induced or incited to commit criminal acts on the behalf of another may be considered subject to forced labour (or labour exploitation). However, Raman (2000), through the study of the discourse of children's rights (in relation particularly to the UN Convention on the Rights of the Child (UNCRC)) and the situation of children in India, draws a conceptual distinction between "work" and

“labour”. Raman proposes that work maybe that which is done within the home or family environment and contributes to the home life through the shared completion of domestic chores. Labour, on the other hand, involves payment of wages in exchange for work or service. If such distinctions are drawn within the child’s family or community, any services or labour that contributes to family life is not experienced, nor labelled, as exploitative or problematic as the child is making a valued and positive contribution to the family’s survival.

Poor children are thus compelled by circumstances to work in order to meet their own and their family’s survival needs. This work may involve exposure to unhealthy or outright dangerous conditions. Article 32 of the UNCRC establishes the child’s right to be protected from economic exploitation and from performing work that is likely to be hazardous; or to interfere with the child’s education; or is harmful to the child’s spiritual, moral or social development. What constitutes “exploitation” and “harmful” may be somewhat relative concepts which vary across cultures and societies and be at odds with western standards. Raman argues that such work is seen as having its own value and status in not only contributing to the child’s own family survival and viability, but with regard to greater integration into wider family and community.

Ballet et.al take up this issue with regard to begging (Ballet, Bukuth, Rakotonirinhanahary, Rakotonirinhanhary, Divinagracia, & Detreuilh, 2002) offering three typologies of children that are engaged in begging:

1) Children That Are Coerced by Their Parents. These parents forced the children to handover all the proceeds. Violence was used against the children and the children tended to be younger.

2) Children That Spent the Proceeds Directly on Food. The Coercion into begging was largely a result of neglect. Such children were also likely to develop other, more lucrative forms of criminal activity as a source of income.

3) Children Who Had At Least One Sick or Disabled Parent. These children tended to hand over their proceeds. Coercion

was largely psychological: The child was working in the belief that the family were dependent upon them and that if they did not earn money the family would disintegrate.

The typologies offer a potentially useful model to differentiate begging contexts according to the nature and degree of coercion applied to the child but the neglect to which Raman refers, is implicitly a conscious (or wilful) act of omission on the part of the parents. Neglect is complicated and may not always be intentional but a consequence of circumstances (e.g. extreme material poverty and poverty of opportunity) and impairment of a parent's ability or capacity to care for their child. In all of Ballet's typologies the children came from extreme poverty. The main difference seems to be whether the begging resulted from violent and psychological coercion or neglect.

Ballet et al. (ibid) explore the family narratives that support or condone begging. They also identify a complicating factor in describing contexts of begging resulting from the UNICEF differentiation between "on street" children and "of the street children". On street children are engaged in some form of work, which might include begging but live with at least one parent and return to some form of accommodation after work. Of the street children are homeless and living on the streets at great risk. These children are runaways or have been abandoned. Some have migrated in search of work. Thus, a significant proportion of the children that are begging may already have experienced abuse and neglect as well as extreme poverty, and yet their experiences of safe attachments and affiliation are poorer than those that are begging to support their family.

Ballet's typologies demonstrate the need for survival as being antecedents to the criminal activity. Whether a child is engaged in legitimate work and labour or criminal activity, the context to their activities is an integral part of their socialisation: the family and community is of greater importance; it is where they are affiliated and learn adult roles in a variety of situations that "integrate them into the family and the community" (Raman, 2000). This is something of a counterpoint to the UNCRC Article 28, which

establishes the child's right to education but assumes that the only suitable place other than home, where healthy psycho-social development can be nurtured, is in school. Ballet's point here is that the necessity for work and labour, due to the fundamental physical needs that are food, shelter, warmth, safety and security (Maslow A. , *Toward a Psychology of Being*, 1943), renders a school based education irrelevant. The practical survival skills that the child learns in these contexts are vital and, in fact, formal education within school, away from home, is in effect a threat to the safety of the child and the stable equilibrium of the family.

Many of Raman's arguments may apply in parts of the west also where the poorest communities may lack the resources that allow them to access and participate in formal education, forcing them to seek paying labour and rendering them vulnerable to exploitation that may be either legal or criminal. The Knowsley JSNA, discussed in Chapter 2, highlights the fact that most of the children that have been identified as current, or previous, targets for criminal exploitation have histories of adverse childhood experiences including poverty, exposure to domestic abuse, parental physical and mental illness, parental substance abuse and criminality, and a pattern of school attendance problems.

Raman's differentiation between work and labour and Ballet's analysis of family rationales behind begging, raise an issue with regard to the concept of criminal exploitation: one interpretation of "force" is that this incorporates an act, or series of intentional actions, that compel an individual to do something for, or on behalf of, the controlling other. There may therefore be physical coercion and psychological coercion (e.g. blackmail, threats) the child complies because they will be, or believe that they will be, harmed or perceive it to be right to undertake or participate in the activity. Whether or not physical violence is used, the child is compelled by an act of commission on the part of the controlling adult. However, Ballet's typologies 2 and 3 suggest that the criminal activity by the child may be forced by circumstance because of neglect by the responsible adult; an intentional act of omission.

4.3 Criminal Exploitation and Organised Crime

Recent cases have demonstrated the enormous profits that are to be made by organised crime groups that are exploiting children. The activities that may constitute the trafficking and criminal exploitation of children are frequently similar to, and may overlap with, other forms of criminality that constitute, or are associated with, organised crime. To understand one is to take a substantial step towards understanding the other. This section will focus on the nature of organised crime and its relevance to the criminal exploitation of children.

The problems of defining and describing organised crime are discussed in the previous chapter but Newburn (2012) cites critical criminologist James Chambliss in summarising the problems that are inherent in forming a definition of organised crime:

“one of the reasons we fail to understand organised crime is because we put crime into a category that is separate from normal business activity.”

Methods for trafficking of human beings vary according to the degrees of organisation of the traffickers, their motivation, their objectives and their physical, social, cultural, political and economic environments. Indeed, Shelley (2010) describes how business models of organised crime groups engaged in trafficking and exploitation of children and vulnerable adults, reflect traditional business practices in the offenders' country of origin. She argues that today's modern slave trade is shaped by cultural, geographic and economic forces. A similar observation is made by Fatić (1999) who explains how the dismantling of the authoritarian eastern European infrastructure was simultaneous with the abolition of the communist era ideology of control and oppression. This, he reasons, meant a legitimisation of the acquisition of wealth, or at least the opportunities and means to acquire wealth, regardless of the effects such means may have upon individuals or communities, or the morality of the enterprise. This set of values and social attitudes, as expressed by Fatić, contribute to an environment that is conducive to the emergence of criminal exploitation and human trafficking as an activity or output of organised crime. His

proposal suggests that organised crime needs to be understood not just in its economic context, but its historical and cultural context also, a point also argued by Sergi (2017). He highlights the ways in which prevailing socio-cultural factors contribute to the neutralisation of crimes such as criminal exploitation by offenders, society and potentially the exploited person.

Whilst his explanation for the emergence of organised crime groups offers some worthwhile insights into the possible motivation for individuals to engage in such criminality (and the benefits of criminal affiliation), Fatić (ibid) clearly rejects the concept of a “Russian Mafia”. The appeal of the “Russian Mafia” concept reflects the dominance of the American Model of organised crime, or syndicated crime, in both popular and criminological understandings in this area (Newburn, 2012). These concepts are rooted in Cressey’s (1969) influential book “Theft of the Nation” in which he described the activities and structure of the Cosa Nostra and Sicilian Mafia in the United States. Cressey’s work has been criticised for the fact that its sources are limited¹⁶. However, a point that is often overlooked is his warning, echoed by Chambliss, that organised crime reflects normal business but furthermore implicates society in general stating:

Our society tends, both popularly and scientifically to view the criminal’s behaviour as a problem of individual maladjustment, not of his participation in social system

(Cressey, 1969).

He goes on to suggest that such organised crime flourishes only for as long as a community or society is willing to tolerate it. The UK’s criminal justice system is concerned with whether the crime was committed but is less concerned with the biographical elements of an offender’s motivation for committing the crime. Thus, petty street crime and begging maybe perceived by society in general as a “nuisance” and the children that are

¹⁶ Cressey relies heavily upon the evidence of a single source (Joseph “Joe Cargo” Valachi) and official data such as phone tap transcripts and other covert recordings.

seen to perpetrate these crimes are labelled as delinquent. By labelling the children as delinquent, society situates the problem with the child, a narrow focus that avoids examining the activities and routines, values and attitudes of society that create the opportunity for such criminality and fails to recognise where organised and networked exploitation is occurring.

The children identified as exploited in the UK during Operation Golf were involved in begging and petty street crime. Despite the low level, unsophisticated appearance of these crimes, the criminals that were controlling the children (and some of their parents) were engaged in a wider range of criminal enterprises. The Golf investigation led to 18 people who were subsequently arrested following raids on 34 homes in Tandarei, in south east Romania. The arrests took place in an area of the town that recently had seen a dramatic rise in prosperity. New unexplained wealth in the area bought residents luxury homes and expensive cars. In addition to the arrests, the operation recovered and seized four AK47 rifles, 12 hunting rifles, 12 shotguns that included military grade weapons, and six handguns. Large amounts of cash, high value cars and luxury homes were seized along with strong evidence that linked the ring leaders to crime in the UK and other EU Countries (Anti-Slavery, 2010). In this case, the town of Tandarei has benefitted from the activities of the OCG and therefore may have had a vested interest in tolerating or ignoring the means by which this wealth was generated. It is even possible that whilst welcoming the gains, the issue of child exploitation and trafficking could be deflected by the citizens of Tandarei as a problem of the Roma Community.

The increasing concern over the county lines business model of drug distribution is formally defined and described in the Serious Violence Strategy and Working Together 2018 :

“a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of ‘deal line’. They are likely to exploit children and vulnerable adults to move and store the drugs

and money, and they will often use coercion, intimidation, violence (including sexual violence) and weapons.” (HM Government, 2018)

This description clearly identifies the county lines model as an activity of organised crime which is ultimately transnational and utilises networks of facilitators and the exploitation of not only children, but vulnerable adults also. It is a hierarchical structure of organised crime that intersects with young people, street gangs and so-called “gang affected communities”. The children and young people that are recruited and controlled to hold weapons, drugs and money for criminals at the bottom of this hierarchy. The most serious criminals are a relatively small number of established criminals whose interests may extend beyond the drug trade and between them and the customers are several protective tiers of criminals and gang members (Pitts, 2007) who may even be from rival gangs (Whitaker, et al., 2018).

4.4 Identifying and Describing: The Problem of Typologies of OCG

Alach (2011) recalls how, when the mafia began to emerge, conceptual frameworks of organised crime were based upon slim evidence, preconceptions and prejudice. Cressey (1969), making the same observation, referred to the “scapegoating” of Italian Americans. Types of organised crime and crime groups or networks can become “conglomerated under labels of convenience” but seldom any defining characteristics (Alac, 2011) for example: Russian/Italian mafia, motorcycle gangs, paedophile rings, drug cartels, street-gangs etc. A similar process of neutralisation by society of victims can simultaneously occur, for example: victims of child sexual exploitation are perceived as difficult teenage girls from care homes, trafficking is a foreign practice, victims are illegal migrants who still have a better standard of living in the UK than they would at home, regardless of the cruelty of their situation. This situates trafficking and exploitation as organised crime with “the other” (Levi, 1998) but does little to describe the nature of the criminality, or

what makes it organised apart from the fact that it is a shared criminal enterprise that suggests at least some co-operation.

Subsequent policies have tended to dilute the analyses of Cressey and some of his predecessors and ignore their warnings; re-defining organised crime and focusing on identification and disruption of organised crime groups and networks with ever more criminal legislation without addressing the systemic processes. These processes create the criminal opportunities, facilitate and sustain the criminal enterprises.

At least in part then, the difficulty in defining organised crime and the identification of OCGs may be attributed to its diversity and expansiveness (Scheptycki, 2003). It can also be difficult to clearly demarcate where illicit activities interface with licit activities; the aims and objectives of a crime group may be similar to (and even complement) the aims and objectives of legitimate businesses and social policy (Cressey, 1969; Shelley L. , 2010; Scheptycki, 2003). The nature of organised crime can vary in terms of the criminal activities involved, the sophistication with which it is conceived and executed and the extent of mutual co-operation and partnership between perpetrators. It is also highly adaptive: flux is as normal in illegal markets as it is in legal ones and is a challenge for any entrepreneur or enterprise, some of which are peripheral and ephemeral (Edwards & Gill, 2004). This makes the context of the criminality highly active and mobile.

Despite these difficulties there is growing international consensus regarding some broad criteria for organised criminal activity: There must be three or more perpetrators working together over a period and involves logistics (e.g. movement of goods or, more commonly, money).

The definition used by the UK National Crime Agency and Europol is:

Organised crime can be defined as serious crime planned, coordinated and conducted by people working together on a continuing basis. Their motivation is often, but not always, financial gain. Organised criminals working together for a particular criminal activity or activities are called an organised crime group.

This seems clear and concise but, rather like a fading dream, loses coherence the closer it is examined. Serious crime may not be too difficult to conceptualise.

- Crimes such as murder, robbery and theft are single event crimes and well defined and generally accepted across cultures, faiths and societies as in and of themselves, wrong.
- Other behaviours become criminal because they are *prohibited* e.g. prostitution, drug dealing, bribery, and gambling. The behaviours may be outlawed, constrained or tolerated under certain circumstances, contravention of which is generally accepted as a crime even though the definitions may be less clear.
- Certain offences tend to be associated with organised crime such as trafficking of drugs, weapons and human beings, loan sharking, extortion and intimidation, counterfeiting and rigging sports events

(Finckenauer, 2005)

Nevertheless, any of these crimes, may be undertaken by a group or an individual. The nature and range of criminal activity that may be found under the umbrella of organised crime is, by contrast, extremely diverse: one activity may be required to support or facilitate another (e.g. money laundering to dispose of the gains of drug trading). In the context of criminal exploitation of children, trafficking is a specific criminal offence that enables or facilitates the criminal exploitation, which is a process that facilitates another type of crime. The output of the exploitation may not be exclusive - children that are exploited in order to commit property or drug crimes may also be used for sexual exploitation, forced labour and domestic servitude. The criminal exploitation may not be the main criminal activity of the individual or group but used to generate income to enable the financing of other projects or co-operation with other criminals and groups.

Sellin (1963) conceptualised organised crime as business enterprises that exist and operate much like any other enterprise. The key difference is that

their activities are either in and of themselves illegal or use illegal means to maximise profit. By extension, this means that whilst criminal enterprises may not be constrained by the statutory rules (and inherent costs) of legitimate business governance, they also encounter problems that *do not* occur for legitimate businesses and may be insurmountable without collusion or co-operation with other criminals¹⁷, service providers or officials. The service providers or officials may be corrupt and collusive facilitators or quite ignorant that their services are being used to facilitate a criminal enterprise. Therefore, the criminal intent may conceivably lie with a lone actor e.g. a fraudster such as Charles Ponzi¹⁸. Although Ponzi's activity was criminal, he required victim participation and had to utilise legal systems (exploiting a weakness in the international reply coupon system) and institutions, such as banks, to succeed. This type of criminal enterprise is a serious and lucrative fraud that requires planning but, can be undertaken alone without the assistance of a group of like-minded criminals co-operating in the enterprise. Nevertheless, there is a network of active participants who may or may not know, or suspect, they are involved in a criminal enterprise.

Sellin's (1963) conclusion that organised crime can be conceptualised as a business enterprise is adopted by Finkenauer (2005) who points out that the phenomenon cannot be understood in terms of a crime, or crimes, but rather the purpose of the crime and aim, objectives and motivations of the organisation involved in the criminality. It is the nature and degree of the organisation and the results that count. To adapt Maltz's (1976) example of a simple numbers racket to the context of trafficking children for criminal exploitation, trafficking is a single type of criminal activity and is often based upon victim participation (perhaps beginning with illicit migration facilitated by an offer from the traffickers). If violence is used to recruit, coerce or control the victim and ensure collusion from others it

¹⁷ Italian-American Mafiosi today play a key role in criminal dispute settlement- they are trusted because they are a criminal group and their reputation for violence and discipline **Invalid source specified..**

¹⁸ Ponzi Schemes: Fraudulent investment scam offering high returns within a short time frame: Charles Ponzi offered a false investment scheme, based on a form of arbitrage, that offered investors a 50% return in 45 days. In reality he was using the money paid by later investors to pay out to early investors.

is also a violence-based criminal activity. If, in addition, payments are made to border officials or other law enforcement officers, it is corruption-based. Maltz asserts the importance of these distinctions in the evaluation of the type of organised crime or criminality if it is going to lead to effective prevention, disruption, investigation, prosecution and protection of victims.

To this extent it is perhaps more helpful to consider organised crime as an adjective, describing a pattern of behaviour or activity rather than as a noun “organised crime” which suggests a tidy concept or idea with a clear definition (Alac, 2011; Finckenauer, 2005); organised crime comprises a range of criminal activities.

4.5 Degrees of Organisation in the Criminal Exploitation of Children

Increasingly, trafficked people are being exploited through multiple activities concurrently for example, criminal exploitation in conjunction with sexual exploitation (Anti Slavery-International, 2014). Obtaining children for criminal exploitation is not difficult for OCGs but may vary by region and the type of criminal activity for which the child is to be used. Globally, particularly vulnerable groups of children include: unaccompanied migrant children, children living on the streets, children from very vulnerable families (extreme poverty, very low level of education, alcoholism, domestic violence, etc), children from poor, marginalised communities, neglected or abused children, children who dropped out of school, children (particularly those in rural areas) subjected to work exploitation, children with disabilities, children whose parents both work abroad, migrant children accompanied by vulnerable families, etc. (Ionescu & Fusu-Plaiasu, 2008; Shelley, 2010; Surtees, 2005).

Modern slavery is usually assumed to be found in the nexus of demand, supply and profit. Examples such as Operation Golf show that the profits are substantial to the controller of the child. However, the controller may in some instances be considered the first-order beneficiary or user of the

victim, but there may be a system of second-order beneficiaries who act as facilitators, suppliers of the children or the suppliers of licit and illicit goods and services who all profit from the criminal activities. Indeed, criminal exploitation may be the lucrative tip of a criminal iceberg, its earnings funding both criminal and legal activities and creating the opportunity for co-operative activities between criminals.

In other cases, crime may be a characteristic of a child's family and its functioning and therefore compliance with, and participation in, criminal activities may be a normal experience for a child. In such a context, and by the definition of an organised crime group within the Serious and Organised Crime Act 2015, a family may constitute an organised crime group in its own right (though the value of this use of the construct may be debateable).

The degrees of organisation diagram below, is an illustration of the importance of relationships between the child that is engaged in criminal activity and the beneficiaries and controllers of that activity. The diagram is a graphic representation of 3 scenarios in which a child is caused to engage in criminal activity.

- *Scenario 1:* A child that is engaging in criminal activity voluntarily, who gains from the proceeds of their activity is not being subjected to exploitation. The child's motivation is likely to relate to his or her own physical, emotional, psychological and social needs e.g. food, warmth, shelter, safety, security, affiliation, kudos and even as an act of self actualisation (Maslow A. H., 1943). Lower level needs may be indicative of neglect. The child's engagement in crime may cause them to be marginalised within society and labelled as delinquent whilst at the same time increasing the child's visibility and exposure to other criminals. This may also increase their vulnerability to exploitation by predatory others.
- *Scenario 2:* A child that is engaged in criminal activity but hands over the proceeds to their parents may or may not be subjected to

criminal exploitation. The criminal activity may be indicative of family poverty and survival needs, low resilience and marginalisation. Both the child and the family are vulnerable to exploitation by predatory others.

Criminal activity may however be a part of the family’s functioning as a system namely, the family may adhere to anti-social narratives and criminality is expected by the adults, carers and family peers such as siblings and cousins.

- *Scenario 3:* The child and/or the family hand over the proceeds from criminal activity to another or others. The payment is in respect to services (e.g. protection, people smuggling, “problem-solving”) or to service debt to the other(s) e.g. loansharks.

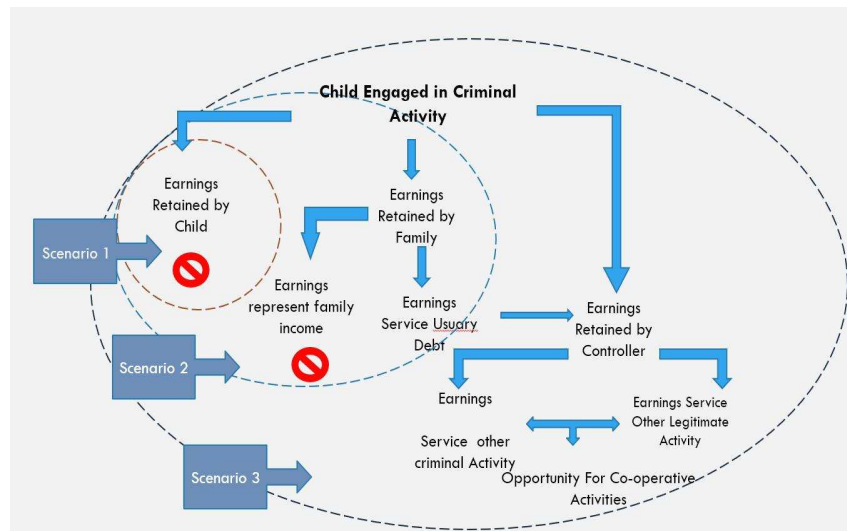


FIG 1: Degrees of Organisation: Relational Structure of Criminal Exploitation of Children

criminal exploitation of children may therefore constitute organised crime if it is accepted that, as Donald Cressey (1969) suggests, the criminal activity requires some degree of organisation. If crime is a part of the family’s functioning, the organisation is the family system but a family that forces its children to commit crime may be coerced to do so by a stronger, controlling crime group.

4.6 Children and Criminal Activity

A tidy concept of criminal exploitation of children is elusive. The range of criminal activities through which children may be exploited are many and varied, cultural and statutory definitions of a child are not clear cut often being inconsistent across jurisdictions and societies. Definitions of child then often become conflated with concepts of childhood that have been in a state of flux throughout history.

Differentiating older, teenaged children from young adults is often a difficult task for assessors and investigators. Increasing numbers of undocumented child migrants have emerged in an era of globalization (Terrio, 2008; Shelley, 2011; Ballet, Bhukuth, Rakatorinjanahary, Rakatorinjahary, Divingracia, & Dutreuilh, 2002). In some cases, these children were never registered and may have travelled independently to escape abuse, poverty and harsh conditions. Others may have been trafficked or sent out by their families to find work. This raises the question of a child's agency in relation to the exploitation. Some exploited children perhaps have experiences and responsibilities that are greater than might be expected of a child of a similar age. The extent to which children are active agents in the criminal activity is a troubling question - are they completely passive and exploited, or mini-adults with criminal intent? Neither is an appropriate conclusion but this element of intentionality in relation to the child, needs to be addressed. In addition the attitudes that prevail in a society with regard to children and childhood must be understood (Buller, Pichon, McAlpine, Cislighi, & Meiksin, 2020). Social attitudes, environmental, economic, political and cultural influences may provide the context against which child-victims of criminal exploitation may be neutralised not only by their criminal controllers, but by the community and law enforcement agencies as well.

Therefore the definition of child in terms of age is an unreliable measure when trying to define and describe the nature and processes of criminal exploitation of children. For this reason Terrio points out that anthropologists have resisted the general definitions of child by the UNCRC and others (as aged under 18) .

The age of 18 as the cut off point between a child and an adult is arbitrary and, in fact makes no difference in terms of the act of criminally exploiting a person. The range of criminal activities to which the exploited person is subject are similar regardless of age; the nature of the criminality is defined to a large extent by the jurisdiction in which the activity occurs (e.g. in the Czech Republic, begging is not a criminal offence). Upper and lower ages are a product of public policy and legislation which will govern the identification process and response in terms of preventive measures, prosecution and punishment of offenders.

The age, gender and developmental level of the victim of criminal exploitation may thus have more bearing with regard to the nature of the criminal activities, motivations and organisation of both the first and second order exploiters. It includes processes of recruitment, social and cultural attitudes towards age and gender as well as social norms, the type of criminal activity where, and however, it may take place.

The relationship between the child victim and the person that controls their activities is therefore crucial as it will have implications for investigation, prosecution and remedy. The salience of these characteristics of the child and to some extent the exploiters can be discerned from the following four case studies. Each provide children's direct testimony of criminal exploitation.

4.6.1 Case Study: Roma Family

In his investigation of child exploitation of Roma children in London through begging and benefit fraud, BBC journalist John Sweeney visited Romania and spoke to Roma families. In Romania there are two-million Roma people living in dire poverty. Sweeney found a Roma village in which the inhabitants were segregated from the rest of Romanian society. The living conditions shown in his film are harsh: none of the adults had regular employment, there is no running water and homes are mere shacks in disrepair. In one of these shacks lived a family of seventeen people.

Sweeney talked to a man and woman with their son who appears to be about eleven years old.

***Father:** We have no money. We have nothing. My wife goes begging in the village.*

***Mother:** I'm his mother and if I go begging I'll take him with me because he's more likely to get a bit of bread because he's a child. But they don't give any to me. They say 'Go and work' but they give him a bit of bread.*

***Sweeney:** The kids are taught the technique of how to beg by their mothers.*

***Mother:** And I tell them to say 'Lady have mercey on me. Have charity for the love of God.*

***Sweeney:** [illustrates the point made by Ballet] As the children are the main bread winners, going to school comes second to begging... If they [adults] borrow money from the Gypsy loan sharks they have to pay back , big time." He heard from another woman:*

***Woman:** Here, for 100 we have to pay back 200 but what are we going to live on if we have to pay that interest with seven or eight children?*

Sweeney's report supports the report by the European Rights Centre (2011) and Brotherton and Waters (2013; Brotherton & Waters, Victim or Criminal? Trafficking for Forced Criminal Exploitation in Europe. UK Chapter, 2013) when he explains that according to police, families become slaves to the gangsters, forced to beg to pay off debt.

This case study is an example of scenario 2 in the "degrees of organisation" above. However, the desperate poverty identified by Sweeney in his television documentary renders families vulnerable to the predatory loansharks. Thus the "degrees of organisation" diagram may be interpreted as representing an aetiological system. Crucially, the family in this situation are already dependent upon begging to gain a sufficient income to survive and, as Mother explains, her son is more likely to

receive some form of payment because he is a child; he is better able to generate income precisely because he is a child and this value is also recognised by the gangsters. The disquieting fact is that for this family, their children are their only asset, a means of income but for the gangsters the family with its child assets become a suitable target for exploitation: the gangsters may control the parents who in turn control the children or hand the children over in a transaction that ensures the survival needs of the parents and siblings are met

4.6.2 Case Study: Tuan TV Documentary

Tuan was 15 years old when he was trafficked to the UK and forced to work in a cannabis grow house.

***Tuan:** One day I saw lots of people outside shouting. I just stood there and when they forced the door open, came in and shouted 'Police' I was very happy because the Police had arrived. I gave my hands to the officers to handcuff. At that point I thought I'd been freed. I was very happy.*

[Tuan was placed with a foster family. One day, when out shopping with his carer he became separated and lost in the crowds. Unable to speak English he could not ask for help. He was approached by a Chinese man who offered to help him find his carer.]

***Tuan:** At first, when they took me to their home, he promised to help me find my foster mother but when I got there, he locked me inside. After six months they made me work growing cannabis plants.*

They beat me up. Tied me up with a rope and hung me up.

[Tuan shows the scars on his wrists to the interviewer, demonstrates how his wrists were tied and how he was hung up from his wrists.]

***Tuan:** I was chained in a lorry. I wasn't allowed to go outside. After I finished work they locked me in a van and*

took me back to the warehouse. They chained me up and made me stay in the van.

I'm still afraid, every night thinking of the days when I was beaten and locked in warehouses.

Tuan eventually escaped and was placed in the care of a charity in a safe-house. In February 2016, Tuan walked out of the safe-house in the north of England. There has been no reported sight of him since.

Tuan's account of his terrible experience is consistent with the statutory definitions of trafficking and slavery but there is another important element of this account. He was freed from the first grow-house in which he had been forced to work as a "gardener". However, when he became separated from his foster-carer he was noticed by a man who deceived him back into slavery and trafficking. The reasons for his vulnerability (being in a strange country and unable to speak the language) are obvious but this does not explain why he was noticed by the Chinese recruiter and therefore contributed to his re-victimisation.

In this instance, Tuan went missing from foster care because he got lost and was then abducted through deception and subsequently held captive. Although he eventually escaped and was cared for in a safe-house, he walked out of this place of apparent safety. The problem of trafficked and exploited children and young people going missing from care is a source of both concern and frustration for safeguarding and law enforcement professionals. The reasons for absconding are often assumed to be attributable to children being "groomed" by exploiters during recruitment, and lacking insight into the exploitative nature of their relationships. It is not known whether Tuan returned to his traffickers or whether he was re-victimised but he describes being constantly frightened and having thoughts during the night about his abuse despite being in a place of safety. In their study of trafficked and unaccompanied children going missing from care in the UK, Shipton, Setter and Holmes (Heading Back to Harm: A study of trafficked and unaccompanied children going missing from care in the UK, 2016) heard from children who explained that they could

not trust the care agencies to keep them safe; therefore Tuan's flight may be because he did not feel safe in care.

Like the cigarette burns to the backs of the Golf children discussed in Chapter 2, the nature and degree of the violence and ill treatment of Tuan was gratuitous to the objective of making him work. He was kept by the traffickers for six months before he was made to work in another grow-house. He was tied up, hung by his wrists, beaten and forced to live in degrading conditions. Such violence is not uncommon in cases of trafficking and modern slavery but the function and nature of the violence can offer insights into the motivations of the perpetrators and the dynamics of the relationship between perpetrator and victim and the victim's subsequent behaviour, even after release.

As is clear in the definition of forced labour in the Modern Slavery Act 2015, and Article 4 of the UNCHR, forced labour and the threat of penalty does not necessarily require physical violence. In the next account from "Daniel" the threat is more implicit than the overt violence in Tuan's case.

4.6.3 Case Study Daniel (ITV News)

Daniel: At any time you could be hurt, or killed or anything because you don't know what kind of enemies these people are making

They picked me up around the corner from my house. They give me a lift to school and you felt you were important , getting out of a nice big car.

I thought it was all for free. All I had to do was go and sit in a taxi and they drop me off. I'd get another taxi back and then I'll get a hundred pound at the end. Shoe boxes full of drugs I took.

Daniel appears to have been befriended by the exploiters initially. He is impressed by the big car that the exploiters use and riding in it, arriving at

school in it, makes him feel important. A similar question emerges as in the case of Tuan: what were the characteristics of Daniel that made him a suitable target for the exploiters? Unlike Tuan, Daniel was in his own, familiar community. The exploiters would pick him up close to his home. In this scenario there is an echo of the exploiter Paco's observations in Chapter 2:

They're on the estate, trying to get attention by doing little things. They want to be known, want to be with the big guys. You kind of noticed them as well...

Paco's comments indicate a capacity in the perpetrators to be able to read a number of attention seeking / acquiring cues that are transmitted by the child that is then evaluated by the recruiter as indicating a suitable target. The environmental context in which the child or young person communicates these cues is also noteworthy - Tuan was lost and alone, Daniel was close to home though in the same community setting as the exploiters who recruited him.

Tuan's predicament in both the first and second grow-house is easily understood as an example of trafficking and modern slavery. Daniel's is much harder to identify as such. Unlike Tuan he receives some payment for his services (though it is probably a comparatively small amount when it becomes clear the quantity of Class A drugs that he was transporting and the risk to him from rival gangs, customers and others)¹⁹. The clues to the controlling and coercive nature of this relationship are in Daniel's statement that he thought the ride to school in the big car and kindness of the exploiters was for free until they told him that he was required to run the drugs for them. This is a form of debt bondage and the exploitation is maintained by psychological coercion rather than overt violence as Daniel is clearly aware of the possibility that he could be hurt or killed at any time because of the potential enemies that the gang may be making.

¹⁹ This is consistent with the Safer Islington Report discussed in Chapter 2.

In the next testimony, Cally describes her recruitment to a gang and a range of criminal activities that she was compelled to participate in.

4.6.4 Case Study: Cally (BBC 3)

Cally is a teenaged girl and has been a gang-member from an early age.

Cally: I came here then went into care. I was just 12. I was getting told every day by olders, 'come, you can stay with me. I will look after you. You don't need social services. They just gonna fuck up your life.

[Cally became involved with a male gang member that she considered to be her boyfriend. He quickly recruited her into a gang]

Cally: Before I could join the gang I had a list of things that I had to do.

Interviewer: And can I ask you a bit about what was on that list?

Cally: I was a drug mule, I used to take drugs from London to Birmingham, Yorkshire, Cardiff, Wales. I'm not gonna get stopped 'cause I'm 12 years old. I had no idea what was going on.

Interviewer: And you were stashing drugs internally?

Cally: Yeah.

Interviewer: What else were you forced to do?

Cally: Things like kidnapping people. They said I had the choice of who I got to kidnap so I kidnapped my friend. I made her do sexual things for money yeah?

Interviewer: On command of these guys?

Cally: Yeah. And then I got sentenced to 3 years and 18 months at the age of 13 for kidnap and rape. [Sighs heavily

and whispers] That was bad, that was bad, that was bad, that was so bad.

Interviewer: *I can see you, you're, it's hard to talk about.*

Cally: *Yeah. It is hard...[Sighs] I done horrible, horrible things. Horrible things I had no choice.*

Interviewer: *Why didn't you have a choice?*

Cally: *Being in a gang yeah? It's like they're a family. That's all I wanted at the end of the day was to be a part of them. No-one's got you in life, you got yourself. That's how I look at it.*

The recruitment of Cally is consistent with the “boyfriend model” referred to in the Knowsley Joint Strategic Needs Assessment report (Knowsley Council, 2015) discussed in Chapter 2. She is a child that is in great need of affiliation who has experienced sufficient adverse childhood experiences to have been accommodated in local authority care. By her account she identifies the gang as being able to meet her affiliation needs.

Whilst Daniel unwittingly drifted into recruitment by the exploiters, Cally seems to have been aware that her “boyfriend” was a gang-member and wanted to be a part of the gang also. In order to become a gang-member, she agreed to commit different types of crimes on their behalf, participate in violence with the gang and transitioned to becoming a recruiter and victimiser of at least one other girl.

Cally's value to the gang extended beyond her earning potential as a “drug mule”. Her age and gender made her a particularly useful recruit: she could hide the drugs internally, as a 12 year old girl she was less likely to draw attention as a drug runner and her gender also enabled her to recruit girls for sexual exploitation from her own social network.

Cally's willingness to take instructions and participate in violence meant that she offered a degree of what might be called criminal capital to the gang: she was reliable and able to tolerate violence. Her commitment and loyalty to the gang eclipsed her loyalty to her friends outside of the gang.

These four case-studies demonstrate the complexity of the phenomenon of criminal exploitation. Unlike crimes such as murder, rape or theft, it is not a single event that happens in a specific place, at a particular time under a set of circumstances (van der Watt & van der Westhuizen, 2017), the line between victims and perpetrators is not always clear - the exploited child can transition between both roles as Cally did. Whilst the crimes that a child may commit as a consequence criminal exploitation are easy to identify and quantify, the nature of the exploitation itself is less clearly defined.

Recent attempts to describe human trafficking and modern slavery offences have tended to replicate this by taking a phenomenological approach, based upon empirical data to generate descriptive typologies (Cooper, Hesketh, Ellis, & Fair, 2017). Such typologies have, at their core, an assumption of linear causality suggesting that trafficking and exploitation can be predicted and that such predictions can therefore inform tactical and strategic responses. This is a traditional approach to policing and crime prevention (van der Watt & van der Westhuizen, 2017). This model has, and continues, to be sensible in the understanding of single event crimes such as murder, rape, burglary etc. Whilst such crimes can be sophisticated and complicated, they essentially comprise an event that has occurred in a particular context at a specific time. There is an identifiable victim or complainant, a perpetrator, a crime scene and maybe some witnesses to the event. The task of the criminal justice process is to systematically compile information and evidence that leads towards, or away from, a suspect, the apprehension of a suspect, their prosecution, conviction and sentence (van der Watt & van der Westhuizen, 2017) which results in a clear, linear, cause and effect narrative of a crime or set of crimes.

Trafficking and modern slavery, and perhaps criminal exploitation in particular, are by contrast extremely difficult to detect, understand and combat. Van der Watt and van der Westhuizen (2017) argue trafficking must be understood from a non-linear, complex-systems perspective to enhance strategic and tactical responses because “understanding the

complexity means understanding the inter-relationships of the phenomenon” (van der Watt & van der Westhuizen, 2017).

The aetiology of criminal exploitation is a product of a complex of interacting systems, the relationships between which influence who will be exploited, how they will be exploited and by whom. The poly-victimisation of some children that have been criminally exploited may not be an experience that is shared by others that have been exploited. The processes of recruitment, control and maintenance of the enterprise will also vary according to the characteristics of the child, the motivations of individual exploiters and groups of exploiters and the contexts in which the exploitation takes place.

There are therefore too few fixed variables to develop reliable or useful typologies of criminal exploitation, perpetrator or target because the phenomenon is too broad to define succinctly. However, as these four cases of criminal exploitation show, based upon the “Significant Harm” test within the Children Act 1989 and the categories of abuse within the “Working Together” guidance (HM Government, 2015; Welsh Assembly Government, 2006) each of the children in these case studies have experienced distinct forms of abuse or maltreatment:

- The Roma boy’s development through education is neglected due to the necessity to help his mother beg; the segregation from Romanian society exacerbates the neglect which may be characterised as a form of neglect by the state.

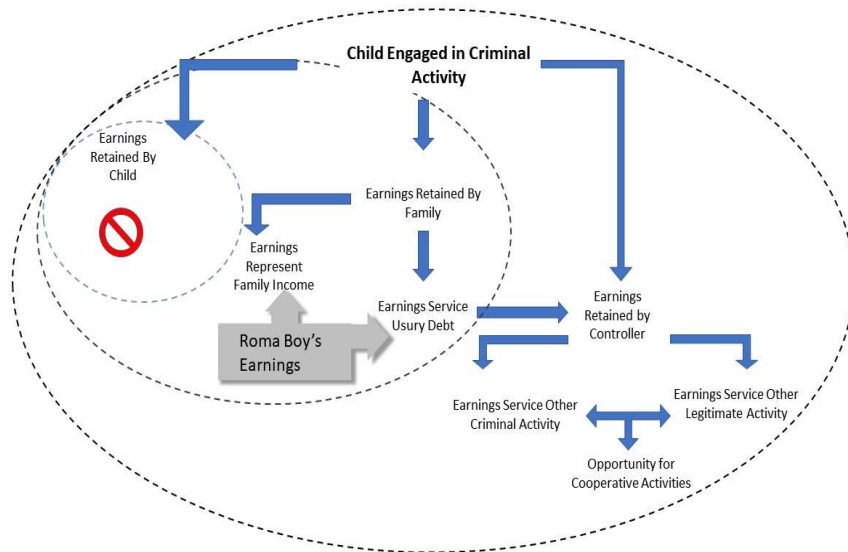


FIG. 2: Roma Boy Scenario and Degree of Organisation

- Tuan has suffered physical abuse and intentional, or willfull, neglect; the physical impact of his maltreatment is obvious but his persitant fear, even after his escape, is evidence of the traumatic impact of his experiences (Roberts & Yeager, 2009).
- Similarly, Daniel has suffered psychological and emotional abuse and neglect by virtue of the dangerous situations to which he has been sent;
- Cally has suffered emotional and psychological abuse, physical abuse, sexual abuse and neglect. The fact that she is a Looked After Child (LAC) suggests that she has suffered similar abuses in the past sufficient to require her removal from the care of her birth family. The impact of the past maltreatment that she has experienced are added to through the abuses she experiences within the gang though her perception of these recent abuses may have been distorted by her previous experiences a a younger child.

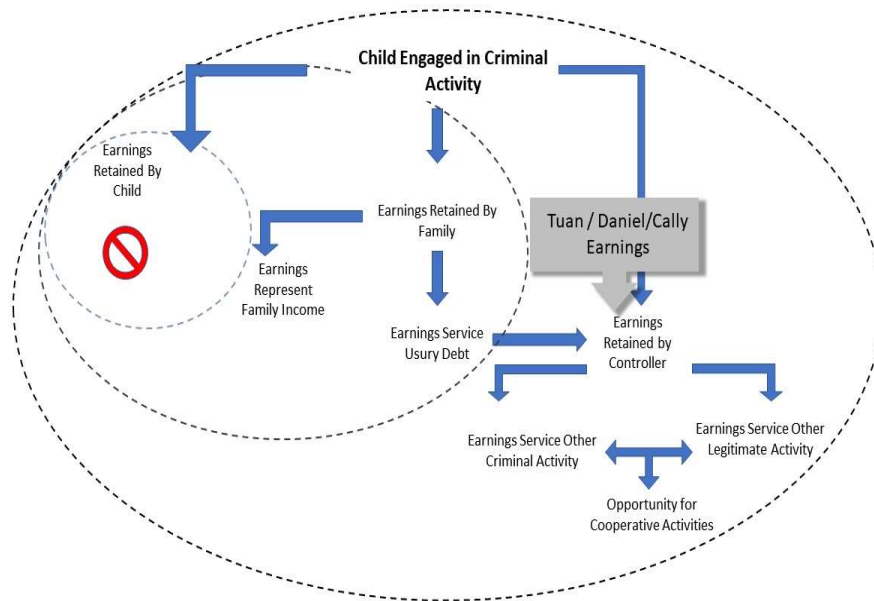


FIG. 3: Tuan, Daniel and Cally Degree of Organisation

4.7 Where is the Harm?

The harm that results from the process of exploitation is a consequence of the mechanisms of the exploitation that are the abusive behaviours of the exploiters. Criminal exploitation of children is therefore a modality of child abuse and neglect. The psychological processes of the abused child will be greatly influenced by the external social processes and their interactions with their immediate environments: The child that has been deprived love and affection may respond favourably to the romantic overtures of the deceitful boyfriend that is offering love, kindness or safety and security, physical warmth and shelter (Densley, 2012; Finkelhor, Araj, Browne, Peters, & Wyatt, 1986).

Distorted Relationships and Psychological Accommodation

Many of the abuses referred to above can of course be experienced by adults who are also exploited but the impact upon a child is potentially greater because of their immature stage of development (Finkelhor, Childhood Victimization: Violence: Violence, Crime and Abuse in the Lives of Young People, 2008). A person that experiences violent coercion may learn quickly that compliance, submission and even collusion with

the violence towards others will more likely ensure their own physical safety. It may reduce the level of harm they may experience or enable them to appease their abuser, gain the approval and trust of their abusers. Such survival strategies may have been acquired from an early age when a child has grown up in such adverse and abusive conditions. The psychological accommodation of the abuser's behaviour means that the child invests in not drawing attention to themselves and avoiding any action that may incur wrath and punishment (Cantor & Price, 2007). This apparently collusive behaviour with the perpetrator can be exploited to ensure the victim's silence and loyalty whilst also reinforcing their subservience or submissive position in relation to the abuser. It can also set a person on a pathway towards the transition from victim to perpetrator. These processes are important as forces that influence decision-making and actions of the perpetrator. Equally, the social-psychological processes of a child or young person's decision-making must also be taken into account.

Collusion with perpetrators can occur in the form of traumatic bonding. This is commonly referred to as "Stockholm Syndrome" but is better described by van der Watt and van der Westhuizen as paradoxical attachment. This is a paradoxical psychological phenomenon that has been identified among some victims in barricade hostage situations in which a hostage begins to identify with, and grow sympathetic to their captor (De Fabrique, Roman, Vecchi, & Van Hasselt, 2007). A relationship is established in which the child may be both fearful of their exploiters but also needy of their protection and approval. The consequences of losing this protection and approval could be abandonment, injury or even death. Interventions to extract the child from the abusive environment can therefore be perceived by the child as a threat to the equilibrium that had settled between them and the exploiters.

Similar relationship dynamics can be found in the context of domestic abuse (Logan, 2018). There are important similarities that deserve consideration. In the illustrative case studies discussed in this chapter, the children were at some stage dependent upon their captors to have even their most basic needs met, here the victims regress to a state of total dependence upon an abusive adult or "parent figure". The controlling

parent figure constructs the world for the child (victim) according to their own attitudes and needs. The abusers are therefore accommodated by the victim as all powerful and controlling adults.

In the case of the Roma child in the case studies above, the controlling adult was in fact his parent who trained him in the technique of begging. His success is rewarded at a fundamental level in him being fed but his ability to earn by begging also is potentially rewarded through additional positive feedback such as praise and love from his mother. A similar process of positive feedback applies in the recruitment and exploitation of Cally, as she has her affiliation needs met through belonging to the gang that acts as a pseudo-family for her. Her continued membership of this “family” is contingent upon her compliance and willingness to act on their behalf.

