# A critical discussion of the investigation of CSE in Oxfordshire in the context of the perceived failure of relevant agencies to protect children

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# Introduction

Child sexual exploitation (CSE) is a highly damaging experience, having significant consequences on victims' mental health outcomes (Spataro et al, 2004; Gould et al, 2012). Although early intervention by child protection agencies such as the police and social services has been found to limit the detrimental impact (Metzler et al, 2018), attempts to identify CSE sometimes fail due to a combination of factors, including multi-agency miscommunication (Gardner, 2006), problems within management culture (Haines & Turton, 2008) and, of course, the hidden nature of the crime (Beckett, 2011).

Although there is no specific offence of CSE, it is considered a form of child sexual abuse and perpetrators can be convicted under the Sexual Offences Act 2003.The government has produced various documents of 'statutory' and 'non-statutory' guidance to aid professionals in their decision making. Importantly, none of this guidance, including *Tackling Child Sexual Exploitation* (HM Government 2015a) or *Working Together to Safeguard Children* (HM Government 2015b) has a legal backing. Adherence to such guidance is therefore optional.

One example of the perceived failure of relevant agencies to protect children occurred in Oxfordshire between 2004-2012 (Bedford, 2015). Seven men were jailed for the sexual exploitation of six girls, whilst the widespread scale of CSE was slowly being realised. This resulted in the launch of Operation Bullfinch in 2011 to investigate the true extent of CSE throughout the county, and their work is still ongoing (Norfolk, 2017). This essay will examine the investigations into CSE in Oxfordshire up until the publication of the serious case review (SCR), with a primary focus on police failings (Bedford, 2015). These will be examined in the context of missed opportunities for detection and investigative failures. Finally, improvements in multi-agency working following the Oxfordshire revelations will be examined in terms of their ability to make a tangible difference to safeguarding practice in future.

## Missed opportunities for detection

During the period of the SCR carried out by Bedford (2015), police had 1,561 contacts with the families of victims and 450 Police Missing Reports concerning the six children who would later give evidence in court. The report details how police were faced with difficulty when securing victim disclosure, including victims being "mistrusting of any form of authority" and the relationships between police and victims being "particularly difficult to maintain" (p. 90). Research carried out by Finkelhor & Browne (1985) found that children who are being sexually exploited are often reluctant to disclose their experiences due to a sense of shame and personal responsibility. Whilst many professionals have a summary understanding of how children tend to internalise their experiences (von Salisch, 2001), some aspects of why children find it hard to speak out about sexual abuse are rarely discussed. These include the child wanting to 'protect' the abuser, the absence of physical violence actually heightening the child's sense of having 'brought it upon themselves' and the child's physical bodily responses to abuse.

Some children fall victim to the 'boyfriend model' of CSE (Thomas & D'Arcy, 2017), believing that their recruiter loves them. The perpetrators therefore fulfil a need of the child to feel loved, which they may not receive at home and which increases their vulnerability (Shepherd & Lewis, 2017). The SCR notes that "some of the children were already in Care or under Social Services care for a variety of reasons" (Bedford, 2015, p. 11). Whilst Herring (2018) argues that all children are vulnerable regardless of their background, it seems plausible that the specific circumstances of a child's family environment have a part to play in making them especially likely to be victimised, with those residing in foster homes identified as being

particularly vulnerable (Bruskas, 2010). Once involved in CSE, perceived by the victim as a 'relationship' with a perpetrator, children are unlikely to disclose to investigators.

Perpetrator grooming can include the giving of gifts, promises of a better future or declarations of love or protection. These serve to build trust and therefore discourage the child from speaking out (Paine & Hansen, 2002). The SCR quotes a police officer as saying "the men were buying expensive gifts for the girls who believed them to be their 'boyfriend'" (Bedford, 2015, p. 82). One duty sergeant is quoted with "this is not something that we can control. Neither can we prevent her choice of boyfriend" (p. 52). The language demonstrates a misunderstanding of legal consent. 'Boyfriend' implies a consensual relationship, despite the fact that girls under the age of 16 cannot give consent in law. The age of the victim is also not a black and white determinant of consent: Section 74 of the Sexual Offences Act, 2003 reads that "a person consents if he agrees by choice, and has the freedom and capacity to make that choice". What the relevant agencies failed to grasp is that the victims' ability to consent had been eroded over time as well as being absent by default due to their age. This misunderstanding informed professionals' views and contributed to their unhelpful attitudes towards victims (see below).

