PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CRIME AND POLICING BILL

Sixth Sitting

Thursday 3 April 2025

(Afternoon)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 7 April 2025

The Committee consisted of the following Members:

Chairs: † Sir Roger Gale, Mark Pritchard, Emma Lewell, Dr Rosena Allin-Khan

† Barros-Curtis, Mr Alex *(Cardiff West)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Burton-Sampson, David *(Southend West and Leigh)* (Lab)
† Cross, Harriet *(Gordon and Buchan)* (Con)
† Davies-Jones, Alex *(Parliamentary Under-Secretary of State for Justice)*
† Johnson, Dame Diana *(Minister for Policing, Fire and Crime Prevention)*
Jones, Louise *(North East Derbyshire)* (Lab)
† Mather, Keir *(Selby)* (Lab)
† Phillips, Jess *(Parliamentary Under-Secretary of State for the Home Department)*
† Platt, Jo *(Leigh and Atherton)* (Lab/Co-op)
† Rankin, Jack *(Windsor)* (Con)
† Robertson, Joe *(Isle of Wight East)* (Con)
† Sabine, Anna *(Frome and East Somerset)* (LD)
† Sullivan, Dr Lauren *(Gravesham)* (Lab)
Taylor, David *(Hemel Hempstead)* (Lab)
Taylor, Luke *(Sutton and Cheam)* (LD)
† Vickers, Matt *(Stockton West)* (Con)

Robert Cope, Claire Cozens, Adam Evans, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 3 April 2025

(Afternoon)

[Sir Roger Gale *in the Chair*]

Crime and Policing Bill

Clause 16

Theft from shop triable either way irrespective of value of goods

2 pm

Question (this day) again proposed, That the clause stand part of the Bill.

The Chair: I remind the Committee that with this we are considering the following:

New clause 25—*Requirements in certain sentences imposed for third or subsequent shoplifting offence—*

"(1) The Sentencing Code is amended as follows.

(2) In section 208 (community order: exercise of power to impose particular requirements), in subsections (3) and (6) after 'subsection (10)' insert 'and sections 208A'.

(3) After that section insert—

'208A Community order: requirements for third or subsequent shoplifting offence

(1) This section applies where—

(a) a person is convicted of adult shoplifting ("the index offence"),

(b) when the index offence was committed, the offender had on at least two previous occasions been sentenced in respect of adult shoplifting or an equivalent Scottish or Northern Ireland offence, and

(c) the court makes a community order in respect of the index offence.

(2) The community order must, subject to subsection (3), include at least one of the following requirements—

(a) a curfew requirement;

(b) an exclusion requirement;

(c) an electronic whereabouts monitoring requirement.

(3) Subsection (2) does not apply if—

(a) the court is of the opinion that there are exceptional circumstances which—

(i) relate to any of the offences or the offender, and

(ii) justify the court not including any requirement of a kind mentioned in subsection (2), or

(b) neither of the following requirements could be included in the order—

(i) an electronic compliance monitoring requirement for securing compliance with a proposed curfew requirement or proposed exclusion requirement;

(ii) an electronic whereabouts monitoring requirement.

(4) In subsection (1)(b), the reference to an occasion on which an offender was sentenced in respect of adult shoplifting does not include an occasion if—

(a) each conviction for adult shoplifting for which the offender was dealt with on that occasion has been quashed, or

(b) the offender was re-sentenced for adult shoplifting (and was not otherwise dealt with for adult shoplifting) on that occasion.

(5) In this section—

"adult shoplifting" means an offence under section 1 of the Theft Act 1968 committed by a person aged 18 or over in circumstances where—

(a) the stolen goods were being offered for sale in a shop or any other premises, stall, vehicle or place from which a trade or business was carried on, and

(b) at the time of the offence, the offender was, or was purporting to be, a customer or potential customer of the person offering the goods for sale;

"equivalent Scottish or Northern Ireland offence" means—

(a) in Scotland, theft committed by a person aged 18 or over in the circumstances mentioned in paragraphs (a) and (b) of the definition of "adult shoplifting", or

(b) in Northern Ireland, an offence under section 1 of the Theft Act (Northern Ireland) 1969 committed by a person aged 18 or over in those circumstances.

(6) Nothing in subsection (2) enables a requirement to be included in a community order if it could not otherwise be so included.

(7) Where—

(a) in a case to which this section applies, a court makes a community order which includes a requirement of a kind mentioned in subsection (2),

(b) a previous conviction of the offender is subsequently set aside on appeal, and

(c) without the previous conviction this section would not have applied,

notice of appeal against the sentence may be given at any time within 28 days from the day on which the previous conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968).'

(4) After section 292 insert—

'292A Suspended sentence order: community requirements for third or subsequent shoplifting offence

(1) This section applies where—

(a) a person is convicted of adult shoplifting ("the index offence"),

(b) when the index offence was committed, the offender had on at least two previous occasions been sentenced in respect of adult shoplifting or an equivalent Scottish or Northern Ireland offence, and

(c) the court makes a suspended sentence order in respect of the index offence.

(2) The suspended sentence order must, subject to subsection (3), impose at least one of the following requirements—

(a) a curfew requirement;

(b) an exclusion requirement;

(c) an electronic whereabouts monitoring requirement.