Tuan’s conditions are different. He is physically brutalised and kept isolated and disorientated. His captors literally have the power of life and death over him and are perceived by him as so powerful, that his fear is not even allayed by being in a safe house. Daniel is also acutely aware of the risk of serious harm that he is exposed to and his survival is dependent upon the approval and protection of his controllers/exploiters. The different contexts described here all involve substantial power imbalances between the victim(s) and perpetrator(s) but in the case of the Roma boy, there are reciprocal positive feelings between him and his mother. This reciprocal positive regard helps him cope with the task with which he is charged, and the way in which he is trained to undertake it.

A further predisposing condition for paradoxical attachment is perceived small acts of kindness from the perpetrator to the victim. The acts of kindness that are perceived by a traumatised victim are that the abuser “let me live when they could have killed me”. The likelihood of this may increase when other exploited children are injured, killed or brutalised but the captive child is spared or rewarded in some way.

In the cases of Daniel and Cally, there were opportunities for them to escape or contact people outside of their situation but for a long time, they

apparently chose not to. Cally was apparently given choices e.g. if she wanted to be in the gang, she had a list of tasks to complete, she was given the choice of who to kidnap. The choice was not real, it was forced, and she chose to follow the instructions of the gang in order to be affiliated. Daniel believed that he owed a debt and so agreed to run the drugs for the gang that controlled him. When people in such conditions are coerced into false choices, they are in fact complying with the will of their abusers but psychologically find themselves taking responsibility for the choice. The debasement, humiliation and hostile environment makes them susceptible to the abuser's assertion that they had a choice, the consequences of which are their own responsibility.

Whilst Tuan was held captive in a truck and a warehouse, the experiences of the Roma boy, Daniel and Cally are different: they are still inextricably bound to their exploiters and may see no realistic way to change their conditions or circumstance. Their experience is consistent with what is described by Cantor and Price as "traumatic entrapment" (Cantor & Price, 2007). In this model there are obvious and major imbalances of power, but traumatic entrapment may involve torture such that may include sexual assault, humiliation and rape. Victims may be subjected to quite intense isolation or combinations of both. The conditions in which the victim is kept are usually unhygienic, there is frequent and random physical violence, threats of imminent death, dehumanisation and degradation. The captive is trapped within utter powerlessness and the need to avoid further angering their captors. By creating such a hostile environment, the captors attain total domination of the victim, reinforced by vague or incomprehensible threats. This renders the likelihood of violence to be unpredictable, leading to a state of virtually permanent anxiety (Cantor & Price, 2007).

These patterns in varying degrees can also be seen within the context of domestic abuse. Some feminist research has suggested that being trapped within such hostile and unpredictable environments may account for why some women remain with abusive partners and continue to profess love

for them as a way of appeasing and placating male violence. When threatened with violence and even death by a partner who is also kind in some ways, the abused woman adopts cognitive distortions that accommodate their partner's violence (e.g. "all husbands beat their wives") and may also develop antipathy toward authorities such as the police and others working for their protection (Graham, Rawlings, & Riminy, 1988).

Summit describes a similar phenomenon in his formulation of Child Sexual Abuse Accommodation Syndrome (Summit, 1983). He suggested that the prevailing attitudes of adults towards child victims of sexual abuse were rejecting, blaming and disbelieving which in turn caused secondary trauma to the victimised child, plunging them into self-blame, self-loathing, alienation and re-victimisation. Summit's Child Sexual Abuse Accommodation Syndrome comprised 5 sequential categories that create dependence and compliance of the child upon and with the abuser:

- (1) *secrecy*,
- (2) *helplessness*,
- (3) *entrapment and accommodation*,
- (4) *delayed or unconvincing disclosure* and
- (5) *retraction*.

Both the contexts of sexual abuse and domestic abuse have evidence for the pattern of traumatic entrapment described by Cantor and Price and elements of Summit's categories can be detected in the case studies discussed in this chapter. The victim is maintained in a state of anxiety and the victim's inferior status to the perpetrator is reinforced through the ever-present threat of grave consequences if they do not admit to and accept their inferior status. For the threats and debasement to end, compliance is required.

In the process of compliance, the victim may achieve some sense of safety – they have learned the rules and established some level of predictability to the environment which nevertheless is tightly controlled by the

exploiter. Once an individual's immediate safety needs are met, they seek affiliation and emotional comfort, succour, belonging and identity (Maslow A. , *Toward a Psychology of Being*, 1943). The captors however maintain the isolation. In the closed environment of the exploitative relationship, the oppressed have only their oppressors to turn to for affiliation ["reverted escape" (Cantor & Price, 2007)].

In the context of child abuse and exploitation, children may perceive no other option but to accept their subordinate position, seeking help from outside the context of the abuse and exploitation, or attempting to leave, risks discovery and severe punishment as may have been the case for Tuan and Daniel. For Cally, the risk from her perspective is the risk of abandonment. For the Roma boy, non-compliance means that he may not be able to eat and may cause harm to his family, even contribute to its destruction.

The exploited child, having been habitually humiliated, debased and threatened, accepts that they are unworthy of help, unlikely to be believed or unable to cope without the abuser. Sexual or criminal behaviour may be used to appease the abuser, the child may act in a timid or infantile way or revert to self-destructive behaviour. If such actions of appeasement signal that the child is no threat to the exploiter the power imbalance is increased by the child's own behaviour. This behaviour must be understood as symptomatic of not just fear, but shame as well. Fear can motivate defence which can threaten an exploiter's authority as well as acting as a physical threat. Therefore, a child that feels shame and presents as shameful represents no threat to the exploiter's dominant position. They are more likely to introvert their feelings than act out against the exploiter. This in turn maintains the abuse and renders the child vulnerable to re-victimisation in the future

The harm that is done to the child that is subjected to criminal exploitation is largely psychological and emotional, impairing their emotional, psychological and social development. This impairment brings with it

further risks: that the child will be vulnerable to re-victimisation or will transition to victimiser. The impact of criminal exploitation therefore must be understood as trauma that results from intentional harms perpetrated by a motivated abuser.

4.8 Conclusion

Criminal Exploitation is a complex of systems that have a dynamic functional relationship. Each of these systems act as elements of the exploitation system and can be defined and described separately as the child system, perpetrator system and environment system. The exploitation system can exist only at the intersection of the other three but will vary depending upon the configuration of the other elements and their relationships with each other.

Crimes such as cannabis growing, drug running, begging in which children are working on the behalf of criminals are an output or product of the exploitation process. The nature of these crimes is immaterial to understanding the criminal exploitation of children as it is the process and mechanisms that are important. The mechanisms of exploitation are physical abuse, emotional and psychological abuse, sexual abuse and neglect. These are all forms of child maltreatment without which exploitation cannot occur. Understanding the phenomenon of criminal exploitation of children therefore requires a “bottom up” approach that starts from recognising a pattern of child maltreatment.

Child maltreatment, abuse and neglect occurs in the context of a relationship in which there is a substantial imbalance of power that is misused by the stronger person usually the adult) to control and harm the weaker (usually the child) for some form of gain (to satisfy a need, objective or overall aim). The nature and extent of the abuse together with the degree of harm will vary according to

- the needs, objectives and aims of the perpetrator(s)
- the characteristics of the child and what these represent to the perpetrator(s)

- the environments from which the child and perpetrators emerge and in which the abuse occurs

The different degrees of organisation of child criminal exploitation indicates different levels of intervention are required depending on the needs of the child, their relationship with and to the exploiter(s), and the context in which they both exist as the pattern of criminal exploitation emerges. Different levels of intervention require co-operative joint agency working with clear aims and objectives. A single grand theory seems insufficient when trying to inform practice for professionals who are trained and working within different disciplines to respond to the problem of child criminal exploitation (Schneider E. M., 1992). If this thesis is to be of use and value by informing professional judgement and decision making, a theoretical framework must take account of the different professional disciplines and theoretical traditions that have informed praxis.

A systemic theoretical model may account for the relational dynamics of child exploitation but falls short in explaining the aetiology and complexity of child criminal exploitation as an emergent pattern of behaviour and its potential harmful impact on children.

Chapter 5

The Circles of Analysis: A New Theoretical Model

So far this thesis has identified the following issues as particular problems for practitioners concerned with forced child criminal exploitation: there is no clear or agreed definition of criminal exploitation; different contexts for CCE may represent different degrees of organisation and there exists a tension between the goals of the criminal justice system and those of the child protection system as criminally exploited children occupy the role of both offender and victim simultaneously.

In this chapter I discuss CCE as a product of processes of child abuse rather than as a discrete type of abuse. Jones (2015) points out the need for professionals to explore more effective ways to understand the dynamics within organisations and between individuals, including perpetrators of abuse and the children themselves. Conspicuously, existing research (and the policies and practices it has informed) have focused upon family life and maintenance of family units. Conceptualising child abuse, maltreatment and neglect in a wider social context demands a synthesis of theory from across disciplines (as that advocated by Finkelhor (2008) and supported by Robinson (2014) and Hassett and Stevens (2014)). For this to be of benefit to investigators, safeguarding professionals, and prosecutors, such a synthesis needs to be organised and presented as an accessible theoretical model that offers a structure for professional judgement and decision-making. Paradoxically, the UK has relatively robust statutory infrastructure for not only the investigation and prosecution of perpetrators of abuse, but also for the disruption of facilitative environments, and the development of primary preventative measures and secondary interventions that support children towards safety and recovery. This reduces the potential for re-victimisation (Moore, 1995). Nevertheless, practitioners feel ill-equipped and uninformed when

confronting organised, networked abuse and exploitation (Barlow C. , 2018). Safeguarding and criminal justice systems lack integration and share little knowledge and practice in responding to child criminal exploitation. I look beyond existing theory for child safeguarding for perspectives from the fields of criminology, justice studies and developmental psychology (Finkelhor 2008) to understand the victimisation of children across different contexts. Within these fields there is extensive knowledge concerning violent (Cottrell-Boyce, 2013; Webster, Haque, & Hucker, 2014), abusive (Kempe, Silverman, Steele, Droegemuller, & Silver, 1985; Belsky, 1980; Kolko, 2002), and exploitative behaviour (Child Exploitation and Online Protection Centre, 2011; Pearce, 2019) and criminal motivation (Finkelhor, Araji, Browne, Peters, & Wyatt, 1986; Broad, 2018) that is not limited to individual offenders but also offers insights into organised and networked abuse (Harding, 2020; McNuoghton Nichols, et al., 2014).

In the next section I will take a historical view of the development of concepts of child abuse since 1945 and of how this has come to incorporate patterns of exploitation. I argue that whilst much has been achieved in understanding the maltreatment of very young children and babies in the intra-familial context, significantly less attention has been paid to extra-familial abuse and the particular vulnerabilities of older children and adolescents. I will then apply complex systems theory, knitted with other theoretical principles, to produce a theory for the criminal exploitation of children. The mid-section interrogates the historic research on child abuse and maltreatment. I argue that theories of child abuse have neglected the motivation of perpetrators and the interaction between child and perpetrator in the aetiology of abuse. I look to the fields of developmental psychology and criminology for theories of violence. I conclude by presenting the “Circles of Analysis” as a new theoretical model. I will argue that this model is a direct challenge to the dominant reductive, descriptive explanations of criminal exploitation (and child abuse more generally) that underpin policy and practice theory in the field of child safeguarding. The model emerges from a systemic analysis of the phenomenon, to provide a structure for trans-disciplinary professional

judgement and decision-making in safeguarding children from exploitation not only within family contexts, but also extra-familial contexts.

5.1 Chronicling Child Abuse Since 1945

The modern concept of child abuse has only emerged since the middle of the twentieth century and it has remained stubbornly difficult to define. What constitutes child abuse has been perhaps primarily influenced by evolving public attitudes, and cultural and social values or norms. Social policies and practices have then been formed and reformed as a reaction to public anger at the authorities for their failure to prevent the harm occurring. There is a tension that emerges between the public and child protection authorities (Rogowski, 2010). The public that blames protective agencies for failure to identify abuse (in high profile cases such as child sexual exploitation in Rochdale, Rotherham, Oxfordshire and more recently Newcastle, and child deaths such as that of Peter Connolly²⁰), also criticises child protection professionals as overzealous when they intervene to remove children, (for example following the Cleveland sexual abuse inquiry of 1987 and the Rochdale satanic ritual abuse inquiry of 1990 (Rogowski, 2010)). This ambivalence towards child protection agencies may be indicative of the public's conflicting views regarding on the one hand, the welfare of children and on the other, the suspicion of state interference in family life. It also reflects the politicisation of child maltreatment, exemplified particularly in the case of Peter Connolly. A brief review of some of the key cases from the past 70 years will illustrate the evolutionary pathway of child safeguarding policy and practice in the UK.

²⁰ See Community Care "Social workers to face five years in prison for failing to protect children from sexual abuse, warns Cameron" **Invalid source specified.** and Telegraph "David Cameron: social workers must use 'common sense' to tackle child abuse – PM warns of child abuse 'on an industrial scale' **Invalid source specified.**

In 1944, Dennis O'Neill and his brother Terrence were placed with Reginald and Esther Gough, foster carers, in Shropshire. The children had experienced neglect and maltreatment throughout their lives by their parents and were made subject to a "Fit Person Order" under the Custody of Children Act 1891. The boys' sister Rosina was placed in the care of the maternal grandmother, but Terrence and Dennis were placed in foster care. For bureaucratic reasons only, they were moved through two placements before eventually, being hastily placed in the care of the Goughs.

Dennis died on January 9th, 1945 within seven months of his placement. The Coroner recorded that Dennis had died of acute cardiac failure caused by violence to his chest and back while in a state of under-nourishment due to neglect and had added a rider about the lack of supervision by the local authority. Reginald Gough was convicted of manslaughter.

The public inquiry was conducted by Sir William Monkton (Monkton, 1945). His report concluded that there had been numerous errors, breaches of process and a lack of oversight in the placement of Dennis and Terrence O'Neill at Bank Farm and a paucity of communication and information-sharing between professionals.

Another notorious child death occurred in 1974, having a major impact upon social work practice and child protection policy. In 1974 the death of Maria Colwell, aged seven, resulted in renewed public outrage and anger directed at the authorities that were responsible for her care and supervision. Indeed, there were similarities with the O'Neill case as Maria had been starved and beaten by her stepfather, William Kepple. Her injuries included brain damage, a fractured rib, bruised eyes, extensive external bruising and internal injuries.

She was one of five children and was fostered by her aunt and uncle because her mother could not cope as a lone parent. All agencies involved in the case, including social workers, police officers, health visitors and housing officers, were criticised as, despite some 50 professional visits, no concerns for Maria's welfare in the care of her aunt and uncle were identified or shared. The violent deaths of very young children continued

to make headline news throughout the remainder of the twentieth century and on into the twenty-first.

The 1980s saw five high profile child deaths: Jasmine Beckford aged four, Tyra Henry aged twenty-one months, Heidi Koseda aged four, Kimberly Carlile aged four (each tragedy occurring in 1984); In 1987 Doreen Mason, aged sixteen months, died following severe and prolonged neglect.

Leanne White, aged three, was beaten to death by her stepfather, Colin Sleate. She had suffered 107 external injuries and died of internal bleeding and repeated blows to the stomach (1992).

In 1994 Rikki Neave, aged six, was strangled by his mother, Ruth Neave, who had long standing problems with drug addiction. Rikki's body was found abandoned in woods in Peterborough. Ruth Neave was convicted after admitting cruelty towards Rikki and two of his three sisters. The physical abuse that she perpetrated against the children included burning them, throwing them across a room and locking them outside.

1999 saw the death of Chelsea Brown, aged two. Her death was caused by a physical beating by her father, Robert Brown, who had a criminal record for violence against children. Brown was convicted of Chelsea's murder and her mother, Maria Brown, was convicted of child cruelty.

An important and notorious case in 2000 was that of Victoria Climbié, aged eight. Victoria was in the care of her aunt and her aunt's boyfriend and had been subjected to months of extreme physical and psychological abuse and neglect. She died of hypothermia. The Laming Report of the official inquiry into the case recommended a wide range of reforms to child safeguarding policies and procedures, and criticised all professional agencies that had contact with Victoria including the police, social services, the NSPCC and health service (Laming, 2003).

The case of Ainlee Labonte, aged two, also has echoes of the case of Victoria Climbié. Ainlee died in 2002 from starvation and physical abuse that amounted to torture by her parents, Leanne Labonte and Dennis Henry. The parents were convicted of murder, having deliberately

punched, scalded and burnt Ainlee, who had sixty-four scars and bruises on her body when she died.

In 2007 Peter Connelly (Baby P) was found to have fifty serious injuries at death. Similarly, Daniel Pelka was a child that was failing to thrive, a problem that was being investigated as a medical condition as other siblings were seen to be thriving. However, despite signs of parental neglect that were noted at school and worrying behaviours by Daniel such as eating out of rubbish bins, the school failed to make appropriate child safeguarding referrals (Serious Case Review 2013).

In addition to these cases of physical violence and neglect, public awareness and the discourse on child abuse from the late 1980s and through to the early 2000's increasingly turned to sexual abuse and sexual exploitation. Alexis Jay (2014) conducted an independent inquiry into child sexual exploitation in Rotherham. Her inquiry covered the years of 1997-2013. Her final report is important in many respects, but the timescale it covers suggests that during this period, among front-line youth workers and residential social workers there was an increasing awareness of, and sensitivity to, sexual abuse in the form of organised sexual exploitation. Nevertheless, there were leadership failures to take the problem seriously among senior managers and elected council members, with suggestions that the numbers of children subjected to exploitation had been overplayed. This is not very surprising - there had been a huge backlash against both social workers and allied child protection professionals during and after the Cleveland child sexual abuse inquiry of 1988. Paediatrician Dr Marietta Higgs and social worker Sue Richardson were singled out for vilification in the press and by the public (Spackman, 1988). Following the Cleveland inquiry and subsequent investigations of Satanic ritual abuse believed to be occurring in Orkney and Rochdale, child-protection social workers were increasingly perceived as over-zealous and ready to forcibly remove children from loving homes based upon ill-informed professional assumptions and ideology. At the same time, in the wake of child deaths through physical abuse and neglect, they were also portrayed as either negligent or gullible and naïve, ready to accept at face value manipulative and abusive parents (Rogowski, 2010).

The pressure created by this public perception, often reinforced by media reports and political rhetoric has left many social workers feeling they are “damned if they do, damned if they don’t” intervene to protect children (Leigh, 2013) as the criticisms rarely take account of the complexity of child safeguarding work. Defensive, overly cautious practice leads to paralysis among professionals (Broen, Moore, & Turney, 2012).

5.2 Current Weaknesses in Policy and Practice

This overview of attitudes to, and awareness of child abuse, illustrates how discourse, policy development and practice are repeatedly shaped by specific high-profile cases. The historic focus on abuse of very young children has led to legislation and a system that does not easily assist the protection of older children and teenagers. Adolescent development is given less attention in the training of social workers, and mental health services for adolescents have been severely under-resourced in the UK. Social worker Ryan Wise (2018), points to a knowledge gap developing whereby local authority social workers have no ability to work with teenagers and are increasingly reliant upon external help from NGOs such as the NSPCC and Barnardos. He argues that the system may not work for adolescents in some cases because it is subscribing to system procedures that are counterproductive when working with adolescents. CSE and CCE are good examples of this.

Until recently, child sexual exploitation has dominated the child safeguarding agenda since Rotherham. Although Baroness Jay (2014) refers in her final report on the Rotherham CSE case, to the connections between sexual exploitation and other criminality concerning guns and drugs, this connection is not pursued or developed, nor is the cross-over with gang membership and criminal exploitation. These are issues that are specific to older children at risk of harm. The more recent concern over criminal exploitation has concentrated on the county lines problem and fails to address the intersection with other forms of child abuse and childhood adversity. Legislation, policy and practice has therefore developed in reaction to specific incidents of child maltreatment and

public outcry, which has led to strategies that are inconsistent or fragmented. Professional judgment and decision-making is bureaucratised, hidebound by rigid procedures that fail to respond to the nuances of child maltreatment over time and across different contexts (Munroe, 2011). Although increased awareness has encouraged greater knowledge and understanding of types of child abuse, this has contributed to a monomaniacal process of policy and practice development e.g. separate policies and systems for CSE, CCE, gang involvement, radicalisation, youth offending etc. As a result, safeguarding services seem to be blind-sided when unfamiliar patterns of child abuse and exploitation first emerge.

Serious Case Reviews (SCRs) aim to provide insight into the nature of child abuse and identify gaps in knowledge and expertise. However, what the SCR system tends to do instead is critique practices and processes. As in the case of Dennis O'Neill, breaches in procedures, poor information sharing between agencies and a failure to effectively oversee children and the environments in which they are cared for, are regularly cited as contributory factors to the serious harm or death of a child. However, these factors are not the causes of a child's injuries or death, they are systems of monitoring and case management that, if operated properly, might trigger timely and proportionate interventions that reduce the likelihood of harm occurring or re-occurring. The actual causes of harm to children are manifold, with the harm resulting from a pattern of decisions and behaviours of multiple agents in different environments that are uniquely configured to result in a particular event (Byrne & Callaghan, 2014).

The endless tinkering with organisational structures, procedures and repeated recommendations for improvements to information sharing, recording and monitoring does not explain how or why the abuse occurs but repeatedly situates the blame for child deaths among professionals, their agencies and their processes (Forrester, et al., 2013).

A further weakness emerges. Peer-on-peer violence has been addressed only in more recent reviews that acknowledge issues that are particular to adolescents but offer little insight or explanation for these problems. 138 serious case reviews published between 2015 and 2017 (obtained from

www.nspcc.org/case reviews), showed that professional confidence was weaker in responding to adolescents with complex needs. There is also professional uncertainty regarding how and when child maltreatment crosses a criminal threshold, where the public interest in prosecution lies, and the implications of such judgements for interventions by social care services and criminal justice services (Barlow C. , Systemic Investigation, Protection and Prosecution Strategy (SIPPS): Evaluation of a Pilot Program in a South London Borough, 2017). This is a significant gap in professional knowledge and a substantial weakness in the current responses to the problem of child criminal exploitation.

This gap exists because the process of serious case review has failed to provide insight into the complex dynamics of child abuse (focusing only on procedural responses in a repetitive, reductive analysis) and a lack of theory for understanding the problem (Hassett & Stevens, 2014). For example, Baroness Jay's report on CSE does not address any of the biographical or forensic histories of perpetrators of sexual exploitation (other than to refer to the shared ethnicity of the gangs) that were abusing girls). There is no examination of the motivation of individual offenders or groups of offenders nor any analysis of the intersection between sexual exploitation, drug crime and gun crime. This is a problem because if effective strategic and tactical responses are to be developed, then identification of the motivation of offenders to exploit children and contexts in which the exploitation occurs is vital to an understanding of the nature of the trafficking, the pattern of exploitation, and its impact upon the child (Hart S. D., et al., 2003). Unfortunately, the outcomes of serious case reviews, have focused on processes and statutory duties, recommending ever-extending, complicated refinements to systems of monitoring, recording and distribution of information, and prescribing functions and tasks to agencies and professionals to "prevent this kind of thing ever happening again"²¹. This has produced a culture of risk aversion

²¹ Paraphrase of quotes from Gordon Brown, Ed Balls, David Cameron following the death of Peter Connolly cited by Shoesmith (2016).

and defensive practice among professionals and between agencies (Hassett & Stevens, 2014) but has offered no contribution to an understanding of the phenomenon itself. As a result children's social care is now shaped by statutory duties and processes with legal concepts and terminology informing the lexicon of safeguarding practice (Rogowski, 2010; Munro 2002) but at the expense of professional knowledge concerning how to identify, interpret and present evidence of child criminal exploitation - especially when such abuse occurs outside of the family domain (Firmin C. , 2017) (as experienced by Cally, Daniel and Tuan in the previous chapter).

5.3 The Evolution of Theoretical Concepts of Child Abuse

Current knowledge concerning modern slavery and human trafficking has been refined and developed by practitioners and researchers according to their specialist fields (Kalmar & Sternberg, 1988). Thus, praxis emerges that is predicated upon the values and principles of the field from which the developer originates (Pycroft & Bartollas, 2014). Consequently, the available knowledge is uneven and can seem fragmented with no clear, complete or coherent explanation of a phenomenon such as trafficking and criminal exploitation of children in the twenty-first century other than various descriptions of the problem. A theory is required in order to go beyond description and provide explanations, from which a framework emerges for understanding observations, and informing judgements and interventions across disciplines (Coulshed & Orme, 2012). In this section I will discuss the development of existing theories of child abuse, and argue for the need for contributions from other disciplines, particularly criminology, to explain child abuse and exploitation.

Although intentional and unintentional child maltreatment sometimes intersect with the criminal justice system, much of the research and practice theory relating to child welfare and maltreatment emerges from the fields of social work and healthcare. Practice theory reflects the values, attitudes and assumptions of those disciplines (Green & McDermott, 2010; Moore, 1995). The problems have received scant attention from

criminology (Finkelhor, 2008) despite the growing social concern regarding the trafficking and exploitation of children in the contexts of criminal and sexual exploitation, forced labour, domestic servitude, early and forced marriage, radicalisation and female genital mutilation. This is surprising given the amount of data that identifies the correlation between a child's exposure to violence and criminality (e.g. within the family context and gang-affected communities), together with the impact on them of other environmental stressors, and the development of patterns of anti-social behaviour and offending over the life course (Cottrell-Boyce, 2013; Felitti, et al., 1998; Finch, 2009; Knowlsely Council, 2015; Kleemans & de Poot, 2008; Schneider & Schneider, 2008).

Criminal exploitation has tended to be described as a category of child abuse in and of itself (Knowlsely Council, 2015; Cooper, Hesketh, Ellis, & Fair, 2017). It is, however, ill-defined and difficult for practitioners to identify or provide evidence for (Haughey, 2016; Haughey, 2017). Criminal exploitation does not exist in isolation; it represents an array of behaviours that may be intentional, or unintentional but reckless regarding the wellbeing of the child. What brings these behaviours under the umbrella of child abuse, maltreatment and neglect is the fact that they result in some measurable degree of harm to a child, although the measures that are applied can be vague – even, at times, apparently arbitrary (see the definition of harm within the Children Act 1989 discussed in Chapter 3). The evolutionary pathway of these definitions, like the definitions of slavery, reflects changing social values over time, which in turn trigger theoretical development, political action and statutory reform.

Following the death of Dennis O'Neill in 1945 on and through to the 1970s and early 1980s, practice concepts of child abuse remained somewhat limited to physical abuse and neglect, which can be difficult to quantify and prove as the causal pathway of intentional harms. In 1962 a groundbreaking work by Dr C. Henry Kempe and his colleagues resulted in a framework by which doctors and social workers could objectively measure physical harms as a consequence of “non-accidental injury” (Kempe, Silverman, Steele, Droegemuller, & Silver, 1985). Kempe's

Battered Child Syndrome established a medical model of child abuse and situated the problem with the parent (usually the mother) or carer. Kempe also hints at a historical context to the abuse of infants and toddlers suggesting that in some cases, abusive parents had themselves experienced abusive parenting. Nevertheless, they go on to say

Beating of children, however, is not confined to people with psychopathic personality or of borderline socio-economic status. It also occurs among people with good education and stable financial background. However, from scant data that are available it would appear that in these cases too, there is a defect in character structure which allows aggressive impulses to be expressed too freely

(Kempe, Silverman, Steele, Droegemuller, & Silver, 1985)

Kempe and his team recognised that physical abuse of children is not a uniform phenomenon with a single set of causal factors but is multi-dimensional. The great contribution that Kempe made was to provide an account of the non-accidental injury of children, caused through acts of commission such as shaking a child, twisting a limb or hitting a child, and acts of omission (neglect) such as failure to seek medical treatment for an injury (even if the injury was initially caused by an accidental event). The Battered Child Syndrome remains empirically informed and scientific. Crucially however, it does not indicate why the injuries occurred but only how. This is still important knowledge for investigators, prosecutors and safeguarding practitioners. It helps to inform judgments and decisions about whether to intervene (e.g. remove a child), arrest and prosecute a perpetrator or instigate monitoring and management measures. However, the obvious limitation of the model is that it helps to explain only one aspect of a specific event in terms of its consequences and the mechanical processes involved. The model does not - nor has it ever claimed to - explain the causes of the effects i.e. the triggers of the process that led to the injury. Whilst non-accidental injury described by Kempe represented a conceptual advance in understanding child abuse, it did

not address questions of motivation to violence, and therefore could only inform professional responses after violence had occurred, rather than develop strategies to for its prevention.

This neglect of motivation for child abuse in general, and child criminal exploitation specifically, remains a substantial impairment to understanding and explaining the phenomenon. It is only possible to make sense of any pattern or display of behaviour by recognising the goals or objectives that the behaviour serves. It is the congruence of goals of both child and perpetrator that motivates and defines both the relationship between the abuser and the abused, the exploiter and the exploited, and the nature and pattern of the abuse, the exploitation that occurs, and ultimately the gains and losses or harm that result from it.

5.4 Motivation to Abuse Children – Multiple Causal Pathways

Whilst still focusing on intra-familial violence to children, Gil (1971) sought to explore the many possible contrasting causal factors which may precipitate physical abuse. To this end he developed a fourteen-item typology of physical abuse. Whilst acknowledging that the typology of abuse is crude, it illustrated his argument that child abuse is not confined to the family context but is endemic within [American] society where

Culturally sanctioned and patterned use of physical force in child rearing seems to constitute the basic causal dimension of all violence against children...it does not explain many specific aspects of the phenomenon

(Gil, 1971)

Gil's typology, for all its crudeness, establishes some important points to consider in relation to child abuse in general that are also relevant to the exploitation of children. He raises the challenging concept of a

“child-induced or child-provoked abuse”²². This indicates that to whatever degree, the child’s actions and interactions with the abuser are an element in the configuration of the abuse event.

Although Gil’s typology is ostensibly of physical violence against children, he identifies the interplay - some causal, some consequential - with other modalities of child maltreatment such as neglect, emotional abuse and sexual abuse. He also identifies environmental factors that are conducive to violence against a child occurring such as situational pressures upon the parent, problems in the relationship between the parents, and wider societal and cultural attitudes (i.e. that condone or collude with, or otherwise neutralise, violence against children as a normal part of family and social life).

Gil’s analysis and typology has resonances with some key concepts in criminology as he describes a triad that comprises the likely perpetrator of violence (a person within the household who is probably, but not necessarily, the parent or carer), the suitable target for violence (the child), and the absence of a capable guardian or protector against the violence occurring (non-abusing adult).

This is consistent with Felson and Cohen’s Routine Activities / Lifestyles Theory, an ecological model of crime (Felson & Cohen, 1980). Felson and Cohen’s ecological model deliberately ignores offender motivation, taking as a given that crime will only occur at the nexus point of a suitable target and motivated offender in a situation where, and at a time when, there is no effective guardian against the crime. Felson’s model has been highly influential with respect to property crime and some predatory violent crimes such as robbery. Only recently has it been applied to the child abuse (specifically peer-on-peer abuse and extra-familial abuse or crime against older children and adolescents) with the Contextual Safeguarding Approach (Firmin

²² Type 3 in Gil’s Typology “Persistent behavioural atypicality of the child e.g. hyperactivity, high annoyance potential etc.” Such cases are described by Gil as “Child initiated” or “Child Provoked” abuse. This typology is also associated with the misconduct of the child (Type 1 “Disciplinary Action by caretakers who respond with uncontrolled anger to real or perceived misconduct of the child”).

C. , 2017) . The model has a logical appeal, particularly concerning “opportunistic” acquisitive crime, even without a closer examination of motivation. Whilst it has some value in describing and explaining a context to child exploitation, not least the patterns of behaviour (routine activities) that introduce the victim to the offender (and vice versa) it is hobbled by its failure to address the complexity of motivation in abusive and exploitative relationships.

Abuse, in whatever form, is the exertion of power over the child, who is less likely than an adult to be able to resist such an exertion of power (Dailey, 1979). Implicit in Gil’s typology is an imbalance of power in the adult-child relationship and a frequent subordination of the needs of the child to those of the adult: in this typology, violent abuse of the child occurs either as an expression of anger, power assertion, power reassurance or sadism. These limited types as descriptors of violence against children offer tantalising suggestions of motivating factors that drive the violent and abusive behaviour that resonate with Groth’s work on sexual violence which conceptualised rape as a complex, multi-dimensional and multi-determined act thus:

It serves a number of psychological aims and purposes.

Whatever other needs and factors operate in the commission of such an offense, however, we have found the components of anger, power, and sexuality always present and prominent. Moreover, in our experience, we find that either anger or power is the dominant component and that rape, rather than being primarily an expression of sexual desire, is, in fact, the use of sexuality to express these issues of power and anger. Rape, then, is a pseudosexual act, a pattern of sexual behaviour that is concerned much more with status, hostility, control, and dominance than with sensual pleasure or sexual satisfaction. It is behaviour in the primary service of non-sexual needs.

(Groth & Birnbaum, 1979)

Gil’s typology illustrates how violence used against children is a similarly multi-dimensional and multi-determined pattern of behaviour. Whilst the motivation for such behaviour (what the perpetrator is trying to achieve by

way of violence) is still not adequately addressed by Gil, he, like Felson and Cohen, drew attention to interpersonal and environmental elements that shape and influence the nature and degree of the violent event.

If motivation refers to that which the perpetrator is trying to achieve (their goal, the needs they are trying to meet) the behaviour (e.g. violence or threats) must be considered by the offender to have some utility in achieving the motivating goals. Timothy Dailey (1979) criticised theories of child abuse for their inability to explain the utility of violence for parents. A supporter of Gil's work, Dailey developed a theory to show that necessary conditions for child abuse are the near total power of adults over children, the lack of institutionalised alternatives for conflict resolution, and the low social status of children. He argues that this structure of adult-child relations in society, paralleled by the structure of legal and educational institutions for children, is conducive to the abuse of children i.e. it makes child abuse and exploitation possible.

Whilst there are similarities with ecological models of crime here, there are important conceptual differences. Dailey emphasises the utility of violence against children for adults who superordinate their needs over those of their children. Violence is expedient in its immediate availability to the perpetrator and its impact. Once violence is an established pattern for the expression of power and dominance, even the mere threat of violence is effective in achieving compliance in a target that is unable to resist. One effect of such violence upon the targeted child is that the child adjusts their behaviour and decision making to avoid violent sanction, pain, injury or even death (as discussed in the previous chapter).

A perpetrator of violence who has no need to fear retaliation can resort to violence because it results in the immediate gratification of the immediate demand for compliance through pain and fear. So far, this is a recognition of the situational aspects of violence against children and the rapid assessment of the cost benefit analysis for the use of violence to satisfy the demand for compliance. Dailey's analysis at this stage describes a plausible sequence of rational decision-making, on the part of both perpetrator and victim, about the costs and benefits from both perspectives

regarding the violent act. Where Dailey departs helpfully from theorists such as Felson and Cohen, and from an “abiographical” account of the “rational choice actor” (O'Malley, 2013), is in identifying an additional utility of violence for the perpetrator: the physical evidence of authority which meets the perpetrator's *need* to see his or her self, and to have the child see them, as authoritative and in charge (Dailey, 1979, emphasis added). The nature of the violent act is an expression of power that represents the perpetrator's need for dominance and control of the situation in which they and the child co-exist and interact.

Whilst Felson and Cohen emphasise the absence of an effective guardian against violent or predatory crime, Dailey argues that relational and social structures where there are very few specific boundaries to the authority of the superordinate, no truly effective conflict resolution mechanisms, and where the subordinate is assigned a status of extensive dependence, are in fact conditions that are conducive to a pattern of child abuse (and therefore exploitation).

Milner, for the purposes of development of the Child Abuse Potential (CAP) Inventory also focused upon physical child abuse (Milner, 1986) to identify factors that may increase the likelihood of child abuse, maltreatment and neglect occurring in the family context. It provided support for both psychiatric and interactional models indicating that elements of both models are salient when describing and also when predicting child abuse i.e. both personality traits and interpersonal problems appear to have reciprocal relationships suggesting a constellation of psychological and interpersonal characteristics that cause harm to a child (Milner, 1986).

Whilst this discussion so far has concentrated upon physical violence and neglect, it is also true that, as Groth's work suggests, the same issues of complex multifactorial motivations apply to child sexual abuse (Ward & Siegert, 2002; Finkelhor, Araji, Browne, Peters, & Wyatt, 1986) and to psychological and emotional abuse (Hart, Brassard, Bingelli, & Davidson, 2002). Though commonly listed as discrete categories of abuse, these terms refer to complex patterns of behaviour which, in aggregate, are

recognised as different configurations or sets of behaviour that result in different manifestations of harm to a child. Therefore, to assume that the criminal exploitation of children is motivated simply by material gain is overly simplistic. The characteristics of the child define how and why they are selected by a suitably motivated offender or group of offenders. The relevance of these characteristics is determined by the needs, desires and objectives that motivate the offender's behaviour (Finkelhor, 2008).

5.5 The Child as Suitable Target

In moving beyond family life as the primary focus of investigation of child abuse, Finkelhor (2008) made a valuable contribution with "Childhood Victimization: Violence, Crime and Abuse in the Lives of Young People" noting that few studies ask about a broad, comprehensive range of victimisations including child maltreatment, conventional crime, and exposure to family - and community-based violence and criminality. He identifies juveniles as one of the most highly victimised segments of the population who, whilst suffering the same high rates of crimes and violence as adults, also suffer victimisations that are specific to childhood (this claim is supported by (Beckett & Warrington, *Suffering in Silence: children and unreported crim*, 2014). Such victimisations have particularly harsh consequences for children in terms of impact upon normal development (including personality formation, mental health consequences, impact upon education (Bagley & King, 1990; Dwivedi & Harper, 2004), impact upon long term physical health (Felitti, et al., 1998)) and is strongly implicated in the development of delinquent and anti-social and risk-taking behaviours.

The power assertive / power reassurance utility of child abuse and maltreatment is reinforced by societal and cultural attitudes towards children and childhood, by which children are not recognised as competent to be wholly self-determining until adulthood. This means that children do not enjoy the same rights and freedoms as adults and may be subjected to sanctioned coercive practices such as physical chastisement. Therefore, although the aims of perpetrators of child abuse are clearly different from

those agencies who aim to protect children, there is an unrecognised intersection of values, attitudes and behaviours that interact to reinforce this dependency both at the child-perpetrator micro-systemic level, the exosystemic level of the child's community (including education and welfare services) and the societal macro-systemic level. Thus, violence ensures that the child is compliant with the aggressor's demands and simultaneously reinforces dependence of the child (or curtails opportunities to gain competence and independence that would enable the child to better self-protect). This means that once entrapped within an abusive relationship the child may perceive that they have no way of changing their circumstances. They have no option other than compliance or submission to the holder of the greater power and authority in the relationship. As Gil's and Dailey's work suggests, it is this dependency that is reinforced and exploited by abusers.

The nature of the abuse is likely to vary depending on the degree of dependence experienced or expressed by the child (younger children are more physically dependent and unable to self-protect, older children are less dependent with greater potential to self-protect or resist). Finkelhor (2008) characterises this as "developmental victimisation". The creation of categories of abuse including child sexual exploitation, criminal exploitation of children, trafficking, and forced labour, risk invoking an assumption that they are referring to a single type of abuse (albeit repeated frequently and systematically over time) which may be and conceptualised as a specific stressful or traumatic event. As the case studies in Chapter 2 (Operation Golf, Christopher, and the Knowsley JSNA) and in Chapter 4 (Daniel, Tuan and Cally) demonstrate, many children that have been subjected to trafficking and exploitation have been subjected to a variety of abuses within the context of the exploitative relationship and have suffered a range of adversities prior to the exploitation, including other forms of child abuse and neglect. Finkelhor refers to this as "poly-victimisation", by which multiple, intersecting adversities have impacts upon the child that last far beyond any single stressful event (Felitti, et al.,

1998)²³. Finkelhor (1986 and 2008) therefore suggests that, for some children, abuse, maltreatment and neglect is more of a condition (a chronic, stable ongoing process) rather than an event (acute and time limited). This suggestion is supported by Douglass, Hart, Webster and Belfrage (2013), Hart, Kropp and Laws (2003) and Desai, Arias, Thompson and Basile (2002) who have linked traumatic childhood experiences including abuse, neglect and exposure to domestic violence, to life course re-victimisation and/or transition to the role of perpetrator of abuse and violence. Furthermore Radford et al. supported Finkelhor's concept of "developmental victimisation", finding that risks for abuse and maltreatment expand during a child's life-course from the risk of harm predominantly from parents and caregivers, to also include different types of perpetrators outside of the home and in non-familial relationships (Radford, et al.). Thus, I have concluded that some children that are targeted for criminal exploitation, and the perpetrators of such exploitation, may emerge from similar backgrounds with shared experiences of adversity (such as poverty, marginalisation, abuse, maltreatment and neglect). This may also account for why, in some cases of criminal exploitation such as Cally's, a child may have been both subject to criminal exploitation and also become a perpetrator of exploitation, possibly even fulfilling both roles simultaneously.

Though literature in this area is scant there are data to support this conclusion. It has been well established by several authors that personal and violent crime is committed by individuals that are known to the victim, a fact that is neglected within most of the routine activity theory research, which does not account for the relationship between victims and perpetrators (Mustaine & Tewksbury, 2000). The case studies in Chapters 2 and 4 indicated that violence was a characteristic of criminal exploitation, though in varying degrees depending upon the context of the exploitation and the relationship between exploiters and the children.

²³ See the original Adverse Childhood Events (ACE) Study in the U.S. (Felitti, et al., 1998) and the UK Public Health Institute's investigation into the association between ACEs (such as abuse, neglect and dysfunctional home environments) and the development of a wide range of harmful behaviours including smoking, harmful alcohol use, drug use, risky sexual behaviour, violence and crime **Invalid source specified.**

Mustaine and Tewksbury (2000) found that violent crime and assault were more common in relationships where the perpetrator was familiar to the victim, occurring in highly charged settings. This seems consistent with Gill's Physical Violence Typology in family contexts and may partially explain the high levels of violence reported in many trafficking and exploitative contexts.

In her assessment of convicted traffickers (not specifically for criminal exploitation) Broad (2018) identified how traffickers and those trafficked for exploitation often shared similar starting points. People become vulnerable to trafficking and exploitation because of social restrictions based upon their backgrounds and experiences. The paucity of available options means that those who are ultimately subjected to abuse and exploitation turn to illegitimate means to meet their basic needs in restricted circumstances (e.g. Roma people in Europe turning either to the Kamatari moneylenders or to begging and street-crime). Her findings suggest that one pathway to becoming a perpetrator starts in similar circumstances to that of becoming a victim i.e. there is a bifurcation point where someone may become a trafficker and exploiter or become trafficked and exploited. The transition from victim to perpetrator occurs as a response to the predicament, being the adoption of predatory solutions (Broad, 2018). This evolution was demonstrated by Cally who, having been recruited *to* the gang becomes a recruiter *for* the gang. This may also account for the criminal exploitation of children by immediate and extended family members.

5.6 The Complexity of Abusive Relationships

The overlap of contexts from which both perpetrators and targets emerge creates an intriguing and extremely complex context for patterns of exploitation. The systemic approach to human and social development provides explanations for variation or difference between the developmental pathways of individuals and for which influences upon development are in the individual's control and which are not. Bronfenbrenner (1979) emphasised the relational importance between the

biological aspect of development and the ecology of the environment in which the individual is situated. The key concept that forms the ecological development model is the embedded nature of social systems to explain how the community and culture are as influential upon development as the immediate family environment. Bronfenbrenner's theory was that while each of these systems can all impact individually on the person, they also can impact in unison upon them. The individual has control over the events in their micro-system, but the exosystem and macrosystem are beyond their control. Bronfenbrenner's theory explains how each system is vital for human and social development and from that, how real-life events can be related back to a system or multiple systems.

Belsky's (1980) important contribution was to take Bronfenbrenner's model and integrate aetiological models of child abuse, maltreatment and neglect such as psychological disturbance in parents (acknowledged by Kempe and Gil), abuse-eliciting characteristics of children (as posited by Gil and latterly Finkelhor), dysfunctional patterns of family interaction, stress-inducing social forces, and abuse-promoting cultural values (emphasised by Gil, Dailey and recently Finkelhor). Belsky demonstrated how child abuse could be conceptualised as a social-psychological phenomenon that is determined by multiple forces at work in the individual (ontogenic development) and the family (the micro-system), as well as in the community (the exosystem) and the culture (the macrosystem) in which both the individual and the family are embedded (Belsky, 1980).

Despite the important contribution to understanding child welfare and child maltreatment in terms of the relationship between biological development of human beings and the influence of environmental factors, this ecological model has certain important limitations in its premise that child abuse is a consequence of a sequence of events over time (a Newtonian pathway of linear cause and effect: *if... then...*) (Byrne & Callaghan, 2014). Surprisingly, whilst acknowledging the influence of historical events and experiences upon parenting capacity, and the potential contribution to child maltreatment, Belsky's (1980) attempt to integrate aetiological viewpoints into the systemic model of safeguarding

still failed to clearly identify *causes* of child abuse. This has left practitioners with an ever-increasing range of abuse categories (HM Government, 2015), lists of risk and resilience factors, and potential environmental stressors, but no explanation of how or why these factors relate to each other and result in systematic abuse of, and injury to, a child.