Missed opportunities also occurred as a result of inadequate processes in reporting and practice. The SCR notes that the Oxfordshire Safeguarding Children Board (OSCB) "did not show sufficient grip or curiosity when some early signs were presented, and the topic drifted off the agenda" (p. 1). These early signs, whilst being significant enough for inclusion, were not reported to a local authority. Crucially, in England, there is no legal duty for anyone to report known or suspected child abuse to an investigative body such as the police. This is a loophole that many are unaware of, with professionals pointing to documents of governmental guidance as proof of their reporting obligations. However, as the SCR notes, "crucial national guidance on 2009 CSE was overlooked, and there was no strategic overview" (p. 2). This, along with comparable departures from the guidance identified by other SCR's (NSSCB 2012; HFLSCB, 2016) illustrates how optional the guidance is in practice. Without legal sanctions for non-compliance, our safeguarding framework is somewhat holographic in nature. Empirical research from mandatory reporting systems in other countries can testify to its importance in helping to ensure that professionals are aware of their duties backed by genuine accountability, key information is shared, and abuse is identified sooner (Mathews, 2008; Mathews et al, 2016).

Finally, there was a failure in Oxfordshire to escalate cases of abuse which became known to authorities. This resulted in top leaders having "little influence" (Bedford, 2015, p. 20) in how known cases were dealt with, which the SCR clearly identifies as one reason for abuse continuing "longer than could have been the case" (p. 2). Whilst this can be seen as a problem within management culture, one could argue that it is further evidence for the need of a clear reporting obligation, backed by law instead of guidance or protocol. Rather than seeing this possibility as a punitive incentive for agency staff to pass information on out of a fear of sanction, Drake & Jonson-Reid (2007) argue that it should moreover be seen as a practical measure which would creative a more protective culture for children. The SCR uses these findings to mitigate police failures, as they "had limited processes in place that pulled together force-wide patterns" (Bedford, 2015, p. 2). However, the following section will discuss how police attitudes hindered the investigative process.

## Investigative failures

A primary police failure lies in how the girls were judged as complicit rather than as victims of crime. Sadly, the SCR notes that "the impact of staff attitudes on the handling of CSE has been

written about in guidance and several other SCRs" (Bedford, 2015, p. 105). These attitudes included labelling the victims as "repeat Mispers, Streetwise, too much trouble, not worth the effort of finding them as they will run off again" (p. 53). This language clearly demonstrates that victims were being at least partially blamed for their experiences, rather than focussing moral liability on the perpetrators. Hickle & Hallett (2015) write that "young people sometimes utilise unhealthy methods of coping to minimise the effects of harmful CSE experiences" (p. 307). These methods, including running away, substance misuse and/or dropping out of school, are the behaviours that police held judgemental attitudes towards in Oxfordshire, failing to see them as the cry for help that they actually were. A study carried out by Koster (2017) found that police officers play a critical role in stimulating victims' willingness to cooperate with investigations, with unfair treatment being cited as an obstacle to full disclosure.

Despite Bedford (2015) surmising that the situation is all different now, due to staff being trained to "never give up on a child" (p. 19), it seems unlikely that the needed attitudinal change has occurred on a nationwide level. An inquiry into ongoing abuse currently being uncovered in Telford by Operation Chalice has turned out convictions relating to 'child prostitution', with one judge concluding that girls were being sold in exchange for "for relatively trivial sums" (BBC, 2013). Firstly, the sum is irrelevant; by mentioning it at all, the conversation moves from being one of absolute ethics to being a discussion of 'fair value', which is entirely inappropriate. Secondly, it is posited here that there are no child prostitutes, since 'prostitution' implies agency and exchange entered into freely and consensually (Jean, 2015). From the outset, it appears as though there is a misunderstanding of consent similar to that experienced by agencies in Oxfordshire; whether these attitudes influenced investigative methods remains to be seen by the subsequent Telford inquiry.