(3) Subsection (2) does not apply if—

(a) the court is of the opinion that there are exceptional circumstances which—

(i) relate to any of the offences or the offender, and

(ii) justify the court not imposing on the offender any requirement of a kind mentioned in subsection (2), or

(b) neither of the following requirements could be imposed on the offender—

(i) an electronic compliance monitoring requirement for securing compliance with a proposed curfew requirement or proposed exclusion requirement;

(ii) an electronic whereabouts monitoring requirement.

(4) Section 208A(4) (occasions to be disregarded) applies for the purposes of subsection (1)(b).

(5) In this section "adult shoplifting" and "equivalent Scottish or Northern Ireland offence" have the meaning given by section 208A.

(6) Nothing in subsection (2) enables a requirement to be imposed by a suspended sentence order if it could not otherwise be so imposed.

(7) Where—

(a) in a case to which this section applies, a court makes a suspended sentence order which imposes a requirement of a kind mentioned in subsection (2),

(b) a previous conviction of the offender is subsequently set aside on appeal, and

(c) without the previous conviction this section would not have applied,

notice of appeal against the sentence may be given at any time within 28 days from the day on which the previous conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968).'"

This new clause imposes a duty (subject to certain exceptions) to impose a curfew requirement, an exclusion requirement or an electronic whereabouts monitoring requirement on certain persons convicted of shoplifting, where the offender is given a community sentence or suspended sentence order.

I remind hon. Members of the usual rules: no hot drinks in the Committee Room, please, and phones off. You may take your jackets off if you wish.

Matt Vickers (Stockton West) (Con): It is a pleasure to serve under your chairmanship, Sir Roger. In the majority of these cases, I would hazard a guess that offenders are likely to receive sentences that could have been delivered more swiftly and cost-effectively by magistrates. I am not suggesting that the proposed law will directly hinder the police in their work, or directly lead to worse outcomes; however, I can see no likely benefit to come from additional costs and additional delays being introduced to the system.

Shoplifting cases below £200 can be—and are—dealt with effectively by the police. If that is not case in some areas, it should be a matter for operational improvement, not new legislation. Does the Minister know a single police force in the country that has a policy of not pursuing shoplifters for products under £200 in value? Also, do the Government believe that trying crimes under £200 as summary offences, or in the magistrates court, meant that they were effectively decriminalised? If so, why is the offence of assaulting a retail worker a summary-only offence?

I am sure we can play the politics of the backlog in the Crown court and have a long discussion about the cause and effect. I know that Government Members appreciated my brevity this morning, so I am keen to focus on the important measures in the Bill. The backlogs are real, and making them worse will have real consequences. At the end of September 2024, the backlog stood at an unprecedented high of 73,105 open cases. The Public Accounts Committee report examined that issue, with the Ministry of Justice acknowledging that

"unless action is taken, the backlog will continue to increase for the foreseeable future, even with the courts system working at maximum capacity."

During oral evidence, there were significant discussions about the impact of clause 16, particularly on the Crown court. Oliver Sells spoke about the clause during the evidence session and he stated:

"I recognise that there is a great public anxiety about this particular issue. Shoplifting has become endemic and almost non-criminal at the same time. It is a curious dichotomy, it seems to me, but I do not think for a moment—I am sorry to be critical—that making theft from a shop, irrespective of value, triable either way is the right answer. What that will do, inevitably, is push some of these cases up into the Crown court from the magistrates court.

I understand the reasons behind it and the concerns of the Union of Shop, Distributive and Allied Workers and the like. However, I think it is the wrong way. One of the things we must do now in this country is reinforce the use and the range of magistrates courts, and bring them back to deal with serious low-level crimes that are very frequent in their areas. They know how to deal with them. They need the powers to deal with them. I still do not think their range of powers is strong enough. You need to take cases such as these out of the Crown court, in my judgment. I think it is a serious mistake. I can see why people want to do it"—[*Official Report, Crime and Policing Public Bill Committee,* 27 March 2025; c. 17, Q25.]

Harriet Cross (Gordon and Buchan) (Con): At the evidence session last Thursday, the witnesses that we spoke to about this issue said that the magistrates court was the most appropriate place for these cases to be heard. Given they are the people who know the system best, we should certainly take that evidence onboard.

Matt Vickers: I think the measure probably comes from a very good place, if the Government really believe that police forces are not taking the action that they should on the theft of goods whose value is under £200, which people have described as being decriminalised. I do not think there is any evidence for that actually being the case, because 90% of such charges relate to goods under the value of £200. All police forces in the country, as far as I understand, have a policy of still going after people, even if the value of the goods is under £200. I do not know that this clause will solve the problem, but it could well create a problem in pushing so much to the Crown court.

Jack Rankin (Windsor) (Con): I understand the point that the shadow Minister is making, which is supported by the shadow Whip, my hon. Friend the Member for Gordon and Buchan. However, is the point not that this perception does exist? Whether it is true in reality, the perception of this decriminalisation is powerful in and of itself. Is the Government's move here not to remove that perception, and is that not desirable?