Criminal exploitation is a macro-state pattern comprised of numerous interacting microstates within the child-perpetrator system and an environment that is conducive to child abuse and exploitation.

Whilst a General Systems theory of child abuse helps to situate the phenomenon in the wider context of a child's environment (rather than with the child or the family alone), it neglects the internal motivations and decision making of people - the actors who contribute to the pattern of behaviour that ultimately causes harm to the child. Systemic professional practice risks "over-contextualising" (Merkel & Searight, 1992) children and their families by "nesting" them as a family system within wider community and social systems (Forrester, et al., 2013). Whilst it may contribute to a sense of wholeness in evaluating the problem, what may be termed as attempting to take in the "big picture" (Fitzgeralds, 1999); it tends to reduce individual people to one-dimensional units, ignoring the differences in subjective experiences, motivations or personal values and how this relates to individual agency. Furthermore, whilst general systems theory has explained the "needs of a system" in order to maintain stability over time, it has ignored the needs of the individual and therefore the roles that these needs have in triggering adaptation and change within systems (Merkel & Searight, 1992).

This is not to decry the important contribution that systems theory might offer to an understanding of CCE, but they are significant limitations that need to be resolved in order to explain what CCE is and how it is maintained given its varied patterns and contexts. This is important given that it is enjoying a resurgence since the Munroe Report (Munroe, 2011) as the primary theoretical foundation of social work practice (Forrester, et al., 2013). Since the Laming enquiry into the Death of Victoria Climbié, child safeguarding policy has emphasised the necessity of joint agency

working. This has been challenging however; whilst safeguarding systems and structures, based upon policies of inter-agency working aim to bring together professionals with specialist expertise, working across boundaries, roles, and remits can be difficult for practitioners precisely because they—and their agencies—have been encouraged to specialise (Hood, Gillespie, & Davies, 2016)

A theory for CCE therefore must accommodate cross disciplinary theories and traditions in order to provide a common framework for understanding and a shared language for communication which simultaneously enables professionals to fulfil their roles and duties.

Systems theory may not offer an explanation of the causes of child abuse, and therefore cannot on its own explain CCE. It does however emphasise the importance of relationships between a child, their family and their environment in terms of bi-directional stimulus response interactions (feedback loops). The nesting of systems within systems, rather like a set of Russian dolls, tends to nevertheless fall back on Newtonian principles of linear causality. This does not explain why CCE occurs nor its diverse manifestations and varied contexts (Hassett & Stevens, 2014) as illustrated by the case selected case studies. It also negates the child's role i.e. their agency, autonomy and their decision making, rendering them a passive object to whom CCE is done rather than CCE emerging from a series of interactions and exchanges between the child and their exploiter (Beckett & Warrington, 2014; Beckett, Holmes, & Walker, 2017; Ballet, et al., 2002)

If CCE emerges as various patterns of behaviour or events that result from interactions between diverse children and exploiters within different contexts, it is perhaps unsurprising that it has been so difficult to define. The problems of definition are reflective of the complexity and adaptability of the phenomenon. As such, a single explanatory model such as Systems Theory may be too reductive. It also lacks the ability to be accessible to professionals from different disciplinary backgrounds and training.

Using complexity theory to frame CCE as a problem that emerges from the interaction between complex adaptive systems (namely the child, the exploiter(s) and the environment) can overcome these limitations (Hassett & Stevens, 2014). Complexity itself may be described as theory neutral in that it accommodates other theoretical positions and principles in order to analyse and explain complex adaptive systems such as CCE (Pycroft & Bartollas, 2014). Complexity theory combined with evolutionary theory may therefore offer an important contribution to understanding the aetiology, dynamics and causation of complex social problems such as CCE. When integrated with criminological theory, theories of human development, and motivational, forensic and social psychology, they can provide an explanatory theory of child criminal exploitation (Green & McDermott, 2010; van der Watt & van der Westhuizen, 2017). The Circles of Analysis is a theory-knitting approach to the formulation of a theoretical model, that explains criminal exploitation as emerging from the relationship between the targeted child and the exploiter – a relationship that is motivated, or driven by, a congruence of needs of both agents.

5.7 The Circles of Analysis Theoretical Model: An explanation of criminal exploitation as a complex adaptive system

Complex systems theory emphasises the interactions between elements of a system and the environment in which it exists. A detailed explanation of complexity theory in relation to social sciences is provided by Byrne and Callaghan (2014) and Pycroft and Bartollas (2014) both of which have informed the development of this theory of criminal exploitation. Complexity theory advances traditional systems theory by explaining that there are agents of a system who behave in ways that affect one another, all of which behaviour occurs in an environmental context, and all of which is subject to change at a given moment.

According to complexity theory, a system is built upon structures that self-organise by interacting with their environments. They are flexible and adaptive in changing circumstances and can transform small scale (micro-

state) irregularities into large scale (macro-state) patterns. This makes them robust and resilient over time (Hassett & Stevens, 2014) .

The Circles of Analysis model represents the pattern of criminal exploitation as emerging from the interactions between the child that is a suitable target for exploitation and their environment, the motivated exploiter and their environment, and the interactions (relationship) between the targeted child and the motivated exploiter (Jennings , 2014). This is the first step in the development of the Circles of Analysis. the circles represent each complex system: the child, the exploiter and the environment. The circles and their intersections are illustrated below.

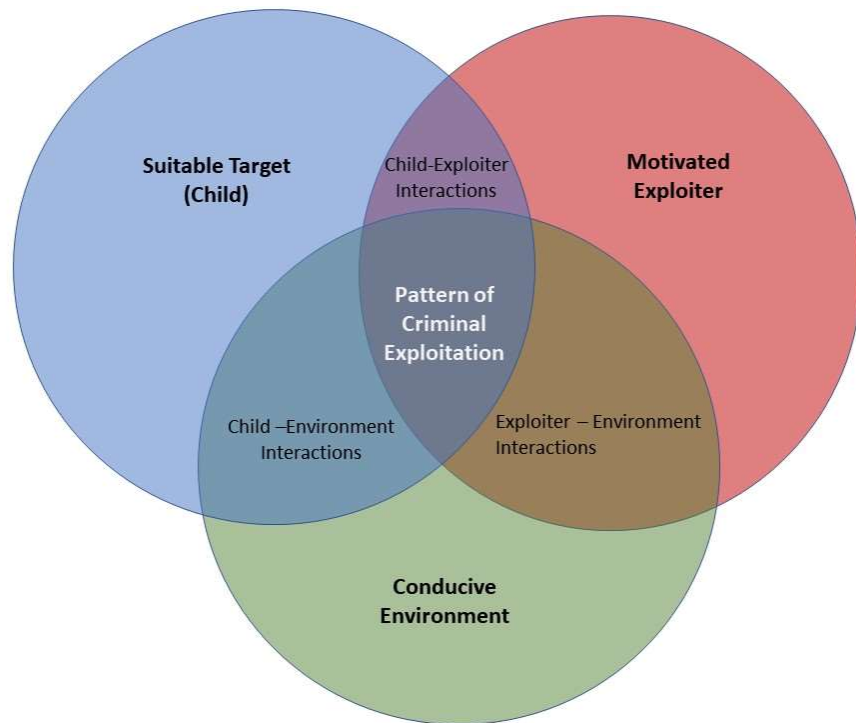


FIG 4: *The Circles of Analysis*

5.8 The Logic of the Circles of Analysis

A system comprises a set of components. These components are organised in such a way as to create a series of mechanisms that produce, through their interaction, a result. This result may be deliberate (which is to say an intended purpose or goal), or it may be the unintended and unexpected outcome that is a product, or consequence, of the system's functioning

(McDermott, 2014). If the output results in the continued smooth running of the system towards its purpose it will continue to function in this way and may even improve by building on experience, gaining confidence and achieving its goals more efficiently. Unintended results may cause negative feedback that threatens or disrupts the smooth running of the system, possibly causing it to break down altogether. Thus, to endure, a system must be able to adapt, reorganise and, if necessary, change its outputs as a response to the disturbances that occur within the system or its environment (McDermott, 2014).

The arrangement of the circles is an adaptation of Felson and Cohen's Routine Activities Theory (discussed on page 18). In this new model, the circles represent three complex adaptive systems: The Suitable Target, the Motivated Offender and the Conducive Environment. The model posits criminal exploitation of children as a non-linear pattern (Byrne & Callaghan, 2014) that emerges from the interaction between the circles, represented at their intersection. The pattern of criminal exploitation cannot be understood or predicted by examining circles in isolation from each other, nor by seeking linear causal pathways, but as resulting logically from multiple antecedents, interactions and outputs that emerge at the intersections of each circle. Criminal exploitation is an emergent pattern of behaviour that results from the interaction between children that are suitable targets for exploitation and other agents that are motivated to exploit a child. However, the pattern cannot be predicted only from identifying the behaviour and characteristics of the child or the perpetrator but as an aggregate of characteristics of the child as a complex adaptive system, characteristics of the perpetrator as a complex adaptive system and the characteristics of the environment from which they both emerge and in which the child and perpetrators both exist (Jennings , 2014).

The context in which they both exist is the current macro-state in the evolution of the system at a specific point in time (e.g. the present). It exists between one stable set of states and another i.e. a past state and a future state. As a system evolves through its interaction with other systems within its environment it becomes more complex (Pycroft & Bartollas, 2014). Logically, this means that the macro-states in which the child and

the perpetrator have existed in the past have been different but have influenced the pattern of the current state. This means that the macro-state will be different again in the future, depending upon the effects of different disturbances within the system (context in which the criminal exploitation is occurring) and the micro-states of the agents that interact within the exploitative context.

Thus, the Circles of Analysis model emphasises that criminal exploitation of children is placed upon both a temporal and developmental continuum (Hart, Kropp, & Laws, 2003) of complexity that may be exemplified by the degrees of organisation diagram in Chapter 4. The degrees of organisation (Fig.2) can also be placed upon a continuum of complexity along which systems that produce a pattern of child criminal exploitation and the circles of analysis provide a realistic, multi-dimensional framework for the examination of criminal exploitation of children in whatever form or pattern it takes.

5.8.1 The Blue and Red Circles: Suitable Targets and Motivated Perpetrators

The elements, or components, of a system organise themselves to achieve a goal or set of goals (Wulczyn, et al., 2010). These goals represent the *raison d'être* of the system, they are the motivations that drive it. The interactions between elements mutually reinforce the purpose, processes, goals and boundaries of the system from which the phenomenon emerges.

The behaviours of the system are a reaction to a combination of internal stimuli (biological, emotional, and psychological) and external stimuli (environmental, economic and social). The behaviours act as mechanisms, the function of which is to maintain the equilibrium of the system. Changes within the system, or the environment in which it exists, act as the stimuli that drive or inhibit behaviour in the interests of maintaining equilibrium and achieving a single steady state or set of states.

Environmental variables shape the way in which a system is organised and operates (Wulczyn, et al., 2010). How the system responds to the presence

or absence of these variables will depend upon the characteristics of the system itself. As the system adapts its operation to its environment, the system inevitably creates changes to its environment also (Byrne & Callaghan, 2014). Thus, a complex adaptive system maintains itself through an evolutionary process of mutual adaptation.

As well as adapting to, and causing changes within, the environment in which the system exists, it will interact with other systems, either competitively or co-operatively, to achieve its desired outcomes. This requires a certain congruity of goals between systems if they are to co-operate. If there is no congruity of goals the interaction between the systems will become competitive. In these circumstances the dominant system will deflect, neutralise or absorb the subordinate system (Jennings, 2014). Nevertheless, the subordinate system is likely to be attracted towards engagement with the dominant system if there remains a perceived congruence of goals and the if the risks of engagement with this system are perceived or experienced as less harmful than engagement with other competing systems (e.g. an abusive relationship may still meet some basic needs such as food and shelter - despite the abuse of power within this relationship, disengagement from it may be perceived as more dangerous or costly than remaining). In the context of criminal exploitation of children, a child may not trust law enforcement and protective agencies to be able to accommodate and safeguard them. They may deflect the intended protection promised by the child safeguarding or criminal justice systems, opting to self-protect by absconding or returning to the motivated exploiter.

The congruity of goals between co-operative systems adds to the complexity and the associated difficulties in defining and describing a phenomenon. The congruity of goals does not mean that two systems that co-operate share the same goals, only that there is a synergy between them in so far as each assists the other in attaining their desired outcomes through their interactions.

Exploited children and motivated exploiters must therefore share an environment that is conducive to the exploitation. However, not all

children in that environment will be targeted for exploitation. The tendency has been to identify children at risk of exploitation in terms of vulnerability, and as a result, lists of vulnerability and risks factors abound in policy and guidance documents. Such lists appear to be objective and empirical and are drawn from the histories of children that have been trafficked and exploited. However, their predictive value is negligible as these factors are present among most of the children that are known to child protective agencies, which is to say that they are lists of similarities that exist among these children.

There are correlations between these vulnerability factors or characteristics and incidents of exploitation, but they are not causal factors, nor are they predictive. The predictive factors are those that are *different* (Byrne & Callaghan, 2014), those that make a child a more suitable target for certain modes of exploitation by certain perpetrators with particular goals. The predictive factors are those that indicate congruity between the wishes and needs (goals) of the child and those of the exploiter. This congruity is what attracts both child and exploiter to each other and creates the foundation of the Child–Exploiter microsystem from which may emerge a pattern of criminal exploitation (Jennings , 2014).

5.8.2 Mutual Needs and Goals: The Mechanisms That Draw the Child and Exploiter Together

The common assumption within the discourse of criminal exploitation of children is the exploitation is motivated entirely by profit. Whilst large-scale cases such as Operation Golf demonstrate the potential earnings that can be made by organised crime groups, more often (and depending on the degrees of organisation), the material gains are modest and may only be so much as is required to make a living given constraints upon opportunities for legitimate employment and gain (Broad, 2018).

Human motivation is, according to Abraham Maslow (2012), driven by biological, psychological, emotional and social needs. These needs are the

stimuli that drive or inhibit behaviour with the aim of gratifying or satiating the need. The goal state (in which needs are met and stabilised) is what serves to attract motivated perpetrators towards suitable targets for exploitation, and targets are similarly attracted towards exploiters who appear to be able to facilitate the achievement of their own goal state.

Focusing on illegal drugs, Schneider and Schneider (2008) discussed the interface between criminally exploitative enterprises and street gangs, explaining that while these are often conflated, they have discrete roots and motivations. Youth and street-gangs are attributed to the multiple marginalisations of poor modern youth: being constrained to live in poor housing in ill-serviced neighbourhoods where there is a lack of work and opportunity (Schneider & Schneider, 2008; Finch, 2009); feelings of hopelessness; neighbourhoods that may be violent and disorganised; and, for young women, the common burden of childcare responsibilities and subordination to men (Miller, 2009).

The formation of street gangs may occur as a congruence of needs of the young people forming the group, for example the need for physical safety (protection against being targeted for crime), and affiliation (a sense of identity and belonging). Schneider and Schneider state that “perhaps 10% of impoverished youth join street gangs of some form” and that a percentage become “energised as ‘crazy’ heroes of these formations.” This suggests that whilst gang membership offers affiliation there is also the opportunity to gain kudos and status within such groups (Cottrell-Boyce, 2013).

Though gang life offers affiliation to marginalised youth, gangs tend also to exist at the margins of society (Knowlsey Council, 2015), where activities of the gang revolve around livelihood and socialising and involve such activities as

Banter and gossip, their entertainment value raised by drinking beer, smoking dope, sniffing glue, throwing dice – also by consuming the images, music, and dance of transnational celebrity gangstas [sic].

(Schneider & Schneider, 2008).

Membership of a gang tends to exacerbate a young person's marginalisation from general society the more they become identified with gangs and anti-social behaviour (Knowlsey Council, 2015). This reduces their social environment to the gang context alone, which is more conducive to criminal activity and exploitation. Here criminal activity maintains the group but also tests loyalty to the group (Densley, 2012), for example crimes and acts of violence are expected to protect the group, territory and earn respect.

In established groups, a desire to join does not guarantee acceptance into the group but may give rise to congruence of goals. A person wants to join the group and is instructed to commit crime or violence as an initiation rite: the result is that the applicant is granted admission but is then bound to the group who have the power to reject or denounce the applicant to the authorities or rival groups.

Youth and street gangs have a limited life cycle; they have been found to be disorganised (Bennett & Holloway, 2004), lacking stable leadership which is either absent or at best incipient and related to age (Schneider & Schneider, 2008). They coalesce and dissipate over time. However, they are of value to established organised crime groups because they represent a pool of malleable labour and entrepreneurial talent in neighbourhoods that are potential market places (Schneider & Schneider, 2008). The organised crime groups thrive on setting up retail opportunities in the territories of street gangs. The organised drug gangs have the money, resources and apparent lifestyle to which gang-involved youths may aspire. From here emerges another congruence of goals between the drug gang, the street gang and maybe individual members of the street gang and people living in the neighbourhood.

Overt displays of wealth and acts of apparent generosity establish members of drug gangs as romantic Robin Hood type benefactors supporting their community, members of which are then more likely to collude with the criminality as it becomes a part of the local economy (Densley, 2012; Shelley, 2010). Simultaneously however, weapons, drugs and other criminal resources are trafficked into neighbourhoods and used

by the street gangs who perceive the need for protection and gaining respect. This leads to escalations in violence between and within gangs as struggles for control and dominance emerge. The drug gangs are the dominant power, able to exert control over the street gang to develop markets, with severe penalties for failure. To meet the demands of the drug gang, the street gang must become ever more cynical and ruthless in its recruitment and control of younger or junior members, in increasingly charged contexts.

Among the case studies in Chapter 4, Cally's pathway into exploitation was influenced by her desire to join a gang (or her need for affiliation). This made her malleable or suggestible to the influence of older or senior members of the gang (Cally refers to them as "Olders"). By contrast, Daniel does not appear to have followed this pathway to exploitation but instead aspired to the conspicuous wealth of the drug dealers. His need for kudos and status made him suggestible and easy to recruit through deception, which was maintained through debt bondage.

It is not known how Tuan was initially recruited to work in the first grow-house where he was found during the police raid, though there is ample data indicating common recruitment patterns in Vietnam which often begin with the offer of employment and a better life abroad (CEOP and The British Embassy, Hanoi, 2011), and, according to RACE in Europe, recruiters are often better educated and more articulate than those they target (Brotherton & Waters, 2013). Tuan was re-recruited after he became separated from his foster carers by a man who spoke his language and offered him safety and assistance to return to his foster placement.

In each of these examples there is a congruence between the goals of the exploiters and those of the exploited, but it is the exploiters that have the greater power and knowledge to control the relationships and they use this to increase the dependence of the child upon them. This is the same as the power imbalance that is identified by Dailey (1979) in parental child abuse and explains the decisions and transactions made between the targeted child and the exploiter as a pattern of decisions and actions in response to circumstances, based upon needs and previous experience.

In a family environment in which crime is necessary or is justified, compliance is not only a means of meeting essential basic physical needs, but also a means of gaining approval and affiliation within the family, as discussed in relation to the Roma boy in the case studies of Chapter 4 and by Raman (2000) and Ballet (2002). Law enforcement, criminal justice systems and child welfare services do not adhere to the same values or goals and are perceived as a threat to the stability of the family and possibly the community. The child's needs or goals are congruent with the family needs and goals which compete with the needs and goals of the external agencies. Individuals and families compete through adaptation to the agencies' attempts to intervene through disguised compliance (deception)²⁴, direct resistance, co-operation with other systems that may be licit or illicit, or relocating.

5.8.3 Green Circle: Conducive Environments

How a stable goal state is achieved will be influenced by the narratives that are adopted by agents to make sense of the world and formulate decisions. The Knowsley JSNA Report highlights how many of the children that were known to be subjected to criminal exploitation had grown up in family environments that condone or collude with criminal and anti-social behaviours. In gang-affected communities, children may be exposed to gang members and gang behaviour from a very young age (Densley, 2012). In these contexts, criminal activity or criminal attitudes may be normalised - even aspirational for some youths. Target / Exploiter congruence occurs when there are synergetic goals and plausible narratives that influence the formation of the relationship (e.g. the young person's desire for a better life /the motivated exploiter's offer of opportunities for work abroad; the young person's desire for family-like affiliation / promises of care and protection from gang "Olders" and the

²⁴ Disguised compliance refers to a parent or carer giving the appearance of co-operating with child welfare agencies to avoid raising suspicions, to allay professional concerns and ultimately to diffuse professional intervention. This neutralises the authority of the agencies and enables the family system to return to its status quo.
Invalid source specified.

narrative that social services will ruin the young person’s life as in the case of Cally). On this basis the child’s decision to ally themselves to an exploiter, even when they are aware that the relationship is inherently dangerous, are rational when understood in relation to the perceived alternatives (Elster, 2001).

Human beings are essentially rational actors that make a choice or decision based upon a rapid cost /benefit analysis which is based upon the available information and beliefs of the decision maker (Elster, 2001), but this assertion must be made with certain caveats. As Hodgson, an economist, explains, it is necessary to distinguish between claims that people “maximise manifest payoffs” and claims that people “maximise utility” and argues for the need to focus upon the historically and geographically specific features of socio-economic systems. Failure to understand the social and psychological determinants of behaviour makes traditional rational choice theory limited in dealing with the real world (Hodgson, 2012). Hodgson’s caveats offer an opportunity to adapt rational choice theory by incorporating it into a complexity-based explanatory model.

Rational choice, as summarised by Elster, is informed by the available information. In systems terms, this information is an input or stimulus that triggers an action or reaction. Decision-making itself is an action that is the initial part of a process that will result in an output. Drawing upon principles of cognitive behavioural psychology, this may be summarised in this diagram:

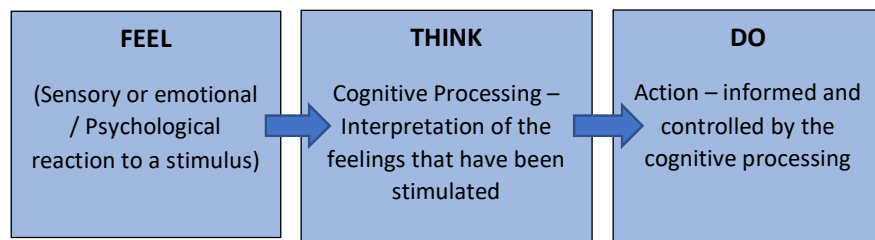


FIG 5: *A Cognitive Behavioural Model of Decision-Making Process*

The information that is available to the decision maker may be large in terms of quantity but questionable in terms of quality as the information is invariably incomplete. The decision-maker may be aware of some of the gaps in their knowledge (known unknowns) but equally may be unaware of the absence of relevant information also (unknown unknowns). Therefore, the decision maker must interpret uncertain and incomplete data but can never have the whole picture, or even a sense of what the whole picture may look like (Byrne & Callaghan, 2014).

To cope with and manage such a state of uncertainty, human beings make decisions based upon this incomplete or limited knowledge which is then measured and interpreted against the decision-maker's experience. This experience comprises

- Personal Experience (subjective)
- Received Experience (communicated through other sources, for example friends, mainstream news and entertainment media, social media, gossip and rumour)

The decision is defined in part by the goals (outcomes) sought by the decision maker. As Broad suggests, those that are targeted for exploitation may face an irresolvable dilemma. This is a point of crisis when prior coping strategies are inadequate and the available options, as perceived by the decision maker, exceed their knowledge and experience. For some this may be the point at which they decide whether to engage in the relationship despite potential risks. In Chapter 2 for instance, Christopher explains how young people may seek affiliation with others, such as *Paco*, aware of the risks but in need of some protection from, or resolution to, other insurmountable difficulties in other areas of their lives. The exploiter may be at a similar decision point at which they must decide whether or not to exploit another person, to resolve, gratify or satiate their need. Exploiters that are motivated to target children for criminal exploitation are going through similar decision-making processes to the target but the inherent risk to them is lower and they have a fuller picture and greater experience than the target (Giambetta, 2009).

Under adverse conditions, human decision-making and behaviour tends to lead to immediate and extreme loss aversion: gains and losses are interpreted by the decision maker based upon their goals or desired outcomes (Jennings , 2014). Consequently, especially when under pressure to act, emotions can interfere with the decision making. If the pressure to act is sufficient, the decision maker may take the “least-worst option” or decide that to meet their immediate needs, a risk is worth taking. Human decision makers face myriad possible outcomes. To make the choice or decision the individual must reduce *all* the possible outcomes to *a sample* of possible outcomes (scenario building). This sample is selected from their own knowledge and experience or on a simplified narrative of how they believe the world should work. Whether or not a decision is considered risky or harmful (and to whom it may be harmful) is greatly influenced by the previous experiences, values and knowledge of the decision maker and their capacity to frame, identify and analyse options (Byrne & Callaghan, 2014; Jennings, 2014; Sykes & Matza, 2013). In other words, it is influenced by their current and historic interactions with the environments from which they have come.

5.8.4 Exploiter and Target: Mutual Visibility and Accessibility

Much of the available guidance on child abuse and exploitation cited in this thesis so far, refers to signs and signals of abuse. The inadequacy of these lists has been discussed but signs and signals can be more usefully differentiated and understood as interactions.

Signals are described by Giambetta as

Any observable features of an agent that are intentionally displayed for the purposes of altering the probability that the receiver assigns to a certain state of affairs or “an event”. This event can be anything. The “features” of an agent that make up a signal can be anything too:

- *His body*
- *His behaviour*

- *His apperturnances*²⁵

Signs, on the other hand, are described by Giambetta (2009) as

the environment that is perceptible and that by being perceived modifies our beliefs about something or someone. They do not require a purposive agent.

(ibid).

A sign can become a signal once action is taken by the signaller to make it overt (i.e. takes deliberate steps to display it because it cannot be taken for granted that signs alone will be noticed}. Signs are thus converted to signals when the signaller realises that they must make explicit the meaning of a sign (e.g. revealing a tattoo).

A person that is identified as a suitable target may not necessarily be aware of the signs that they emit (e.g. an accent or idiolect), until an observer draws attention to it and what it reveals about the speaker. Therefore, many of the signs that are emitted by a person that indicate they may be a suitable target may be unconscious (e.g. language, accent, body language). At times sign production can be more deliberate (e.g. where they choose to hang out, choice of music and associations). Densley (2012) draws attention to how youths that post music videos of themselves on social media, emit signs that indicate their interests, the type of neighbourhood in which they live, their ethnicity, approximate age and aspirations. These deliberate signs communicate to a non-specific, general audience whereas a signal is intended to communicate specific information to an intended receiver.

For a suitable target and a motivated perpetrator of exploitation to engage in a relationship with each other, they must be identifiable to each other. Signalling theory describes a pattern of behaviour when two agents are attracted towards each other due to the possible congruity of goals. Both have needs which must be negotiated to establish and manage the relationship, but each have access to different information, knowledge and experience. One or other agent must decide whether to communicate (or

²⁵ An accessory or other item associated with a particular activity or style of living

signal) that information and also how much of the information to communicate. The receiving agent must decide how to interpret the signal (Connelly, Certo, Ireland, & Reutzel, 2011) and this interpretation may be based upon the identity of the signaller, their trustworthiness and what potential benefits they offer (Giambetta, 2009).

In an exploitative or criminal relationship signalling theory explains under what conditions a signal can be rationally believed by the receiver when the sender has an interest in merely pretending that something is true (Giambetta, 2009). The predatory exploiter can afford to emit specious signals towards the suitable target, implying opportunity, generosity, protection and affection. The costs to the signaller in this instance are minimal, particularly when compared to the benefits they may receive through engaging the target (receiver of the signal). If the predatory exploiter's signal is rejected by the target, they are no worse off than if they had not signalled in the first place. Similarly, if the signal is discovered to be deceitful, the losses to the exploitative signaller are not significant.

The likelihood of the signal being accepted as reliable by the receiver are enhanced if the signaller is already familiar to them, shares some quality such as identity, social history, culture, values and attitudes and is perceived as trustworthy. The suitable target that hopes to gain from a relationship with the motivated exploiter has far more to lose by having their signal misinterpreted or rejected. Their willingness or commitment to the relationship may be tested and encouraged through a variety of formal and informal means (Densley, 2012) or communication exchanges between both agents.

Criminal exploitation unfolds over time. First contact between a child and a criminally-motivated exploiter may be in early childhood, it may be within the family or it may be in the context of crime affected communities, thus suitable targets may have been identified by motivated exploiters long before they have progressed to criminal exploitation. Introduction to an exploiter may have been facilitated by another familiar (peer, family member who may also be criminally connected to the

exploiter). First contact can occur on-line and through social media. Different people will be recruited at different times and for different roles depending on the needs of the motivated exploiter.

In Chapter 2 Paco explains how he can spot potential targets by their signs

Workers, they range from white, black, fat, skinny, young, old, whoever wants to work. They're just out there. They're on the estate, trying to get attention by doing little things. They want to be known, want to be with the big guys. You kind of noticed them as well... You just approach say what; you want to go to the country? He goes yeah, okay. Cool, you start.

Paco identifies the young people in their community environments and notices the ones whose goals may be kudos or affiliation and status by association. Paco is seeking to recruit “workers” to run drugs for him. He knows that potential recruits are easy to find, he already has the status they crave and can afford to send an explicit and unambiguous signal that he can meet their needs. This is a demonstration of the unequal but congruent or synergetic goals.

In the case of the Roma family discussed in Chapter 4, the family share the goals. The boy is trained by his mother in the techniques of begging which also reinforce the family rationales for begging (Ballet, et al., 2002), but the situation of a child begging in the streets is a sign to criminals that the child and his family are marginalised and in desperate need. If the parents approach a Kamatari, they issue a signal that they are in desperate need, probably in response to a signal by the Kamatari or one of their agents that they can alleviate the immediate need of the family.

Tuan, separated from his carer and lost, is identified by a man who shares Tuan’s ethnicity and therefore is attuned to his cultural cues and able to communicate. This man was looking to recruit a worker; Tuan was desperate and looking for safety and assistance.

Criminal exploitation is potentially the start of a long-term strategy for material gain. Weak or unreliable workers in the context of criminal activity may be expelled, eliminated or passed onto or traded with other

criminals who may use the child for other purposes (e.g. sexual exploitation, domestic servitude or forced labour). Those that perform well, show resilience and a tolerance for receiving or exerting violence, and signal reliability increase a crime group or gang’s criminal capital, and the initially exploited child may progress from exploited to exploiter either within the crime group or independently.

It is noticeable that neither threats nor violence have been evidenced as part of the recruitment process in any of the case studies. Through use of signalling theory in his analysis of gang recruitment, Densley argues that whilst gangs have capacity to use violence in recruitment, they rarely do because they have a willing pool of volunteers. However, once recruited, violence has multiple functions: discipline, testing of loyalty and commitment, and blackmail (Densley, 2012). Furthermore, violence increases compliance and desensitisation: a child that shows no resistance is less likely to run away from the controllers, the need to use violence diminishes (the permanent threat or potential is sufficient) and the value of the exploited child to the exploiter increases (both in terms of their submission to demands for work but also their exchange value between organised crime groups (Zimmerman, et al., 2006)).

This thesis has integrated a number of organising theories to develop the Circles of Analysis. The table below sets out the most influential theories and their key principles, the contributions that they have made to the development of this new theory, and how they have been integrated.

Table 2: Summary of Organising Theory and Contribution to Theory Development			
Organising Theory	Key Principles	Contributions to this Thesis	Relevance to Circles
Systems Theory	<ul style="list-style-type: none"> Systems exist at the micro level, meso level, macro level and are adaptive over time. 	<ul style="list-style-type: none"> Micro system-child and their immediate family including biological factors, attachments, 	<ul style="list-style-type: none"> Blue Circle: Suitable Target and their characteristics. This is a micro level system

	<ul style="list-style-type: none"> • Environmental variables shape the way in which a system operates – changes stimulate or inhibit behaviour in the interests of maintaining equilibrium in the system. 	<p>home environment and relationships.</p> <ul style="list-style-type: none"> • Meso system – wider family and community including culture, norms, values and beliefs. • Macro system – society as a whole including laws, institutions and history. 	<p>experiences and level of development and attachments.</p> <ul style="list-style-type: none"> • Red Circle: Motivated Exploiter. Also, a micro level system. incorporating relationship to the child, social background, affiliations, criminal history, values and attitudes. • Green Circle: Conducive environment. Operates at the meso and macro levels providing social context, relationship with authorities, institutions, social and economic conditions and history.
<p>Routine Activities/ Lifestyles Theory</p>	<ul style="list-style-type: none"> • Criminal opportunity at the nexus of suitable target and motivated offender where, and at a time when, there is no effective guardian against the crime. 	<ul style="list-style-type: none"> • Patterns of behaviour (activities) that introduce the child to the exploiter and vice versa and context of relationship. 	<ul style="list-style-type: none"> • Blue Circle: Suitable Target. Characteristics of child and their behaviour (visibility and accessibility) • Red Circle: Motivated Exploiter.

			<p>Proximity to child, relationship with the child, characteristics (age, gender, power)</p> <ul style="list-style-type: none"> • Green Circle: Conducive Environment. Presence of human and non-human facilitators, presence or absence of protectors,
Complexity Theory	<ul style="list-style-type: none"> • Evolutionary adaptive systems are maintained by a process of mutual adaptation. • A system will interact with other systems either competitively or co-operatively, to achieve desired outcomes. • Congruity of goals between systems -v- competitive goals. 	<ul style="list-style-type: none"> • Child-Exploiter microsystems. • Co-operative interaction to subordination of child over time. • Emergent patterns of exploitation represent current macro-state shaped by previous states and predictive of future states. 	<ul style="list-style-type: none"> • The Possibility Space: two-way interaction between child and exploiter, child and environment, exploiter and environment
Motivation Theory	<ul style="list-style-type: none"> • Human motivation is driven by biological, psychological, emotional and social needs. 	<ul style="list-style-type: none"> • Needs stimulate or inhibit behaviours with the aim of gratifying or satiating the need. 	<ul style="list-style-type: none"> • Describes the intersections (possibility space) of child, exploiter and environments

		<ul style="list-style-type: none"> • Goal state represents the point at which needs are met and stabilised. 	
Rational Choice Theory	<ul style="list-style-type: none"> • Human beings are rational actors that make a choice based upon rapid cost/benefit analysis which are informed by the available information and beliefs of the decision maker. 	<ul style="list-style-type: none"> • The need to focus upon the historically and geographically specific features of socio-economic systems. • The importance of understanding the social and psychological determinants of behaviour to understand decisions in the real-world context. 	<ul style="list-style-type: none"> • Blue Circle: Suitable Target. The child makes risky decisions, but these have to be understood as rational in the conditions under which they are made. • Green Circle: Conducive Environment provides the social determinants of both target behaviour and exploiter behaviour.
Signalling Theory	<ul style="list-style-type: none"> • Signals are any observable features of an agent that are intentionally displayed for the purposes of altering the probability that the receiver assigns to a certain state of affairs or “an event”. • Signs refer to the environment that 	<ul style="list-style-type: none"> • Unconscious Signs: idiolect, body language, • Deliberate Signs: Choice of where to hang out, choice of music, choice of association. 	<ul style="list-style-type: none"> • Interactions between each of the Circles. • Development of the Possibility Space. • Describes how suitable targets and motivated exploiters identify and decide to approach each other.

	<p>is perceptible and, being perceived, modifies thoughts about something or someone.</p> <p>Signs do not need a purposive agent.</p> <ul style="list-style-type: none"> • Signs may become signals once action is taken to make them overt signals. 		
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5.9 A Continuum of Complexity

Chapter 4 presented potential exploitation scenarios as the degrees of organisation based upon potential flows of earnings from the child’s criminal activity. The diagram depicting three scenarios is reproduced below.

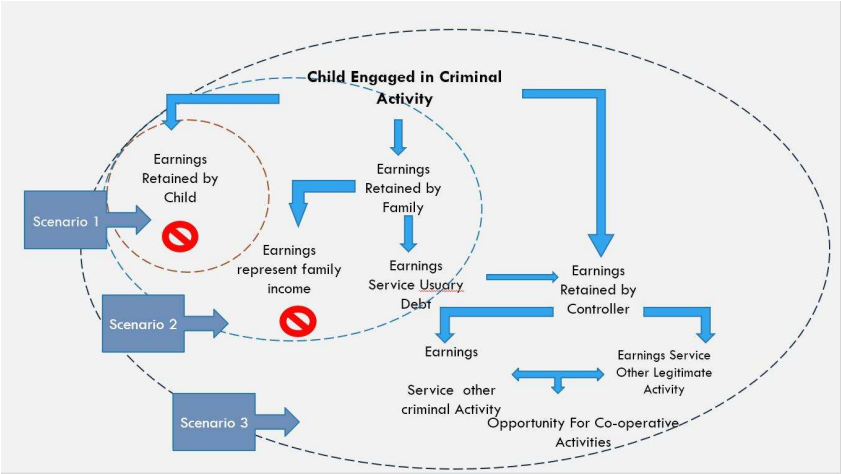


FIG 1: Degrees of Organisation

In The first scenario the child is acting alone and keeps the earnings from their criminal activities. In this scenario the Circles of Analysis are configured in the diagram below.

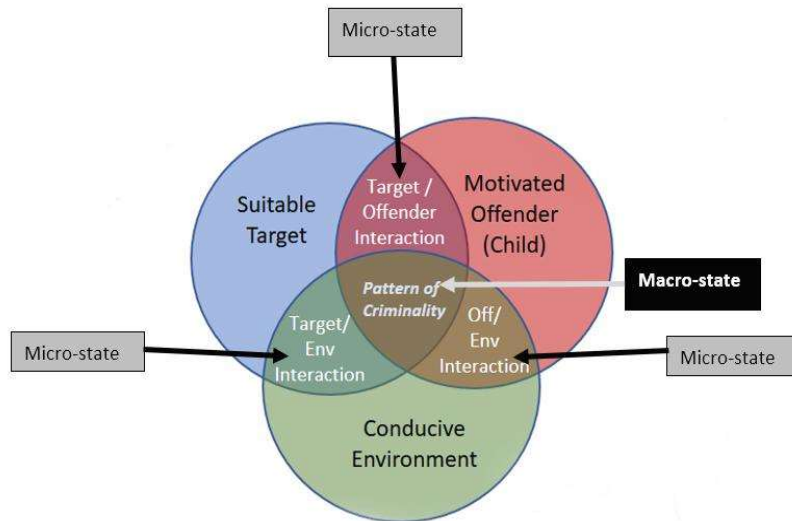


FIG 6: Configuration with Child as Young Offender

Each intersection is an emergent micro-state. In this model the biographical histories of the agents are as important as geographical locations, as these promote, or inhibit, the patterns of behaviour that occur during the interactions. The Target /Environment micro-state generates the needs or goals of the target. Similarly, the Offender / Environment micro-state generates the needs or goals of the motivated offender. The Target/Offender micro-state indicates a congruity of goals or needs between both agents. It is the congruence of these goals that causes the interaction in a space in which both agents exist at the same time.

The pattern of criminality is the stable macro-state in which the motivated offender's needs are gratified. This macro-state will likely destabilise as disturbances occur in any of the micro-states. The pattern of behaviour will then cease (as it is no longer functional to goal achievement) or adapt in response to the new stimuli.

This first scenario essentially describes a pattern of criminal activity exhibited by a young offender. It is not very sophisticated in its organisation nor complex in its goals. By following the pathway of the

earnings from this crime, a practitioner can establish that it was unlikely to be an output of criminal exploitation. A traditional intervention by the youth justice system is therefore appropriate and proportionate in these circumstances.

In the next scenario the earnings are retained by the parents or family. The Circles of Analysis may then be configured as in the diagram below, in Fig.8. Note that the child is now the Suitable Target, and the Motivated Exploiter is the child’s parent or another family member. The Conducive Environment Circle remains unchanged. Again, the pathway of the earnings is significant and goes some way to offering insight into the exploiters’ motivation.

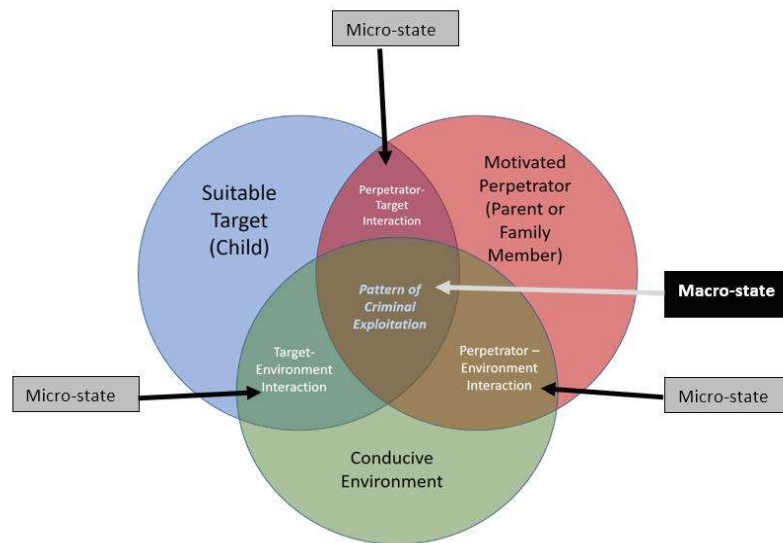


FIG. 7: *Configuration with Family Member as Exploiter and Child as Target*

By way of example, this scenario reflects the conditions in which the Roma boy in the Chapter 4 case studies is compelled to beg. In this scenario both the child and the parents emerge from the same marginalised and constrained environmental conditions. They are unable to meet their basic survival needs through ordinary licit means and must rely on

begging. It is the parent who has the authority and power in the relationship but although the boy is both dependent upon his parents, he is also motivated by his wishes to support his family.

The needs of the perpetrator and target in this scenario are obviously congruent but it is the mother who has the greater knowledge and experience; she decides she must keep him out of school to beg (which increases his dependence and constrains his longer-term opportunities), teaches him the techniques of begging and supervises him whilst he begs.

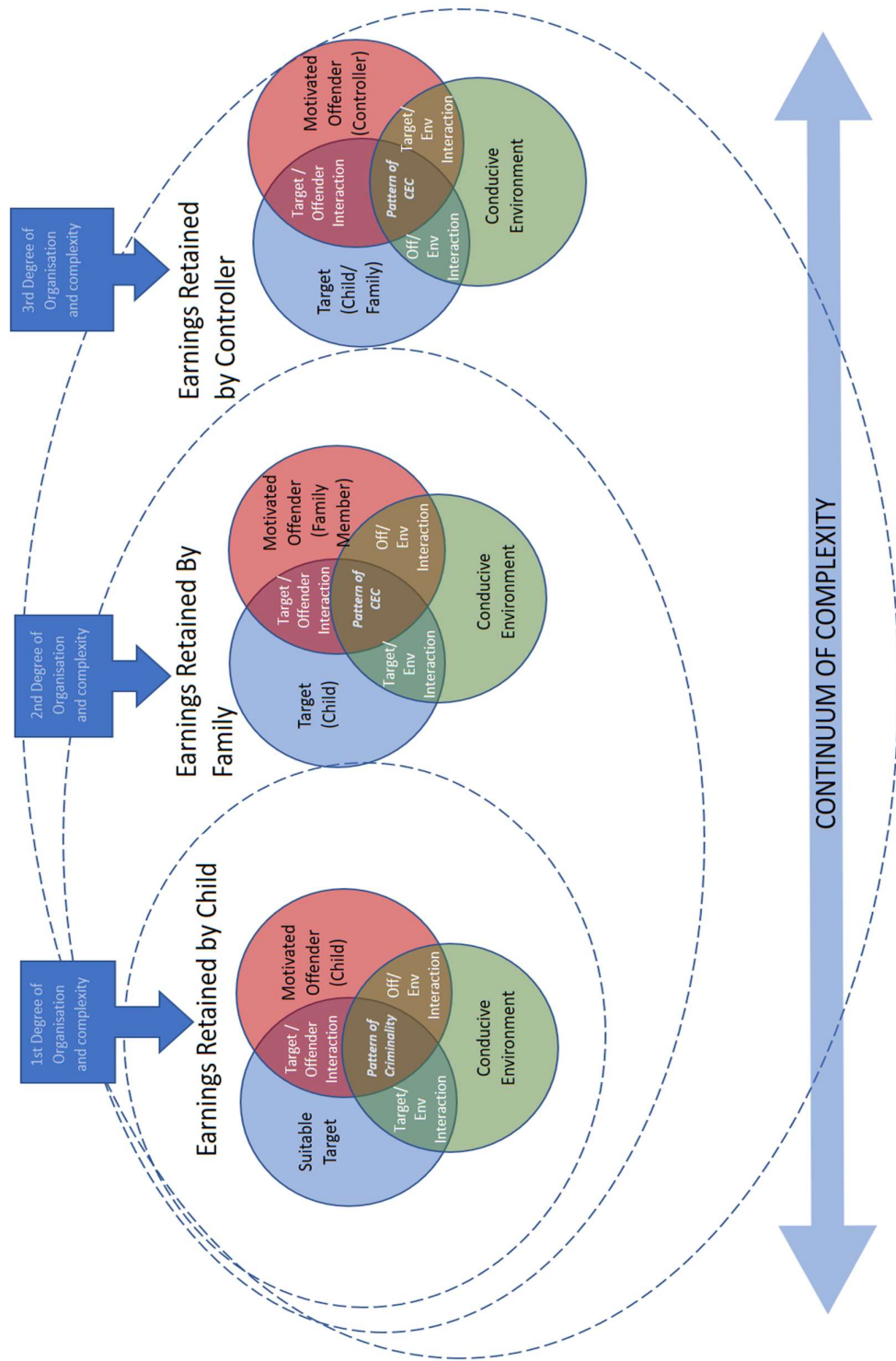
The pattern of forced begging is the stable macro-state that has emerged from the interactions of the micro-states. This will likely de-stabilise as the boy gets older and is less able to appeal to the sympathy of strangers. His earning potential through this pattern will diminish. This may also destabilise the perpetrator /target micro-state as he becomes less able to help his mother meet her goal (earning some income for the family). To maintain the income the system will need to adapt, stimulated by the natural maturation of the child (a complex adaptive system) into adulthood. This may result in a reorganisation of the system (e.g. maybe a younger sibling takes on the role of beggar under the young man's supervision) or a change to the pattern of criminal exploitation (e.g. the young man transitions to stealing).