Another failure in Oxfordshire was the over-reliance on victim cooperation in order to progress an investigation. Following the SCR, the CPS is quoted with "what is required is an investigation both with the co-operation of the victim if the victim is prepared to co-operate and also an investigation independent of the victim, whether or not the victim is prepared to co-operate" (Bedford, 2015, p. 107). This latter investigation was missing from police efforts in Oxfordshire. There were several tools available to the police which may have disrupted the perpetrators' actions, including Child Abduction Notices and Risk of Sexual Harm Orders. The police also failed to carry out sufficient surveillance in order to identify potential perpetrators, or to gather information which may have revealed the abuse sooner, such as on the use of specific taxi firms. Instead, the investigation was hindered by an overall attitude of there being no point proceeding without the victim's willingness to act as witnesses. This is in addition to judging the children's credibility even if they were willing to cooperate. Since the Bullfinch investigations, updated CPS guidance has created a "merits-based approach" (CPS, 2013, para. 58) to deciding whether to seek prosecution, which alleviates the 'credibility' question by throwing out concerns over whether, in the prosecutor's experience, the jury would be likely to reach a guilty verdict. The merits-based approach allows investigators to focus objectively on collecting evidence for its own sake by removing speculation about jury outcomes as a factor.

## Improvements in multi-agency working following Oxfordshire CSE revelations

The Oxfordshire Safeguarding Children Board (OSCB) released a report on agency responses to CSE since 2011 (OSCB, 2015). The report details the areas of organisational learning for Thames Valley Police (TVP) since the Bullfinch trials. Among other things, the police have now learned that the more often a child goes missing, the higher the risk that they are victims of

CSE and may be acting out as a result; that there is a need for more effective use of disruption tactics and, as usual, the vitalness of sharing information with other agencies. However, in the absence of a legal duty to report suspicions of child abuse, it is likely that key information will continue to go unreported, which in turn makes it difficult for investigators to build an overall picture of the situation (Shamley et al, 1984; Webberley, 1985). On the other hand, the OSCB report (2015) cites that there was a total of 693 referrals made to TVP between 2012-2014, which apparently "clearly demonstrates the early recognition of potential cases" (p. 28). However, no comparative figures are given so it is not possible to understand this figure in context.

Practical measures implemented include the recruitment of additional staff focussing on CSE and the creation of a 'CSE (non-crime occurrence)' classification for crimes thought to be related, but not explicitly involving, sexual exploitation. Oxfordshire County Council (2014) affirmed that, as a result of these new measures, "the authority has effective systems for identifying, monitoring and responding to those children who are missing" (p. 12). Meanwhile, TVP is committed to providing bespoke training for Inspectors and training on how to respond to missing persons for all new recruits. An assessment of TVP carried out by HMIC (2014) which looks at crime inspection data concluded that "in terms of its effectiveness, in general, the force is good at reducing crime and preventing offending", though these remarks were not specific to CSE.

Since Oxfordshire, the role of SCR's have been criticised and subsequently scrapped in favour of local learning enquiries and national reviews. Wood's (2016) review argued that "the lessons to be learned tend to be predictable, banal and repetitive" (p. 8). This is because there is seldom any measurable change in how future situations are treated following the SCR's publication. Nicolas (2016) agrees, and argues that the themes of effective multi-agency working and information sharing are repetitive for a reason: that meaningful change is challenging "at a time when budgets are being slashed and many public services are on their knees" (para. 6). Therefore, improvement depends on broad overarching political changes as well as attitudinal shifts, such as ministers deciding to stop making considerable cuts to agencies and who focus on outcomes other than apportioning blame when things go wrong.

## Conclusions

The Oxfordshire abuse highlighted the need for comprehensive training for investigators around CSE and victim-blaming. Whilst this has since been implemented (Bedford, 2015), whether the training will cause the needed change in investigator attitudes towards victims, and whether this shift will disseminate throughout other counties, remains to be seen. What is also needed is a robust system of data collection which correctly categorises incidents, improves information sharing amongst agencies and allows a way for the current framework (and any changes) to be evaluated. Finally, the importance of placing a duty to report suspicions of CSE and other child abuse on a statutory, rather than just policy, footing should not be underestimated, as it creates clear accountability for professionals and a threatening climate to would-be perpetrators (Mathews, 2008). Until then, there may continue to be a general lack of awareness amongst agencies whose primary role is safeguarding children or investigating crime, and key information may continue to be lost in translation.

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