Matt Vickers: It is good to get rid of the perception, but it is all about the real-world consequences. As it stands, if there is such a perception, we need to smash it. People need to know that 90% of such charges relate to goods under the value of £200; it needs to be pushed out that this is a thing. When we look at retail crime overall, the biggest problem, which we tried to solve with our amendment to clause 15, is not only changing perceptions but ensuring that police forces realise that retail crime has huge consequences and needs to be prioritised. That is the fundamental problem, so it is about ensuring that the priorities are right. I do not think that changing the legislation in this space will solve that problem.

I want to go back to Oliver Sells, because I think he is a fascinating guy. He said:

"I think it is a serious mistake. I can see why people want to do it, because they want to signify that an offence is a very important in relation to shop workers. I recognise that; I have tried many cases of assaults on shop workers and the like, which come up to

[Matt Vickers]

the Crown court on appeal, and we all know the difficulties they cause, but you will not solve the problem."—[*Official Report, Crime and Policing Public Bill Committee,* 27 March 2025; c. 17, Q25.]

Sir Robert Buckland, the former Lord Chancellor, added:

"First of all, just to build on Mr Sells's point on clause 16, I understand the huge concern about shoplifting and the perception among many shop proprietors in our towns and cities that, in some ways, it was almost becoming decriminalised and that action has to be taken. But the danger in changing primary legislation in this way is that we send mixed messages, and that the Government are sending mixed messages about what its policy intentions are.

Sir Brian Leveson is conducting an independent review into criminal procedure. We do not know yet what the first part of that review will produce, but I would be very surprised if there was not at least some nod to the need to keep cases out of the Crown court, bearing in mind the very dramatic and increasing backlog that we have. I think that anything that ran contrary to that view risks the Government looking as if it is really a house divided against itself.

It seems to me that there was a simpler way of doing this. When the law was changed back in 2014, there was an accompanying policy guideline document that allowed for the police to conduct their own prosecutions for shoplifting items with a value of under £200, if the offender had not done it before, if there were not other offences linked with it, if there was not a combined amount that took it over £200 and if there was a guilty plea.

What seems to have happened in the ensuing years is that that has built and developed, frankly, into a culture that has moved away from the use of prosecuting as a tool in its entirety. I think that that is wrong, but I do think that it is within the gift of Ministers in the Home Office and of officials in the Home Office and the Ministry of Justice to say, 'That guidance is superseded. We hope, want and expect all offences to be prosecuted.' That would then allow offences of under £200 to be prosecuted in the magistrates court. There is nothing in the current legislation that prevents any of that, by the way, and I think it would send a very clear message to the police that they are expected to do far more when it comes to the protection of retail premises."—[*Official Report, Crime and Policing Public Bill Committee,* 27 March 2025; c. 18, Q26.]

The economic note for the legislation estimates that repealing the existing provision will result in approximately 2,100 additional Crown court cases in the first instance. It further states that, in the low scenario, cases entering the Crown court will not see an increase in average prison sentence length. In the high scenario, it assumes that these cases will now receive the average Crown court prison sentence, leading to an increase of 2.5 months per conviction. The central estimate falls between those extremes at 1.3 months, based on the assumption that cases involving theft under £200 are unlikely to receive the same sentences as those over £200.

That is reflected in a relatively wide range of possible prison sentences between the low and high estimates. What level of confidence can the Minister therefore provide on the number of people who will end up in prison, or end up in prison for longer, as a result of this move to the Crown court? Given that evidence, does this move, which appears to have a limited effect or outcome, outweigh the risk of prolonging the time it takes for victims to get justice, in the Minister's view?

The Parliamentary Under-Secretary of State for Justice (Alex Davies-Jones): Let me address some of the points made by the shadow Minister, specifically on perception. There is a misconception that the threshold is used by police forces to determine whether to respond to reports of shoplifting, and that is simply not true. Police forces across England and Wales have committed to follow up on any evidence that could reasonably lead to catching a perpetrator, and that includes shoplifting; however, as we have heard, the measure has impacted the perception of shop theft among retailers, and would-be perpetrators who believe that low-value shoplifting will go unpunished and that the offence is not being taken seriously. The clause will send a clear message to those planning to commit shop theft of goods worth any amount that this crime will not be tolerated and will be met with appropriate punishment.

Let me turn to the impact on our courts. It was quite heartening to finally hear the Opposition mention their concern about the impact on our Crown court backlogs, given how we got there in the first place. The Government recognise that the courts are under unprecedented pressure, and we have debated why that is on separate occasions; however, we do not anticipate that the measure will add to that impact. The vast majority of shop theft cases are currently dealt with swiftly in the magistrates court, and we do not expect that to change as a result of implementing the measure. Even with the current £200 threshold in place, defendants can elect for trial in the Crown court, but they do so infrequently. Removing the threshold and changing low-value shop theft to an either-way offence will not impact election rights, and is therefore unlikely to result in increased trials in the Crown court.

Separately, as the shadow Minister noted, in recognition of the courts being under unprecedented pressure due to the inheritance we received from the Tory Government, we have commissioned an independent review of the criminal courts, led by Sir Brian Leveson. It will recommend options for ambitious reform to deliver a more efficient criminal court system and improved timeliness for victims, witnesses and defendants, without jeopardising the requirement for a fair trial for all involved.