This raises new possibilities for practitioners in terms of appropriate and proportionate interventions (Pycroft & Bartollas, 2014). A child that is stealing because it is justified by the family's need for survival indicates a welfare issue. Responding to this scenario in terms of a child and family in need is supported by current legislation (Children Act 1989 s 17). Alternatively, if the family are criminally motivated (i.e. there is the *mens rea* to commit a crime) a criminal justice intervention is perhaps more appropriate combined with child safeguarding measures (Children Act 1989 s47). In this situation, one intervention does not preclude the other in so far as a safeguarding investigation can run jointly with, or in parallel to a criminal investigation.

In scenario 3 the earnings of the child are retained by the family to service a usury debt. As a hypothetical extension of the Roma family's

predicament this interaction with moneylenders increases the complexity to the pattern of criminal exploitation as the family system interacts with the external controller (motivated Offender) system. This complexity increases yet further if the earnings from the criminal exploitation of the boy are used by the moneylenders to fund other criminal or legitimate businesses or co-operative enterprises with other criminals or crime groups.

The diagram below illustrates this continuum of complexity:



In this scenario the child and their family are victims of the Motivated Offender. The example is complex in terms of its dynamics and the

relationships between multiple systems, but the model helps to differentiate victims from perpetrators and also identifies those who may occupy a dual role of victim and perpetrator. This is an important set of distinctions. I shall illustrate the emerging options for practitioners by referring back to the example of the Roma boy. The boy is exploited by his parents in order to service a debt to the Kamatari. This is because the parents are forced to make their child beg under threat of penalty. Although they are causing their son to beg, the flow of earnings leads back to the Kamatari, and practitioners have the benefit of existing legislation to intervene to protect the child (Children Act 1989 s 47), to choose to not prosecute the parents (Modern Slavery Act 2015, s45) but to investigate and prosecute the controllers in relation to exploitation, including exploitation of a child (Modern Slavery Act 2015: s2;s3;s3(6)).

5.10 Conclusion

The Circles of Analysis theory provides a multi-dimensional model of criminal exploitation of children. The benefit of the model is its transferability between disciplines and professions that will enable professionals to structure their investigations, assessments and interventions (Pycroft & Bartollas, 2014). It offers a richer, holistic analysis of criminal exploitation of children as a dynamic process of non-linear development over time (Byrne & Callaghan, 2014) which is superior to the current reductive, descriptive models that have been used to inform policy and practice in England and Wales (Hassett & Stevens, 2014).

Understanding the temporal and developmental dimensions of criminal exploitation enables organisations and practitioners to formulate primary interventions to address the needs of children and potential exploiters who increase their vulnerability to exploitation or transition to exploitative behaviour and roles. It informs secondary interventions that seek to intervene to safeguard children that have been exploited, and thus prevent re-victimisation or transition to exploiter, supporting them towards safety and recovery and identifying opportunities for law enforcement to disrupt

the operations of traffickers and exploiters. Finally the model supports tertiary interventions by offering useful lines of criminal investigation and prosecution strategies (Barlow C., 2018).

The Circles of Analysis model should structure, not replace, professional judgement and decision making by providing a framework within which professionals can organise, interpret and present the complex evidence that may lead them toward, or away from, the identification of actual and potential criminal exploitation (Hart S. D., et al., 2003; Byrne & Callaghan, 2014; Pycroft & Bartollas, 2014). The next step in the development of the model was to test its utility and relevance (i.e. does it do what professionals need it to do?) The methodology for this is the subject of the next chapter.

Chapter 6

Field Work Methodology

In the introduction to this thesis I have described a two-part approach that I adopted to undertaking this research. The first part was concerned with the literature review, law review, development of definitions and review of statistical data sources. This enabled CCE to be framed as a pattern that emerges from processes of child abuse, using extant theories of child abuse and criminology to formulate the Circles of Analysis Model presented in Chapter 5. This chapter is primarily concerned with why and how the model was tested.

I shall begin by briefly recapping the background to the fieldwork and the development of the model. The purpose of the fieldwork was to identify its strengths and limitations and, if possible, develop and refine it further. The proposed methodology for this is presented and discussed.

6.1 Background to the Fieldwork Methodology

The relevance of the model to real world scenarios and professional practice has been a guiding principle in the development of this thesis; one of the aims was to produce research that would be of use to practitioners within law enforcement, child safeguarding and the justice system. The first stage in achieving this was to develop a thorough understanding of the problem of CCE which included its nature and impact, its processes and the challenges and opportunities that are presented to practitioners in safeguarding children, disrupting criminal activities and prosecuting perpetrators. This also required a clear overview of the legal, political, social and cultural contexts to CCE.

The research began with an *initial thoughts* exercise. This was a reflective process that identified the broad aims and objectives of the thesis. At this stage, academic and professional literature that was relevant to these aims and objectives was sought in order to develop a narrative account of the

nature and scope of the problem (see Chapter 1, page 15-16 for the literature review methodology). This took the form of an integrated review of knowledge on labour exploitation, sexual exploitation, criminal exploitation, domestic servitude, human smuggling, and early, forced or sham marriages. This enquiry also led to the literature on organised crime (UK and transnational) organised crime and the debates and contentions (in both academic and statutory responses) to organised crime globally.

To ensure that the research reflected the reality of CCE, at least within England and Wales, the early enquiry incorporated views and experiences of practitioners and sought out the secondary sources of the accounts of children and perpetrators. This information was gleaned through informal interviews with professionals and academics, academic conferences, seminars and colloquia, and the collection of non-interview data. The development of the chronology of the UNCRC and concepts of human trafficking over time established an historical context to current policy and practice.

The first iteration of the model, which was an early adaptation of Felson and Cohen's Routine Activities Theory, was presented in a paper at the inaugural conference of the Centre for The Study of Modern Slavery (St. Mary's University) in February 2017. This afforded the first opportunity to receive questions and comments from a diverse range of international academics, law enforcement professionals, social care professionals from public, private and third sector organisations and policy makers.

Following this event, a modern slavery conference at Cumberland Lodge for academics and senior police officers in May 2017 was a further opportunity to hear from guest speakers on various aspects of domestic and transnational modern slavery and human trafficking. It also provided the opportunity to discuss the specific issues of criminal exploitation, such as problems of identification of victims, perpetrators and appropriate evidence; disruption strategies; case management; and local issues that occur and influence strategic responses by police and local authorities. These conversations developed insight into the police tactics and protocols for setting up a counter-trafficking operation, gathering and dissemination

of information, and application of the law, and into the conflicting demands of politicians, the community and managers that are encountered by senior officers. At the same time, the conversations generated contacts to the Police Transformation Team for Modern Slavery who later offered to assist in organising the focus groups and with participant recruitment.

The first presentation of the circles model in its current form incorporating the degrees of complexity, was presented at an exploratory workshop in Merseyside that was commissioned by Knowsley Council and Community Safety Board, and the NGO, Understanding ModernGov. I shared the research to date with a mixed-disciplinary group comprising police officers, community safety officers, domestic violence advisers, youth workers and social workers and one member of the Council Cabinet. Most of the participants had direct contact with children and young people and their families and may be considered “first responders” when patterns of trafficking and exploitation are identified. All participants attended the workshop wanting to better their understanding of criminal exploitation and specifically the county lines problem.

It was explained to the participants that the presentation was a product of the ongoing research and that their critical comments and questions would contribute to its continuing development. A workshop evaluation form was completed by all participants at the end of the day, providing another data set that will be analysed and discussed in the next chapter.

The workshop consisted of a facilitated discussion about participants’ experiences of criminal exploitation of children, and their achievements and concerns. This was followed by a didactic presentation that included national and international statistics illustrating the scope and scale of the problem. This included a compilation of video clips that provided examples of different types of criminal exploitation in a variety of contexts. This presentation was based upon the content of Chapters 2 and 4 and aimed to prompt discussion, establish facts concerning criminal exploitation of children and to extend the discussion of the problem beyond the county lines issue.

A further session that was mainly didactic with facilitated questions and answers focused upon key legislation and presented the definition of criminal exploitation with reference to the Palermo Protocol, the UNCHR, the Modern Slavery Act 2015, the Serious and Organised Crime Act 2015 and the Children Act 1989. This session was underpinned by Chapter 3 of this thesis.

The exploratory part of the workshop presented the Circles of Analysis (incorporating the degrees of complexity) to the whole group. The group then separated into smaller syndicate groups to apply the model to a video case study, “Consequences”, produced by the Home Office (Office, 2015). In this session I appealed to the participants’ broad range of experience affirming their own expertise as a valuable contribution of knowledge to the development of this model. Although I shall deal with the outcome of this workshop in the next chapter, I should note here that the design of this workshop became the prototype for a series of focus groups with professionals who hold statutory duties in child safeguarding.

At the eighteen-month stage of the research, the first part of this approach to the research was complete, and the output of that work is represented by Chapters 2-5. The problem statement was formulated thus:

Responses to the problem of criminal exploitation of children in England and Wales often fail to identify a child as a potential victim of exploitation. This is due to a response that is based upon flawed assumptions about the children that have been exploited, the perpetrators and the processes of the exploitation. Consequently, understanding of the problem is reductive and interventions are limited.

In its first half, the thesis had developed a detailed description of the nature and extent of criminal exploitation in England and Wales and had articulated the problems of identification of criminal exploitation of children. I investigated the underlying knowledge or assumptions that inform current responses by statutory agencies and NGOs and the Circles of Analysis model emerged from that work. The second part of this approach was to develop a means of testing the Circles of Analysis

model in real-world contexts.

Table 3: Summary of Part 1 of the research design

Key Stage	Purpose	Output
Initial Steps: <i>Completed at 6 Months</i>	<ul style="list-style-type: none"> • Develop a thorough understanding of the problem. • Establish an overview of the legal, political and cultural contexts. 	<ul style="list-style-type: none"> • An “initial thoughts” exercise identified the broad aims and objectives of this thesis. • Identification of academic and professional literature in the THB field including labour exploitation, domestic servitude, sexual exploitation and forced marriage
Early Enquiry: Informal interviews and collection of non-interview data. <i>Completed at 12 months</i>	<ul style="list-style-type: none"> • To incorporate experiences, views and needs of children as “rights holders” • To incorporate the experience, views and motivations of perpetrators. • To identify the roles and functions of professionals and agencies as “duty bearers”. 	<ul style="list-style-type: none"> • Formulation of problem statement and research questions.
First Analytical Review of Enquiry – Generated Data <i>Completed at 18 months</i>	<ul style="list-style-type: none"> • Describe the nature and extent of criminal exploitation of children occurring in England and Wales. • Articulate problems in identification of criminal exploitation of children. • Investigate the underlying knowledge or assumptions that inform current responses by statutory agencies and NGOs 	<ul style="list-style-type: none"> • Formulation of the Circles of Analysis model

6.2 The Proposed Fieldwork Methodology

This thesis has so far explored some of the current or recent empirical data on the criminal exploitation of children, both globally and within England and Wales. Chapter 3 established that patterns of criminal exploitation and the characteristics of perpetrators are diverse, as are the conditions in which the exploitation occurs, suggesting a complexity of variables in different domains that make the clear definition of child criminal exploitation elusive. The empirical data that has been identified and discussed ²⁶ offers nothing more than limited descriptions of the phenomenon and has little or no explanatory or predictive value.

The Circles of Analysis model resolves the problems of definition that arise from the complexity of the relationship between children that are targeted, the exploiters, and their environments. There is a logic to criminal exploitation that can be found in its patterns and effects (Byrne & Callaghan, 2014; Hassett & Stevens, 2014). Criminal exploitation also intersects with other forms of adverse childhood experiences and incorporates other patterns of child abuse, maltreatment and neglect though not all children that are vulnerable due to adverse conditions will be targeted or selected, and not all children that are selected for exploitation will be subjected to actual violence.

6.2.1 Research Claim

Understanding the causes (motivations) that trigger a process (means) by which it is possible to use a child to commit crimes by proxy (opportunity), enables practitioners from different professional fields and disciplines to be more collaborative in developing multi-systemic interventions.

These interventions become possible if:

- a) They are goal orientated

²⁶ See for example: UK Human Trafficking Centre (UKHTC) Baseline Assessment of 2012; Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples (Anti-Slavery International, 2014); County Lines Gang Violence, Exploitation & Drug Supply (National Crime Agency, 2016) and NCA Intelligence assessment 0129-FRM “County Lines, Gangs and Safeguarding” (National Crime Agency, 2015) examined in chapters 2 and 3.

- b) The goals are congruent between agencies
- c) Agencies are able to recognise and understand and to recognise the goal-orientated patterns of children and exploiters;
- d) Agencies are also able to understand why children's goals may be incongruent with those of practitioners and their agencies (including their collaborative interventions) and why agencies' goals and interventions must adapt accordingly

(Wulczyn, et al., 2010).

6.2.2 Testing the Research Claim

The aim of the fieldwork has been to engage with frontline practitioners in order to gain critical responses to the Circles of Analysis model as an explanatory theory of criminal exploitation of children that can better inform and support practice across disciplines.

The approach set out in the introduction to this thesis and above in the background to this fieldwork, seeks to include the perspectives of all stakeholders, and the informal interviews represented a form of participatory action research. It was therefore anticipated that more systematic and structured participatory action research would test the model's validity in its application to real-world scenarios. By inviting the assistance of experienced practitioners with knowledge, skills and expertise in the fields of child safeguarding, criminal justice, organised crime and family law, it would be possible to evaluate the validity of the model across disciplines namely, does it do what practitioners need it to do?

The focus groups were developed from the exploratory workshop that was conducted in Merseyside in November 2017. The workshop was an opportunity to answer the following questions:

- a) Does the Circles of Analysis model provide a coherent and usable framework for practitioners responding to criminal exploitation of children?

- b) Can the Circles of Analysis model offer a framework for improved professional judgement and decision making?
- c) Does the Circles of Analysis model have the potential to safeguard children more effectively by preventing victimisation and re-victimisation through criminal exploitation?

The exploratory workshop described above indicated that direct engagement with participants was important in answering these questions. Furthermore, if this thesis was to have a life beyond an academic work it needed to be relevant to a diverse range of practitioners, something which would most easily and unequivocally be achieved by their active participation.

The research had so far incorporated informal interviews (as discussed above) but these had been mainly with individuals. Group discussions have particular value both for assessing how people work out a common view or to elicit a range of views. Group discussions are therefore helpful in consensus forming, observing and recording interactional processes and group dynamics (Gilbert, 2008).

One approach to this would have been the Delphi model, originally conceived as a group technique for obtaining the most reliable consensus among a group of experts by means of a series of very detailed questionnaires. The results of the questionnaires would be kept anonymous by the researcher but fed back to each of the participants to review and consider their own original responses (a process of “controlled feedback”). Evolution of the technique has eliminated the restriction of the obligatory search for consensus required by the original Delphi model, so that today it might be defined as a social research technique, the aim of which is to obtain a reliable group opinion using a group of experts. It is a method of structuring communication between a group of people who can provide valuable contributions, in order to resolve a complex problem (Landetta, 2006).

The Delphi model is a repetitive process. The experts must be consulted at least twice on the same question, so that they can reconsider their

answer, aided by the information they receive from the rest of the experts. This aspect of the model was appealing and was incorporated into my method. I rejected the requirement for the anonymity of participants as I wanted to encourage interdisciplinary discussion and identify areas of disagreement as well as consensus.

The Delphi model is ultimately a quantitative research method where intensive questionnaires are designed by the researcher and analysed statistically. This was not appropriate to this research as I sought dialogue with participants concerning a possible solution that I had developed to a shared problem. I therefore needed data that was generated by interactive discussion between participants from different professional backgrounds.

The action research approach would meet this requirement and is consistent with the approach that is described earlier in this chapter and in the introduction to this thesis. It incorporates the cyclical elements of the Delphi model and potentially impacts upon practice as a part of the research process as it moves between enquiry, intervention and evaluation (Gilbert, 2008). From this perspective, an approach that was informed by principles of action research might have appeal to potential participants, who would give their time and expertise in return for new ideas and suggestions for practice (i.e. the Circles of Analysis model). The approach also explicitly invites participants on the basis of their contribution of knowledge and expertise rather than as subjects of research inquiry.

6.2.3 Ethical Considerations

This approach offered a great deal of flexibility, but it was not without ethical considerations. I have explained why such groups or interviews were not conducted with children because of their vulnerability, but as the research progressed it became clear that direct participation of practitioners was more relevant: I needed to determine whether the model was useful to practitioners, whether it assisted them in terms of their professional decision making within their working contexts.

I did not consider police officers, social workers and lawyers to represent a vulnerable group but in order for this to be successful as a participatory project, involvement needed to be real. As such I needed to be respectful of the high levels of demand upon people's time and availability. As well as identifying who would be involved, I needed to consider how they would be involved, why I was requesting their involvement and to be explicit about what I needed from their involvement. This also meant preparing contingency plans to maintain participation for individuals who might be unable to attend the second meeting.

I decided that the most helpful, flexible and participative interview context would be focus groups which would be held locally to the participants. It was also important that as far as possible participants had as little or no prior professional relationship with me (see recruitment method below) to encourage unbiased and objective critical commentary on the Circles of Analysis model.

As a contingency plan I discussed with my supervisors the viability of using follow-up interviews conducted online. I would use the Zoom US platform for its end-to-end encryption, reliability and secure recording capacity. The recordings would be made directly to my own computer rather than to the cloud for the purposes of transcription, coding and also for consistency with the confidentiality agreement signed by the participants.

This became a valuable back-up to the second round of focus groups (one participant attended both meetings via video link). Participants were keen to contribute and offering an alternative means for participation indicated how much their contribution was valued, recognised their generosity of time, and reduced attrition in response rates.

6.2.4 Sampling and Data Collection

The participant group was to be multi-disciplinary. The decision was taken to recruit professionals who had statutory roles in relation to risk assessment and child safeguarding, criminal investigation, offender

management, and prosecution. A snowball approach was initiated. Participants were recruited via my own existing professional network, but I was assisted by the Police Modern Slavery Improvement team in recruiting police officers and providing meeting venues. I was also assisted by the national network of social work senior practitioners who assisted in recruiting social work colleagues in Lincolnshire. The focus group recruitment process yielded a multi-disciplinary sample group of 29 professionals from across England and Wales. When potential participants were identified, letters of invitation were sent out with an information leaflet via e-mail.

The snowballing method was necessary as it enabled me to contact relevant practitioners outside of my existing network who had substantial experience and knowledge of child exploitation in one form or another. The initial introductions offered by my personal contacts helped to establish my credibility with potential participants and reassure them of the intentions of my research. Such an approach could be criticised for the risk of bias in selecting such a relatively small and narrow group of participants, with the resulting potential for the focus groups to be nothing more than an echo chamber affirming my theory. To mitigate against this, only two participants (one police officer and one advocate solicitor) had worked with me directly in the past, and they had not worked with each other.

Participants were recruited who had experience within their fields, for example there were social workers of consultant practitioner and senior practitioner grade (including managers), detective constables up to rank of Superintendent, and qualified criminal and family lawyers (including barristers and advocate solicitors).

The original aim was to run focus groups in the north, south, east and west of England and in Wales. In the event, the groups were not quite so clear cut geographically: participants came from North Lincolnshire, Birmingham, London and South Wales. The venues were provided by local authorities, the police and, in the case of the London cohort, a private law firm.

A series of eight multi-disciplinary focus groups (two rounds of four meetings) were designed to gain critical feedback and suggestions for the development of the Circles of Analysis model from professionals who may potentially use it. The first round of focus groups was conducted between August and November 2018. The second round of focus groups ran between December 2018 and March 2019. The critical feedback from the participants was transcribed and organised using NViVO 11 software, to identify themes prompted by the key questions set out in the focus group agenda.

6.3 The Focus Groups

Complexity theory provides the footing for the construction of the Circles of Analysis model. The value of complexity theory has been its ability to offer numerous concepts that can be applied alongside extant theoretical concepts (Pycroft & Bartollas, 2014) such as Open Systems Theory (Bertalanffy, 1969), Network Theory, Routine Activity and Situational Crime Prevention and Rational Choice Theory (Felson & Cohen, 1980). Such eclecticism facilitated the cross-disciplinary approach to this part of the research by allowing different bodies of knowledge that were offered by the participants (based not only on their practice experience but also as an output of their respective training and traditions) to be combined, or blended, with established theories and concepts. This could provide a wider understanding of the range of problems inherent in efforts to identify, assess, investigate and prosecute cases of CCE (Gear, Eppel, & Koziol-McLain, 2018 ;Hood, Gillespie, & Davies, 2016).

The purpose of the focus groups had been to obtain critical feedback on the Circles of Analysis model and on its relevance and utility in relation to the assessment and investigation of cases of criminal exploitation of children, to professional judgement and decision-making and its contribution to the field of child safeguarding in general.

The fieldwork deliberately and specifically sought critical feedback from professionals who carried statutory decision-making responsibilities regarding children that are being, or at risk of being exploited. As the

model is founded on complex systems theory, it was appropriate to test its integrity in the context of complex systems, namely groups of professionals from different disciplines with a shared interest in the problem.

Complexity research has traditionally utilised quantitative case study data (Gear, Eppel, & Koziol-Mclain, 2018) so the use of focus groups as a research method has been innovative. The strength of this approach lies in the fact that focus groups are adaptive, dynamic systems that are driven by interactions among group members and by transactions between the group and its embedding contexts, as well as by external pressures (Arrow, McGrath, & Berdahl, 2000). Furthermore, a hallmark of complex systems is unexpected behaviour that leads to deeper understanding of the system of relationships to other phenomena that may not have been previously recognised or considered relevant to the system (Foote, 2007; Hassett & Stevens, 2014). These are therefore qualities of focus groups, which are small, but nevertheless, complex systems, and as such not only test the proposition of the Circles of Analysis model but, through the dialogic process of the groups, could refine and enhanced it. This could work as long as the agenda of the focus group meetings stressed the importance of participants' knowledge, experience and critical feedback.

6.4 Positionality

As a researcher, my interest in the problem of CCE results from thirty years practice experience as a social worker and latterly as a consultant practitioner in the field of modern slavery and exploitation of children and vulnerable adults. In this respect my knowledge of CCE has been informed by my direct practice experiences and professional observations. In researching this thesis, I have explored existing relevant academic research, the development of domestic legislation and international conventions, policy development and also relevant professional literature. As discussed, my knowledge has additionally been extended by informal interviews, conversations and colloquia with colleagues, academics and other professionals as well as open source media reports, and accounts by

victims of CCE and accounts of perpetrators (such as the case studies in Chapter 4).

The quantity and quality of evidence that I have relied upon to construct the Circles of Analysis, does not necessarily make the claims of the model, or this thesis, true. The interpretation of the empirical evidence that I have sought and found, the qualitative data from interviews, formal and informal discussions has inevitably been influenced by my professional experience, training and traditions. For this reason, my beliefs or assumptions based upon my interpretation of empirical evidence needed to be questioned. The nature of the focus groups offers a process and structure for this testing of my ideas and the Circles of Analysis model.

By this stage, the relational principles of systemic theory and practice and concepts from the field of complexity had not only influenced the development of the model, but the development of my methodology for the testing of the model. Recruitment of participants aimed to ensure that the focus groups were multi-disciplinary, reflecting current policy for joint agency working in safeguarding children (HM Government, 2018) (Hood, Gillespie, & Davies, 2016).

Ostensibly, I was seeking to work with fellow practitioners relationally to refine and develop the Circles of Analysis model. This means that the focus groups were an effort to engage with existing networks of professionals to address a common problem (CCE) and test the proposition of the model. The potential benefit of this approach was guided by the following considerations drawn from principles of systemic social work practice (Munroe, 2011), Relational Social Work Practice (Fogheraiter, 2003) and complexity (Byrne & Callaghan, 2014):

- Human behaviour is complex and multifaceted, i.e. people are not simply rational beings but have affective – conscious and unconscious – dimensions that enrich but simultaneously complicate human relationships and interactions. This would mean that each focus group would have its own configuration and dynamic therefore potentially enabling the model to be tested in ways that might not be predicted.

- The internal and external worlds of individuals and the importance of integrated as opposed to polarised responses to social problems. Thus conceptualisation of the problem of CCE would potentially vary according to the knowledge and experience of each participant individually as well as collectively.
- An emphasis on ‘the use of self’ and the relationship as the means of developing shared new insights and ideas. As convenor and moderator of the groups I would be an agent introducing a new source of information (the Circles of Analysis model), and therefore an input to the group.

As an active agent within each group, I was deliberately seeking a response (i.e. a reaction to the introduction of the Circles of Analysis). At the same time I would have to be mindful that I too had a history, and a set of knowledge and beliefs, that were personal antecedents to this research. This is an important dynamic in this research - understanding my own and participants’ positions as components in the focus group system and identifying our respective influence on the system, as well as the knowledge that interaction with the system generates, is a crucial condition of this approach (Dallos, 1992; Hassett & Stevens, 2014; Pycroft & Bartollas, 2014).

Addressing this issue was a constant challenge throughout the research process. It required me constantly to negotiate the transition from practitioner to academic, and this became a regular supervision discussion and a focus of reflection. The style and tone of my writing needed to develop to reflect my academic endeavour so that I could avoid the shorthand and familiar tropes of professional report writing within social work and the family court system, and be wary of polemicizing on the stresses and strains faced by practitioners with whom I could so easily empathise. My audience had changed from professional colleagues in meetings and training presentations to academic peers at seminars and conferences.

I was also very conscious that the focus group participants were recruited either from my existing professional network or facilitated by that

network. Engaging with them and eliciting their views and experiences meant that I had to manage the dual identity of practitioner and academic. I also had to ensure that my research and emerging theory was articulated in a way that was appropriate and meaningful to the professionals. To formulate an appropriate and effective strategy I explored methods for participatory research.

I decided that I would therefore situate myself as an contributing participant in the groups in which we took turns to discuss our knowledge, understanding and construction of the problem (CCE) and collaborate in finding solutions (Griffith, Griffith, & Slovik, 1990) through the application of the model. The Circles of Analysis model was my contribution to forming a descriptive narrative and understanding of practitioners' casework.

6.5 The Proposition of The Model

The Circles of Analysis as described in Chapter 5 offers a concept that explains what constitutes criminal exploitation of children (Bolisani & Bratianu, 2018), and its various manifestations. It proposes that CCE is a pattern of behaviour that emerges from the relational dynamics within and between complex systems and is maintained over time by processes of child abuse and neglect in a suitably conducive environment. Whether the concept was helpful and accurately explained criminal exploitation was so far untested. Therefore, whether the model was representative of knowledge of the real world was uncertain. If not realistic, it was be unlikely to be of any beneficial use to professionals in the field.

This problem represents the challenge of establishing what Waheed and Kaur (2014) refer to as "Knowledge Quality" (or KQ) which can be difficult to define, let alone measure. By presenting the Circles of Analysis model to other professionals I would be inviting them to question the claims of the model and how these claims are justified. The focus groups therefore are a method for evaluating the Circles of Analysis by applying it to real world problems as experienced by front line professionals.

The focus groups were to be run twice. In the first round the context to the research, my professional and academic background and interests would be shared with the group and they were likewise invited to share their knowledge and experience of CCE. The model would be explained and described using the three diagrams presented as PowerPoint slides. The second round represents an opportunity for participants to offer feedback after a period of reflection which lead to the final refinements of the model.

6.6 Focus Group Design

The Focus groups were run twice and were semi-structured using the following framework:

6.6.1 First Set of Focus Group Sessions

Introduction: This phase allowed the group to settle into the meeting and relax. It was an opportunity for me to establish some rapport with the group, restate the ground rules for the meeting and encourage conversation with the introduction of neutral topics. This phase of the meeting was approximately 15 minutes. I then bridged into the topic of criminal exploitation of children using the opening question and key question A.

- Opening Question: *What have been your professional experiences of criminal exploitation of children?*

This open question that was intended to establish a baseline of experience and knowledge for the group and encourage participants to discuss the phenomenon from their professional and practice perspectives.

- Key Question A: *Thinking back to cases that you have worked on or are familiar with, what do you feel were the challenges you or your colleagues faced?*

This is a reflective question that was intended to lead to discussions of what went well, or less well, in the investigation and prosecution of cases of suspected or actual criminal exploitation, or in interventions that aimed to prevent victimisation or re-victimisation of children. Responses to this question were expected to offer a) insights into the quality of information that was made available to practitioners in different contexts; b) perspectives on the guidance that is provided to practitioners; and c) practitioners' thoughts on the nature of the casework, and the identification and interpretation of evidence. It was also anticipated that responses to this question might generate comparisons between different cases regarding similarities and differences.

- Following discussion in response to both the opening question and key question A, a presentation of the Circles of Analysis model was delivered. This presentation was the participants' first encounter with the model and was followed by Key Question B and Key Question C.
- Key Question B: *Does the Circles of Analysis model offer a helpful explanation of the causes and patterns of criminal exploitation?*
- Key Question C: *What are the potential strengths and deficits within the model?*

This session sought critical feedback and insights into the utility of the model, in terms of whether it is a unifying explanatory model that works across disciplines. Its credibility was dependent upon whether the participants saw potential applications in their own and other contexts of practice. It was also expected that their feedback would identify avenues for further development and research by revealing what they need the model to do for them?

The closing phase of the focus group discussion invited comments and questions from participants.

6.6.2 Second Set of Focus Group Discussions

The second meeting of the focus groups was 5 – 8 weeks after the first meeting. As follow-up to the first focus group meetings, all participants were provided with a pdf copy of the Circles of Analysis presentation and a link to a narrated video of the presentation. Each group felt that, at the end of the first meeting they wanted to reflect upon the model and apply it to their case work and wider professional or clinical discussions. It therefore made sense to use the second focus group meetings to facilitate a reflective discussion of their views on its real-world application and to identify its strengths and deficits.

- Introduction: This phase of the second focus group was an opportunity to welcome the participants back and present the overview of the feedback from the first focus groups.
- Formulation of the questions for this focus group was based upon the feedback from the first set of focus groups and was designed to test the developments to the model as a framework for professional judgement and decision making, and for tactical and strategic responses to criminal exploitation
- Agenda for the second meeting: Participants were e-mailed ahead of the second meeting as a reminder, and to set the following agenda

Participants across the focus groups have suggested:

- i. *The model prompts them to think laterally and this opens up alternative lines of enquiry or possible questions.*
- ii. *The model provides a framework by which to plan an investigation or intervention*
- iii. *The model provides a starting point.*
- iv. *It was also suggested that the middle section of the continuum of complexity, that relates to the family as potentially both suitable target and perpetrator, could be strengthened by differentiating between a family that may simply be engaged in criminality and perhaps other anti-social behaviours, and a “Crime Family” that can be better described as an organised crime group or network. To what extent do you agree with these suggestions?*
- v. *What further suggestions do you have?*

Table 4: Summary of the design of the second part of the research

Key Stage	Purpose	Outputs
Part 2 - Field Work Completed at 29 Months	<ul style="list-style-type: none"> • To obtain critical feedback on the development of the model. • To gain better understanding of criminal exploitation of children, its relationship to serious and organised crime in different contexts and environments. 	<ul style="list-style-type: none"> • Establish the knowledge and experience of the participants and introduce the model to them. • Critical evaluation of the model. • Recommendations for development, adaptation and refinement. • Identify and counter researcher biases and assumptions.
Review of Focus Groups and Non-Interview Data. Completed at 34 months	<ul style="list-style-type: none"> • Present the refinements and elicit further recommendations and advice. 	<ul style="list-style-type: none"> • Thematic analysis of the focus group data. • Final adaptation of the Circles of Analysis Model.

6.7 Analytical Method

The data generated by the focus groups in each area was analysed for themes, issues, and areas of agreement and disagreement that arose within each group (Gilbert, 2008). The data was then combined with a view to identifying general themes, agreements and disagreements among police officers, social workers and lawyers as a whole and differences that related to geographical contexts (e.g. difference between a metropolitan city area and a rural area).

The data was sorted, organised and coded using NViVO research software. In the absence of direct contributions from children and perpetrators, a preliminary framework was established that helped to identify themes in the participants' accounts of their experience of direct work with trafficked and exploited children, perpetrators and organised crime groups and networks and their views of the systems in which they worked and the challenges they encounter.

The introduction and opening question of Focus Group 1 were compared with the accounts of children and traffickers gained from the open source searches online and presented in Chapters 2 and 4. The reported experiences of participants was also analysed in terms of their relationship to national and international documents, guidance and strategies that are discussed in Chapter 3.

A thematic analysis of the participants' evaluation of the Circles of Analysis Model was undertaken. The first round of analysis following the completion of the first set of group meetings sought patterns of consensus and disagreement between the groups, initial responses to the model and first suggestions concerning the potential operationalisation of the model. This analysis was used to formulate the agenda for the second meeting which was forwarded to participants ahead of the next meeting. The agenda provided a brief summary of initial comments that had been offered from all of the groups and was intended to stimulate further thought and reflection prior to the second meeting. It also reflected the suggestion by a number of participants that they would like to use the intervening time to try and apply the model in their work settings. I wanted

to encourage this level of active participation and exploration of the model's potential by all participants and this rendered important data regarding the real-world application of the model which is discussed in the next chapter.

6.8 Methodological Challenges

The logistics of setting up two rounds of focus was not easy. There were many demands upon participants' diaries and it was not possible to guarantee that all participants would manage to attend both meetings. This was mitigated to some extent by arranging for some participants to join by video link and for others to follow up with telephone interviews. In retrospect, these logistical problems could have been overcome by planning in greater use of technology rather than using it as a reactive problem-solving measure.

6.9 Conclusion

This chapter has summarised the approach taken to the development of the first half of this thesis. Its main focus however has been the methodology of the second half of the thesis, the design and use of the focus groups, the background and rationale for the groups, sampling and recruitment processes and ethical and methodological issues.

The fieldwork methodology reflects the emergent constructivist approach that has characterised the development of this thesis. The Circles of Analysis model emerged from a synthesis of data and theories that were integrated in the literature review in the first part of the research (see chapters 1-5). The field work, in the form of focus groups emerged as a viable method for testing the research claim and the theoretical model after continuous testing and refinement of the model through formal and informal discussions with academics and professionals, presentation of each iteration of the model in conferences and other colloquia. The exploratory workshop held in Knowsley provided a prototype (the syndicated group work) for the formal multi-disciplinary focus groups to test and refine the final iteration of the model for this thesis.

In chapter 7 the results of the focus groups will be presented then discussed in chapter 8.

Chapter 7

Results

During the past three years, criminal exploitation of children (in the context of gangs and drug dealing) has been gaining increasing public and professional attention. Professionals have suffered a pervasive lack of certainty and confidence in identifying and responding to the problem with proportionate interventions (Haughey 2016). A key aim of this thesis has been to produce a useful explanatory model that will have practical, real-world applications for professionals working in this field within different disciplines and traditions.

A series of eight multi-disciplinary focus groups (two rounds of four meetings) were designed to gain critical feedback and suggestions for development from professionals who may potentially use the Circles of Analysis model. The critical feedback from the participants was transcribed and organised using NViVO 11 software (see Chapter 6) to identify themes prompted by the key questions set out in the focus group agenda.

This chapter provides the feedback generated by these groups and describes the overarching context to the results. I have structured the chapter to reflect the phases of the focus group data collection process and the key themes that emerged from the group interviews. The chapter will conclude with the graphic representation of the Circles model, modified according to the recommendations and advice of the participants.

7.1 Context to These Results

For some time, focus groups have been widely used, with significant results, in the field of market research and product development for some time (Morgan, 1996). In more recent years, the focus group technique has

been used in the fields of criminology, health, social care and criminal justice studies but this has been primarily as a means of evaluating programmes, or to support and enhance quantitative data such as surveys (Morgan, 1996). As far as I have been able to ascertain, the technique has not been widely used to develop new theory, especially within the field of criminology and criminal justice.

The generation of the Circles of Analysis has been the focus of a substantial part of this thesis but the model's utility as an explanatory model of criminal exploitation of children needed to be explored and confirmed. The focus group method is a form of group interview which I have utilised because it is an inherently collective process that can facilitate expression and understanding of both personal and disciplinary perspectives. The method also produced illustrative examples from participants' practice and plausible scenarios to which they applied the model. The recruitment method and rationale for the focus groups is described and explained in Chapter 6 but I will use this section to further explain the strategy and structure of the interviews. This is because the strategy for engagement and discussion was influenced by some of the characteristics of the professionals that volunteered to participate.

The dialogic nature of the process allowed the participants and I to explore the issues involved in the criminal exploitation of children and the application of the Circles of Analysis model in a reflexive way. By working to ensure that it was a collaborative, dialogic, process my power and influence in the group was checked (Fogheraiter, 2003). Participants were acknowledged as specialist professionals and experts by experience within their own fields. They were encouraged to provide critical feedback and several participants elected to do this by applying the model in their respective settings and reporting their thoughts and experiences in the second round of focus group meetings.

The participants came from the fields of law enforcement, social work, family law and criminal law. The attributes of the group are summarised in table 1 below. The focus groups' emerging themes were initially coded by the key questions that were asked. Each of the initial codes were further

analysed and coded for themes emerging from each question. A full table of the coding schedule is contained in the appendix to this thesis.

Initial Code	Category	Description	Participant Labels
Profession	Police Officer	Police participated from West Midlands, Wales and London. All were detectives, one was a designated Child Abuse Investigator, all had experience of investigating and prosecuting gang related violence, drug crime and organised crime.	P1; P2;P3;P4;
	Social Worker	Social workers included practitioners from Child safeguarding, looked after children, YOT, Early Intervention, Leaving Care. Within this group were specialists in CSE, LD and UASC.	SW (Social Workers) PO (Probation Officer) YOT (Youth Offending Team) IRO (Independent Reviewing Officer)
	Lawyer	Lawyers came from both criminal justice and family law. One lawyer worked in both contexts. Two of the criminal lawyers represented defendants in criminal proceedings.	FL AS (Family Law Advocate Solicitor) FL B (Family Law Barrister) CL AS (Criminal Law Advocate Solicitor) CL B (Criminal Law Barrister) TL (Trainee Lawyer)
Designation	Manager / Supervisor	The Police cohort included one Detective Sergeant and one Detective Superintendent. The Social Work Cohort included a number of Practice Supervisors, Team Managers and a Principle Social Worker	PS (Social Work Practice Supervisor) PSW (Principle Social Worker) M (Social Work – Team Manager) DS (Police Detective Sergeant) DSI (Police Detective Superintendent)
NOTES	Gender	Male Female	Number =9 Number = 20 Number = 29
	Total Number of Participants		

Table 5: Participant Attributes

Part 1: Baseline Knowledge

7.2 Responses to Opening Questions

Each focus group began with the Opening Question:

What have been your professional experiences of criminal exploitation of children

and Key Question A:

Thinking back to cases that you have worked on or are familiar with, what do you feel were the challenges you or your colleagues faced?

These open questions established a baseline of experience and knowledge for the group and encouraged participants to discuss the phenomenon from their professional and practice perspectives.

The focus groups opened with an ice-breaker discussion in which participants introduced themselves and talked about their professional roles and experience in this field. As the groups were set up regionally, most of the participants knew each other or at least had a good understanding of each other's roles. They sometimes had shared casework. The conversation that was initiated by this question was an effective opening and segued into Key Question A without it needing to be explicitly asked (though the question was contained in the presentation slides: see appendix C).

Experience of working with criminal exploitation varied from little or none (as admitted by two social workers and three family lawyers), to extensive, specialist experience among four police officers and one criminal lawyer. All the participants, except of one law student, had experience of working with children, young people and families affected by child sexual exploitation and intrafamilial child abuse, neglect and domestic abuse. The single DSI was an expert in trafficking of human beings, exploitation and kidnapping.

Discussion focused primarily upon criminal exploitation of children (particularly in relation to drug crime and county lines) and child sexual exploitation. I took these two categories of exploitation as the initial themes to emerge, and then identified sub themes within these. This section examines the participants' knowledge and experience of both forms of exploitation and then identifies the challenges that they identified in undertaking their work.

7.2.1 Child Criminal Exploitation (CCE)

Participants described their experiences from direct case work, or knowledge of the work of colleagues. Many practitioners noted the intersection between criminal exploitation and sexual exploitation of children. Two social workers who were experienced in dealing with sexual exploitation indicated their growing awareness of criminal exploitation emerging from their work on CSE.

I'm working more with sexual exploitation of children rather than criminal exploitation but I find that they have overlapped...once the child has been groomed and is being controlled or is under at least some level of control by the perpetrator, then they can be enticed shall we say, into doing other tasks. So, drug running has been the one that seems to have affected my clients, or at least not all of them, some of them.

SW

I think in a lot of the cases that we have, we see concerns around elements of child sexual exploitation and as you say, grooming when you said drug running, just thinking about a case- I've got a case at the moment where, you know, that is definitely a concern.

SW

In both examples, the children that were subject to sexual exploitation were gradually being used for criminal exploitation indicating the potential for cross over between the two types of exploitation. There seems to be little difference in terms of the recruitment and grooming of the children between the two exploitation types which are ultimately happening simultaneously. A barrister in family law illustrated the difficulties faced by practitioners in identifying victims of CCE and the connections to their exploiters.

I haven't had an exploitation case in a while actually... But my partner is a criminal solicitor and he has done a lot of county line cases and these kidnapping cases as well and he says it is just very hard to get to the heart of what is going on. At the end of a trial you still have a very vague idea of the root of the problem, who the real perpetrators are.

FL B

Although Discussion of child criminal exploitation was dominated by county lines and drug dealing gangs, more diverse patterns of exploitation were noted among more specialist practitioners. A social work manager whose team are primarily working with unaccompanied migrant children explained that the team were accustomed to a more diverse range of criminal exploitation contexts and patterns.

My experience has been with unaccompanied migrant children that are brought into the country for exploitation purposes so predominantly Roma , travelling communities, children being brought in generally for the purposes of pick pocketing and some low level theft , Albanians we've had brought in for what we think are probably county lines and then Vietnamese in cannabis factories.

M

Two criminal lawyers expressed frustration and concern that because the county lines problem is now dominating the professional and public

discourse, many cases of youth crime were being misattributed to county lines, and other forms of criminal exploitation were not being recognised.

7.2.2 Child Sexual Exploitation (CSE)

Participants generally were well informed about CSE and many identified the intersection between these two modes of exploitation and street gang involvement, so a discussion of CSE cases elicited further observations of the intersection with CCE. There was a suggestion that this has only recently been recognised and may have been going on much longer but missed because of the focus on CSE.

I've worked with young people who have been exploited, sexually exploited and then there's been drug elements, gang elements, trafficking elements. On the other spin I'm now working with young people who are being exploited criminally, where 'til a couple of years ago they were assessed as CSE.

YOS

Although some variation in organisational responses to CSE was identified, professionals generally felt that there was a more cohesive response and attitude to CSE compared to CCE. Nevertheless, despite evidence of greater collaborative working and shared understanding of the nature of the problem, constraints on practice and decision making were identified.

In the [POLICE] CSE Team it seems to have been individual officers working on individual cases, they're swamped - there's no doubt about that, I know they've got huge caseloads, trying to do individual investigations. It is just that overall strategic view...we've got, I don't know, there's loads of cases, that are all connected but actually who is taking ownership of that to kind of get to the bottom...?