Joe Robertson (Isle of Wight East) (Con): I want to understand the logic of what the Minister is saying. She seems to be saying that the change to allow cases to be heard in the Crown court will be a deterrent, but she does not envisage an increase in cases being heard in the Crown court. Is she aware—I am sure she is—that it is up to the defendant to elect where their case is heard, and that the conviction rate is actually lower in the Crown court? I am concerned about the unintended consequences that more cases could be heard in the Crown court, which is more expensive, and involves a judge and a jury, for stealing perhaps a bottle of wine. It is quite extraordinary.

Alex Davies-Jones: I recognise the hon. Member's concerns; he has pre-empted my next point. To confirm, it is already currently an electable either-way offence and the vast majority of cases are tried in the magistrates court, but I will come to the modelling and the percentages right now.

Based on current data from the magistrates courts, an average of 5% of individuals in the last three years charged with shop theft—of any value—proceed to trial or are committed for sentencing in the Crown court. Around 88% of shop theft cases involved goods valued at £200 or less. For cases of theft over £200, approximately 40% of cases went to the Crown court. We have modelled a low, central and high scenario within the published

economic note on this measure. The low scenario assumes that 1% of charges for shop theft under £200 would proceed to the Crown court, with the central and high scenarios assuming 8% and 14% respectively. It is also important to note that we have expanded the sentencing powers of the magistrates court and extended sitting time in the Crown court to reduce the backlog. The increased sentencing powers in magistrates courts have freed up the extent of 2,000 further sitting days in Crown courts to enable them to be used for the most serious cases, which is what they are they for.

Joe Robertson: Will the Minister give way?

Alex Davies-Jones: I will not give way because I am conscious of time.

Let me turn to the final point on the impact on prison places, because the shadow Minister also raised concerns about that. Again, it is important to note that the Opposition are now raising concerns about the impact on our prisons after the inheritance we received from them. Prisons almost ran out of places last summer, which was a complete dereliction of duty and responsibility; they ran the prison system to the point of our entire criminal justice system collapsing. We, as a Government, have taken action to address that, and have carefully assessed how the change can be managed to ensure that we do not place further pressure on our prisons. I commend the clause to the Committee.

Question put and agreed to.

Clause 16 accordingly ordered to stand part of the Bill.

The Chair: Just before we proceed, I am conscious that the hon. Member for Isle of Wight East stood up, very late. I cannot make an exception, though he is pretty new here. When the Chair has called the Minister to wind up, there are then no further speeches. Prior to that, Members may intervene as often as they like. I am afraid we do have to stick by the rules.

Clause 17

Child criminal exploitation

2.15 pm

Amendment proposed: 1, in clause 17, page 26, line 26, in subsection (3), leave out (a) and (b) and insert—

"(aa) on conviction on indictment, to imprisonment for life;

(ab) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine or both."—*(Jo Platt.)*

Harriet Cross: Amendment 1, tabled by the hon. Member for Neath and Swansea East (Carolyn Harris), seeks to increase the increase the penalty on conviction on indictment to imprisonment for life. That would bring the punishment for child criminal exploitation in line with the maximum sentences for crimes such as murder, hostage taking, armed robbery, or possession of a class A drug with intent to supply. Life imprisonment is typically reserved for the most serious crimes, where society wishes to ensure public safety, deliver justice for victims and sufficiently punish perpetrators. Amendment 1 seems a reasonable amendment considering the devastating impact that CCE has on individual children, communities and crime levels across the UK.

Child criminal exploitation is a coward's crime committed by those willing to engage in criminal activities such as drug and weapon dealing yet unprepared to get their own hands dirty. They instead prefer to put children, often very vulnerable and impressionable ones, in harm's way, exposing them to crime and in many cases sentencing them to a life of crime. The impact on these children is multifaceted, up to and including their own death. Of course, consideration is needed of the impact of life imprisonment on prison places and resources, but it is vital where there is a need to, first, properly punish and, secondly, deter perpetrators of child criminal exploitation with a sentence commensurate to the scale of the crime.

Matt Vickers: This amendment would significantly increase the maximum penalty for offences outlined in clause 17 by removing the existing penalties in subsections (3)(a) and (3)(b) and replacing them with stricter sentencing provisions. The amendment would introduce life imprisonment as the maximum penalty for those convicted on indictment in the Crown court, while maintaining the ability of the magistrates court to impose a sentence up to the general limit, a fine, or both for summary convictions.

The effect of the amendment would be to significantly strengthen the legal consequences for those found guilty of child criminal exploitation, the worst of the worst offences. By allowing for life imprisonment, the amendment underscores the grave nature of these offences, bringing them in line with other serious criminal acts that warrant the highest level of sentencing. Punitive measures play a crucial role in both deterring criminal behaviour and ensuring the protection of society, particularly when dealing with serious offences, such as child criminal exploitation. Strong sentencing frameworks serve as a clear warning that such crimes will not be tolerated, dissuading potential offenders from engaging in illegal activities due to the fear of severe consequences. By imposing harsh penalties, including lengthy prison sentences, the justice system sends an unambiguous message: those who exploit, coerce or harm others, especially vulnerable individuals such as children, will face the full force of the law.