PO

7.3 Challenges Faced by Professionals

7.3.1 Adaptability and Agility of Organised Crime

Organised crime in any context is highly adaptive and exploitation of children by criminal gangs is no different. This was recognised by many participants: One social worker and one criminal lawyer noted the recent development that has been gangs using children known as “*clean skins*” in the context of county lines and criminality. As the social worker pointed out, the criminal gangs have learnt that child protection agencies are aware that looked after children, excluded children, and children from deprived or disrupted family contexts have been targeted by exploiters. Consequently, they have adapted their processes by targeting and grooming children that are unknown to services and therefore less likely to be monitored (such as Daniel in Chapter 4). This adaptability led one police officer in Wales to explain their concerns that if the opportunity arises to eradicate criminal exploitation of children, the criminals will focus on the exploitation of vulnerable adults, a group that are already frequently exploited for “cuckooed” properties.

7.3.2 Identification of CCE Patterns and Victims

Identification of criminal exploitation was cited as a difficulty for most participants (consistent with Haughey’s (2016) findings). A London-based criminal lawyer explained that many children caught up in criminal exploitation may already have a history of low-level offending:

... they have usually been known to law enforcement or local authorities or a public body at least once or twice before. I’ve got the data where it is usually the third time on average when they have been raised as an issue...

CL AS

But at this stage it was often the parent, social worker or YOT worker rather than police or courts that were raising the question of possible

exploitation. The lawyer acknowledged that this was difficult for police colleagues and defence lawyers, because frequently, such children either did not recognise themselves as being exploited or simply made no disclosure of exploitation.

The problem with these cases is that there may not be disclosures or indicators pre-charge. It will either be raised at the first phase at the youth court and there again there are these issues, particularly with trafficking for child criminal exploitation, that from the Crown and the Police perspective it's very difficult to identify those cases as child criminal exploitation, because there aren't any disclosures. Without any disclosures then of course you're going to get a charge.

CL SA

This dependence upon victim disclosures has been a recurrent problem in all contexts of modern slavery (Bristow, 2019) and has been highlighted in both the CCE contexts and CSE contexts. It is a frustration for practitioners, be they in social care or law enforcement, that even when investigators suspect the presence of coercion, control and exploitation this is denied or not recognised by the child.

Everything that we looked at circumstance-wise suggested that that young person was a victim, however, we sat down, we interviewed them, we went through that evidential procedure and it was either "No comment" or even where they are sort of saying "Look this is the scenario were you forced to do that?" and we're getting "No comment" so as soon as we present that to the CPS, there are no disclosures, they've been given the opportunity to make the disclosure and which ultimately will end up in them being charged.

DSI

This problem was not limited to cases of criminal exploitation. It was noted as a problem in the context of CSE also:

When they [POLICE] say "But we haven't got a disclosure", I've been challenging that to say well they are not going to disclose, so how can we do it a bit differently? Because maybe, you know, if a police officer went out with [a SW] or whoever has got a good relationship with that child and to show that cohesion, that we might get more from them that we are able to do something with.

PO

I think there's much more awareness of Child Sexual Exploitation, that's been a political issue for a few years but the process in [AREA] police... is that sexual exploitation of a child - the Public Protection Unit deal with it. You know, it's trained officers that have trained in ABE. Child victims, where it's non -sexual or where we believe that sexual isn't the main exploitation type, it's force CID that investigate it, so generally they are not trained in interviewing children, and it's a new area of investigation for them quite often. Actions aren't followed up or because you haven't got a victim that's going to sit in front of you and say on this day I was moved from - this individual moved me from A to B and forced me to do this - the cases are closed but they almost wait for like a victim to just give them a statement that they can then go and investigate... and if they don't get that, it's kind of case closed, unless we pursue it and say that actually further action needs to take place.

M

7.3.3 A Lack of Departmental Integration

Many participants were frustrated by the way in which their safeguarding policies and systems tended to force agencies (and teams within agencies) to operate in organisational “silos” which they felt led to fragmentation of services, inefficient use of resources and inconsistent responses. They attributed this to the ways in which different modalities of exploitation /

child abuse are dealt with according to linear rather than systemic models and policies. The next set of quotes illustrate how this siloing effect is both within agencies and between different agencies.

- Local Authority Social Services:

- *My experience is that where it's CSE we are almost siloed into it, I'm only looking at CSE because CSE is the identified exploitation type, so my risk assessment only focuses on CSE and therefore I'm not thinking about any other exploitation type. I think there's some movement on that, but I think it's quite blinkered just focusing on, moving to county lines now.*

M

- *In [AREA] there has been one PCSO particularly who has really driven it with Neighbourhood, but we've struggled. this young person, the one that's been missing and trafficked to Hull, he had the Emerald team involved with his sexual abuse disclosure, while he was missing he had the missing persons team ...[SERVICE] have been involved in some capacity that I don't know about, Neighbourhood are involved, PCSOs are involved, so there's 6 different departments within the police and there's drugs links as well which makes it 7 and I've not had one point of contact in the Police. No one is taking any strategic oversight of the case and wanting to piece it all together. So, it's been a constant battle.*

SW

- Police:

That's mirrored in the child exploitation panel in that we've noticed there's a collective of people - that the circumstances that make somebody vulnerable to criminal exploitation also make them potentially vulnerable to CSE.

DS

- Youth Justice:

It's very, very difficult when you separate criminal exploitation from CSE, from other forms of exploitation. You know we've got different structures and governances around the city as we tackle different forms of exploitation and one of our lads , 14 years old, has been discussed at the Missing Operation Group, the CSE Operational Group, The Criminal Exploitation Operational Group, Serious and Organised Crime Group, they all have conversations about management, he's now discussed at MAPPA as well so all of those forums are discussing the same concern.

YOS

7.3.4 Professional Attitudes Towards CCE and Effects of Organisational Culture

Professional attitudes are linked to assumptions about victims and perpetrators of CCE. The professionals focused here on the underlying assumptions that inform professional judgement and decision-making. A lack of understanding of the Modern Slavery Act 2015 and a lack of clarity regarding evidence, further affects these attitudes to victims and perpetrators, particularly where the victim appears to be engaged in criminality. This finding is consistent with Haughey's observations in 2016 and indicative of the remaining unmet need for professional training in this area identified in the Independent Review of the Modern Slavery Act 2015 (Field, Butler-Sloss, & Miller, 2019).

- Criminal Justice:

I think the CPS Guidance as it stands at the moment, is misleading practitioners where they have quoted the case of Fitzpatrick [THE DURESS PRINCIPLE]. They

have this attitude where if individuals have voluntarily associated with a criminal organised network they shouldn't be able to avail themselves of the [s45] defence and I think it's discriminatory, it's not consistent with the rest of the Modern Slavery Guidance, and in all the cases that I deal with - foreign nationals and non-foreign nationals - they've all voluntarily engaged with a criminal organised network because they think they are being smuggled to the UK

CL AS

- **Police:**
 - *Your first consideration is two-dimensional: what am I dealing with in front of me? I've got say, a young person, dealing drugs or cultivating cannabis therefore they are a criminal. So that is that two-dimensional point of view. What we don't do is take that step back and think right, why is that young person dealing drugs or involved in this criminal enterprise? What is the hold? Is there a hold? Is there a hold that I may not necessarily understand but that's why they are doing it?*

DSI

Further concern over the misuse of the s45 defence was expressed by both criminal defence lawyers and police officers, citing instances where the criminal gang leaders have claimed the defence. This they feel is diluting the benefits of this particular defence which, when confused with the Fitzpatrick (Duress) principle is undermining cases, wasting resources and court time.

Organisational culture incorporated problems of “siloing” but more specifically, this theme reveals the barriers to collaborative working, the differences in values and principles between professionals and the

conflicting goals that may contribute to the problem of siloing (Hood, Gillespie, & Davies, 2016).

...so what we have done is try to use the concepts around contextual safeguarding from the University of Bedfordshire, almost bringing case workers together and plotting out what is their peer group? what is their neighbourhood? how does it interact? where are their schools? what's the family dynamic - how do all these contexts actually feed into each other?

The number of young people...we've had to actually change our thinking around service delivery, not all of the young people that we should be concerned about with county lines are pre- criminal conviction and that is a massive issue for YOS because they are waiting for a referral from court or police so we know something has happened

YOS

Without doubt, the more systemic approach offered by the Contextual Safeguarding approach (Firmin C. , 2017) was considered helpful by most social workers. The Contextual Safeguarding approach has been gaining traction as a way of responding to the vulnerabilities and needs of older children and adolescents (Longfield, 2019). The approach addresses risks to young people that exist outside of the family environment, such as bullying, gang involvement, victimisation through crime, and localised grooming. This has been welcomed by social workers but they acknowledged that it was still focused primarily upon the child and family and lacked any analysis of the perpetrators of the exploitation. Nor does it account for patterns of criminal behaviour. A YOS worker also highlighted a problem that links back to the tension between the goals of the criminal justice system and those of the safeguarding system:

It's the court process or it's the arrest it's not pre-'. So what we've done is we've put staff at the front door in children's services, so if there is any concern around exploitation, the YOT is there and a voluntary offer- so using YOS resources

that work with those cases that are in the criminal space , because one of the aims of the YOS is to prevent entry into the justice system, so we've had to do that - they only take on voluntary cases. I think that's been a challenge for some YOT staff because we're used to putting proposals to court and seeing through the requirements of the Court Order which is all the supervision stuff, making sure that work's completed, we've got to work in a completely different way, almost like a youth service.

YOS

Police officers that participated seemed to have a similar difficulty to that expressed by the YOS worker.

There has been a shift change I think from a policing perspective - not necessarily with foreign nationals but UK national victims - where the exploitation panel that is aimed at children and vulnerable adults ... somebody who is vulnerable by their circumstances, a child that is now an adult who has been involved in this or has been groomed ..., it looks to address that, it's wider than just a safe-guarding focus it's beyond victim and it does look at cohorts of children - the commonalities around how they've been recruited or where they live so for argument's sake [PLACE] has got a huge problem with kids being recruited into county lines and taken to out-of-town locations. It looks at the locations where they go to so working with the local forces to understand what they know: the cuckooed addresses, the users that have been cuckooed...it follows that 4 Ps methodology used for counter-terrorism so there should be a preparation, prevent aspect to it.

DS

The difficulty is the whole "Right Help, Right Time" guidance is an alien concept to them [CID], they've never seen it before and the whole processes of having strategy

meetings and joint visits and joint investigations is an alien concept to them. Also, when you try and put that operating model into the arena of exploitation, it's not designed for that really back in the original - it was drawn for intra-familial abuse cases so that adds an extra layer of complexity to it as well as trying to understand what your responsibility is.

DSI

The emergent themes in this section indicated that there were similar concerns and difficulties faced by all practitioners. Some of these related to the lack of clear guidance provided for professionals. Other concerns were the constraints imposed upon practice by inadequate policies, flawed assumptions and attitudes that underpinned policy and procedure at national and local government levels; under-resourcing; and public hostility towards the victims and the professionals affected by child criminal exploitation.

Nevertheless, professional knowledge and expertise concerning organised crime and child protection, victim-accessing, and the nature of coercion and control, was of a high standard. This knowledge became clearer, and participants' confidence in what they knew improved, when criminal exploitation was discussed as a pattern emerging from child abuse. The weakest area of knowledge related to offenders, their motivation and the relational dynamics between victim and perpetrator,

Part 2 Response to the Circles

After this introductory session the Circles model was presented in stages followed by discussion: First the three circles, their components and convergence into the Venn diagram were discussed. The participants had a copy of the presentation in hard copy which they used as a reference point. This visual aid was helpful, and the groups freely discussed the application of the circles to their areas of work and service user groups.

7.4 Blue Circle: Suitable Targets

The V.I.V.A. acronym was familiar to many of the police officers, particularly in relation to acquisitive crime. It was a less familiar concept to social workers, but they grasped it quickly and easily and were able to use this to start understanding the relationship between victims and motivated offenders.

“Clean Skins” were identified as a relatively new group of children to be targeted by organised crime groups. Clean skins are children that have no previous police records, are not known to social services, and who are not exhibiting significant problems at school. I shall discuss this in the next section as an example of ways in which organised crime groups adapt their outputs in response to environmental changes and threats. What was noted by professionals was the fact that parents and teachers tended to be baffled by a child’s change in behaviour, demeanour and apparent involvement in drugs and crime.

One specialist learning disability social worker raised the issue of children with learning disabilities and autism spectrum disorders (ASD) as being especially vulnerable to criminal and sexual exploitation. The fact that this professional was the only person to raise the issue in discussion is probably reflective of their specialism and specific professional interests but similarly suggests that in wider service provision and development, these children are in something of a blind-spot.

When considering children and adults with SEN²⁷ and learning disability I think there are some factors that make them vulnerable to exploitation. We are aware of some children with EHC²⁸ plans in the youth custody system, but I think one of the big issues is around mental capacity, another

²⁷ SEN: Special Educational Needs

²⁸ EHC: Education, Health and Care Plan – Replaced the former Statement of Special Educational Need

is around ...teenage boys, who possibly got a diagnosis of ASD, severe mental health issues related to that ...We also have a number of young people who, for whatever reason, are school refusers so we don't always know where they are. So, I think that makes them vulnerable.

There was however wider, cross-disciplinary discussion of those who might be determined (in American criminal justice) as “Derivative Victims” (Mattar, 2006). The “derivative victim” is one who is related to the victim of CCE, such as a family member or anyone who has suffered harm whilst attempting to intervene to assist the primary victim²⁹.

Some of the challenges that we have: when mum and dad do become involved, it will quite often be that phone call at midnight where he says "Mum, I need a £1000.00" and we've had the scenario where as family become involved at some stage someone will say "we need to get rid of the police - tell them that he's come back, he's been released, whatever, just get rid of the police." So, there's still, even when we are talking about that level of violence and control, we are still in that position where they won't turn to the agencies to seek help.

“It's just an extension of that controlling feature. The fact is, when we come in and do our stuff and go away, they still live in those communities. So, there's still that fear of the police and the authorities unable to sort of safeguard them once the incident's over and done.

DSI

Another example is where a child is the derivative victim of a young parent who is being controlled by criminals:

In my case the child is a baby, but it is really hard to get the mum to a point where she feels safe with us to talk about

²⁹ Under U.S. law, the derivative victim doctrine is applied in cases of victims seeking residence or seeking protection under the witness protection program.

what's going on. The problem is that leaves us really unclear as to where her thinking actually is - I mean I think it's likely that she is very frightened and we don't know how these people have been manipulating her, but if she's not able to be upfront with us we're in a really tricky position with her care plan

SW

7.4.1 Adverse Childhood Experiences (ACEs)

Some important ACEs were identified as characteristics in the histories of both victims and perpetrators of CCE, and which the participants perceived as predisposing factors for CCE. Learning disability was such a factor discussed in this context. Linked to ACEs was a pattern of poly-victimisation (discussed and described in Chapter 5) which specifically concerns a child's experience of multiple forms of victimisation across contexts and by different perpetrators. Participants discussed this in terms of a child's vulnerability to re-victimisation:

So, we've got the Looked After Child with her aunt, but she's still experiencing the child abuse from her mum even though she's not in the placement- so it shifted; I've been using like yeah it was sexual exploitation and she is, but it's(the discussion of the Circles of Analysis) just made me think she's still at risk of that abuse

PS

I think that's probably played out in the trends that we see in my other specialism which is around kidnap and we see probably an increasing number of boys - predominantly but not exclusively boys - from about 16-17 where the new hold is that drug debt and all of a sudden, those people that have been their family or have been looking after them because mum or dad or both aren't around because they're working or for whatever reason - they've turned to these [GANG

MEMBERS /LEADERS]and it might all seem brilliant at the time, but as the pressure comes on, and they are pushed out (and the fact is this is all about making money, for those higher echelons of those gangs) all of a sudden they find themselves in debt. If they lose anything, if they're robbed, if they're beaten up, it all comes back to them and all of a sudden you are in a situation which is horrendous. I mean the level of violence that we see used against some of our young people is phenomenal. Yet they will not disclose

DSI

As discussion progressed in each group, participants identified important themes regarding victim characteristics.

Another group of children that we haven't talked about are unaccompanied asylum-seeking children - Vietnamese children here are disappearing. I'm not involved directly but I've heard my manager talking about that

SW

Certainly in [PLACE NAMES] we have a very high percentage of Eastern European families and they quite readily go backwards and forwards between their home country, and we've got a young lad now, we think he's in Romania with his Grandma, but we've only got Mum's word for that. We're not sure so there is an element of a lot of movement in and out of [AREA] as well.

PS

Yeah - because we have the [MAJOR ARTERIAL ROAD] running through the county we do have a lot of people getting off lorries at [PLACE NAME] and all that [ROAD] run. We have a specialised provision for the older young people which is in [PLACE NAME], and that demographic has changed over the years.

The first wave that I remember, we had Albanians and Afghans. Now you are getting lots of different nationalities coming in, which obviously are really challenging in terms of placement matching ... but it does feel like a trafficking route because they come in, obviously we do the age assessment and they do disappear because there was never any intention for them to stay.

They had a point to go to [...] because they do seem to make their way to all these places. Is that a link around organised crime and this wider migration and how that's managed? ...and the onus is on us because they are missing.

PSW

7.4.2 The Impact of Victim Gender on Organisational Responses to CCE

Practitioners identified the way in which a child's gender influences organisational responses and professional decision making - including assumptions about rational choices, lifestyle and vulnerability.

I often say, and I'll probably get shot for this, but there's a "Pink Rule" and a "Blue Rule" in [POLICING AREA] - if you're a girl you're regarded as being at risk of CSE and you will get a CSE co-ordinator, social worker, victim-focused. If you are a boy, you get treated as an offender to start with. You get an offender manager, and all the language around it suggests "Offender"...psychologically then, they get almost a different level of treatment within the police and partners that we see because it's...and it's not done intentionally, it's just the fact that, you know, it's a boy

DS

I lead the Harmful Sexual Behaviour Team and boys get referred into HSBT [for juvenile perpetrators of sexually

harmful or risky behaviour] girls get referred to [NAMED SERVICE for victims of sexual abuse] so we've had to have partnership meetings to look at actually triaging some of the referrals that are coming into both services, and contact whoever is more appropriate - this boy goes to [NAMED SERVICE], this girl comes to HSBT because, I think that thinking is always there.

YOS

7.4.3 Age of Child Victims

Although some academic research (Robinson, McLean, & Densley, 2018) and media reports (BBC, 2019), have identified children as young as eleven or twelve being used for drug trafficking the children referred to by the participants were generally in their mid-teens. However, some social workers explained that there was a particular age-group between sixteen and nineteen years, often children who were in the transition phase from local authority care, who were especially vulnerable but often overlooked by services. They often fell outside of statutory safeguarding mechanisms. This issue was also recognised by police officers and lawyers.

I think this is something else that causes all of us some difficulty, at what point...in law we are talking as soon as someone reaches the age of 18 it's almost like now they're fully responsible for what they're going to do, but that isn't necessarily the case - it's back to how long they've been indoctrinated into that scenario where it becomes the norm. So, at what point do you say "Right, sorry you can't rely on that anymore?" It can't just be based on an age thing, it's the circumstances as well

DSI

7.5 Green Circle: Conducive Environments

As the previous comment from the DSI indicates, professionals were aware that contextual issues were important to risk analysis and

understanding of the problem, and victim-focused “target-hardening” strategies are of limited effectiveness beyond the immediate and short term.

There are parallels aren't there with Child Sexual Exploitation and the Rotherham situation? ...When we are working with vulnerable children, who are either in care or are on the verge of going into care, it is so important to look at the social context and we end up trying to put them into a secure facility , which is like a prison, without really understanding that context properly or understanding the pressures that they are under or the grooming that's been going on to get them to that place.

They won't engage with us either because if they are working with drug dealers or they've been exploited in another way, they are getting money or they are getting things that are allowing them to survive, particularly if they are running away from their parents, they are going to be right under our radar, we won't find them!

FL AS.

The DSI’s comment also highlights the temporal aspect of the conducive environment, that the child will have experienced a range of situational or environmental elements over time to which they have had to adapt or make accommodations in order to develop and survive: that rational decisions made by victims are rational cost – benefit calculations based upon what they know or have learned (Jennings , 2014).

The participants responded to the idea of a conducive environment from which both perpetrators and suitable targets emerge, with suggestions for economic, social and institutional factors that contributed to such an environment.

7.5.1 Social Economics of the Conducive Environment

This item reflects participants' identification of how economic policy as well as budget management decisions and child poverty are all environmental factors that are conducive to both the emergence of, and maintenance of CCE. The participants offered illustrative examples of how economically disadvantaged children and families are targeted by criminals for grooming and exploitation

Their recruitment is quite clever as well. I've spoken to a recruiter who basically, he's a reformed recruiter, he said what he used to do is, he lived in a plush sort of penthouse away from the council estate that he used to recruit his kids from but he would go back at weekends and he'd observe groups of kids and then once he'd observed two or three that he thought were potential candidates he'd then go and speak to them and say we're going shopping. He'd take them to JD Sports, buy them three pairs of trainers each and then just observe what they did with their trainers. So, the kid that went home and told their mum and Mum's banging on his door 5 minutes later saying "Why you took my son to buy trainers?" - he's cut adrift, he's too much of a risk. But the one that rips the boxes up, hides them in a local bin, puts the trainers in his bag, sneaks them into the house then each morning when he goes to school then he comes out of the house, changes his shoes, puts his trainers on and goes to school - he's ripe for recruitment.

DSI

This account given by the police officer is highly reminiscent of that given by Paco, a former recruiter discussed in Chapter 2.

The effects of the UK government's austerity policies and cuts to service funding were cited frequently, in so far as preventative efforts of professionals were curtailed and interventions were becoming

increasingly reactive. A principal social worker lamented the loss of opportunities for collaborative working between agencies as a strategy for preventative or early intervention work.

I think sometimes it has maybe not been a policing priority and, obviously as the cuts kicked in, different things are policing priorities. ...We had groups of people targeting our children's homes, so it's not a new issue, but where prevention has been more successful is where you've got the relationship so, having come from a residential background when the PCSO used to come round and have tea and know the kids, they were more likely to tell him what was going on. I think the relationship thing is important and with the cuts some of that stuff has been fragmented.

PSW

Similar frustrations were expressed by police officers.

In my experience (and I've been in the police since 2001), I saw a step-change in exploitation of children where it coincided with police funding being cut and numbers of police officers being cut back, and I think that drove changes internally within the police, rightly or wrongly, because we didn't have the resources to keep hammering the criminal justice system in the way that we did, so there was a huge push for us to go for out-of-Court disposals, community resolutions a softer approach to Policing from when I first joined, ... It was very focused on delivering arrest, arrest, arrest. But what that did, rightly or wrongly, was, if you got a kid that was going 'round being anti-social, breaking windows maybe breaking into cars, you would intervene at a low level and they would be arrested, whether that's a sledge hammer to crack a walnut I don't know. We would arrest that child and you would see seven out of ten children that were arrested for a low level offence you'd never see them again because their parents would intervene, they didn't like the fact that they'd been in the custody block, it was that wake-up

call that they needed to say 'hang on a minute, I'm hanging around with the wrong group of people here' or they came to the note of child services, YOS, YOT, and there was diversion intentionally in place and we didn't see seven of those ten again. The three then we would focus even more intensely, on so we would see that they would go to burglaries and eventually would probably get some sort of custodial sentences or more significant sentence. What we are now seeing is kids that we've never seen before all of a sudden commits an armed robbery, or a really nasty street robbery or stabs somebody because they've not had that lower level ...and we haven't now got the resourcing to provide that level of intervention either

DS

This lengthy but detailed quote from a police officer, offers a possible explanation for recent escalations in street violence and knife crime involving young people as a symptom of wider criminal exploitation and competition for market share. The lack of street policing available has created opportunities for organised criminals who recruit street gangs, who in turn recruit younger children (Pitts, 2007; Harding, County Lines, 2020; Whitaker, et al., 2018). This officer estimated that there were in excess of 100 county lines running out of their city. A YOT social worker supported this view noting

I think in the last few years you got caseloads reduced substantially, but it's become more concentrated in terms of complexity, so the cases that we are dealing with are far more complex than we have ever dealt with before. There's been so much more serious offending at a younger age - attempted murder, murders, rapes, young people 12, 13, 14 remanded into local authority accommodation

YOT

Economic pressures on families and support services constitute adverse childhood experiences. If struggling families turn to crime or criminals, this is sometimes an act of survival rather than preference. In the meetings I introduced the term “*Subsistence Criminality*” to describe children and families in such conditions and to differentiate from those that have a clear *mens rea*, who knowingly commit crime for profit:

I think that’s brilliant! “Subsistence Criminality” answers it completely. If you’re shoplifting for a sandwich it’s very different from breaking into the vault of a jewellers!

B CL/FL

Yes, it comes down to what is the outcome? That family can now survive for another week even though there is control over that child they’ve been exploited because they have been made to go to beg, or is it that you are able to put a little bit more money towards your mansion because was that has earnt you. And that is... There is a difference. There might not be a difference from a criminal point of view because you’ve got your points to prove, from a circumstantial element, if you understand why what’s happened has happened, it may have some bearing on prosecution or intervention....The fact is, if you strip everything away it is survival - this young person is in a country they probably know nothing about, they don't speak the language, they are isolated by the exploiters and you are then expecting them to disclose the fact that they are being exploited without necessarily knowing all of the psychological hold that has been wrapped around them in the background.

DSI

7.5.2 Social Values and Norms

Participants discuss how the social values of a community contribute to, or disrupt, conducive environments. The participants also identified the dynamic nature of this and that children at risk of CCE transition from one environment that is influenced by conducive social attitudes and norms, to another. Some practitioners gave examples of how these conducive values were sometimes informing professional practice and decision making and identified this area as a challenge to effective collaborative working to respond to CCE.

I think around the conducive environment as well, I think that could be multi-faceted. If you take for example your young Vietnamese person that's recruited in Vietnam, then there will be a conducive environment, then when they arrive in the UK, the conducive environment is that it's a closed community which the majority of society would not necessarily enter into

DSI

I went to a MACE meeting. There was a police officer there, and there was this young woman who had been raped six times that morning, and this police officer said it was "lifestyle choices" which was shocking

M.

Shocked as this manager was, a number of other participants also reported having experienced similar attitudes and assumptions of “lifestyle choices”.

CPS have updated their guidance, and it includes direct reference to Fitzpatrick only under Child Criminal Exploitation and County Lines Guidance, and I think that that is misleading. Because you'll see officers then saying "Well he was voluntarily engaging with this gang" and already you're on the back foot, because there is the misperception as

to whether the child consents to the exploitation or not. As we know a child can't consent to the exploitation so it's problematic. That needs to be looked at.

CL AS

7.5.3 The Effects of National and Local Political Discourse on Services

As with regard to social norms and values, participants felt that political agendas at both the national and local level (including internal politics of institutions) influence the responses of agencies and professionals as well as the priorities and reactions of the community. One social worker drew a connection between the current political and social climate and the shared goals of both victims and motivated offenders and expressed annoyance that when children are abused and exploited, it is the professionals that are held responsible.

The bigger issue is about the overall society perspective that first they don't want to believe there are people out there doing this to children, so we need to acknowledge that we have some fundamental problems in our society which we are all members of and contribute to and, however hippyish that is, it is a fact. Tory politics is not about the greater good, it's about you're a success if you have money. If you've power, if you've status - if you've got a nice car and you can get them selling drugs - It's the mind set stuff and you know, 'oh, you social workers you're all like left field hippies, when we tell you, you don't do anything'

PSW

This expression of anger and frustration indicates this participant's perception that western, New Right commitment to consumerist values, belief in material measures of status, value and power are criminogenic, simultaneously driving children with aspirations and unmet needs towards criminal exploiters. There is also implicit within this statement (regarding

“hippyish” social workers) that practitioners are unsupported, unvalued (Munroe, 2011) but held accountable as separate from the rest of society. The othering, that occurs as a result of these social and political attitudes, therefore contributes to an environment that is conducive to child exploitation as there is an assumption that the marginalised children will be sought and protected by other agents (rather than by all members of the community). When the professional agencies are seen to fail to protect a child or children, they are the focus of public and political anger and blame (Rogowski, 2010).

7.6 Red Circle: Motivated Perpetrators

Other participants also highlighted the ways in which the needs and aspirations of children are congruent with the goals of perpetrators which forms the foundation of the exploitative relationship (Pitts, 2007; Jennings , 2014; Beckett & Warrington, 2014; Broad, 2018). Police officers and criminal lawyers had insights to offer regarding motivated offenders but fewer social workers had this knowledge and experience. This is reflected in safeguarding practices that emphasises victim behaviour and target-hardening rather than addressing the criminogenic needs and activities of perpetrators and OCGs.

I think it's definitely something we need to be thinking about more and trying to understand better. Rather than placing a written agreement with the family saying you won't do this, you'll work with us... rather than putting all the onus on the family member, thinking more about the perpetrator and injunctions against him.

FL AS

Participants noted ways in which motivated offenders might access, ensnare, entrap and ultimately achieve complete domination of the children that they target. In some cases, the children perceived their

membership of the gang or involvement with the exploiter as a more reliable source of shelter and protection than the safeguarding agencies:

I think that is going to lead on to the re-victimisation with the young person that I discussed you know; he's made this disclosure of sexual abuse. Because the Emerald team has taken so long to deal with that, his perpetrators are still free, still walking around so now he's got involved in a drugs gang and speaking to him when he came back he said "I'm not scared, I feel safe when I'm with them" because a drugs gang is going to protect him from people who are sexually abusing children because of the way it works. He's been re-victimised, now being criminally exploited but he feels safe in the drugs gang

SW

At the same time, a lot of these kids are on ASB³⁰ injunctions and their experience of the police is so negative that we must build that trust, and it's difficult

PO

The VIVA acronym was readily accepted and considered helpful by both police and social workers. One officer applied it in discussion to explain the mutuality of the relationship between exploiter and exploited with reference to the “reformed recruiter”:

So, going back here (VIVA) all three of those kids have their value, the one who's got the relationship with his mum says "look what Matey bought me - Mum steps in and says what are you doing?", that kid's high in inertia. He's going to take time and effort. But the kid who is over the moon with what he's got, knows its dodgy and wants to keep the secret, he's now bought into it, and he's hooked ...

³⁰ ASB: Anti-Social Behaviour

The Targets are clearly visible and accessible and have got those key skills that he [recruiter] wants in someone that he's going to exploit. And we have seen occasions where they've made promises and delivered and that makes for a good long-term relationship, 'cos there's trust there isn't there?

DS

The Venn diagram comprising the 3 circles was easily understood by all participants, who were able to recognise the dynamic interaction between these domains as generating relationships that produced patterns of child abuse and exploitation. The diagram rapidly became the framework for discussion and a means of organising complex ideas. At this stage an important question was raised by professionals in each focus group, which concerned circumstances in which a child has transitioned from victim to perpetrator, or is in a dual role of victim and perpetrator:

In terms of the movement between exploiter and exploited, is there a recognition that those can happen at the same time so you could be exploited and exploiter at exactly the same time?

YOS

From a criminal perspective it's quite interesting, I mean what I'm interested in is where the victim then becomes a perpetrator and obviously it happens quite regularly in a criminal context. Like you said, within the sex trafficking rings and also within the lower-end street offending – pickpocketing going on to graduate to burglaries, robberies and showing the youngsters what to do. It's the same as women within the sex abuse setting, they will still be under the control of the main madam or main trafficker/exploiter, but they are showing the youngsters what to do and engaging in maybe pornography or engaging and inciting other individuals into activity. I... yes, I like it. It works - I'd obviously want to put my mind to it a bit more

The next section of the model satisfactorily answered this question for the participants and is discussed below.

Part 3: The Degrees of Organisation and Continuum of Complexity

The degrees of organisation seemed to enable participants to plot and describe such a transition. This part of the presentation was followed by the next key question:

Does the Circles of Analysis model offer a helpful explanation of the causes and patterns of criminal exploitation?

7.7 Responses to the Presentation and Questions

The initial responses came from the first round of focus group meetings and were coded for positive, negative and ambivalent responses.

7.7.1 Positive Responses

The positive feedback incorporated the comments and observations by participants that were supportive of the model and approved of its ability to explain the patterns and causes of CCE. The mixed disciplinary groups were successful in applying the model to different contexts. A senior family lawyer from one local authority explained how the model supported much of their best practice but also highlighted to them that the role of the motivated offender is insufficiently understood.

I think it makes perfect sense. I think also in the context of this all happening that's very difficult for us to penetrate that and to be able to protect as a result because that relationship

between the offender and the target, is quite a close relationship and nothing that we say with our suits and our Court Orders or whatever makes sense in the same way as that relationship does....I feel like, this model to me is the way we assess cases anyway, so we look at the environment that the family is operating in . We'll look at the pressures or the vulnerabilities within the family and so when we're making decisions about care planning, we're trying to manage all that to see if a child can safely remain at home. But I don't think that we understand perpetrators as well as we probably need to

FL AS

This view was echoed by a senior Police officer who used the model to demonstrate how the role of the offender is not addressed very effectively in child safeguarding strategies.

I think where this model will assist... is when we are looking at it from that safeguarding point of view, that opens up far more opportunities to a social worker from a care perspective than it does anything else... because if you looked at that jointly with policing, we looked at what's motivating the offenders, if we can break that part of the cycle - so if we looked at risk orders under the Modern Slavery Act, we've actually got the opportunity to break that... but we don't. We tend to look at what we can do around the victim, what we can do to remove those circumstances rather than dismantle it from another point of view as well

DSI

In this analysis, the DSI identifies how the model would justify and inform improved joint agency interventions between police and social services. Similarly, a YOS worker explains how the model assisted them in analysing a case dilemma more systemically.

It's quite interesting for me as well...I've got a young person, I'm working with her actually, Mum's been as difficult- in fact more difficult, letting us get access to the child, so kind of from our perspective we've had quite a lot of questions around what is it Mum's got to gain from stopping us seeing her, what is there to hide, and what would we find in there and I think that [Circles of Analysis] kind of gives us a bit of how to think around it rather than just, it's the child being exploited or is part of a gang. if the family are involved in it, we're absolutely certain of it... So, it [Circles of Analysis] raises questions about the family's involvement but also whether they are victims as well

YOS

This is an important observation by the YOS worker who identified a family as possibly in scenario two in terms of the “degrees of organisation”, and on the right of the continuum of complexity.

The fact that the model was research-based and offered theory to support judgement and decisions was generally appreciated and encouraged participants to discuss shared cases and familiar experiences.

Can I just say about what it does do is it gives us a theoretical basis to explain some of the things we know will work, for example: we know that if a kid becomes too high profile during a missing episode potentially, they cut them loose and we get them back. ...The fact that he became almost too hot to handle and so they didn't want him anymore

SW

I sit on a ... I've got a regional CSE group one of the things is “problem profiling” and kind of understanding and analytical capacity comes up all of the time. One of the things I've been saying is there needs to be a methodology around that because I just don't think we've got that. Everybody goes off and tries to do their own thing, it depends on what the police analyst capacity is because for a long time around

CSE there's been no analyst, so our local problem profile has just been an out-standing piece of work for years. But I think yeah, maybe some kind of framework, those concepts that you are trying to develop, would be useful

PS

As the focus groups developed, the participants settled into case discussions in which they applied the model and discussed potential decisions and lines of enquiry that were indicated as a result. One example of this is how three social workers in a group found the relational aspects helpful in determining the power dynamics of an exploitative relationship. They proceeded to discuss current local cases using the model. The transcript of that conversation is presented here:

SW 1: (CSE Specialist): "For me that's just flipped it again, that's flipped the imbalance of power, changed it around completely. It's made the environment more powerful than the perpetrator who had control... so actually the only thing that's missing on that model for me is a bit more depth about the balance of power - where does it lie, where does the power sit at any given time? And that's for us on an individual case by case basis - so that's the question I'm going to be asking.

SW2: "What we can offer [the child] to get that back?"

SW1: "How do we gain control, and take control away from the perpetrator which is the way out"

PS: "It's a seesaw isn't it? What does the child need that's greater than that need [met by the perpetrator]?"

This conversation is an interesting analysis of the goals and needs that motivate the child (Beckett & Walker, 2018) and the way in which the offender has been able, superficially, to meet those needs from the child's point of view (Jennings, 2014; Beckett & Walker, 2018). It suggests that the model offered the practitioners a framework with which to analyse a

case and develop a hypothesis. From this began to emerge an intervention plan that tapped the needs and motivations of the child and clarified the perpetrator's victim-accessing and grooming strategy.

Many practitioners, particularly social workers, were critical of the checklist approach to the identification of "indicators" of modern slavery or child exploitation and suggested that it was a characteristic of the siloing problem and an inherent problem in the National Referral Mechanism (NRM). Similar to the discussion above, a police officer saw that the model offered a practice framework for developing strategic and tactical response to a case of CCE.

I think it will work very well with restorative practice. I think with the questioning and stuff like that, if you've got that sort of reminder, which does it fit, which is the most likely? Which way should I go? And think of the questions before you do them if you like... it sorts of helps you think through plausible scenarios

PO

The suggestion that the model helps practitioners to think through plausible scenarios suggests its utility as a framework for developing structured professional judgement and decision making protocols such as the Risk of Sexual Violence Protocol (Hart, Kropp, & Laws, The Risk for Sexual Violence Protocol (RSVP), 2003), the HCR 20 Violence Risk Assessment tool (Douglas, Hart, Webster, & Belfrage, 2013) and the SIPPS for CSE (Barlow C. , 2017). Such protocols have been increasingly cited as strong alternatives to the more traditional weighted tools criticised by the professionals in these focus groups (Barlow, Fisher, & Jones, 2012).

An experienced police officer saw that by using the model as a framework for organising evidence, even at a very early stage of the investigation, the problem of identifying a pattern of criminal exploitation and a victim became much easier to resolve.

That slide (Degrees of Organisation) is really helpful. I've not seen it laid out like that before. I often get the question posed to me as the investigation co-ordinator, how do we know that child is a victim? And that phrase "Follow the money" is quite powerful! And I've not heard it before but it makes, absolute sense...it's genius actually, because that is a real-world indicator where we can easily evidence the fact that we've recovered a child in Hartlepool in a trap house and they've got no money on them but they have been out of town for ten days. Well if they are earning money they could have come back with thousands of pounds and nice clothes, but if you don't change your underwear for 10 days, you got no cash, you got nothing, what benefit have they had from that relationship without that offender? Whether we see the offender or not, if the answer's nothing, then they've been exploited and that's quite an easy tangible way for a police officer to go "oh yeah!" because it's difficult sometimes to put a reasoned argument forward

DS

A barrister, who offered a unique perspective as a practitioner who works within both the criminal courts and the family court system supported this observation and the potential for better collaboration in child safeguarding if evidence is discussed and evaluated systemically.

It's funny because I get that completely from the criminal side, see it in the criminal context, but when you look at it in child protection in the family courts where you've got to get results in six months in effect, and that's... The point is what we do...is we seek disclosures from the police, and if we have that disclosure that, looked at from a different angle, I'm sure that it could be helpful. But again, we are so used to pursuing it in such a binary way.

B CL/FL

There were no overtly negative comments about the model which was assessed by practitioners to be a helpful explanation for the causes and patterns of criminal exploitation. After the first round there were, however, some notes of ambivalence.

7.7.2 Points of Ambivalence

At the end of the first round of focus groups there remained a concern that the model may not account for children that were in the dual role of victim and exploiter. This is a scenario that has been especially challenging for social workers and Youth Offending Service workers.

I'm thinking that some of our kids could fit into the suitable target and the motivated offender and I'm wondering how we can tap into that dynamic?

YOS

This was a dilemma that was also expressed by a criminal lawyer. A further concern that was articulated by a social work manager was how easily the model could be picked up by non-specialist practitioners or less experienced practitioners.

I was trying to break it down in terms of the Palermo Protocol actually so where we are working on the "Earnings retained by the child" you've just got that criminal act haven't you? And we need both evidence - act and purpose - to be dealing with trafficking. Oh yeah, it works. I'm just thinking about a practitioner that's not in our team might get a bit confused... For practitioners on the ground it needs to be self-explanatory

M

M raised an important point and in another London group, two participants who had no experience of trafficking or child exploitation admitted that they struggled to apply the model

I kind of understood it – some sort of scenario basis would help in applying the model

SW

Some helpful suggestions and ideas for the refinement of the model were put forward by some participants, particularly those that had expressed ambivalence over some aspects of it. These are set out at the end of this chapter.

7.8 Recommendations for How to Improve the Model

The suggestion to “follow the money” i.e. the earnings element of the degrees of organisation and complexity diagram met with general assent but both a criminal lawyer and some Police officers suggested that this might be better expressed as “gains or benefits”. Their suggestions are set out below and incorporated into the revised diagram at the end of this chapter

Just as a suggestion, where you said earnings, would it be more appropriate to say proceeds?

CL AS

Earnings may be better as gains or benefits because those gains are not necessarily monetary; they could be shelter, food, they could be affiliation, couldn't they?

DC

The DC’s suggestion reflected that a child acting alone may commit a crime to obtain shelter or food or to establish a reputation (perhaps to gain entry to a gang or respect from other young people). In the second scenario in the degrees of organisation, the gains and benefits may be obtained by the child in order to support the family or affiliation group (but instigated by the family or affiliation group).

The only other bit about the diagram, is you would still have, looking at some of our intra-familial OCGs, I don't think the complexity increases when it's people outside of the family. I think in some circumstances it does - if you're talking about a child going out committing crime, almost being coerced into committing crime by a family member because that family needs to survive, is probably slightly different from a family that has developed into a "Crime Family" so to speak.

DSI

These suggestions were then fed back to the final focus group meetings where there was a consensus of agreement that this improved the model and its application to real world scenarios.

Additional suggestions that emerged from the first round of focus groups were then used for further enquiry in the final meetings:

- *The model prompts lateral thinking, and this opens up alternative lines of enquiry or possible questions.*
- *The model provides you with a starting point.*

Part 4: Results of Final Meeting following Reflection Period

Key question C was the opening question for the final meeting:

What are the potential strengths and deficits within the model?

7.9 The Model as a Starting Point for Assessment and Investigation.

A DSI and a CL AS suggested in round one that the model provided "a starting point". This they clarified and developed in the second round:

What this does is actually breaks it down into the vulnerability of an individual, the landscape (which may

impact upon their vulnerability as well) and then obviously the willing person that sort of controls or makes it happen.

I think that what it does, is it actually starts making you look at it a bit more three-dimensionally, which I think is really important: it's one of those elements of modern slavery that we consistently fail on from a law enforcement point of view as we tend to look at "Has a person committed a crime" Yes. Well, we won't ask why they committed that crime necessarily; we might ask but we don't want the whole history because that doesn't impact on our points to prove. So, I think when we say it's a good starting point, it gets you thinking about it in a little bit more depth, which I think is really important.

The good thing about this process is talking about three areas to consider, so it's a nice simple process to consider. You don't need a big book, you don't need to sit down and read a manual to understand the point. If you work in this world anyway, it just focuses what you might look at in terms of what's important.

DSI

The CL AS Concurred and the view was supported by other police officers in other focus groups who also saw its potential as a means of improving cross-agency conversations:

That's exactly right, it's a starting point conversation with partners, cops, whichever way you want to look at it, to facilitate a conversation around vulnerability, safeguarding, victims, offence, whatever it might be, whatever the finding might be. But I suppose the biggest challenge is, whilst it would be that, it is to get everybody around table to agree that this is the document that is to facilitate discussion. If that can be utilised or accepted by everybody around the table, it would cut a lot of the conversations much shorter

DC.

With time to reflect on the previous discussion one DS had applied it to the problem of understanding when and how a victim of exploitation may transition to a perpetrator. The degrees of organisation and the continuum of complexity were cited as being especially helpful in this regard

For me yes, I would say it was helpful because I've been looking for some way to almost draw a line between different stages of participation, so I guess for me it was good because I go to somebody and say... This is something that we can all use to give our points of view and almost agree on that middle stage- draw the line and actually the person becomes the perpetrator. For me it was almost tailor-made for that type of thing which is a difficult conversation to have when there are different offenders.

DS

Yes, I think what it does is it positions the child along the pathway, so I think for that it's likely to be acceptable to different partners. They all have a piece of it -because we generally to say well yes there's...we all accept that these people are vulnerable but there is a different issue: there is a "where in the journey they are". So I think there's a bit of everything so I think if it can be accepted as a starting point then it delineates between... You got all of those circumstances, but as they move along it moves more one way than the other.

DC

The research base of the theoretical model was also identified as a strength. One police officer added that it helped in the context of multi-agency discussions because as an academic piece of research it was perceived as being objective, but it nevertheless had incorporated significant contributions from professionals who were most likely to use it.

The fact that we are bringing it in from research, it's not our idea (police) and that helps, go to something and say this is

been suggested to us from academic research which makes it easier to get it in and get an explanation around it because it's not our idea. It's research that helps because in one of these debriefs - and it was quite emotive - there was a little bit of finger-pointing and stuff, you are institutionally looking at this stuff in a particular way because you just want to convict everybody. I think if there is an acceptance, the same acceptance by the police, that different circumstances affect the way you deal with these things and they can see that there is a bit of give, and not all institutionalised "prosecute, prosecute, prosecute", because it's about safeguarding

DS

7.10 Application of the Model to Practice and Real-World Scenarios

Practitioners found the Circles of Analysis model to be a valuable aid to professional judgement and decision-making.

It would be really useful for someone to understand the structure very quickly but also to understand rather than having 500 victims, understand the dynamic relationship between those 500 victims and maybe only 10 or 15 exploiters. Once you do that you've made it a whole lot easier to target your resources. Yes, you've got your safeguarding role but rather than investigating 500 cases of trafficking pick the worst and maybe you'll have twenty or thirty victims. Take that one out and then see what's left underneath because each of those exploitative relationships or groups will have a relationship with each other and if you upset the balance of power by taking one out, see how that's affected [the dynamic] and re-look at it again

DS

The groups were asked directly if they thought that the model would help to safeguard children more effectively. The response was affirmative with examples of different ways in which practitioners felt it benefitted them:

One of the benefits I can see straight away, if this was given to an investigator who was a bit cynical or lacking in direction, they could quite quickly even on the back of a fag packet, blatt out the equivalent of a 4 P plan by using this as a methodology or as a theory.

DS

Absolutely because again it gets us off the tram lines, to look at things from a different perspective

B CL/FL.

It's helped me focus more upon the motivated perpetrator role and the relationship to the victim – even in DA cases. It's enabled me to give better advice to our social workers and formulate threshold arguments

FL AS

A social work manager took the handouts from the meeting and copied them to their team. In the intervening period they found that the team were regularly using the model for case analysis and discussions. Senior staff with supervisory responsibilities were using it as a structure for staff supervision.

Absolutely yes. I think we all thought that you know, you can break it down into thinking about your target , your motivated offender and the environment, you need those three elements working together; it's a good model for practitioners to start gathering the evidence to enable them to form that analysis about what's happening

M

It was noted that the entire model was adaptable according to practitioner's

level of qualification and experience: They explained that support workers were using the Venn diagram to plan their work and assessment interviews with children that were unaccompanied asylum seekers. Social workers that needed to write more detailed reports for court and tribunals or apply for resources found that using the whole model, including the degrees of organisation and continuum of complexity, helped them organise their evidence and formulate plans, reports and recommendations with greater confidence and valued the research base underpinning the model.

7.11 Adjustments Made to the Model

The recommendations of the participants indicated the need to make some small but significant adjustments to the model. First of these related to the direction of earnings depicted in the Degrees of Organisation diagram and the Continuum of Complexity diagram. The rationale was that the gains were not always measurable in material terms and this was especially important in scenario 1 and 2 where the pattern of criminality may represent “*Subsistence Criminality*”. Furthermore, an external controller may be gaining by controlling a child not only materially but in terms of “criminal capital”, power and reach. I will discuss this further in the next chapter.

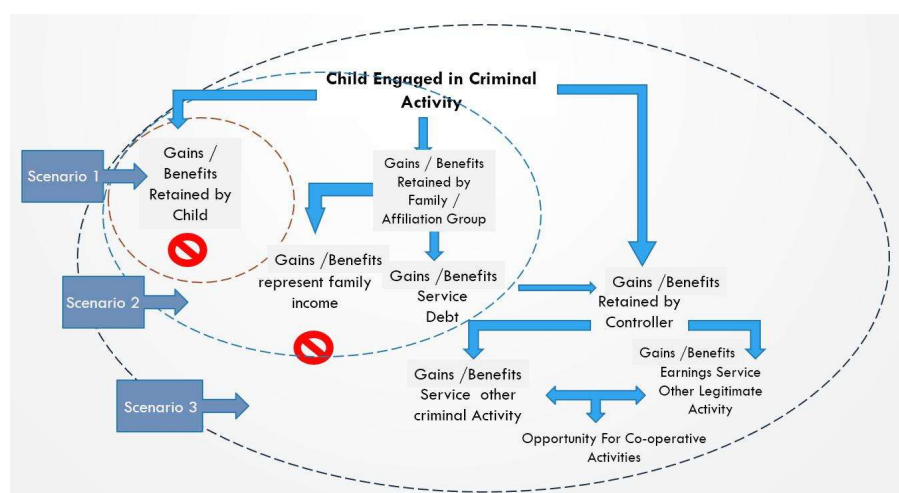


Figure 9: Degrees of Organisation After Feedback

The next recommended adjustment to this section relates to scenario 2, in

which the gains go to the family which I have extended to include “affiliation group”. This adjustment aims to take account of a young person’s involvement with a street gang or small group of associates who are affiliated by shared needs and goals but do not constitute a sophisticated OCG. Nevertheless, such an affiliation group may be visible to an OCG and represent an accessible opportunity for gaining criminal capital. Again, I will discuss this further in the next chapter.

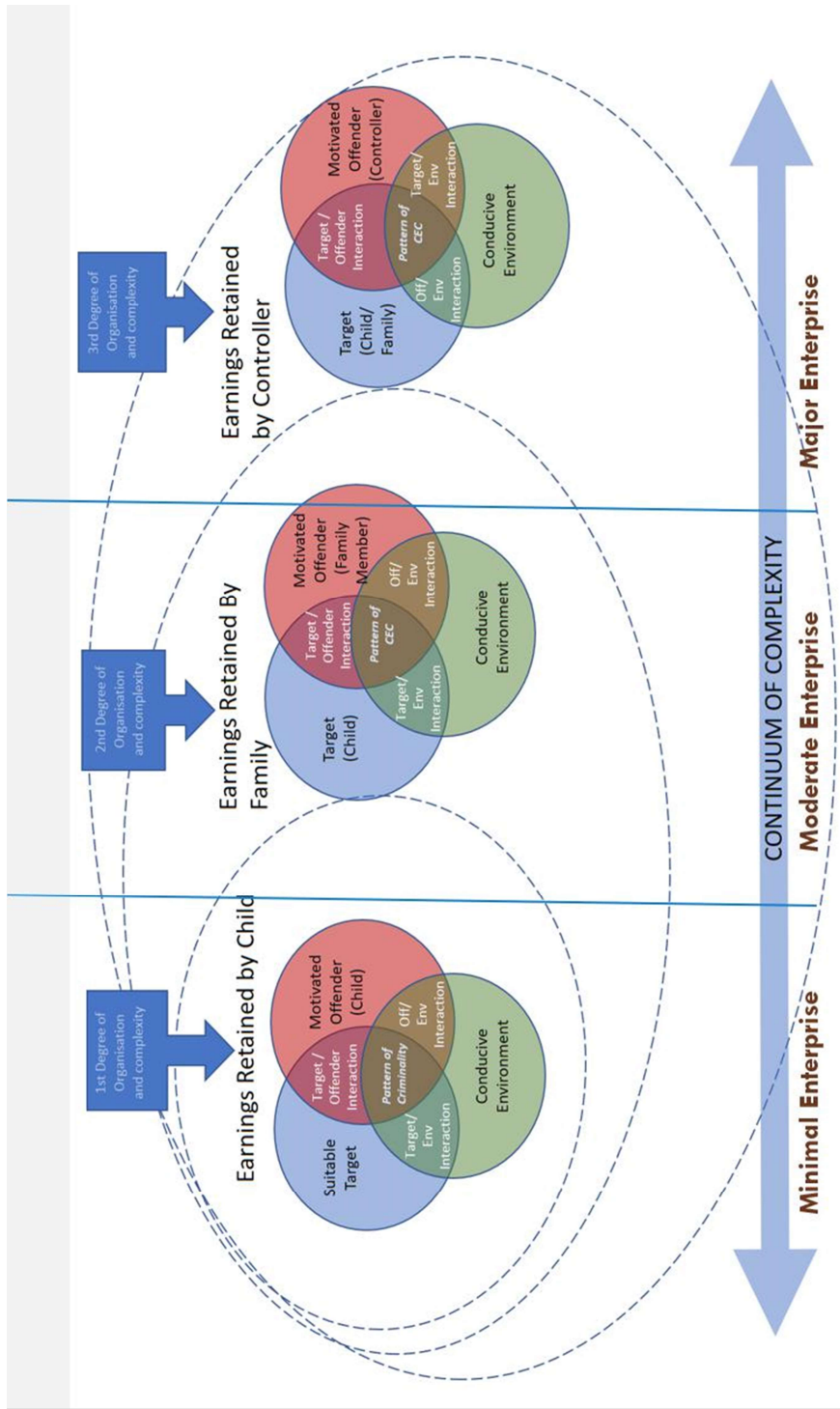


Fig.10: A Continuum of Complexity After feedback

FIG. 11: A Continuum of Complexity After Feedback

At the far left-hand side, the first degree of organisation and complexity is a minimal enterprise: it represents a child or small group of children engaging in a criminal activity alone and for their own benefit and gain. It is important to consider that such patterns of behaviour and potential marginalisation of children at this end of the continuum, are likely to become more visible and accessible to the OCGs at the opposite end of the continuum (Giambetta, 2009; Densley, 2012).

The second degree of complexity and organisation, at the mid-point of the continuum is a medium enterprise in which the family or the affiliation group (such as a street gang) gain or benefit from the criminal activity that they have caused, induced or controlled the child to engage in. Finally, at the far right-hand side of the continuum, the third degree of organisation and complexity, is a major enterprise in which the child and / or affiliation group are controlled, and the gains or benefits go to the organised crime group or network.

To reiterate the comments of two police officers:

I think that what it does, is it actually starts making you look at it a bit more three-dimensional which I think is really important: it's one of those elements of modern slavery that we consistently fail on from a law enforcement point of view as we tend to look at has a person crime? Yes. Well, we won't ask why they committed that crime necessarily; we might ask but we don't want the whole history because that doesn't impact on our points to prove. So, I think when we say it's a good starting point, it gets you thinking about it in a little bit more depth which think is really important.

The good thing about this process is talking about three areas to consider, so it's a nice simple process to consider. You don't need a big book, you don't need to sit down and read a manual to understand the point. If you work in this world anyway, it just focuses what you might look at in terms of what's important

DSI

I think what it does is its positions child along the pathway so I think for that I think it's likely to be acceptable to different partners they all have a piece of it -because we generally we all accept that these people are vulnerable but there is a different issue; there is a "where in the journey they are". So, I think there's a bit of everything that everyone in there so I think if it can be accepted as a starting ... You got all of those circumstances, but as they move along it moves more one-way than the other

DS

7.12 Concluding Comments

There was a great deal of enthusiasm from the group to assist with this project. Collectively their knowledge of the field was substantial, which may be why some felt able to try using the model in practice. Despite this solid knowledge base, professional confidence was quite low. By providing a framework that integrated familiar as well as unfamiliar organising theories, participants were able to apply the model quickly to their own fields of practice. An unexpected result was the way in which the model provided them with shared points of reference that facilitated cross disciplinary-discussion. This was important as the participants identified how a "siloining" effect, caused by defensive practice and organisational structuring, had led to fragmented and inconsistent interventions in cases of CCE and other forms of exploitation.

Identification of victims and of patterns of exploitation was highlighted in Haughey's (2016) review of the implementation of the Modern Slavery Act 2015 and the most recent Independent Review of the Act (Field, Butler-Sloss, & Miller, 2019). I have also discussed it at some length in the first half of this thesis as a problem for professionals concerned with

CCE. The feedback in the baselining activity supported Haughey's findings. An important theme to emerge from the focus groups was the Circles of Analysis model's ability to help social workers, police officers and lawyers organise, interpret and present evidence to identify victims and patterns of CCE. This improved confidence in professional knowledge and strategic and tactical decision making across different working contexts.

The groups have indicated that the model has use and real-world applications that are transferable across disciplines. There are also strong indications that the model provides a framework for professional discussion, dispute resolution and decision making. It is also a solid theoretical foundation upon which to develop professional knowledge and understanding e.g. through continuing professional development programmes. In this context also the model can be used to inform introductory and advanced level training courses for professionals in the field of law enforcement, law and social care. The implications of these results will be discussed in the next chapter.

The focus group method provided an opportunity to "road test" the model. This had a number of benefits: It encouraged participants to approach the model critically and emphasised their role in coproducing research that was relevant to their own working lives. By stressing the need to test the model, the participants not only discussed its strengths and weaknesses but, in some cases, "sampled" it in their work domains. The feedback that this generated enabled us to collaboratively refine the model so that it would meet one of the main aims of this research which is to be of real-world relevance and benefit to practitioners.

Chapter 8

Towards a Theoretical Model of Child Criminal Exploitation

Part 1

Co-produced and Collaborative: Refining the Model

Child criminal exploitation (CCE) is a multi-faceted, multi-layered phenomenon. The nature of the problem of CCE, and the heterogeneity of both the children that are exploited and the people that exploit them, means that to date there has been no clear, widely agreed definition of criminal exploitation. It has therefore been difficult for law enforcement and child protection agencies to identify the presence of the problem (Haughey 2016) and to develop consistent, cohesive, strategic and tactical responses.

The Circles of Analysis model proposes a new and innovative theoretical framework that has been founded in complexity theory and constructed through a process of synthesis of extant theory and academic research, professional literature and knowledge within the fields of criminology, sociology, psychology, social work and health, systemic business management, and general systems theory. Its purpose is to describe and explain the aetiology and relational dynamics of child criminal exploitation. The objectives of the model are therefore:

- To provide a theory for the development of robust professional judgement and decision making.
- To present the theory in an easily accessible form that is succinct, clear and flexible.

- To enable professionals from different disciplines to develop cohesive, collaborative investigation, protection and prosecution strategies for multi-disciplinary responses to CCE.

Chapter 6 explained the methodology and rationale that have been used to construct the Circles of Analysis as an extension to the field of knowledge of child criminal exploitation. That chapter deals with the field-work methodology and explains the design of the focus groups as a means of establishing the strengths and limitations of the model. Focus groups were used to question the Circles of Analysis as a realistic and truthful representation of CCE and a useful explanation of the phenomenon (the results of the focus group are set out in Chapter 7). In this chapter I discuss the process and outputs of the focus groups from a complex systems perspective to explain how they were used to establish strengths, deficits, and limitations of the model and how important refinements to the model were generated through interaction with the research participants. It ends with concluding comments regarding the fieldwork method and process, the limitations of the research, and potential implications for professional practice. I shall begin by reflecting upon the rationale for using focus groups as a research method and discuss focus groups as complex systems.

The dialogic nature of the focus groups and their value as a research method meant that the contributions of the participants would serve to develop and refine the model; in other words, the presentation of this knowledge and that contributed by the participants would be combined to co-produce the next iteration of the Circles of Analysis model.

Identification of deficits and limitations created an opportunity to resolve problems and uncertainties collaboratively. This resulted in a cohesion of knowledge shared between myself and the participants. I will therefore turn to a discussion of the state of knowledge at the first round of focus groups before moving to a discussion of the refinement of the model.

8.1 Introduction of a New Model of CCE

CCE is a multi-faceted phenomenon that is a pattern of abuse through which a child is used by another person or group to commit criminal acts by proxy. Typically, such criminality can be as diverse as cannabis cultivation, drug dealing, petty street crime, forced begging, and selling of counterfeit goods such as CDs and DVDs. Children have also been used by criminals to commit burglary and charity bag theft (Brotherton & Waters, 2013). Children that are being recruited, coerced and controlled for criminal activity are likely to be involved in more than one activity and to be abused and exploited across multiple contexts.

This pattern of abuse emerges from the interactive relationship between the child, the exploiter(s) and the environments in which they co-exist. It is controlled by the characteristics of the actors that form that complex system (Jennings , 2014). The characteristics that make one particular child a more suitable target for criminal exploitation than any other, the motivations and criminogenic needs of the exploiter or group of exploiters, and the characteristics of the environment that make it conducive to the emergence and maintenance of the pattern of abuse, all shape the nature and manifestation of the emergent pattern (Finkelhor, Araji, Browne, Peters, & Wyatt, 1986; Byrne & Callaghan, 2014; Pycroft & Bartollas, 2014; Hassett & Stevens, 2014; Jennings , 2014)

These control parameters are explained in detail in Chapter 5 but were rendered easily accessible to focus group participants in a series of diagrams. These diagrams described the intersections between the three circles, the degrees of organisation relating to the activities and direction of earnings from criminal activity and finally the continuum of complexity from a single child engaging in crime through to involvement in organised crime groups and networks. These diagrams are reproduced below:

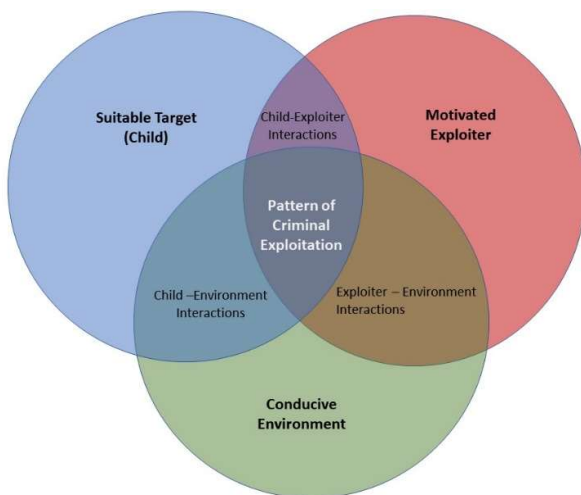


Fig.4: Depicting the Circles of Analysis - three control parameters (Suitable Target, Motivated Exploiter and Conducive Environment) as a Venn Diagram. The intersections between control parameters represent the relational interactions.

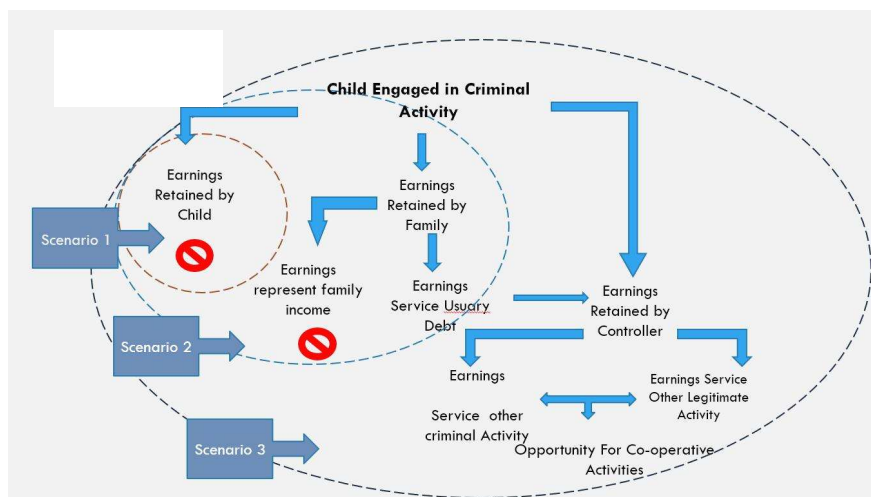


Fig.1: Depicting degrees of complexity as a series of contextual scenarios in which the child engages in criminal activity.

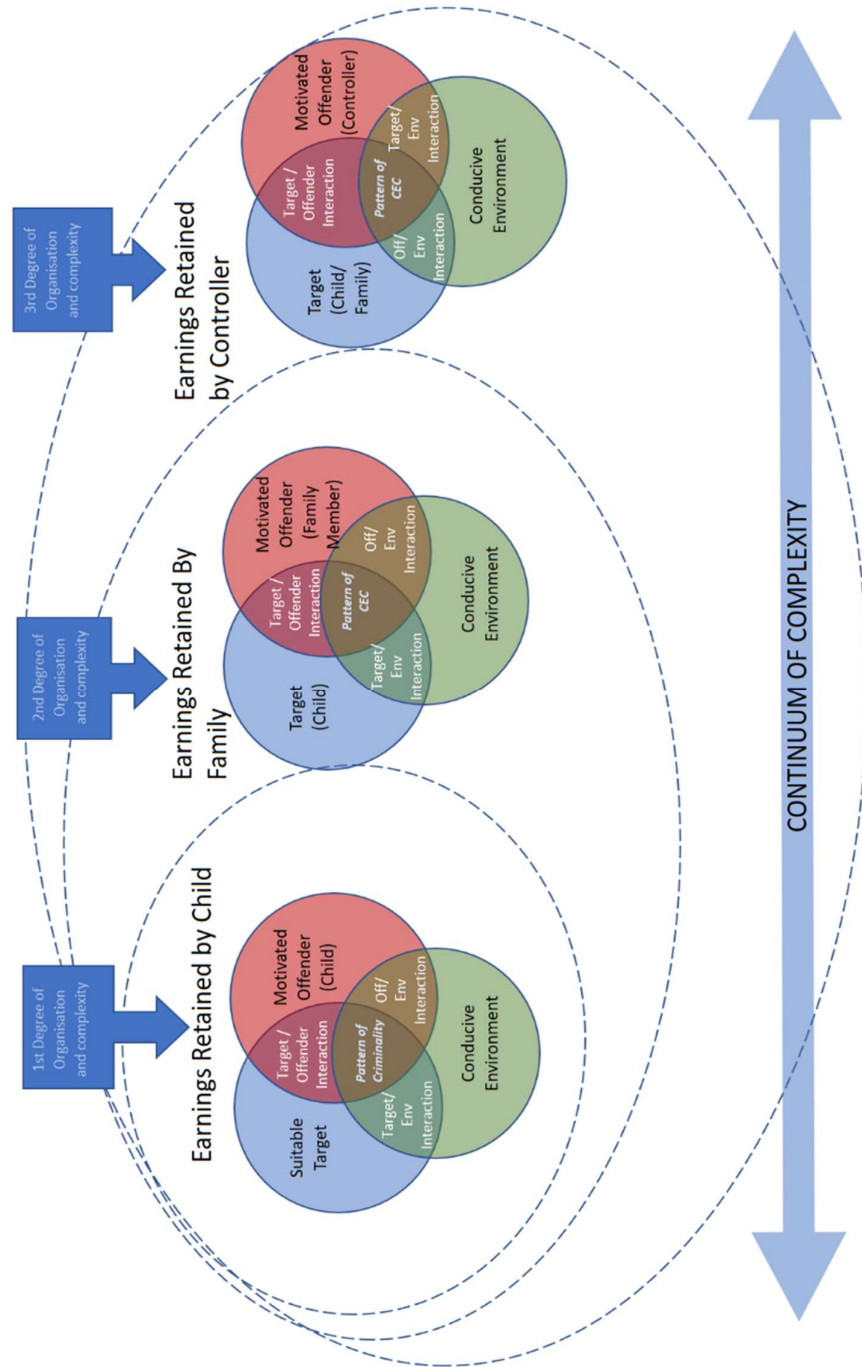


FIG. 8: Depicting the continuum of complexity and the potential for a child to move between exploitative contexts.

8.2 Participant Backgrounds

Participants had extensive clinical or professional knowledge of Child *Sexual* Exploitation (CSE). This knowledge had been informed by formal in-service training and their practice experience. Many of the participants felt that by contrast, they had less knowledge and experience of CCE, and that which they had, was primarily in relation to county lines exploitation. Many participants expressed a lack of confidence in their professional knowledge and expertise in respect of CCE. When the problem of both CSE and CCE were reframed as patterns of behaviour that was maintained by processes of child abuse, confidence in discussing and describing the problems increased. This was an observation that was noted by some of the participants.

Some considered their work and their guiding policies and procedures to be hampered by a lack of any organising theory. Thus, the practitioners' knowledge within their own field (and often of the fields of other professionals) was substantial and yet there was a sense expressed generally in the groups that this knowledge was not informed by any clear theoretical principles. Theory helps to orientate practitioners by providing explanations for social phenomena and to make plausible predictions for outcomes (Coulshed & Orme, 2012; Pearce, 2019). This enables practitioners to evaluate risk, develop plans and evaluate decision-making, so this was an important observation that had implications for the development of professional knowledge and practice (discussed later in this section).

The challenge of identifying a child as a victim of criminal exploitation was recognised in all group discussions as well as the difficulties in gathering evidence of exploitation. Related issues were the frequency with which children go missing after identification or return to their exploiters.

Despite these constraints and frustrations, practitioners understood CCE as a dynamic, adaptive pattern of child abuse and found the Circles of Analysis model gave them a helpful framework to describe and discuss case work. There was strong enthusiasm for a model that emphasised patterns over time rather than sets of risk factors. It was striking that the

rigidity and false assumptions of current responses to CCE was identified by the participants as contributing to a conducive environment for the maintenance of CCE: the reactions of services to the problem triggered adaptation by both the exploiters and the children. In contrast to many existing policies and guidance available to practitioners, the Circles of Analysis model captures the complexity of child criminal exploitation both relationally and temporally and aids practitioners in evaluating patterns of behaviour, relationships and interactions over time.

8.3 Experts by Experience: Participants' Knowledge of CCE

Professionals' information concerning CCE has been generated from quantitative and qualitative research, news reports, practice experience and the personal accounts of victims. Of course, information can be interpreted in a variety of different ways which leads to the different kinds of knowledge being generated. Furthermore, knowledge is used differently depending on the needs of the user, for example the needs of social workers may differ from the needs of police investigators; the needs of criminal lawyers may differ from the needs of family lawyers, which differ again from the needs of non-statutory agencies, health and education services. Therefore, there is a great deal of knowledge available to professionals, knowledge that enables them to describe a problem such as CCE and sometimes recognise it when it is encountered, but the knowledge alone is not enough. Theory is necessary because it goes beyond description to provide explanations: it provides a framework that enables practitioners to understand and make sense of observations, and thereby make and explain informed judgements and interventions (Coulshed & Orme, 2012). Knowing many things therefore is no measure of the quality of the knowledge. Theory adds quality by making the knowledge usable (Pearce, 2019).

The Circles of Analysis offered theory in the form of a framework within which practitioners could organise and evaluate their experiences and observations in their field of practice. They found the Circles of Analysis

diagrams a helpful reference with which to discuss cases and their different practice experiences and frustrations. The model was readily accessible to practitioners from all disciplines. This may be due to the synthesis of theory from across disciplines (Pycroft & Bartollas, 2014): many social workers and the family lawyers were familiar with the principles of systems theory and recognised the language of systemic practice. Police officers and criminal lawyers recognised the influence of situational crime preventions and rational choice theory. The fact that these theories were present within this theoretical construct enabled practitioners to grasp its principles from their respective disciplinary perspectives, and therefore justified the model within their own practice and working contexts. This also empowered them to contribute to the model's refinement. The amount of knowledge that the practitioners had was therefore extensive - though they had difficulty justifying their knowledge. The Circles of Analysis model provided them with a framework that enabled them to find justification (Pearce, 2019); it enabled them to explain how and why they know what they know. As an example, one social worker found it explained why a high risk strategy to recover a missing child, suspected to be controlled by a drug gang, resulted in the child being released by the gang unharmed and with no further harassment: a local media and social media campaign instigated by the police dramatically raised the profile and awareness of the child in the community

Can I just say about... what it does do, is it gives us a theoretical basis to explain some of the things we know will work. For example, we know that if a kid becomes too high profile during a missing episode potentially, they cut them loose and we get them back. ...The fact that he became almost too hot to handle and so they didn't want him anymore

SW

This social worker used the V.I.V.A. acronym applied to the “Child as Suitable Target” circle to explain that the inertia of the child was increased by the media campaign (he was harder to move unnoticed) and therefore

his value to his exploiters was reduced. Mobilising the community in this way made the environment less conducive to the exploitation, so the motivated offenders protected themselves by adapting through rejecting the child. As Pearce (2019) asserts, when intervention is underpinned by one or more theoretical approaches, practice may be very different in response to CCE from that which draws upon various unarticulated theoretical understanding at different times, with different children. In this example a practitioner has articulated what may have at first view seemed a high risk strategy but, when analysed according to theoretical principles is found to be a cogent, well thought through and proportionate intervention. With sound theoretical principles applied, it is also a defensible position.

8.4 Professional Use of the Model: initial responses

Identification: The challenge of identifying a child as a victim of criminal exploitation was referred to by participants from all disciplines. Both our criminal justice system and the child protection system require the identification of a crime or abuse occurring, so often there is an expectation that investigation and protection processes are activated by a complaint or disclosure. Often children will not make a complaint or a disclosure (for a variety of reasons discussed in previous chapters), even when the professionals strongly suspect that they are victims of exploitation, coercion and control. This is an important point that is consistent with Haughey's findings in her review of the Modern Slavery Act (2016) and Jay's Independent Review of CSE in Rotherham (2014). Haughey explained how many investigators find it difficult to evidence exploitation without a disclosure. This is because the evidence of exploitation may not be tangible (e.g. a victim who self-identifies) but the exploitation is itself a pattern that emerges out of complexity. A dynamic complex system appears to be random because of the complex behaviours of the agents that comprise the system but is, nevertheless, deterministic: the agents and the system they form are goal driven and therefore are predictable. This is not to suggest that prediction is easy, but it is possible

if it is understood that one small change in one part of the system can generate a dramatic change elsewhere (Jennings , 2014).

The Circles of Analysis model resolves problem of identification by asserting that cases of child criminal exploitation represent a pattern of crime that emerges from the interactions between the child (as a suitable target), motivated offender(s) and a conducive environment, represented by the blue, red and green circles respectively. The intersection of the circles was easily understood by participants as representing what Byrne and Callaghan (2014) might term the “possibility space” which is maintained by mechanisms such as violence, psychological coercion and neglect of the child, or those closely connected to the child (those that I have referred to in the previous chapter as “derivative victims”). The pattern of abuse and exploitation depends upon the degree of congruence of the child’s needs and the offenders’ goals.

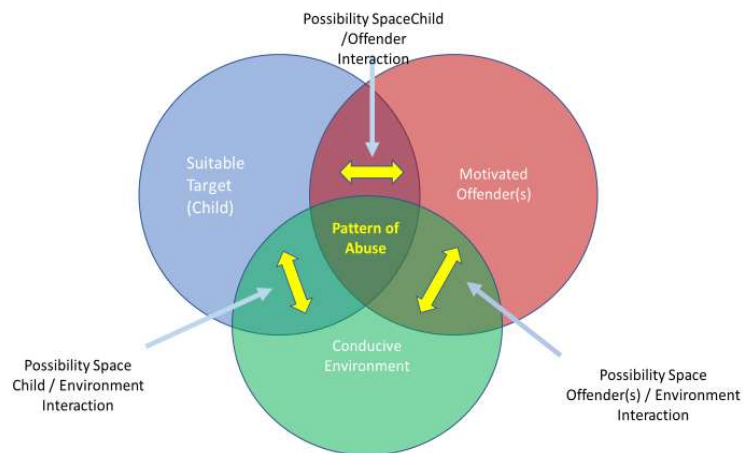


FIG.9: *Second Iteration of The Circles of Analysis: Three Control Parameters and “Possibility Spaces”*

8.4.1 Proportionate Intervention

The first presentation of the control parameters as three circles in a Venn diagram was met enthusiastically by participants. They found it to be an accessible, familiar representation of the complexity of exploitation cases that is a sharp departure from the more widely used correlation-based,

linear causality approaches to CCE. These approaches assume that certain quantifiable risk factors increase the likelihood of CCE occurring. The checklists that are produced based upon these apparent risk factors assume case similarity. This assumption is problematic because

- a) There is no actual, widely agreed definition of CCE.
- b) As indicated in Chapter 4 (and the cases cited in the focus groups), whilst there are similarities between cases, their differences are more significant (Byrne & Callaghan, 2014).

The assumption of similarity contributes to a top-down logic “*If this is a case of CCE, what has happened in this case can, and does, happen in other cases that are the same kind*” (adapted from Byrne & Callaghan, 2014). Because there are no fixed variables from which to develop a typology of victim, type of exploitation, offender or OCG, this logic does not hold. Interventions and responses fail when an exploited and trafficked child does not comply with those unrealistic expectations (Wulczyn, et al., 2010). The Circles of Analysis offers a bottom-up logic that begins with the three circles acting as “control parameters” (Byrne & Callaghan, 2014). To summarise Chapter 5, a child that is a suitable target for exploitation represents value to the motivated offender(s). The value is defined largely by the goals of the motivated offender(s). Thus, both the child and the offender(s) represent control parameters, the presence or absence of which influences the opportunity for an exploitative relationship. The value of the child is an attractor for the offender. The offender will also have attributes that attract the child (depending upon the goals or needs of the child). This congruence of goals represents the “possibility space” the intersection between the child and the offender(s) in the diagram. The third crucial control parameter is therefore the environment and how conducive it is to the pattern of exploitation. This environmental control parameter also has a bi-directional relationship with the child, and with the offender(s), over time. Therefore, hunting for causes of complex systems is a matter of identifying the presence, character and magnitude of the control parameters.

Many of the social workers were familiar with open systems theory and grasped these principles with some ease. Police officers were more familiar with situational crime prevention and the OSARA model but similarly found that the Circles of Analysis model was an easy concept to grasp. The lack of lists and flow charts was considered a strength, and one senior police officer urged that the model not be “manualised” and they were against populating the circles with so-called signs and indicators, or markers, or vulnerability and risk factors. The three circles as control parameters helped participants in understanding the relationships and how different patterns not only emerged, but changed or adapted to different stimuli, be they threats or facilitators. This enabled them to analyse cases in terms of motivations, goals, and power relationships. The construction of the model through a synthesis of cross-disciplinary theory and concepts ensured that all practitioners could apply the model according to their own professional role and within their own professional boundaries, as well as using it as a framework for multi-disciplinary discussion and planning offering the possibility that the model has trans-disciplinary appeal and offers a potential solution to the problem of “siloing” (Hood, Gillespie, & Davies, 2016).

It was found by participants that the slides used in the focus groups to illustrate the three circles and the Venn diagram were useful, but on their own did not help to identify the magnitude of any of the circles / control parameters. This is important in determining the nature and complexity of the system. This first concept of magnitude was readily understood by social workers and family lawyers. This is because it incorporates important theories and approaches that currently inform child safeguarding practice: Ecological Systems Theory (Bertalanffy, 1969), The Signs of Safety Approach (Turnell & Edwards, 1999) and more recently Contextual Safeguarding (Firmin C. , 2017). Furthermore, the Venn diagram did not help to identify the transition of roles, for example contexts (or possibility spaces) in which a victim can transition to the role of facilitator. This idea was satisfactorily addressed for them by the “degrees of organisation” and the “continuum of complexity” diagrams.

8.4.2 Refining the Model

Initial reaction at the first round of focus groups was promising. The discussion of the relational aspects of the model made sense to all participants as an emergent pattern which they then identified in other abusive contexts such as domestic abuse. Some participants explained that based upon the presentation they thought the model would be helpful but expressed the need to reflect upon it more before coming to a definite conclusion. As M explained (See Chapter 7), they were a very experienced practitioner in the field of trafficking and child exploitation and wondered whether the model worked for them because they had the benefit of having it explained by me as the author and developer. They also wondered whether it could be easily grasped by an inexperienced practitioner.

At this stage in the cycle of the focus groups the “degrees of organisation” section was widely considered to be the most under-developed part of the model and where the greatest amount of assistance was provided by participants. A police officer and a criminal lawyer made two important contributions:

- The concept of a trail of earnings (“follow the money”) was liked but considered too limited and overly simplistic. They explained that the gains were not necessarily financial or even material but could include affiliation, status, or criminal capital (increased flexibility, skill, resources and reach). This suggestion is supported by Beckett and Walker’s (2018) examination of CSE and concepts of exchange and gain within the exploitative relationship, Ballet et.al’s (2002) work on family justifications for child begging and various studies of organised crime and gangs (e.g. Cressey, 1969; Pitt, 2007; Whittaker 2018 van Lampe 2019).
- The second scenario needed to more clearly relate to a family that was engaged in criminality (namely subsistence crime, opportunistic and disorganised crime) as opposed to a “Crime Family” that may be more easily understood as an organised crime group (OCG).

The strength of the “degrees of organisation” section was that it helped to evaluate and explain the magnitude and extent of the behaviour and offered a clear line of enquiry “*Follow the Benefits and Gains*”.

Most participants wanted time to reflect on the model at this stage. A police officer and criminal lawyer concluded one of the focus group discussions by suggesting that the model was “a starting point”. I reflected on this observation also and followed this up with participants in the second round of meetings and will discuss this in the next part of this chapter.

8.5 Collaborative Development of the Theoretical Model

The opportunity to reflect on the strengths and deficits or limitations in the first iteration of the model was designed into the focus groups schedule. It was anticipated that I would reflect upon the initial feedback and use this to refine the model and then present the refinements to the groups. What happened in fact, was that some of the participants took the model and applied it in their work contexts and to current or recent case analyses – an example of the unexpected and unpredictable events that occur within complex systems. They then provided feedback that included their observations, thoughts and experiences from having done so. Therefore, the model was not wholly refined by me and re-presented (as might be the case using a Delphi model) but was refined in-group in collaboration with the participants. This collaboration meant that the third iteration of the model was co-produced by myself and the participants whose own knowledge and experience was blended with my own.

Part 2

Thematic Discussion of Findings

8.6 A “Starting Point” for Understanding CCE

Police officers and criminal lawyers agreed that using the model to interrogate other evidence not only indicated new lines of inquiry, but also increased the potential for pursuing victimless prosecutions. I will discuss this notion in the next section.

Depending upon their role, these professionals may become involved in a case at a point of crisis (e.g. discovery of a child in an exploitative context such as a cannabis grow-house or a county lines trap house); a child they may be under arrest or in custody, the child or someone close to them may have made a disclosure or a complaint that indicates criminal exploitation is occurring or likely to occur. A child may be both a victim and perpetrator of crime simultaneously, perhaps including the exploitation of another vulnerable person.

Professionals are faced with confusing, incomplete and contradictory information and a duty to assess and manage risk, investigate and prosecute crime or defend the apparently guilty. M used the model as a framework for supervising staff and encouraged them to use it in the course of their assessment work and in team discussions. M reported that the model provides a starting point for them by enabling them to impose some order on the swirling evidence (Pycroft & Bartollas, 2014). Some may only need to make use of the blue, red and green circles in order to make an initial assessment, but those engaged with the cases in the longer term, who may have to formulate detailed assessments make difficult decisions, representations to court or argue for specific resources, were making greater use of the “degrees of organisation” and the “continuum of complexity”.

A family lawyer said that she had been using the model to organise her evidence and advise social workers on the type of evidence that was needed and how to identify and articulate that evidence. She also reported

that using the model improved the quality of her “threshold arguments” in applications to the Court.

8.6.1 Justification of the Model as a “Starting Point”

The starting point is predicated on the understanding that CCE does not exist in a vacuum. In Chapter 5, I provided an overview of the evolution of theories of child abuse and the emergence of different categories of abuse. The creation of categories of abuse such as CCE risk invoking an assumption that they are referring to a single type of abuse (albeit types of abuse that are repeated frequently and systematically over time and conceptualised as a specific stressful or traumatic event). This is problematic because many children that have been subjected to exploitation have been subjected to a variety of abuses within the context of the exploitative relationship. Frequently, they have also suffered a range of adversities prior to the exploitation, including other forms of child abuse and neglect (referred to by Finkelhor, 2008, as “poly-victimisation”) by which multiple, intersecting adversities have impacts upon the child that last far beyond any single stressful event (Felitti, et al., 1998). Finkelhor (1986 and 2008) therefore suggests that for some children, abuse, maltreatment and neglect is more of a condition (a chronic, stable ongoing process) rather than an event (acute and time limited). Furthermore Radford et al. supported Finkelhor’s concept of “developmental victimisation”, finding that risks for abuse and maltreatment expand during a child’s life-course from the risk of harm predominantly from parents and caregivers predominantly, to also include risk from different types of perpetrators outside of the home and in non-familial relationships (Child Abuse and Neglect in the UK Today). There are therefore “Historic Conditional” factors (Barlow C. , 2017) that may increase a child’s vulnerability to exploitation, including their previous relationships, past victimisation and other static factors such as age and gender (all of which may have implications for the value that the child represents to the motivated offenders and their suitability as a target). Furthermore, these historical conditional factors are not only characteristics of the child’s past

experiences and traumas but also characteristics of the environment in which the targeted child and motivated offender co-exist.

The value that the child represents to the motivated offender is not purely material gain (Finkelhor, Araji, Browne, Peters, & Wyatt, 1986). Whilst this will be one motivating factor, other factors are likely to include power and control of people and territory, improving their social status, gaining of criminal capital (increased resources, capability and reach), and self-protection (Schneider & Schneider, 2008). These motivating goals may mirror or at least be congruent with those of the suitable target for exploitation (Finkelhor, Araji, Browne, Peters, & Wyatt, 1986) (Schneider & Schneider, 2008). Identifying the presence of the motivated offender(s) and their characteristics and magnitude as one of the controlling parameters has been important to the participants in understanding the power distribution and relational dynamics. Several participants, including police officers, noted that this is often lacking in safeguarding plans which focus upon target hardening and compliance from the child and the families. As a family lawyer explained in the previous chapter:

I think it makes perfect sense. I think also, in the context of this all happening, that's very difficult for us to penetrate that and to be able to protect as a result because that relationship, between the offender and the target, is quite a close relationship and nothing that we say with our suits and our Court Orders or whatever makes sense in the same way as that relationship does....I feel like, this model to me is the way we assess cases anyway, so we look at the environment that the family is operating in . We'll look at the pressures or the vulnerabilities within the family and so when we're making decisions about care planning, we're trying to manage all that to see if a child can safely remain at home. But I don't think that we understand perpetrators as well as we probably need to

FL AS

8.7 Refining the “Degrees of Organisation”

The middle section, the “degrees of organisation”, was refined mostly by police officers and criminal lawyers which led to the identification of affiliation groups as well as families as participants in crime at a medium enterprise level, with limited organisation and sophistication. It also helped to differentiate between on the one hand families and groups such as street gangs that were frequently engaged in crime on a disorganised basis, and on the other the OCGs / crime families for whom criminality was a co-ordinated and major business enterprise.

Upon reflection, it is significant that this refinement was offered by professionals who work within a criminal context. Their contribution of knowledge was based upon their expertise and understanding of organised crime within the United Kingdom and so called “points to prove” from a criminal legal perspective required to establish the presence of organised or networked criminality and conspiracy to commit crimes. This is not knowledge and experience that is necessarily shared by their colleagues in child safeguarding contexts and family law and this was frequently acknowledged within the focus groups. Whilst the bringing together of these different disciplines and the wide range of experience and knowledge they had contributed greatly to the refine of the model, the acknowledgement that they were simultaneously learning from each other indicated that the joint agency working promoted by safeguarding policy (HM Government, 2018) and strategy (Her Majesty's Government, 2016) is not sufficiently supported by joint agency, transdisciplinary education and training (Hood, Gillespie, & Davies, 2016).

8.7.1 Justification for Refining the Degrees of Organisation

The differentiation described above was an important contribution and is supported by academic research in the field of gangs and youth violence (Schneider & Schneider, 2008), trafficking of human beings (Broad, 2018) and organised crime (Sergi, 2017). Street gangs may emerge as a result of a congruence of needs of the young people forming the group (e.g. the

need for physical safety and protection against being targeted for crime, or the need for affiliation - a sense of identity and belonging). Schneider and Schneider (2008) state that “perhaps 10% of impoverished youth join street gangs and whilst gang membership offers affiliation there is also the opportunity to gain kudos and status within such groups (Cottrell-Boyce, 2013). Although gang life offers affiliation to marginalised youth, gangs tend also to exist at the margins of society where activities of the gang revolve around livelihood and socialising (Schneider & Schneider, 2008).

Broad (2018) has challenged the common assumption within the discourse of human trafficking and exploitation of children that trafficking and exploitation are motivated purely by financial profit. In her study of transnational trafficking of human beings and exploitation (not specifically children) the material gains are modest and may only be so much as is required to make a living given constraints upon opportunities for legitimate employment and gain (Broad, 2018). This is also consistent with Schneider and Schneider’s (The Anthropology of Crime and Criminalisation) description of youth gang activities (see Chapter 4).

In her recent analysis of policing models for combatting organised crime, Sergi (2017) differentiates between “ordinary” organised crime and mafia organised crime as a spectrum of organisation, social embedding, history and culture. She demonstrates the interaction between institutional understanding of the criminal threats and historical events that have shaped these perceptions. At one end of the spectrum is a mafia or similarly structured organisation. Such groups in Sergi’s thesis are characterised by physical or spatial institutional control of the territory that only relies upon residual use of violence; they have a specific cultural dimension; they enjoy political proximity and connivance; a high level of trust is established through rigid recruitment strategies (e.g. bloodline); they employ high levels of secrecy; there is poly-crime engagement; and such groups exhibit poly-territoriality. This description is an articulation of the police officer’s differentiation between families that are criminal and “Crime Families”

By contrast, at the other end of Sergi's spectrum, groups are defined by their activities; they have local (narrower) control of territory and correlating high levels of violence to maintain that control; no socio-cultural ties are needed nor are they relevant to business; there may be occasional infiltration or corruption of institutions (rather than connivance from those institutions); there are lower levels of trust and more flexible or convenient recruitment processes; maintaining secrecy is based often on relies threats of violence and visibility of violence; they engage in mono or poly-criminal activity and opportunistic networks. Some criminal families may exhibit some of these characteristics (Knowlsely Council, 2015). They may be more salient in street or youth gangs that have been identified by the child as affiliation groups (Pitts, 2007).