The amendment would act as a preventive mechanism, discouraging not only the individuals directly involved in criminal activity but those who may be considering engaging in similar offences. Punitive measures are essential for protecting victims and the wider public. By ensuring that offenders face substantial consequences, the justice system helps to incapacitate dangerous individuals, preventing them from reoffending and reducing the risk to others. That is particularly important in cases where offenders pose a long-term threat, such as organised criminal networks involved in child exploitation.

Furthermore, the retention of the magistrates court's ability to impose a lesser penalty ensures there is proportionality in sentencing, allowing for differentiation between varying levels of criminal involvement. This approach ensures that although the most serious offenders may face life imprisonment, lesser offenders are still subject to significant penalties without overburdening the Crown court system. Ultimately, the amendment seeks to deliver a strong message of deterrence, making it clear that child criminal exploitation will not be tolerated and that those who commit such offences will face the harshest legal consequences available under UK law.

Joe Robertson: It is a pleasure to serve under your chairmanship, Sir Roger. Speaking to the last clause we debated, the Under-Secretary of State for Justice talked about the deterrent value of making the offence triable either way. A significant part of the amendment is about the deterrent value of the length of prison sentence available for someone convicted of child criminal exploitation—a horrendous crime. The adult involved uses and exploits the child, and also exploits the way the police operate by putting the criminal activity in the child's hands. Time and again, the criminals use this as a way to avoid arrests for moving drugs around the countryside or a town, because they believe the police will not arrest a child who is perpetrating the criminal activity because they are being instructed to do so. This activity has increased in recent years—so far it has not been a criminal offence—and helps the movement of drugs. Not only does it have an impact on the children involved, but it means that drug use and drug dealing proliferates in hotspots and more generally. It can also include the movement of offensive weapons, which is another area where activity in certain hotspots has got worse.

If the new provision, which I support, is to have the added desired weight and deterrent effect to stop people engaging in child criminal exploitation, it needs the amendment that the hon. Member for Neath and Swansea East tabled to increase the length of sentencing. Only then will the police feel emboldened to go after those horrendous criminals who exploit children. I urge the Minister to consider the amendment, which would have the biggest possible deterrent effect, and use the arguments of her hon. Friend to ensure that the provisions are as strong as possible.

The Minister for Policing, Fire and Crime Prevention (Dame Diana Johnson): Good afternoon, Sir Roger. Looking at amendment 1 before we go on to discuss clause stand part—

The Chair: Order. This is just amendment 1.

Dame Diana Johnson: Yes, that is what I meant, Sir Roger. I am sorry to cause confusion.

Amendment 1 seeks to increase the maximum penalty for the new offence of child criminal exploitation in clause 17 from 10 years' imprisonment to life imprisonment. I fully support a maximum penalty that reflects the seriousness of the offence, which holds people who criminally exploit children to account and acts as a clear warning to would-be perpetrators who might target children for their own criminal gain. However, a maximum penalty must be fair and proportionate. A life sentence is an extremely high bar, reserved for the gravest offences such as murder and rape. Ten years' imprisonment is a very serious maximum penalty that reflects the significant physical, psychological and emotional harm done to the child. It reflects the damage done to a child's life chances by inducing them into a criminal lifestyle, and to their welfare by subjecting them to coercive behaviours that may be traumatic and long-lasting.

To be clear, the penalty imposed for the child criminal exploitation offence does not punish perpetrators for conduct that would amount to a separate offence. It does not punish the perpetrator for the offence that they intend the child to commit—for example, drug supply. Harmful acts done to a child as part of their exploitation that would amount to a separate offence can be punished under those offences in addition to the child criminal exploitation offence. For example, an assault against a child to ensure their compliance that amounts to causing grievous bodily harm with intent to do so will be subject to the maximum penalty for that offence, which is life imprisonment.

When deciding what sentence to impose, the courts are required to take into account the full circumstances of the offence and the offender. This includes the culpability of the offender, the harm they caused, and any aggravating or mitigating factors, to ensure that the overall sentence imposed on the offender is just and proportionate. Looking at the sentencing framework across the criminal law in England and Wales, the Government are of the view that a 10-year maximum penalty for child criminal exploitation is appropriate and comparable to offences that involve similar behaviours.

Jo Platt (Leigh and Atherton) (Lab/Co-op): I beg to ask leave to withdraw the amendment.

The Chair: Order. Let me explain the situation. The amendment has been moved on behalf of a Member who is not present. Once it is moved, it becomes the property of the Committee. The mover of the amendment has indicated that she does not wish to press it. My Question to the Committee therefore has to be the following: is it your pleasure that the amendment be withdrawn?

Hon. Members: No.

The Chair: Order. That Question was not divisible, so the moment anybody objects, I have to put the substantive Question to the Committee.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 10]

AYES

Cross, Harriet	Robertson, Joe
Rankin, Jack	Vickers, Matt

NOES

Barros-Curtis, Mr Alex	Mather, Keir
Bishop, Matt	Phillips, Jess
Burton-Sampson, David	Platt, Jo
Davies-Jones, Alex	Sabine, Anna
Johnson, rh Dame Diana	Sullivan, Dr Lauren

Question accordingly negatived.