8.8 Time and Place: Situating CCE in The Circles of Analysis model

Discussion of the aetiology of a pattern of CCE emerged as an important point as participants wondered if the model could account for how, when, and why a child may transition from victim of exploitation to perpetrator, or even occupy both roles simultaneously (as did Kelly in the case study in Chapter 4). Though I had not originally conceived of the next stages of the model in this way, discussion with the participants led me to find that the “degrees of organisation” together with the “continuum of complexity” not only differentiated between “ordinary” juvenile crime as a minimal enterprise, (dis)organised crime as a medium enterprise and organised crime as a major enterprise, but it offered an aetiological pathway in both space and time in which the possibility spaces changed and a child may move along that continuum in either direction.

Time is an important component of complexity theory (Byrne & Callaghan, 2014; Pycroft & Bartollas, 2014), and the conducive environment was considered by participants to relate not only to the current environment but changes in the environment over time, and the effects of these changes on the developmental pathways of both victims and offenders. The time element was represented within the “continuum

of complexity” which participants considered a helpful representation of an evolutionary pathway that, together with the “degrees of organisation”, accounted for the potential transition from victim to perpetrator and progression towards organised crime. When used together, the degrees of organisation and the continuum of complexity help participants identify and explain where bifurcation points (Broad, 2018) might occur and describe these in terms of the possibility spaces. However, as two police officers pointed out, the child’s place on the continuum was not fixed and they felt that a young person at the far left of the continuum would be likely to be more socially marginalised and visible to criminally orientated affiliation groups and organised criminal groups and therefore visible as a suitable target for CCE.

With a sufficiently conducive environment they could be facilitated or attracted towards the middle or right hand extreme of the continuum. In so doing their criminal function would potentially change. A young person that is recruited to membership is known by street slang as a “youngy”. Senior members of the gang are known as “olders”. A “youngy” who has been recruited for drug selling becomes a recruiter or enforcer for the street gang, at the same time being under the control of gang “olders”, who in turn may be controlled externally by an OCG.

If time is an important component of complexity theory, it is often lacking in other approaches, (Byrne & Callaghan, 2014) particularly the linear causality models that I have criticised earlier in this chapter. I shall therefore discuss its justification in the context of this thesis and the Circles of Analysis model.

8.8.1 Justification for the “Continuum of Complexity”

The “continuum of complexity” reflects present-state conditions but encourages users to evaluate them in the context of a chronology of events and conditions that have shaped the current state, thereby facilitating the construction of plausible future scenarios. A critical element of the conducive environment is therefore time. This section of the model is, to

a degree, supported by Sergi’s spectrum from “ordinary” organised crime to mafia. Both represent an evolutionary pathway. In some respects, the “continuum of complexity” extends Sergi’s spectrum so that it can include young “ordinary” offenders (i.e. not controlled for the purposes of criminal exploitation). At the same time, Sergi’s emphasis on social political and cultural histories, social policy and policing models are all characteristics of the conducive environment that shapes the evolution of the pattern of criminality.

The dialogic nature of the focus groups means that the final iteration of The Circles of Analysis has been co-produced with the participants and is presented below diagrammatically.

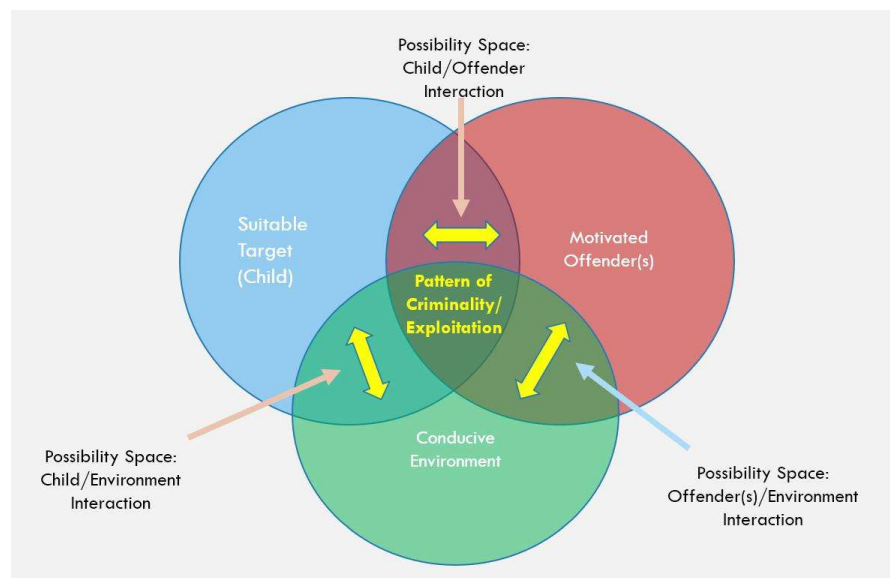


FIG.10: 2nd Iteration of the Circles of Analysis Incorporating the “Possibility Spaces”

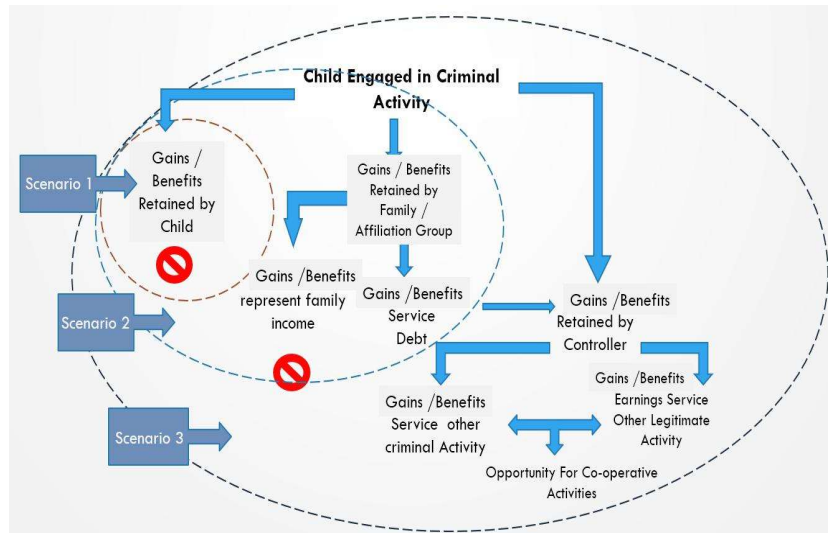
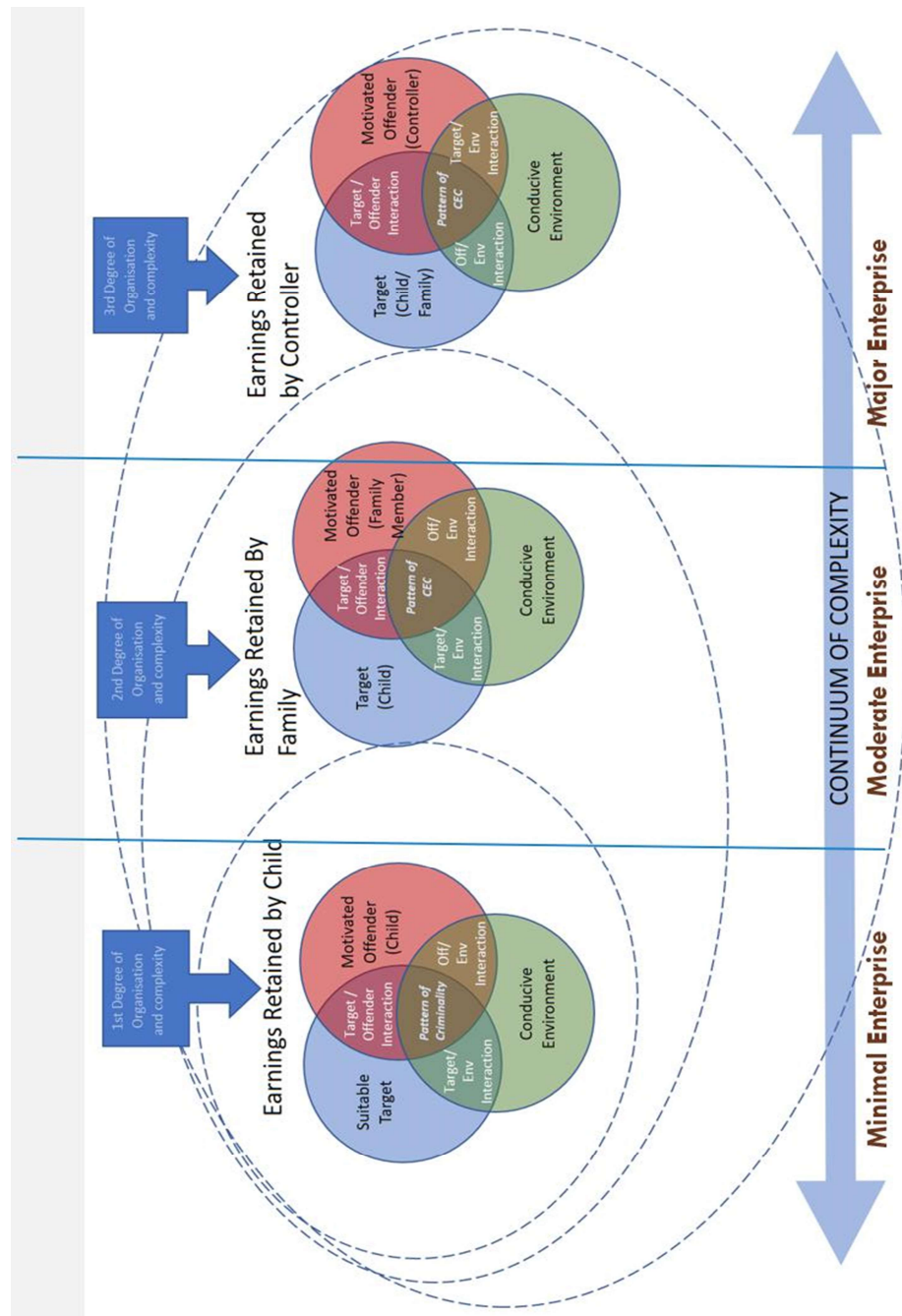


FIG.9: 2nd Iteration of the Degrees of Organisation Incorporating “Gains and Benefits”



The conducive environment was considered by participants to relate not only to the current environment, but also to changes in the environment over time, and the effects of these changes on the developmental pathways of both victims and offenders.

The findings from the focus groups have been invaluable in refining the Circles of Analysis model. It has challenged the assumption that

professionals in the field lack the knowledge and experience to tackle CCE but has demonstrated how fragmented systems and flawed protocols for practice have undermined confidence in their knowledge and expertise. The participants contributed to the refinement of the model by identifying potential ways in which it can be applied in practice by different disciplines. The focus groups have established that the Circles of Analysis is a theoretical model that is empirically informed and justified and therefore worthwhile. The next section discusses whether or not the model is useful, by relating it to the participants' practice experience.

Part 3

IMPLICATIONS FOR PRACTICE

8.9 The Focus Groups as Complex Systems

The first stage in establishing the usefulness of the model was to find a baseline of knowledge, experience, and understanding of CCE among the professionals who participated in the focus groups. The focus groups themselves were complex systems made up of representatives of larger complex systems. A part of a system receives feedback through the way its neighbours interact with it at a later time (Hassett & Stevens, 2014), depending on how it interacts with them at an earlier time. Thus, the participants' practice experiences, past events and controversies were discussed in order to make sense of the current conditions in which they worked and encountered CCE, and to estimate future possible trends, and potential impact of the model. The focus-groups approach enabled participants to apply the Circles of Analysis to their own case studies (rather than presenting them with composed case studies) which generated detailed qualitative data from lived experiences. Participants in each group came from the same localities and therefore shared organisational histories (based upon the interactions between their disciplines, departments and agencies), and had accumulated both individual and collective knowledge and expertise.

By providing a neutral context in which to hold the discussions there were no pressures or demands placed upon the participants, in that no decisions needed to be made by the group and there was no feeling of jeopardy (negative or stressful consequences for the group). This seemed to contribute to an environment in which participants were sufficiently comfortable to discuss inter-agency tensions and controversies and reflect upon current practice. In examining the experiences that the participants contributed to the meetings, themes emerged relating to shared challenges and frustrations. They expressed interest in the perspectives offered by different disciplinary traditions and the dilemmas that are sometimes created for professionals within those disciplines. Many professional frustrations related to the same issues but were often experienced or articulated differently. In more pressured environments these different articulations could lead to incorrect judgements about professional motivation and values and generate conflict (Hood, Gillespie, & Davies, 2016; (Scholtes, 1998). Using the Circles of Analysis model, participants suggested that this provided a shared framework that facilitated non-judgemental discussion and accommodated the different priorities of all agencies and professional roles.

8.10 Political Pressure on Practitioners

Professionals felt a great deal of pressure to identify and respond appropriately to cases of CCE, often referring to criticisms of front-line professionals in the wake of the Rotherham and Rochdale CSE cases. As discussed in Chapter 5, Serious Case Reviews (SCRs) have tended to critique practice and systems rather than provide insight into the causes of child abuse. At the same time, child protection agencies, and social workers in particular, have been publicly villified by both politicians and the media (Rogowski, 2010) Consequently, this strong public anger directed at social workers involved in child abuse tragedies, has been at times politicised (Rogowski, 2010; Shoemith, 2016). Social workers have taken on the guise of the folk devils who “have projected onto them very strong emotions which allows the wider society to deny it has any major responsibility. In this respect, social workers, and more recently their

managers, act as ‘containers’ for society's anxieties and expectations about the welfare of children. As our anxieties about children have increased over the past forty years, so has the depth of anger and hostility projected onto social workers and the media has played a key role in this” (Rogowski, 2010). A quote by a principal social worker in Chapter 7 articulated social workers’ frustration and anger at the perceived unfairness of attitudes to their profession and their integrity:

The bigger issue is about the overall society perspective, that first they don't want to believe there are people out there doing this to children, so we need to acknowledge that we have some fundamental problems in our society which we are all members of and contribute to and, however hippyish that is, it is a fact. Tory politics is not about the greater good, it's about you're a success if you have money. If you've power, if you've status if you've got a nice car, you and you can get them selling drugs. It's the mind set stuff and you know, 'oh, you social workers you're all like left field hippies - when we tell you, you don't do anything'

PSW

The effect of pejorative SCRs and political commentary is that children’s social care, and especially child safeguarding, is now shaped by statutory duties and processes with legal concepts and terminology informing the lexicon of safeguarding practice (Rogowski, 2010; Munroe 2002) but this is at the expense of professional knowledge. Despite this, the focus groups revealed that far from being uninformed and incapable (or even negligent), all participants were diligent and enthusiastic in their desire to improve practice, and showed commitment to safeguarding children. When this theoretical model was presented they responded with enthusiasm and applied it to their own practice experience and professional judgement. This observation is consistent with that of Baroness Alexis Jay in her review of CSE in Rotherham. Jay reported that practitioners that the inquiry team spoke to were “child-focused, enthusiastic and clearly committed to the safeguarding of exploited and at-risk children.” However

a climate that blames professionals more than perpetrators for child exploitation has produced a culture of risk aversion and defensive practice among professionals and between agencies (Hassett & Stevens, 2014).

Participants talked about the difficulties in recognising and responding to CCE and described the effects of local and national policies and expressed their frustrations. Policy developments that attempt to solve problems such as CCE as linear patterns of causality contribute to reductive processes and practices and produce “risk factor” checklists and decision flowcharts. These tend to undermine professional judgement, decision making and, what Munroe calls, “Authoritative Practice” (Munroe, 2011). The current NRM referral form was cited as a typical example in which ill-defined and empirically weak markers for trafficking and exploitation are presented outside of any context that might explain their presence. The checklists that are imposed upon practitioners, such as the NRM form, include items of dubious validity. These lists and scales often rely on various aggregation techniques that remove or dilute important features of complex behaviour (Hart S. D., et al., 2003). Such checklists, when based upon over-generalisation, do not reflect the experiences of trafficked and exploited children nor the clinical observations of practitioners. The results of such assessments that assume such a pattern of causal linearity result in distorted and misleading conclusions (Hassett & Stevens, 2014).

8.11 Siloing: Segregation of Knowledge Within Agencies

This, and organisational cultures of risk aversion, led to what many professionals called “Siloing” of practice and resources. This refers to the process of psychologically and procedurally compartmentalising an issue or problem (Hood, Gillespie, & Davies, 2016). A social work manager gave an example of how concerns about CCE and other forms of exploitation of children are overshadowed by Child Sexual Exploitation as a standalone problem. CSE is siloed and so other possibilities are missed, and interventions may be inappropriate:

My experience is that where it's CSE we are almost siloed into it, I'm only looking at CSE because CSE is the identified

exploitation type, so my risk assessment only focuses on CSE and therefore I'm not thinking about any other exploitation type. I think there's some movement on that, but I think it's quite blinkered, just focusing on moving to county lines now.

M

Siloing prevents cross-disciplinary working and leads to duplication of some activities and gaps in others. There is a consequent lack of multi-disciplinary problem solving which leads to, and is reinforced by, linear strategies that cannot adapt and are based upon entrenched false assumptions (referred to earlier in this chapter as constraints on clinical practice and a cause of professional frustration). A social work practice supervisor saw potential in the model to help overcome the problem of siloing:

Everybody goes off and tries to do their own thing, it depends on what the Police Analyst capacity is because for a long time ... there's been no analyst, so our local problem profile has just been an outstanding piece of work for years. But I think yeah, maybe some kind of framework those concepts that you are trying to develop would be useful

PS

8.12 Applying the Framework: Potential Use for Practitioners

One police officer saw potential usefulness of the Circles of Analysis model in the pursuit of “evidence-based prosecution” (more commonly known as “victimless” prosecutions) which refers to a prosecution technique that has proven to be effective in cases of domestic abuse, and controlling and coercive relationships, without relying on oral evidence of an alleged victim. It relies instead upon a range of evidence (such as telephone records and text messages and other forms of electronic

communication, letters, medical records, witness statements, financial records, CCTV evidence etc.) to build a case that leads towards or away from a suspect. Detective Chief Inspector Jenny Bristow of the Modern Slavery Police Transformation Unit explained that often, when a complainant realises how much corroborative evidence has been collated in preparation for a victimless prosecution, they feel more confident in giving oral evidence themselves and thus strengthening the case further (Bristow, 2019).

Practitioners found the model provided a strong theoretical framework that was represented graphically, making it easily and rapidly accessible. The suggestion that it provided a “starting point” was agreed by a number of participants and this was an important contribution but one that meant different things to participants from different disciplines, depending upon their role and responsibilities:

- Social Workers: Found that it prompted them to ask different questions, to think laterally and examine and interpret power balances and distributions within relationships and groups. As well as examining power relationally (Fogheraiter, 2003), the possibility spaces enabled them to formulate plausible risk scenarios and interventions. The following exchange between three practitioners demonstrates how the model improved analytical thinking:

SW1 (CSE specialist): “For me that's just flipped it again, that's flipped the imbalance of power, changed it around completely. It's made the environment more powerful than the perpetrator who had control... so actually the only thing that's missing on that model for me is a bit more depth about the balance of power - where does it lie, where does the power sit at any given time and that's for us on an individual case by case basis - so that's the question I'm going to be asking.

SW2: “What we can offer [the child] to get that back?”

SW1: "How do we gain control, and take control away from the perpetrator which is the way out [for the child]"

PS: "It's a seesaw isn't it? What does the child need that's greater than that need [met by the perpetrator]?"

- **Police Investigators:** Responded to the circles similarly to social workers. Both professions are often faced with large amounts of swirling, apparently random and chaotic evidence. Identifying the presence and character of the three control parameters (Circles) enabled them to make tactical decisions. As with the social workers, police investigators were able to more easily identify exploitative relationships in terms of power and the pathway of the gains and benefits

I think where this model will assist is when we are looking at it from that safeguarding point of view. That opens up far more opportunities to a social worker from a care perspective than it does anything else, because if you looked at that jointly with Policing, we looked at motivating the offenders, if we can break that part of the cycle. So if we looked at risk orders under the Modern Slavery Act, we've actually got the opportunity to break that but we don't, we tend to look at what we can do around the victim, what we can do to remove those circumstances, rather than dismantle it from another point of view as well

DSI

- **Lawyers:** Found the identification of the presence and character of the control parameters important, informing their advice to colleagues or helping them to tease out the narrative of the case, organise evidence and identify evidentiary gaps.

I think it's definitely something we need to be thinking about more and trying to understand better. Rather than placing a written agreement with the family saying you won't do this, you'll work with us... rather than putting all the onus on the

family member, thinking more about the perpetrator and injunctions against him.

FL AS

The Circles of Analysis model provides a framework for assessment, investigation, analysis and decision making. The integrative nature of the model means that it is useable by different professional disciplines because it reflects and incorporates multi-disciplinary values, principles and goals (Pycroft & Bartollas, 2014; Wulczyn, et al., 2010). Perhaps because of its integrated theoretical structure, the model facilitates joint agency collaboration, a means by which professionals can break out of the conceptual and organisational silos which they feel constrain them.

Crucially, the model is empirically informed and theoretically robust. The lack of theory to inform practice has been lamented by participants in all of the focus groups. The development of the model by an academic imbued it with a sense of neutral objectivity in that it was not commissioned or set up by any single statutory agency. Nevertheless, opportunity for professionals from different regions of England and Wales to participate in the production of the theory ensured its relevance to real world practice.

8.13 Conclusion

In chapter 3 I found that the criminal justice and family justice systems share a common concern that is child abuse through criminal exploitation, but they perceive the results of the exploitation differently: the criminal justice system identifies a criminal event; the safeguarding community identifies harm to a child (adapted from Moore, 1995). Both can be equally reductionist in terms of their explanation of causes of child exploitation. However, statutory attempts to respond to child exploitation reflect the dominance of the criminal justice approach in both policy (HM Government, 2014; HM Government, 2015) and practice. There is an emphasis on a response to the problem as a crime first and a child safeguarding issue second, when the two are actually symbiotic. The point

at which the behaviour of a child has crossed a criminal threshold, or a safeguarding threshold is an inter-agency argument that reflects linear, siloed organisational structures (Hood, Gillespie, & Davies, 2016), local policies, and the lack of guidance provided for statutory agents throughout the country. Policies and prescribed procedures are generally reactive, and unhelpful to frontline practitioners.

The focus groups revealed the extent and detail of knowledge that the professionals had about CCE but also highlighted the lack of confidence among many in their own knowledge and judgement. Munroe (2011) and Rogowski (2010) blame this erosion of professional confidence and undermining of authority on the emphasis on statutory duties and processes rather than trust in professional judgement and practice particularly in highly uncertain and complex situations. This calls into question whether the knowledge and principles that inform policy and statutory procedures are of sufficient quality to be of worth in formulating strategic responses to CCE.

The Circles of Analysis model provided participants with an empirically-informed framework for reflection, analysis and decision-making that has the potential to improve collaborative working and tactical responses to CCE. The theoretical foundation that it provided helped them critique policy and procedures as well as justify potentially risky decisions in the best interests of a child and of justice.

The focus groups did not include policy makers however, and the lack of any contribution from them to this discussion has emerged as a conspicuous limitation both to this part of the research and to the overall thesis. However, the theoretical model, now refined through the feedback of practitioners may help to challenge current CCE policy and its underlying assumptions, and I shall return to this in the final chapter.

The discussion within this chapter indicates that theory construction requires researchers and practitioners to identify important phenomena that are evident in patterns of CCE. Therefore, an important goal shared by researchers and practitioners is to construct, critique and refine aetiological theories of CCE (Ward & Seigert, 2002) . This has been an

uncommon approach adopted to develop this thesis and the construction of the Circles of Analysis model. It is an approach that is described by Kalmer and Sternberg (1988) as “theory knitting”: Rather than segregating competing theories by pitting them against each other until one is considered to account for data better than another, this approach integrates helpful elements of competing theories with the researcher’s own ideas regarding the subject under investigation. It is therefore consistent when addressing complexity in social problems allowing patterns of behaviour to be identified and articulated as outputs of complex adaptive systems (Byrne & Callaghan, 2014) and requiring simultaneous multi-model interventions to achieve effective and sustainable change.

If theory knitting is an uncommon approach, integrating direct feedback from practitioners in the focus group context has made this an innovative and successful method for theory construction and refinement. The focus groups exposed and amplified subtle flaws in the first iteration of the model. As a result of the collaborative refinements the model better accounted for:

- Criminal exploitation in youth or street gang contexts. These were characterised as “affiliation groups” which also provide a child with a sense of identity and belonging, possibly a substitute for family.
- Exploitation as a means of not only achieving material gains but less tangible benefits and gains such as territory, power and status, an outlet for violence, instant gratification of needs, and increasing criminal capital.
- The aetiology of CCE and role transitions between victim and perpetrator in both directions.
- The underlying causes of CCE and its maintenance and development over time.

This co-produced research ensures that:

- The Circles of Analysis is a theoretical model that is relevant to the roles and goals of different professionals and organisations that must work together to assess risk, identify victims and

perpetrators, protect victims and potential victims, and investigate and prosecute perpetrators.

- The model provides a framework that can inform structured professional decision-making.
- It provides theory that can underpin strategic and tactical planning, organising of evidence, and facilitation of joint agency, multi-disciplinary working.
- The theory is relatively easy to understand for experienced practitioners, but less experienced or knowledgeable practitioners may need relevant training to apply the model to their practice. As a theoretical model, the Circles of Analysis can inform training and continuing professional development (therefore offering a potential response to Haughey's currently unanswered call of 2016 for professional training) and has the potential therefore to drive practice reform.

Chapter 9

Conclusion

In the past two years there has been a rapid increase in awareness of criminal exploitation of children, particularly in the “county lines” context. The involvement of children in gangs and drug dealing has been an increasingly frequent item in news media (BBC, 2019) (Grierson, 2019) and documentaries (BBC, 2019). Local authority child safeguarding services have also attempted to develop measures to address this problem, but only very recently. An open source search of Local Safeguarding Children Board policies relating specifically to criminal exploitation of children (conducted on March 19th, 2017), found no local authorities with a clear and specific strategy for this problem other than Knowsley Safeguarding Children Board and Sefton Safeguarding Children Board. A similar rapid exercise carried out on May 11th, 2019 found forty-two local authorities with policies and guidance relating to CCE, with an emphasis on county lines. Despite this rapid increase in awareness, CCE remains stubbornly difficult to define (Setter, 2019; Turner, Belcher, & Pona, 2019). The NCA (2019) has produced assessments of the nature and scope of CCE in the context of County Lines but this represents just one modality of CCE. Research produced concerning the state of criminal exploitation of children in the UK between 2014 and 2019 has tended to focus on prevalence and demographics without offering any explanation for its emergence or aetiology.

The Children’s Commissioner for England warned that there are few signs that any adequate plans are in place and has found data that shows that less than half of child offenders involved in gangs are being supported by children’s services (Longfield, 2019). This is not surprising when the problem remains ill defined beyond rather simplistic descriptions and professionals who must try to protect children and prevent crime still have no explanation for the problem they are expected to deal with.

Academic and policy responses to the problem of criminal exploitation of children have failed to help frontline professionals in identifying children as potential victims of exploitation. This is due to flawed assumptions about the children that are targeted, the perpetrators, and the processes of the exploitation. Consequently, understanding of the problem to date has been reductive, and current interventions are too limited to be effective in anything more than the very short term. Much of the available literature in the field has focused on the trafficking of women and girls. Existing research has also tended to focus upon characteristics of victims and the impact of trafficking and exploitation upon the physical and mental health of victims. This victim-centred attention in the research has contributed little other than to describe the nature and scope of this form of abuse.

Research concerning criminal exploitation of children specifically, has been found to be even more limited. That which exists has tended to take a similar quantitative and descriptive approach to that which has informed current responses to child sexual exploitation. Most attention has been paid to the characteristics of those targeted for exploitation and where they have come from, so that knowledge of traffickers and exploiters is often cited as a gap in our understanding of these problems (Rudd, 2017). In fact, as the participants in the focus groups for this research ably demonstrated, the gap is not so much a lack of knowledge or understanding of CCE as a present social concern and threat to the welfare of children and communities, but rather the aetiology and dynamics of CCE as a result of the interactions between targeted victim, perpetrator and their shared environments.

9.1 Relevance of this Research

Current responses to the problem of criminal exploitation of children are predicated upon identification, investigation and prosecution and so appear to be rooted in criminal justice approaches to the abuse and exploitation of children (Moore, 1995). The CJS Approach emphasises the identification of a crime, it views the motivations of the criminal as an

important cause of the crime and responds to this through the imposition of sanctions. As such it is a largely reactive approach.

Child safeguarding models in health and social care tend to situate the problem with the child and their family, and adopt an alternative approach that emphasises prevention through the identification and reduction of “risk-factors” such as vulnerability and adversity, a target hardening approach that emphasises building a protective environment and strengthening resilience.

The criminal justice system and the health and social care system share a common concern that is child abuse through criminal exploitation but they perceive the results differently: the criminal justice system identifies a criminal event; the safeguarding community identifies harm to a child (adapted from Moore (1995)). There is a gulf between the concepts, principles, practice and values of the two approaches (Hood, Gillespie, & Davies, 2016). Both can be equally reductionist in terms of their explanation of causes of child criminal exploitation. However, attempts to respond to child exploitation reflect the dominance of the criminal justice approach in both policy (HM Government, 2014) (HM Government, 2015) and practice, which emphasises the need to respond to the problem as a crime first and a child-safeguarding issue second. This may both be a consequence of, and have contributed to the problem of CCE becoming framed increasingly by the modern slavery discourse (Setter, 2019).

Because it has been increasingly placed by research, policy and discourse within the modern slavery context, CCE may go unrecognised if its patterns and outputs do not appear to be consistent with concepts of modern slavery and human trafficking. The threshold tests for this are set out in legislation and conventions designed by, and for, the criminal justice system: the Modern Slavery Act 2015, the Palermo Protocol, The Serious Organised Crime Act 2015 and yet with no statutory definition of child criminal exploitation. Thus, the county lines drug dealing business model may have come to be the dominant concept of CCE (the terms often being used interchangeably), eclipsing other forms of criminal exploitation, because it is clearly understandable as an activity of organised crime.

Proper identification of criminal exploitation of children can only occur if we are sensitised to look for something and recognise it as worthy of investigation. Investigation involves the seeking, finding and interpreting of evidence that leads towards or away from a hypothesis for what has happened. The interpretation of the evidence is dependent upon theory (Pearce, 2019). If the criminal exploitation of children is conceptualised in terms of crime and perpetrator first and foremost, with only a secondary concern for the victim impact we distort and bias our understanding of the event and limit the range of responses. Similarly, if we only conceptualise the problem in terms of the vulnerability of the child and the harm that has been or is likely to be suffered, we fail to understand the child's relationship with the perpetrators of the abuse (Beckett & Walker, 2018) and the processes involved (Broad, 2018). A theory enables us to develop a narrative to describe events and experiences by informing the relevant questions that drive the inquiry, organise evidence and make pragmatic, informed decisions and plans.

This research has produced a new and innovative unifying theory that meets the needs of both the criminal justice system and the social care system. As a unifying theory it provides common ground for practitioners from across disciplines, upon which they can organise and present evidence, discuss and analyse problems, and jointly formulate and share interventions that are proportionate to the needs and rights of the child and represent social justice for those who are not only victims but may have transitioned into similarly abusive and exploitative roles.

9.2 The Circles of Analysis as an Aetiological Construction of CCE

CCE, as a phenomenon, has defied a neat and clear definition and description. Consequently, empirically informed theory has been difficult to find, probably because the problem of CCE has not been adequately defined by researchers or that it has not been clear what needs to be researched (Tyldum & Brunovskis, 2005; Di Nicola, 2011). Efforts to develop theory that explains criminal exploitation have been rather like

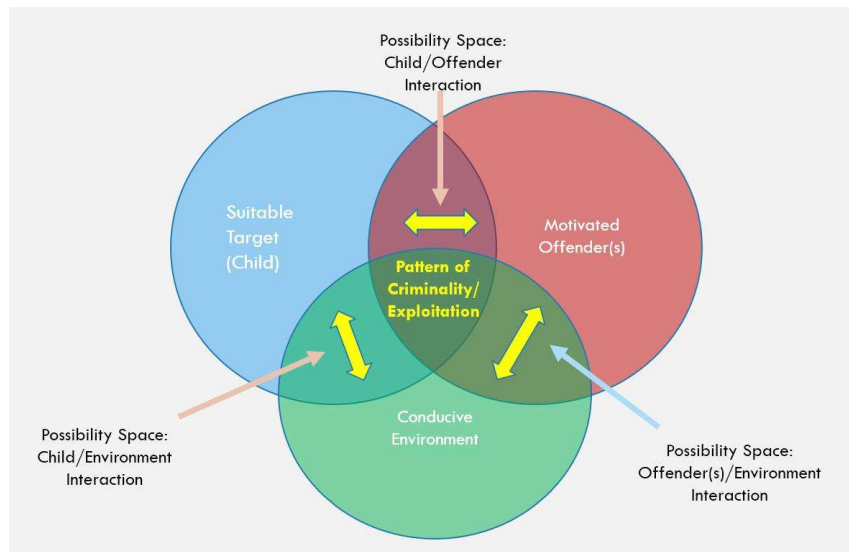
the top-down taxonomical approach to behavioural profiling of violent criminals developed by the USA's FBI (Woodiwiss, 2004). This is exemplified by the UK Government's "County Lines Guidance" (Her Majesty's Government, 2017), and the typology of seventeen types of modern slavery offences (Cooper, Hesketh, Ellis, & Fair, 2017). The reality is that children and young people's experiences of, and involvement in, criminality varies in terms of the aetiology of their involvement and relationships with other potentially suitable targets, with the perpetrators of their exploitation, and their interactions with the environments from which they and the perpetrators emerge.

The Contextual Safeguarding Approach (Firmin C. , 2017) has made a considerable contribution in developing a more systemic framing of the problem of CCE but does not provide a theory for the phenomenon itself. With the Contextual Safeguarding approach, Firmin has however, established the need to understand the child, their behaviour, activities and decision-making in the context of their environment and lived experiences. The approach integrates Bourdieu's Social Theory (1986) with Felson and Cohens Routine Activities/Lifestyles theory and principles of situational crime prevention. This is a more "bottom-up" approach that emphasises the characteristics and motivations of the child and their environment. However, as a safeguarding model, it omits an important control parameter for child abuse and exploitation, namely the presence, characteristics and motivations of the abuser (Finkelhor, Araj, Browne, Peters, & Wyatt, 1986; Webster, Haque, & Hucker, 2014; Gadd & Broad, 2018) and the nature of the abusive relationship (Broad, 2018).

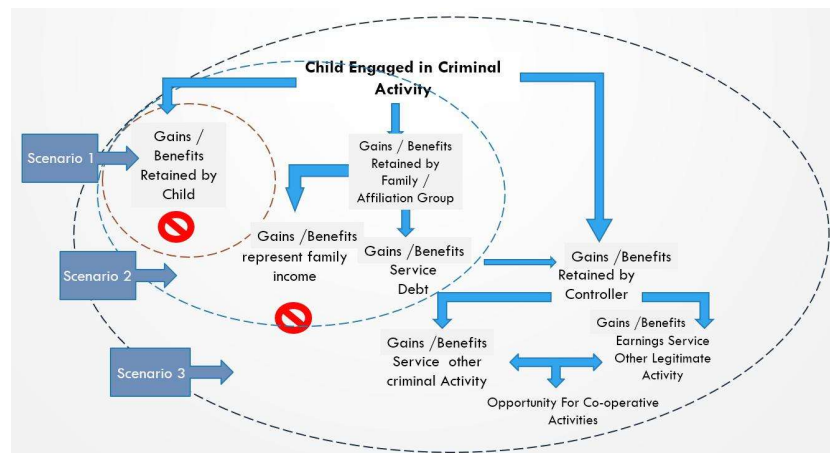
The Circles of Analysis is a theory that explains CCE in an evolutionary, adaptive and emergent way, making it possible to recognise (and set out evidentially) how and why a child is being exploited presently and their risk for future re-victimisation.

Therefore, descriptive terminology that refers to a possible output of a system should not be the starting point for tactical and strategic decision making ("If CCE...then..."). Instead the foundation of decision-making should be understanding CCE as an output of a complex of systems

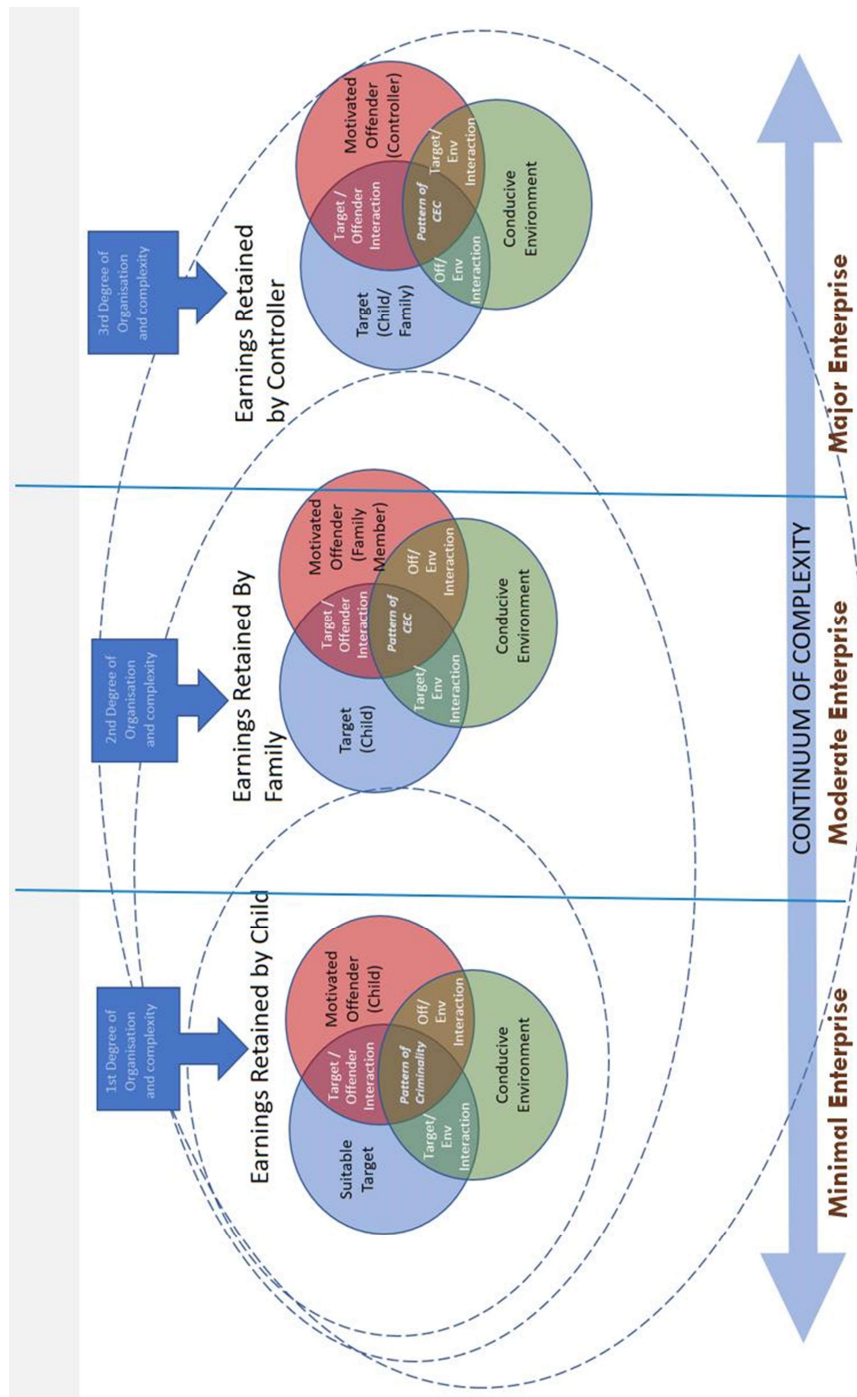
(namely the child, the perpetrator and the conducive environment), which are maintained by a range of mechanisms over time (Byrne & Callaghan, 2014; Pycroft & Bartollas, 2014; Hassett & Stevens, 2014; Jennings, 2014). These principles are the keystone of the Circles of Analysis model which describes and explains child criminal exploitation and offers a new theoretical framework for structured professional judgement and decision-making. The final iteration of the model is set out here in diagrams 1,2 and 3.



1. *The Circles of Analysis: Control Parameters and Possibility Spaces*



2. *The Degrees of Organisation*



3. *The Continuum of Complexity: From Simple, disorganised Crime as a minimal enterprise to Organised crime as a major enterprise.*

With the theoretical foundations established, I will turn to the questions that this thesis set out to answer.

Q1: What are the components and mechanisms that maintain the relationships between the child, their environment and the perpetrators that lead to criminal exploitation?

This research began with a footing in General Systems Theory and initial thoughts in relation to this question were primarily concerned with the relationship between the child and their exploiter and the bi-directional exchanges and interactions. The conceptualising of the relationship between these two agents and their environment was influenced by Felson and Cohen's model of situational crime prevention and Routine Activities theory and specifically the absence of a protective guardian against criminal exploitation (Felson & Cohen, 1980). These ideas were consistent with systemic thinking. As the research progressed, I encountered particular limitations to traditional systems thinking (discussed in chapter 5). The systemic model to which I had been adhering still tended to conform to Newtonian principles of linear cause and effect (by "nesting" systems within systems rather like Russian dolls). In fact, there is an assumption of linear causality implicit in the wording of the question.

Through undertaking the narrative literature review in chapters 2,3,and 4 it became increasingly apparent that linear models of cause and effect were inadequate when seeking an explanation for CCE. The diversity of children that are targeted for exploitation and those that exploit, the fuzzy boundaries between who may be a victim or a perpetrator and the occurrence of children occupying both spaces simultaneously, the different degrees of organisation, modalities of exploitation different contexts were at first utterly confusing. Gradually it became clear that the cause of CCE was no single factor or trigger. It is a pattern that emerges from a series of interactions between complex adaptive systems namely the child, the environment and the motivated perpetrator. There is no single, tangible event that is CCE, rather it is a range of outputs that result from the relational dynamics of these complex systems. Each of the

systems in and of themselves are uniquely configured – they have their own characteristics: strengths, deficits, motivations or needs, knowledge, skills and experience. Even the environment is more than a physical space, it incorporates human and non-human components that (depending on their configuration) are more or less conducive to the emergence of a pattern of criminal exploitation. This was an important shift in the framing of this research question and in order to resolve the problems and limitations inherent in conceptualising CCE in terms of linear causality, I looked to the field of complexity theory for a more nuanced, non-linear analysis of CCE. This led to the formulation of the Circles of Analysis as a theory for CCE as an emergent pattern that is maintained by the interaction between three complex systems.

The Circles of Analysis model provides a theoretical explanation of the relational contexts to criminal exploitation of children in England and Wales not so much in terms of components and mechanisms but as dynamic patterns that fluctuate over time and in response to internal and external stimuli. In summary, it achieves this by

- a) Differentiating between the child as a suitable target, the motivated offenders and the conducive environments from which they both emerge.
- b) Understanding each circle as a complex system with a past state, present state and future state. The future state can be plausibly estimated from the patterns of past and present states based upon the interactions between each system.
- c) Analysing each circle as control parameters for the emergent relationship: the characteristics of the child and the perpetrators, and the conduciveness of the environment to child abuse and exploitation, all determine the patterns of behaviour and adaptation over time.
- d) Identifying the intersection point (the overlap in the Venn diagram) which represents the “possibility space” in which the shared goals and interactions between the three systems create and maintain the

present space: the opportunity for criminal exploitation to emerge as an identifiable pattern.

The Circles of Analysis itself is a model that has emerged from the intersection of ideas and theories that inform different academic and professional disciplines.

The method for testing this as a worthwhile (i.e. useful) construct for practitioners in different disciplines was achieved through the novel use of focus group interviews. The focus group method as it was applied in this research, was innovative as an approach to complexity research, which usually relies on case study data rather than qualitative interviews (Gear, Eppel, & Koziol-Mclain, 2018). Initially conceived as a method for gaining “product feedback” on the Circles of Analysis model, the method proved well-suited to a process of collaborative refinement of the model, combining the knowledge and experience of the researcher and the participants as equals (Griffith, Griffith, & Slovik, 1990).

The graphic representation of the model aims to articulate the complexity of CCE in a simple and rapidly accessible way. This collaborative approach confirmed the potential of the Circles of Analysis as a framework for the formulation of interventions that are proportionate to the nature and organisation of the criminality (e.g. whether a welfare intervention would be more appropriate, proportionate and effective than a criminal justice intervention). In terms of the research question, identifying the components of CCE is relatively straight forward but identifying and understanding the specific configuration of these components is necessary in order to recognise and analyse CCE as a pattern or complex system that varies according to the different agents within the system and the environmental context time.

Q2: Precisely how can the relational understanding of child criminal exploitation proposed in this thesis result in better strategic and tactical responses by organisations concerned with safeguarding children, and pursuing and prosecuting offenders?