The Chair: This is an unusual situation, but for future guidance, Ms Platt, you would be on safer ground if, under those rather bizarre circumstances, you abstained. It would not have affected the outcome of the Division—but we are where we are.

Dame Diana Johnson: I beg to move amendment 10, in clause 17, page 26, line 29, at end insert—

"(4) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), after paragraph 36C insert—

'Crime and Policing Act 2025 (c. 00)

36D An offence under any of the following provisions of the Crime and Policing Act 2025—

section 17 (child criminal exploitation)'."

This amendment excepts the offence of child criminal exploitation from the defence in section 45 of the Modern Slavery Act 2015.

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

New clause 8—*Definition of Child Exploitation*—

"(1) For the purposes of this Act, 'child exploitation' means any act, recruitment, or conduct by a person (A) aged over 18 involving a person (B) under the age of 18 that—

(a) takes advantage of the child (person (B)) for financial, sexual, labour, or other personal gain; and

(b) causes, or is likely to cause, physical, psychological, emotional, or economic harm to the child (person (B));

(2) Child exploitation includes, but is not limited to—

(a) Sexual Exploitation: The involvement of a child in sexual activities for gain;

(b) Labour Exploitation: The recruitment of a child into any form of work that is hazardous or interferes with their education and development;

(c) Criminal Exploitation: The use of a child to commit or facilitate criminal activities; and

(d) Economic Exploitation: The use of a child's labour, image, or creative work for commercial gain without appropriate compensation or safeguards, including online influencer exploitation, or child performers being denied legal protections;

(3) A child (person (B)) is deemed unable to provide valid consent to any act constituting exploitation under this section."

Dame Diana Johnson: Clause 17 provides for a new offence of child criminal exploitation. The offence will criminalise any adult who exploits a child by intentionally using them to commit criminal activity, and will carry a maximum penalty of 10 years' imprisonment. Child criminal exploitation is a form of child abuse that is often committed by criminal gangs, which prey on the vulnerability of a child to groom and manipulate them into committing crimes, such as county lines drug running, organised robbery and many more offences. Perpetrators expose victims to violence, threats and intimidation, causing serious physical, psychological and emotional harms, which have devastating and long-lasting impacts on their childhood, as well as their future life chances.

2.30 pm

In the absence of a bespoke offence, prosecutions for CCE have principally been brought under the Modern Slavery Act 2015. Inchoate offences under the Serious Crime Act 2007 can also be used to prosecute offenders who encourage or assist crime. However, the data clearly demonstrates that there is a gap between the scale of offending and cases being enforced under that legislation. While our estimates suggest that, in England alone, approximately 14,500 children have been identified by social services as being criminally exploited or who are at risk of criminal exploitation, only around 60 perpetrators are convicted of a modern slavery or inchoate offence each year. That demonstrates the potential gap between the scale of offending and enforcement under that existing legislation.

It is the Government's view that existing legislation neither addresses child criminal exploitation as a specific form of offending, nor properly encapsulates the specific harm done by an adult who intentionally uses a child in crime. I pay tribute to all those who have campaigned for many years for this bespoke offence to be introduced, including Barnardo's, Action for Children and Baroness Brown of Silvertown.

Clause 17 therefore provides for a new bespoke offence of child criminal exploitation, which aims to increase convictions and deter criminals from enlisting children by recognising them for what they are: child exploiters. CCE is typified by an imbalance of power held by a perpetrator over a victim. Where an adult does anything to exercise that imbalance of power in pursuit of criminal ends, they will be caught. The offence is essentially any use of a child by an adult who intends them to commit criminal conduct. It does not matter whether the child goes on to commit the criminality or not. It will capture adults who recruit children into crime, including conduct such as targeting a victim and inducing, inviting, encouraging or inciting them to engage in criminal activity.

It also covers precursory acts, such as grooming—for example, where an adult grooms a child and recruits them into a criminal gang. It will capture adults who direct or control a child's offending, including conduct such as giving an order, instruction or guidance, supervising or requesting the victim to carry out criminal activity—for example, where an adult instructs a child to commit theft or an act of violence. It will also capture adults who arrange or facilitate a child's offending, including conduct such as making arrangements or providing materials or plans to assist the child to carry out criminal activity—for example, where an adult supplies a drug to a child and makes arrangements for them to deal to drug users.

In addition, it will capture adults who engage in conduct towards or in respect of a child, meaning perpetrators who engage with the child directly or indirectly. That will enable the offence to be used against exploiters who are a step or some steps removed, but who are ultimately benefitting, such as where a gang leader instructs a subordinate to recruit a child.

The Government are clear that children cannot consent to their own exploitation and abuse. Child victims often do not even realise that they are being exploited. This offence will therefore be made out regardless of whether the child is compelled to engage in the criminal activity by the adult. Thus, any evidence of apparent consent or an absence of a victim's evidence to rebut it, is irrelevant. For those reasons, clause 17 does not require proof of any means by which the child was used or their compliance was obtained. Hon. Members will note that there is no mention of force, threats, coercion, deception, manipulation or other harmful ways that perpetrators typically secure a victim's compliance. Instead, the imbalance of power and exploitation is considered inherent where an adult uses a child intending to cause them to commit a criminal offence.

The purpose of clause 17 is to create an offence that prosecutes the adult as the primary offender against the child, not to extend or transfer liability to the adult for the offence committed by the child. Indeed, the offence is made out regardless of whether the child is of the age

of criminal culpability, prosecuted or found guilty of the criminal activity concerned, or even whether or not they did in fact go on to engage in the criminal activity at all, or even intend to. The focus of the offence is on the actions and intent of the adult. It requires that the adult intended to cause the child to engage in crime. Where the victim is aged 13 or over, the defendant must not reasonably believe the victim was an adult, but where the victim is under the age of 13, the offence will be committed regardless of any belief about the child's age. That follows precedent in child sex offences. This approach allows the offence to remain targeted at adults who deliberately target children.

Government amendment 10 is a consequential amendment adding the new CCE offence to schedule 4 to the Modern Slavery Act 2015, and thereby removing the offence from the ambit of the statutory criminal defence set out in section 45 of the 2015 Act.

New clause 8 seeks to introduce a definition of child exploitation for the purposes of the Bill. I am fully sympathetic to the intention behind the new clause in raising awareness of child exploitation in all its forms, improving consistency of the identification of victims and strengthening the response from frontline practitioners. I assure the Committee that we recognise the importance of having an agreed understanding of what child criminal exploitation means to aid frontline practitioners in their understanding of, and response to, child exploitation, but we do not think that a definition should be placed in the Bill.

We accept that there are strong feelings on this issue. On one side of the argument, the reasoning is that a statutory definition will improve local practice and the better identification of children who are being exploited. The other side of the argument is that a definition in statute carries the risk of inflexibility in responding to exploiters' methods and could reduce our ability in the future to be agile enough to adapt our approaches in response to the ever-evolving nature of child exploitation. That is particularly relevant to the county lines model.

Furthermore, a statutory definition has legal effect only when it is tied to rights, duties or obligations. There are no provisions in the Bill that create such rights or obligations in relation to child exploitation, so the definition would have no operative effect. In addition, child criminal exploitation is effectively defined in clause 17 through the description of conduct amounting to an offence: it is where an adult

"engages in conduct towards or in respect of a child, with the intention of causing the child to engage in criminal conduct".

To support the application of the provisions in chapter 1 of part 4, clause 31 provides for the Secretary of State to issue statutory

"guidance to relevant officers about the exercise of their functions in connection with—

(a) the prevention, detection and investigation of"

CCE offences and CCE prevention orders. In addition, we intend to provide non-statutory guidance aimed at frontline practitioners to aid their understanding and to improve the identification of victims. That will include illustrative examples of common forms and methods of CCE. Furthermore, the Department for Education has also committed to updating its guidance for practitioners on child sexual exploitation.

It is also important to ensure that we are clear about how any child exploitation definition is understood in the context of existing legislation, such as the Modern Slavery Act, and guidance. We will launch a public consultation shortly to gather views on and make improvements to the identification system for modern slavery. This project will include reviewing modern slavery definitions, and the Government will reflect on guidance, policy and legislation in the light of that consultation to ensure that victims are appropriately identified.

I reassure the Committee and other Members indirectly that the Government fully support the intention behind new clause 8, and are committed to taking steps to ensure that victims of child exploitation are identified and receive the support they need. However, we simply do not consider that a statutory definition is the best way to achieve that aim.

Harriet Cross: Clause 17 creates a new stand-alone offence to prosecute adults committing child criminal exploitation, to prevent exploitative conduct committed by adults against children from occurring or re-occurring. Child criminal exploitation is a heinous crime targeting young, vulnerable and impressionable children in a range of ways, which too often leads to the child being criminalised, endangered, injured or even killed.

The 2018 serious violence strategy defined child criminal exploitation as occurring 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… 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."

As per that definition, the criminal exploitation of children often sees them coerced, compelled, groomed or forced to take part in the supply of drugs and transportation of the associated money and weapons for the perpetrator. In England, the latest children in need census data for assessments in the year ending 31 March 2024 recorded 15,750 episodes in which child criminal exploitation was identified as a concern. There were 10,180 episodes in which children being part of a street or organised crime gang was identified as being a concern.

Perhaps the example of child criminal exploitation that is referred to most frequently involves county line gangs. County lines is a risky, violent and exploitative form of contraband distribution, largely and mainly of drugs. County lines commonly uses children, young people or even vulnerable adults, who are perceived as being either indebted to or misled by those running the operation. They are instructed to deliver and/or store drugs, weapons, and money for dealers or users locally, across established county lines, or on to anywhere that can be considered as "not their turf".

Police data published by the National County Lines Co-ordination Centre in its county lines strategic threat risk assessment showed that 22%—more than one in five—of individuals involved in county lines in 2023-24 were children, which is equivalent to 2,888 children. The risk assessment also found that most children involved in county lines are aged 15 to 17, and that they are mainly recorded as undertaking the most dangerous runner or workforce roles in the drugs supply chain and linked to exploitation. However, such exploitation can be difficult to identify, so we welcome any move to

crack down on child criminal exploitation, shine a light on this crime, and better equip those working on the frontline to identify, tackle and prevent more children from being exploited for criminal intent.