To some extent, the phrasing of this question reflects an assumption on my part as the researcher, that this thesis would result in a product that could be provided to professionals concerned with CCE. Once the focus groups were underway it became apparent that I had under-estimated the knowledge that many professionals had concerning the problem and the different modalities of CCE. Participants recognised that their practice was impaired by a lack of theory by which they could articulate their concerns, observations and assessments and justify and communicate their decisions and interventions. However, any theory must have transdisciplinary relevance and utility.

The response to the proposition of the Circles of Analysis model was extremely positive but relational understanding of CCE was further developed when participants were able to incorporate their own practice experiences, contrast local experiences and offer insights from their own disciplinary perspectives. This led to some frank discussion concerning the relationship between law enforcement and safeguarding agencies with each other as well as with the children that they aim to assist and protect. The transdisciplinary relationships were hampered by both intellectual and organisational “silos” which participants identified as contributing to them failing to respond to a child’s needs and motivations that are more effectively responded to by the perpetrators of CCE. In formulating the question above, I had not considered practitioners’ experiences in relation to policy and their organisational cultures and systems (Hood, Gillespie, & Davies, 2016). This also led me to reconsider the relationship between myself as a researcher and the participants, concluding that the focus group approach created a collaborative environment in which the final model was in fact, co-produced with the participants.

The refinements made in collaboration with the participants were helpful and supported in criminological theory by Anna Sergi’s work on organised crime and mafia. In her recent analysis of policing models in combatting organised crime, Sergi (2017) differentiates between “ordinary” organised crime and mafia organised crime as a spectrum of organisation, social embedding, history and culture. She demonstrates the interaction between

institutional understanding of the criminal threats and historical events that have shaped these perceptions.

By incorporating historical and environmental considerations, this spectrum structure offers a developmental or evolutionary model of organised crime. Taking the suggestions of the practitioners and synthesising these with Sergi's concept enabled me to refine and improve the "degrees of organisation" and the "continuum of complexity" sections in the Circles of Analysis. These refinements to the Circles model would also appear to extend Sergi's spectrum from lone criminality or disorganised crime as a potential evolutionary point towards involvement in, or connection to, highly structured organised crime. More importantly though, the graphic representation of these degrees of organisation and complexity highlight the extremely dangerous and precarious position of families or affiliation groups that are controlled by the major enterprise OCGs, and explains how a child (or vulnerable adult), can occupy the role of victim and perpetrator simultaneously, or transition from victim to perpetrator.

When the relational possibility space becomes clear, a range of preventive, protective, disruptive and criminal justice opportunities emerge. These opportunities are potentially mutually beneficial and reinforcing. Crucially, the understanding of both historic and current conditional factors can be used to formulate plausible scenarios that are likely to occur as a result of intervention, enabling the whole safeguarding system to pre-empt adaptations by the criminal system and plan for them. If this model is shared across agencies, there is far greater potential for harmonisation of procedures, and consistency in responses to CCE.

The model proposed by this thesis has offered a simple way to explain and understand CCE as a complex system. Complexity theory is itself theoretically neutral, as such it is able to accommodate a wide range of theories and traditions to answer sociological (and therefore criminological) questions. This characteristic of complexity theory ensured the model's transdisciplinary relevance and by using the model within small complex systems (focus groups) it was possible to test its

utility among different professional disciplines and across disciplines. Therefore, whilst the model is a way of explaining CCE as a phenomenon, its application to trans-disciplinary working may enable professionals to break out of professional and organisational silos and so better facilitate joint agency working and communication.

Q3: How can a theoretical model for understanding of criminal exploitation of children in England and Wales be applied across different professional disciplines and different exploitation contexts?

An unexpected outcome of this research has been the discovery that the field of Criminology has offered such little contribution to the field of child protection. This thesis has demonstrated that knowledge of instrumental and expressed violence, theories of organised crime, and routine activities and rational choice theory all offer important insights into child abuse. Similarly, child protection theory and practice has benefitted greatly from ecological systems theory but at the same time, child protection protocols have followed similar “top-down” logic to that which is applied by law enforcement and criminal justice approaches to general crime. Although there has been a resurgence in systemic social work since the Munroe Report (2011) and the Reclaiming Social Work agenda (Bostock, et al., 2017), only recently has this come to address extra-familial abuse of children with the Contextual Safeguarding approach (Firmin C. , 2017). Surprisingly, there remains a lack of focus on the perpetrators of the abuse and on the relationship dynamics between perpetrator and target. This is a significant gap in current systemic approaches.

To overcome this problem, this thesis has applied the principles of complexity theory to combine the ecological principles of standard systemic practice; certain criminological theories such as routine activities, rational choice and situational crime prevention; and theories of organised crime: It has thereby been able to build upon the strengths of current approaches but also reach past their limitations in relation to understanding child abuse and exploitation and developing new theory

(Kalmar & Sternberg, 1988). The Circles of Analysis Model is a theory neutral framework that enables an emergent, constructivist (“bottom-up”) approach to identifying, analysing and understanding patterns of child criminal exploitation. As such, it is not tied to the legislation, policies or procedures of any single state or agency and can be applied in any social, economic, political or cultural context (Malangone, 2018). This is because the environment of the child and the traffickers represents one of the three control parameters for the functioning of the system that creates an output of child criminal exploitation. Therefore, the phenomenon cannot be understood without fully considering the social, economic, political and cultural history and current conditions of the environment from which the pattern of exploitation emerges. For this reason, it is transferable to any jurisdiction.

The context of this thesis is criminal exploitation, but in collaborating with other professionals through informal interviews and the formal, semi-structured focus groups, it has become apparent that the Circles of Analysis model is likely to be transferable to other contexts of abuse and exploitation. Based on the comments and feedback from the focus groups, the strongest indication is for its application to child sexual exploitation. Professionals have also suggested that it is suitable for developing responses to domestic abuse, intra-familial and extra-familial child abuse.

Since completion of the focus groups, the model has been applied to serious and organised crime in seminar discussions and lectures with postgraduate students studying modern slavery and organised crime at St Mary’s University, as a model for analysing and describing organised crime in fragile and insecure environments.

So, feedback indicates that the model is transferable to other contexts, but further work may be required to validate such applications. In particular the “degrees of organisation”, and the “continuum of complexity” sections may need some adaptation in order to be applied outside of the context of trafficking of human beings, exploitation, modern slavery and forced labour.

9.3 Other Emergent Themes

Whilst this thesis is concerned with criminal exploitation of children, the research has inevitably required comparison with other contexts of child abuse and exploitation as well as the wider context of trafficking of human beings and modern or contemporary slavery. The research has included an integrated review of professional and academic literature, and formal and informal interviews and discussions with practitioners and fellow academics (at conferences, seminars, symposia and other colloquia). All of these inputs have informed the development of the Circles of Analysis model from which a range of relevant themes have emerged that are worthy of some consideration here.

9.3.1 Confusions and Conflations

Recorded cases of criminal exploitation have involved children and adults that have been coerced into crimes (such as ATM theft, pickpocketing, bag snatching, counterfeit DVD selling, cannabis cultivation, metal theft, benefit fraud, and sham marriages), as well as being forced to beg (ECPAT UK, 2010). However, in the time since commencing this thesis, the county lines phenomenon has come to dominate the professional, academic, political and public discourse on criminal exploitation of children and, to some extent, the targeting of vulnerable adults for the take-over of their homes (a pattern of intimidation and exploitation known as “cuckooing”). The county lines phenomenon has almost displaced CSE as a source of public and political anxiety and often seems to be conflated with the problems of youth violence and knife crime in England and Wales.

It is not surprising then, that so many conflations and confusions arise because the reality is that CCE, CSE, knife crime, and peer-on-peer youth violence (and by extension early and forced marriage, female genital mutilation and radicalisation) are all manifestations of exploitation that are patterns of violence towards children. These patterns are maintained by a number of instrumental abuses including sexual abuse, physical abuse, psychological abuse and neglect but the current focus upon county lines

has created a narrow perception of what criminal exploitation of children may include or even what it looks like.

Although there has been a lack of research and data specifically focusing on traffickers and exploiters, much of the literature in the field refers to the high levels of violence and psychological abuse that are used to coerce and control the child in order to make them engage in criminal activity (National Crime Agency, 2019) (Cottrell-Boyce, 2013) (Densley, 2012) (Knowsley Council, 2015). Therefore, the problem of CCE has been reframed in this thesis as a problem of child abuse which enables criminal exploitation. This was an important first step in developing a theoretical model and is essential in describing, explaining and understanding criminal exploitation. Understood in this way, the nature of a child's vulnerability to victimisation or revictimisation is better understood as an integral component in the child's development and experience (Felitti, et al., 1998) (Finkelhor, 2008). This is supported, in theory, by Finkelhor's concept of "developmental victimisation" and Felitti's concept of Adverse Childhood Experiences and their traumagenic dynamic effects on lifelong health and development (Felitti, et al., 1998). The assumption of linear causal pathways that underpin most policy and procedural responses to CCE, and the "top-down" taxonomical description of the phenomenon, has been based on aspects of similarity to identify the possible presence of CCE. A range of risk assessment and management protocols have interpreted these correlations between cases of CCE as markers for exploitation, leading to a further conflation of risk. This leads to a number of problems in terms of identification of CCE, understanding of those targeted for exploitation, and the motivations and criminogenic needs of perpetrators and human facilitators of CCE.

9.3.2 Risk Assessment and Vulnerability

A narrative review of literature in the field of trafficking of human beings, modern slavery, labour exploitation and criminal exploitation revealed a limited amount of existing academic research specific to criminal

exploitation. That which exists often repeated the same conclusions but offered very little insight into the problem, often focusing on specific issues (within what is actually a diverse and far-reaching phenomenon) such as children going missing from home (Shipton, Setter, & Holmes, 2016), county lines (Robinson, McLean, & Densley, 2018) or providing overviews of the nature and extent of the problem (Setter & Baker, 2018; Brotherton & Waters, n.d.). These contributions have in varying degrees helped to identify types and scope of criminal exploitation and some have stressed the importance of recognising the intersection between criminal exploitation and other forms of abuse and exploitation (Setter & Baker, *Child Trafficking in the UK in 2018: a Snapshot*, 2018). However, there is a pervasive tendency in all these reports to adopt the language of risk and then focus upon the child's vulnerability, neglecting the child's agency and relationships with and to their exploiters.

The use of risk terminology in describing and defining child criminal exploitation is potentially problematic as the application of the language of risk is rarely attached to any formal risk theory. For instance, Hart et al. (Hart, Kropp, & Laws, 2003) set out two common approaches to risk assessment thus:

- Professional Judgement which comprises at least three different procedures: unstructured professional judgement (also sometimes known as unaided clinical judgement); anamnestic risk assessment which imposes a limited degree of structure on the assessment process; structured professional judgment.
- Actuarial Approaches to Risk (of which there are two types): the actuarial use of psychological tests or the use of actuarial risk assessment instruments (also known as tools, tests or aids).

The development and use of systematic risk assessment models has enjoyed increasing popularity but relatively few tools are empirically based (Lyons, Doueck, & Wodarski, 1996) or adequately tested in terms of outcomes for children and unintended effects (Barlow, Fisher, & Jones, 2012).

“At Risk” can become a non-specific term that is used interchangeably with vulnerability, and this ambiguous language has undermined risk assessment, management and investigation of criminal exploitation at all levels, from practice to policy. “Risk” refers to a hazard that is incompletely understood and by its nature will inevitably be uncertain depending on the characteristics of the hazard (e.g. the likelihood that it will occur, the frequency with which it will occur, the seriousness of the consequences, and the imminence of the hazardous event). Furthermore, these multiple facets are all context specific (Hart, Kropp, & Laws, 2003).

Child exploitation protocols do not reflect this complexity. There has been a tendency to provide practitioners with checklists of “risk factors” and until recently to weight these risk factors numerically (Jay, 2014), offering a dubious credibility of pseudo-science to risk management protocols: the numbers are meaningless and the “risk factors” have little or no predictive value as they are no more than correlates with CCE or any other form of exploitation. To effectively assess risk, to intervene to prevent victimisation or re-victimization, disrupt or stop perpetrators, practitioners need to be able to gather information about people and circumstances. If they are to make decisions regarding the nature and likely consequences of potential exploitation, the needs and resources of the target, the motivations and capabilities of the perpetrators, and the contexts in which exploitation may occur, this information must come from multiple sources and various lines of inquiry (Hart, Kropp, & Laws, 2003) (Barlow, Fisher, & Jones, 2012).

The task for professionals in each of their fields is not to predict whether a child is going to be exploited and then respond. Such predictions are meaningless without fuller discussion of the nature, imminence, severity and frequency of the abuse and exploitation to which the child may be subjected or which the perpetrator is likely to apply (Hart, Kropp, & Laws, 2003). This process of evaluation requires assessors or investigators to be able to make sense of how and why a child may have been abused or exploited in the past, as well as how and why a perpetrator has come to

abuse a child or other person in the past (Historic Conditional Factors): Historical Conditional Factors offer insights into how these past experiences are likely to have influenced their current choices and decisions under the present conditions in which they are made (Current Conditional Factors). This helps assessors and investigators anticipate the effects of new inputs (triggers) to the system and formulate realistic scenarios for future actions and reactions (Current Consequential Factors) (Barlow C. , 2017). Rather than prediction of harm occurring, this process enables assessors to estimate the most plausible scenarios in which harm is most likely to occur and then formulate plans to reduce the likelihood and / or the harmful impact of these.

The complexity of the configuration of these multiple facets of the child, the perpetrator and their environments, means that traditional actuarial approaches to assessment of risk cannot be applied as there are too few fixed variables. The information available to professionals tasked with responding to such cases is often incomplete, inaccurate and confusing, rendering professional judgement and decision-making a formidable task (Hassett & Stevens, 2014). The lack of any theoretical underpinning to the risk assessment and management protocols means that such lists and flow chart approaches to the problem are defined and applied by the knowledge and traditions of the agency or practitioner that are applying them. This causes inconsistency of approach and prioritisation, leading to interdisciplinary tensions and miscommunication.

9.3.3 Problems of Definition and Identification

As Hart et al. (ibid) explain, a hazard must be defined in order to be discussed and studied clearly. CCE and exploitation have proven to be stubbornly resistant to formal and widely agreed definitions. It is not possible to provide a completely precise unambiguous, cast-iron definition of child criminal exploitation, so the working definition of this thesis may itself be challenged and definitions may need revision as patterns evolve.

Recent reports have drawn attention to the difficulties that investigators, child-safeguarding professionals and lawyers face in identifying exploitation and presenting evidence for criminal exploitation in particular (SOC Strategic Analysis Team, 2014). The Haughey review of the Modern Slavery Act 2015 (2016) represented the evolution of understanding, responses and current practices by all agencies to the problem (of modern slavery) but is also a useful measure of the extent to which understanding is limited, and cross-agency responses lack theoretical foundations. This is reflected in the contributions of participants in the focus groups. Consequently, tactical and strategic responses have tended to be limited in their response and reductive in their analysis.

At a national level, the government's Serious and Organised Crime Strategy and Modern Slavery Strategy, both integral to tackling aspects of CCE, follow assumptions of linear causality of child criminal exploitation, thereby underpinning the proliferation of checklist procedures to identify cases and the flow chart decision-making protocols that accompany them. The unhelpful nature of these policies and procedures is compounded by the downward pressure on social workers, police officers, teachers and health practitioners, as policy makers call for front-line professionals to be more accountable for children becoming entrapped in gangs, knife crime, exploitation, sexual exploitation and radicalisation.³¹ The punitive political attitude towards professionals tasked with combatting the exploitation has suggested that identifying such children is a matter of "common sense", and failure to respond robustly to cases of exploitation is an act of wilful neglect (Stevenson, 2015). Such criticism and pressure may be unfair when there is nothing available that enables professionals to make difficult, nuanced decisions and instigate proportionate interventions that respect a child's rights, nor anything that helps an agency to keep a child safe; there is nothing currently that reflects the reality of the cases that they are trying to work with. No doubt there is sometimes bad practice, but bad practice is sometimes a symptom of

³¹ At the time of writing the latest example of this relates to knife crime **Invalid source specified**.. See also (Stevenson, 2015)

professional defensiveness, lack of training, professional supervision and support, lack of resources, or the “silo effect”.

The focus groups that contributed to this thesis were made up of twenty-nine professionals. As found by Baroness Jay in the Rotherham inquiry, these professional participants had a strong, enthusiastic commitment to the protection of children, to the prevention of abuse and re-victimisation, and to the disruption, arrest and prosecution of offenders. The collective knowledge and expertise of the participants was extensive, and it was notable that they shared many common frustrations, not least of which was the pressure upon them to stop children being exploited. They felt constrained by inadequate and inappropriate assessment and investigation protocols which did not help them unravel the complexity of the cases they were managing.

Previously, similar frustrations have been highlighted elsewhere: Baroness Alexis Jay (2014) recorded frustrations by practitioners in the specialist CSE team in Rotherham who explained that the numeric risk assessment protocol they were required to use did not accurately capture the nature of the risk to some children, often underestimating it because of the type of evidence that it relied upon. A similar problem was also identified by Barlow, Fisher and Jones (2012) in their systematic review of assessment tools in child and family social work. In my own work developing a systemic approach to CSE for Social Workers in a South London borough, practitioners had reported feeling under-confident and lacking in knowledge in relation to child sexual exploitation and hindered by prescriptive assessment protocols that were too generalist and non-systemic (Barlow C., 2017). In 2016, Haughey heard from police investigators who were struggling to properly evidence “exploitation”.

The fieldwork that has informed this thesis found that there is very little assistance available to safeguarding investigators (social workers) within the Children Act 1989 and Working Together 2015 (and now 2018, and any of its supplementary guidance). Many considered that the introduction

of the Modern Slavery Act 2015 was to some extent prompting new lines of enquiry, offering statutory mechanisms that had the potential to help them in the context of extra-familial exploitation and abuse. The participants also recognised that children are highly vulnerable to secondary victimisation through criminal justice and social care systems (by being considered perpetrators of petty crime rather than being identified as victims of exploitation) and were frequently frustrated in finding opportunities to safeguard children while simultaneously avoiding criminalising them. The sad irony is that often, criminalising the child seems to be first point at which services and resources are available to assist them or extricate them from the exploitation.

The UK criminal justice system incorporates non-prosecution principles, but rapid identification is crucial to avoiding the prosecution of trafficked and exploited children, not least because of a child's vulnerability to re-trafficking and further exploitation. However, the existing system is often unable to achieve this rapidly enough, particularly in the case of children who are non-UK nationals. The extent of the problem was explained and described by some of the focus group participants who identified the current Home Office NRM processes for decision making and communication as a serious constraint upon safeguarding trafficked and vulnerable children. Some of the professionals considered that the delays were also evidence of a conflict between government policies on modern slavery and immigration, a view that has been recently echoed by Kidd, Falkner and Arocha (2019).

The inconsistent advice and processes do not end at the doors of the Home Office. Although there is CPS Guidance in relation to the non-prosecution of child victims,³² all decisions in the case remain with the prosecutor. Despite the guidance, which itself was criticised by police and criminal lawyers in the focus groups for a lack of clarity, there is a tendency among many prosecutors and defence lawyers to confuse the defence relating to coercive control covered by s 45 of the Modern Slavery Act with the Fitzpatrick "Duress" principle. The two principles are quite different from

³² http://www.cps.gov.uk/consultations/ht_consultation.html#a10

each other and deal with different circumstances, but confusion exists throughout the criminal justice and social care systems, which become muddled with questions of consent and rational choice (“lifestyle choices”). There remains a lack of awareness of the nature and processes of child criminal exploitation, the relationships between those that are being exploited and their exploiters, and the factors that contribute to and maintain the opportunity to criminally exploit a child.

The problems identified by the focus group and in the literature (all outlined above) indicate that safeguarding systems not only fail to keep up with the evolution of criminal exploitation of children, but even contribute to its maintenance and development: they fail to anticipate and adapt, always attempting to bolt on new procedures and standards to safeguarding practice which ultimately are overly simplistic, reductive definitions of the problem and result in the development of increasingly reactive and self-defeating flow-chart interventions that lack any theoretical footing.

9.3.4 Language and Flawed Logic

Our discursive use of ‘child criminal exploitation’, ‘trafficking’ and ‘modern slavery’ denote certain types of criminal activity and are rather technical terms with definitions of specific offences and relevant “points to prove”. Whilst the terminology offers points of reference against which decisions about statutory interventions such as safeguarding measures, investigation and prosecution can be formulated, they do not adequately describe the phenomenon itself and so do not actually help practitioners understand what they are dealing with or even looking for. Such terminology is therefore not helpful in developing prevention strategies, since, in systemic terms, they refer only to an output of a system, not the mechanisms by which the system operates. The limited ability of professional practitioners to identify and respond to cases of child and criminal exploitation is in no small part symptomatic of fundamentally flawed policies and procedures to which they are tied.

Understanding of such cases is not facilitated by labels, nor is it gained by identifying any similarities that they have and formulating typologies or

“profiles”: the cases are too complex and multifactorial. If a pattern of behaviour does not score highly on a checklist or does not fit the typology’s descriptive definition of CCE, it is considered not present or is interpreted as a different type of problem, and this contributes to siloing of decision making, organisational structures and interventions. The problem of siloing and child criminal exploitation or other forms of exploitation is symptomatic of efforts to label phenomena. The reality is that children and young people’s experiences of, and involvement in, criminality varies in terms of the aetiology of their involvement and relationships with other potentially suitable targets and with the perpetrators of their exploitation, and their interactions with the environments from which they and the perpetrators emerge. This may be a reason why a stand-alone definition of Child Criminal Exploitation is so difficult to formulate.

9.4 Limitations of This Research

The research has benefitted greatly from the enthusiastic willingness of academics and practitioners to engage both through informal interviews, colloquia and the formal focus groups. The fact that the participants were all practitioners that shared an interest in the topic (which motivated them to take part) may justify criticism that the model received affirmation from like-minded professionals and too few cynics. This points to certain assumptions in the research itself: it has taken for granted that CCE exists and that the pattern of behaviour that is identified and defined as CCE within this research is exploitative. The working definition of CCE used within this thesis has not been challenged or criticised. This may in part be due to the nature of the sample group: the professionals that were recruited for participation in the focus groups all held statutory decision-making responsibilities. The fieldwork for this research has not therefore incorporated any contributions from non-statutory agencies or actors. This was a deliberate decision in the planning of the research method and is acknowledged as a self- imposed limitation.

A second limitation is the absence of direct involvement of children that have been trafficked and criminally exploited or the perpetrators. A children's rights perspective is adopted within the body of the thesis (see for instance Chapters 2 and 3) and constructs of childhood and who is a child (Ballet, et al., 2002; Munroe, 2002; Shannahan, 2007) are discussed. There are always serious ethical concerns that arise given the inherent vulnerability of child participants, particularly with children that have endured traumatic experiences. The decision was made to use secondary open sources as illustrative case studies as a non-intrusive solution to the problem of including the child's voice though a survivor's valuation of the model would be of considerable interest.

Similarly, there were significant ethical issues in identifying and recruiting perpetrators of CCE in enough numbers and diversity to reflect the complexity and diversity of the phenomenon. Consequently, to do so was beyond the scope of this thesis. As with the child's voice, secondary sources (including news interviews such as Paco in Chapter 2 and recent research by Broad assessing convicted traffickers of human beings) have been included. Nevertheless, the absence of contributions from both children and perpetrators is acknowledged as a further self-imposed limitation of this research.

Weaknesses in policy and statutory guidance have been identified in this thesis through the review of official reports, guidance documents and the professional and academic literature. The identification of these weaknesses has been supported by the professionals that have participated in the focus groups and in other informal interviews and discussions. The voice of the policy makers is not included and so there has been no opportunity for rebuttal or acknowledgement of the criticisms that have been raised.

9.5 Future Directions and Further Research

The current responses to child criminal exploitation are inconsistent and inefficient. The overarching policies of both local and national government are reactive and fail to guide or support those that are charged

with the responsibility of identifying and investigating the perpetrators of criminal exploitation and safeguarding the people that are targeted for exploitation. Our systems are therefore currently, and perhaps ironically, a part of the conducive environment. The Circles of Analysis model provides a framework for local and national strategic needs analysis and for the development of policies and procedures that understand that (a) children who are suitable targets for exploitation exist relationally to their abusers and their environments, and (b) that the exploitation is an output of a complex of systems with multiple possibility spaces in which to intervene.

9.6 Development of Theory

The focus groups identified the Circles of Analysis as a starting point for practitioners to evaluate the facts of the case, organise their evidence and plan their assessment, investigations, interventions and advice to colleagues and other agencies. Similarly, the Circles model provides a framework for further development of knowledge about exploitative relationships, patterns of coercive and controlling behaviour, child maltreatment and vulnerability.

This thesis has taken the opportunity to apply criminological theory to the wider problem of child abuse and found that criminological knowledge of violence, victimology, organised crime and criminal justice processes is a positive contribution to the field of child safeguarding. The Circles of Analysis model is a theoretical framework that will contribute to further research and development in this field but the model itself will also be further refined through such critical application.

The model provides a framework for further research and a framework for understanding organised crime both in terms of structures and activities and also development over time. Just as the model assists in identifying and analysing complex abuses and exploitation of children and vulnerable adults, it has the potential to inform strategic and tactical responses to organised crime, as well as providing a theoretical framework for research of organised crime, organised crime groups and networks.

9.7 Development of Professional Practice

Case analysis using the Circles of Analysis as a theoretical framework can enable police and prosecutors to develop victimless prosecutions and relieve the burden upon victims to make a disclosure before they are emotionally, psychologically and physically safe enough to do so (Bristow, 2019).

The model has been found by professionals to offer a robust theory for child criminal exploitation and very possibly for child sexual exploitation also. Furthermore, they advised against turning the model into a manual. The clarity of the graphic representation was considered by them to be extremely accessible and practical in assisting practitioners (at all levels and across agencies) to organise their evidence and make their inquiries. For non-specialist practitioners however, something that provides greater guidance but allows for professional discretion in judgement and decision making is likely to be appropriate. The model therefore offers the foundation for the development of structured professional judgement (SPJ) protocols such as the Adapted SIPPS tool for Child Sexual Exploitation (Barlow C. , 2017), The HCR-20 Violence Risk Assessment Protocol (Douglas, Hart, Webster, & Belfrage, 2013) and the and the Stalking Assessment and Management Guidelines (Kropp, Hart, & Lyon, 2008). As a theory however, it needs to be primarily disseminated through professional training and continuing professional development and tested in different contexts and jurisdictions.

Whilst it has been suggested that the model may be transferable to areas such as general child abuse, domestic abuse, gangs and radicalisation or counter terrorism, this possibility needs to be studied further, and the model may require development and adaptation to the specifics of those problems.

9.8 Final Comment

This research represents a synthesis of extant theory for the purpose of generating a new theory of criminal exploitation of children. As it has developed, so have new opportunities for inquiry and acquisition of knowledge in this complex field. The final iteration of the model presented in this chapter is co-created by me as the researcher and the experts that have contributed their insights and front-line experience. It is they who have already found ways to apply and develop my original model. I hope that this collaboration, these multi-disciplinary contributions, mean that this theory has a life beyond academia and will be relevant, now and in the future, to the world-wide challenge of trafficking and exploitation of children. Consequently, this theory will necessarily be an ongoing work and this thesis merely a first step in a new direction.

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Appendix

Appendix A Research Ethics Form



Research Ethics Approval Form

Please note this form must be completed in type and submitted with one months notice, before start of project, though exceptions to this will be considered.

Full details should be provided where requested.

It is essential that you have read the University Code of Practice and the Faculty Ethics Procedures before you complete this form.

**Please confirm that you have read and understood these documents:
Yes/No**

Full title of research project

Criminal Exploitation of Children

Investigator (name and qualifications of Principal Investigator)

Craig Barlow

Status

Member of University Staff	Yes/No
Undergraduate Student	Yes/No
Postgraduate Student: MA	Yes/No
Postgraduate Student: PhD	Yes/

Contact Address

Email & Telephone

Name and addresses/affiliations of research supervisor/s (if applicable)

Simon Green FACE, University of Hull
Gerry Johnstone (Law), University of Hull

Purpose for undertaking research (e.g. dissertation/thesis/funding)

PHD Thesis

What is the aim of your research? (50 words max)

This Thesis will provide a theoretical model that describes and explains the complexity of relationships and processes of criminal exploitation of children.

The thesis will analyse the activities and processes of criminal exploitation of children in terms of the context of relationships between the child, the perpetrator and the environment.

It will construct a conceptual framework for the pursuit and prosecution of offenders, prevention and disruption of criminal exploitation of children and the safeguarding of children that are vulnerable to or victims of criminal exploitation.

Duration and expected date of commencement of the research project?

March 2018 October 2018

Proposed Methods

Sample (description and size)

Focus Groups comprising Police Officers from Child Protection / Serious Organised Crime departments, Child Safeguarding Social Workers, lawyers from criminal justice and civil justice (family law div).

Focus groups made up of 6-12 participants

Focus groups will be run in England and Wales

How will your participants be recruited?

Police Officers will be recruited via the Police Transformation Project (agreed)

Social Workers will be recruited by e-mail invitation via heads of service.

Lawyers will be recruited via personal contacts within the CPS and Family Law services.

How will you brief participants about the research, e.g. information sheet?

The e-mail will explain the research project and the aims and objectives of the Thesis.

Participants who agree to participate will be sent a detailed information sheet prior to the focus group meeting.

How do you propose to analyse and interpret your data?

The focus groups will take the form of a prepared workshop. The workshop presents the theoretical model. The participants apply the model to a video case study of criminal exploitation via a drugs gang.

Each section of the presentation will have a group discussion using the Theoretical Model. These discussions will be video recorded.

The focus group will conclude by inviting initial feedback on the utility of the theoretical model to practitioners working directly with criminal exploitation.

Participants will be invited to respond to a follow up on line survey.

The video discussions will be reviewed for validity as a trans-disciplinary theory, emerging themes from group discussion and the model's utility in understanding real world problems of Criminal Exploitation.

The survey will not identify participants but will elicit feedback according to professional disciplines

Data Management

How will the data be managed and stored? (Further information can be found on <http://libguides.hull.ac.uk/researchdata>)

The discussion will be digitally recorded by way of video.
The stored files will be password protected and only retained only until the data has been written up.
Participants will sign a consent form that includes permission to contact them electronically after the focus group events for the purposes of the online survey.

How will confidentiality of data be ensured?

Responses to the online survey will be anonymous.
The University's confidentiality protocols will be applied.
No sensitive information is to be used or exchanged in the focus groups.

List the people and organisations with access to the data

Craig Barlow, Simon Green, Gerry Johnstone
(University of Hull)

Are all individuals/organisations with access to these data registered and compliant with the Data Protection Act 1998?

Yes/No

Does the research require the withholding of information about the purpose of the research from the participants ?

No

Ethical Considerations

Does your research involve people under 18 years of age?

No

Does your research involve participants who might be considered 'vulnerable', e.g., medical patients, crime victims, prisoners, disabled people, those recently bereaved?

No

Will your project need ethical clearance before a decision can be taken by a funding body?

No

Does the research involve discussion of culturally sensitive issues?

Yes

Understanding Human Trafficking and Criminal Exploitation must address issues of gender, power and cultural norms and traditions, including

controversies. The issues intersect with other contexts of human trafficking and exploitation.

This thesis specifically discusses cases involving Roma Travellers as both perpetrators and victims of trafficking and exploitation, Vietnamese trafficking for cannabis cultivation and other social and cultural contexts to exploitation in England and Wales.

Do any aspects of the research pose risks to participants' physical or emotional well-being, e.g., use of machinery that has implications for health and safety considerations; potentially distressing questions?

No

Are there any potential benefits to participants?

Yes

The presentation within the focus group events will be informative for participants and directly relevant to their areas of practice. Whether or not the theoretical model is useful to them, it will provide current academic and professional knowledge.

Are there any potential inconveniences to participants?

No

How long do you expect participants to be involved with the study?

The focus groups are designed to run within a single working day. The groups will run between March and July 2018 and the follow up survey in September

Might conducting the research expose the researcher to risks?

No

Will the research take place in a setting other than the University campus or residential buildings?

Yes

Focus groups are planned to run in the North, South, East and West of England and in North and South Wales. The events will be accommodated by the Modern Slavery Police Transformation project at Police Training / Conference Centres

Will the intended participants of the study be individuals who are not members of the University community?

Yes

Please see above

Does the research involve any actual or potential conflict of interest, e.g., a funding body's preferred outcome, a private relationship?

No

Are there issues which would require permission for publication of any information?

No

Appendix B: Participant Research Information and Consent Form

Research Information Leaflet

Research Title	Systemic Investigation, Protection and Prosecution Strategies for Criminal Exploitation of Children: The Circles of Analysis Model
Researcher	Craig Barlow e-mail: C.Barlow@2016.hull.ac.uk Telephone 07988 360291
Research Supervisors	Simon Green – University of Hull Gerry Johnstone – University of Hull

About the Research

This research is working towards the development of an explanatory model of criminal exploitation of children e.g. exploitation through forced begging, cannabis cultivation, street crime, burglary and drug dealing. The purpose of an explanatory model is to assist and support professional judgement and decision making in the investigation and prosecution of trafficking and criminal exploitation.

The goal of the research is to be of practical value to practitioners who are the potential users of the model. To date, the development of the model has benefitted from helpful feedback and suggestions from professionals and academics from a variety of disciplines. This next stage of the research represents a more systematic collection of contributions from practitioners who are currently engaged in investigation, risk assessment and management, and the prosecution of cases of criminal exploitation to test the strengths and deficits of the model and identify possible developments and applications to practice.

Your Contribution

You have been invited to participate in this research because you are an experienced professional in your field (law enforcement, social care and child protection, criminal and civil law) and may have specific interests or experience of working with or responding to suspected and actual cases of trafficking and criminal exploitation of children. Given your knowledge and experience it is anticipated that you can provide constructive, critical feedback to aid the development of the model as a helpful contribution to both professional and academic knowledge of this phenomenon.

The research takes the form of multi-disciplinary focus groups. In these groups you will be given a short presentation explaining and describing the model and its current stage of development. The group discussion will then be facilitated around three research questions.

Your discussion will provide the researcher with direct professional feedback on the model and recommendations for its further development and potential application. The focus groups also offer participants the opportunity to exchange and discuss views, comments and suggestions concerning the challenges faced by professionals across disciplines concerning the trafficking and exploitation of children in a variety of criminal contexts.

If you wish to take part your commitment will be participation in 2 focus groups of approximately 90-minute duration between April and October 2018.

How the Data is Collected

The discussions will be video recorded and transcribed by the researcher. No personal details such as names or places of work will be included within the research and the video record will be deleted once the project is complete.

How the Data Will be Used

Your focus group discussion will be transcribed and analysed for emerging themes relating to professional views and experiences and the validity of the model (i.e. does it do what you need it to do in your field of work).
The emergent themes should indicate where the strengths and weaknesses in the model are located and this feedback will be used to refine the current model and identify further directions for research in this field.

Oversight of the Research

The project is a part of the Researchers Doctoral Thesis and is supervised by Dr Simon Green, Senior Lecturer in Community Justice and Criminology, Faculty of Arts, Cultures and Education (FACE), School of Education and Social Sciences

and

Professor Gerry Johnstone. Professor of Law, Faculty of Business, Law and Politics, School of Law and Politics, University of Hull

It has undergone full ethical scrutiny by the University of Hull and is compliant with the University's data protection protocols and confidentiality policies.

Consent

Your contribution is valued and it is hoped that you will find participation useful and interesting.
If you wish to participate please read through and sign the consent form.
If for any reason you wish to withdraw from the project you may do so at any time and your contribution will not be included without your consent.
You may contact the researcher with any queries using the contact details at the top of this leaflet.

Participant Consent Form

**Systemic Investigation, Protection and Prosecution Strategies for
Criminal Exploitation of Children: The Circles of Analysis Model**

Researcher's name: CRAIG BARLOW

Supervisor's name: SIMON GREEN & GERRY JOHNSTONE

- I have read the Participant Information Sheet and the nature and purpose of the research project has been explained to me. I understand and agree to take part.
- I understand the purpose of the research project and my involvement in it.
- I understand that I may withdraw from the research project at any stage and that this will not affect my status now or in the future.
- I understand that while information gained during the study may be published, I will not be identified and my personal details will remain confidential.
- I understand that I will be audio/video recorded during the interview.
- I understand that data from the focus groups will be stored as password protected digital files only for the duration of the research project.
- I understand that I may contact the researcher or supervisor if I require further information about the research, and that I may contact the Research Ethics Coordinator, University of Hull, if I wish to make a complaint relating to my involvement in the research.

Signed (Research Participant)

Print name **Date**

Contact details

Researcher:

Supervisor:

Research Ethics Coordinator:

Appendix C: Focus Group Presentation Slides

Child Criminal Exploitation
Focus Group

Craig Barlow
PhD Candidate WISE, University of Hull

WISE
UNIVERSITY OF HULL

1

Welcome

Overview of the research and the purpose of this focus group
The questions to be answered:

- Does "The Circles of Analysis" Provide a coherent and usable framework for practitioners responding to trafficking and forced criminal exploitation?
- Can "The Circles of Analysis" model offer a framework for improved judgement and decision making?
- Does "The Circles of Analysis" model have the potential to safeguard children more effectively by preventing victimization and re-victimisation through criminal exploitation?

WISE

2

What have been your professional experiences of trafficking and criminal exploitation?

3

Thinking back to cases that you have worked on or are familiar with, what do you feel were the challenges you or your colleagues faced?

4

Circles of Analysis

Subsistence Needs (SNA)

Motivational Offensives

Cognitive Dissonance

WISE

5

Circles of Analysis

VALUE
V:ALUE
A:NALYSIS
R:ESULT
A:CCOUNTABILITY

Subsistence Needs (SNA)

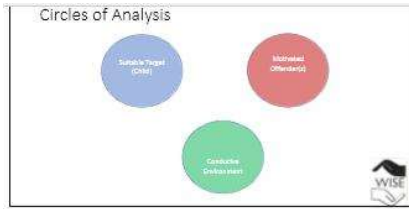
Motivational Offensives

Cognitive Dissonance

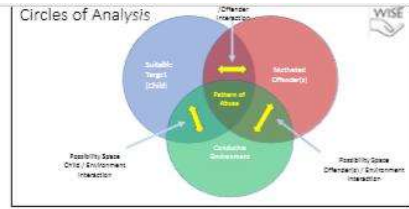
WISER
W:ISER
I:NTEGRATION
R:ESPONSE
E:FFECTIVE
R:ESOURCES
A:CCOUNTABILITY

WISE

6



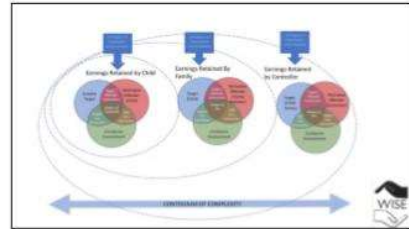
7



8



9



10

Does the Circles of Analysis model offer a helpful explanation of the causes and patterns of trafficking and criminal exploitation of children?

11

What are the potential strengths and deficits of the model?

12

Appendix D: Coding

Circles of Analysis Focus Group Coding Scheme

Attributes

Initial Code	Category	Description	Participant Labels
Profession	Police Officer	Police participated from West Midlands, Wales and London. All were detectives, one was a designated Child Abuse Investigator, all had experience of investigating and prosecuting gang related violence, drug crime and organised crime.	P1; P2;P3;P4;
	Social Worker	Social workers included practitioners from Child safeguarding, looked after children, YOT, Early Intervention, Leaving Care. Within this group were specialists in CSE, LD and UASC.	SW (Social Workers) PO (Probation Officer) YOT (Youth Offending Team) IRO (Independent Reviewing Officer)
	Lawyer	Lawyers came from both criminal justice and family law. One lawyer worked in both contexts. Two of the criminal lawyers represented defendants in criminal proceedings.	FL AS (Family Law Advocate Solicitor) FL B (Family Law Barrister) CL AS (Criminal Law Advocate Solicitor) CL B (Criminal Law Barrister) TL (Trainee Lawyer)
Designation	Manager / Supervisor	The Police cohort included one Detective Sergeant and one Detective Superintendent.	PS (Social Work Practice Supervisor) PSW (Principle Social Worker)
		The Social Work Cohort included a number of Practice Supervisors, Team Managers and a Principle Social Worker	M (Social Work – Team Manager) DS (Police Detective Sergeant) DSI (Police Detective Superintendent)
NOTES	Gender	Male	Number =9
		Female	Number = 20
	Total Number of Participants		Number = 29

First Round of Focus Groups

Initial Code	Theme	Sub-Theme	Description	Participant Quotes
Key Question A: Professional experiences of trafficking & criminal exploitation of children	Types of Exploitation	Child Criminal Exploitation (CCE)	Participants describe their experiences from direct case work, or knowledge of the work of colleagues, providing a baseline of knowledge regarding CCE.	
		Child Sexual Exploitation (CSE)	Participant compared CCE with CSE and identified similarities in MO and differences in responses.	
	Victim Groups	Derivative Victims	This victim group represents the indirect victims of trafficking and exploitation such as family members, others in the community etc.	
		Learning Disability	Though only raised by an LD Specialist, this highlighted specific victim characteristics consistent with other research data.	

			environmental factors that are conducive to both the emergence of, and maintenance of trafficking and CCE	
		Social Values and Norms	Participants discuss how the social values of a community contribute to, or disrupt, conducive environments. The participants also identify the dynamic nature of this and that trafficked children at risk of trafficking transition from one environment that is influenced by conducive social attitudes and norms to another.	
		Politics	Political agendas at both the national and local level (including internal politics of institutions) influence the responses of agencies and professionals as well as the priorities and reactions of the community.	
		Institutional Responses	This links to "Siloing" but more specifically reveals the barriers to collaborative working, the	

		Adverse Childhood Experiences (ACEs)	ACEs that are identified by practitioners as predisposing characteristics in the histories of both victims and perpetrators of trafficking and CCE and which the practitioners perceive a predisposing factors for CCE. Learning disability links to this item.	
		Poly-Victimisation	This theme also links to ACEs but specifically concerns a child's experience of multiple forms of victimisation across contexts and by different perpetrators.	
	Conducive Environments	Economics	This item reflects participants' identification of how economic policy as well as budget management decisions and child poverty are all	

			differences in values and principals between professionals and conflicting goals that may contribute to the problem of Siloing.	
	Motivated Offenders	Victim Accessing	The participants highlight the ways in which the needs and aspirations of children are congruent with the goals of perpetrators and so forming a foundation for the exploitative relationship.	
		Transitions from Victim to Perpetrator	Many of the participants were concerned about this dual role that victims evolve into.	
	Emotional Impact		The emotional demands on practitioners working in this field	
<i>What do you feel were the challenges you or your colleagues faced</i>	Attitudes	Gender	Practitioners identify the way in which a child's gender influences organisational responses and professional decision making, including assumptions about rational	

			choices, lifestyle and vulnerability.	
		"Siloing"	The ways in which different modalities of trafficking and exploitation / child abuse are dealt with according to linear rather than systemic models and policies.	
		Assumptions	This item links to Institutional Responses but focuses on the underlying assumptions that inform professional judgement and decision making.	
	Multi Disciplinary Working	Positive	Participants offer examples of good experiences of collaborative and multi-agency working	
		Negative	Participants identify blocks to effective multi-disciplinary working and overtly obstructive practices.	

	National Referral Mechanism (NRM)	Positive	Practitioners identify the strengths and benefits of the NRM .	
		Negative	Practitioners identify the Deficits and problems of the NRM .	
	Going Missing		Children that go missing after being removed from trafficking contexts is frequently examined in the academic and professional literature. Participants identify this as a problem and offer their views on how and why it happens	
Key Question B: "Does the Circles of Analysis Model offer a helpful explanation of the causes	Initial Responses	Positive		
		Negative		
		Ambivalent		

<i>and patterns of trafficking and criminal exploitation?"</i>				
Key Question C: Coherence and Utility	Strengths			
	Deficits			
	Doubts /Concerns			
	Recommendations		The participants offered suggestions and recommendations for the refinement or development of the CoA model.	

Second Round of Focus Groups

Initial Codes	Theme	Sub-Theme	Description	Participant Quotes
<i>Prompts lateral Thinking and alternative lines of enquiry</i>				
<i>A framework for planning / investigation</i>				

<i>or intervention</i>				
<i>A starting point. Organised Crime</i>	Continuum of Complexity	Crime Family Subsistence Crime Transitions		
<i>Application</i>	Strengths			
	Deficits			
	Recommendations			
<i>Suitable Target and Perpetrator Circles could be strengthened</i>	Agree with recommendations			
	Disagree			
<i>Does the Circles of Analysis Model offer a helpful explanation of the causes and</i>	Positive			
	Negative			
	Ambivalent			
		Recommendations and Advice		

<i>Patterns of trafficking and criminal exploitation?</i>				
<i>Improved Professional Judgement?</i>	Agree			
	Disagree			
	Ambivalent			
<i>Improved Safeguarding of Children?</i>	Agree			
	Disagree			
	Ambivalent			