Clause 17 makes it an offence for anyone over the age of 18 to engage

"in conduct towards or in respect of a child, with the intention of causing the child to engage in criminal conduct",

or where the child is under 13 or where the perpetrator

"does not reasonably believe that the child is aged 18 or over."

A person who commits an offence will be tried with child criminal exploitation being an either-way offence and will be liable for an imprisonment or a fine, or both.

I ask the Minister to reflect on the suitability of using the age of 13 and under. Why was that age chosen, rather than an older age—say, 15 or 16? What discussions has she had with the Scottish Government and the Northern Ireland Assembly in the light of the fact that CCE—especially county lines—does not recognise or care about internal land or maritime borders?

2.45 pm

Government amendment 10 excepts the offence of child criminal exploitation from the defence in section 45 of part 5 of the Modern Slavery Act. That section provides a defence to an individual aged 18 or over who pleads that they committed a criminal offence because they were compelled to do so, as they were subject to slavery or relevant exploitation. The amendment therefore removes the ability of someone accused of CCE to rely on that defence.

As detailed in schedule 4 to the Modern Slavery Act, the offences already excepted from section 45 are extensive. They include common law offences such as kidnapping, manslaughter and murder; offences against the person, including threats to kill, wounding with intent to cause grievous bodily harm and injuring persons by furious driving; firearms offences such as possession, the use of firearms to resist arrest and carrying firearms with criminal intent; and offences such as child abduction, violent disorder, causing death by dangerous driving, various sexual offences and many others.

Child criminal exploitation appears consistent with the range and nature of the offences already excepted under schedule 4 and section 45. There can be no excuse or hiding place for those engaging in CCE, and this amendment goes some way to ensuring that is the case.

In order to consider the likely effectiveness of Government amendment 10, it is important to understand how frequently those convicted of CCE rely on section 45 of the Modern Slavery Act in their defence. Will the Minister please outline what analysis the Government have done on that point and on the impact that the amendment will have on child criminal exploitation conviction rates?

New clause 8, in the name of the hon. Member for Neath and Swansea East, seeks to include a definition of child exploitation in the Bill. As I mentioned, the 2018 serious violence strategy defined child criminal exploitation as occurring

"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…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."

Including a definition of child exploitation in the Bill has its merits. It would remove subjectivity from considerations of where child exploitation exists, but it would also impose the risk that perpetrators may get around the legislation by manipulating their exploitation to include means not prescribed in the Bill. New cause 8 considers all forms of child exploitation and contains a different definition from that of the serious violence strategy, stating that it means

"recruitment, or conduct by a person (A) aged over 18 involving a person (B) under the age of 18 that…takes advantage of the child…for financial, sexual, labour, or other personal gain; and…causes, or is likely to cause, physical, psychological, emotional, or economic harm to the child".

The new clause goes on to provide that the definition of child exploitation includes sexual, labour, criminal and economic exploitation but "is not limited to" that list of examples. Economic exploitation is defined as:

"The use of a child's labour, image, or creative work for commercial gain without appropriate compensation or safeguards, including online influencer exploitation, or child performers being denied legal protections".

The wide-ranging definition of child exploitation in the new clause cuts across crime and policing, safeguarding, employment rights, and digital and emerging technology.

If I had the opportunity to do so, I would have asked the hon. Member for Neath and Swansea East how that definition was arrived at. What and who guided its parameters? Are there any forms of exploitation that do not fit into it and may therefore be unintentionally exempted? Perhaps the Minister will reflect on that.

Matt Bishop (Forest of Dean) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger. As we have heard from both sides of the Committee, child criminal exploitation is one of the most appalling forms of abuse, in which children are manipulated or coerced into engaging in criminal activity, often by criminal gangs. Victims are frequently subjected to violence, threats and intimidation, leaving them vulnerable to long-term harm. The impact is devastating, and indeed, robs them of their safety and reduces their life chances.

As has been said, clause 17 specifically targets adults who exploit children for criminal activities. It ensures that if a child is manipulated into criminal acts—or even consents to such acts—the responsible adult can still be held criminally accountable. I am pleased that the clause is included within the Bill. It is not just another provision but a decisive measure that will significantly strengthen the ability of our police forces to tackle the grave issue of adult exploitation of children in criminal contexts.

The clause aligns with the broader aims of the Bill, which focuses on addressing the intent behind criminal activity—an essential step in ensuring that those with malicious intent cannot evade justice. The Government's commitment to closing loopholes that have, for far too long, allowed individuals to evade justice is commendable. We have witnessed far too many cases where the exploitation of children has gone unchallenged, simply because the law has not been robust enough to confront it directly.

[Matt Bishop]

With this clause, we are making it clear that any adult seeking to exploit children for criminal purposes will face the full force of the law.

The provision represents a significant step forward, not only in terms of the legal framework, but in our ongoing efforts to protect young people from exploitation. It is a win for justice, a win for vulnerable children and a win for the nation, as we take a stronger stance against those who would harm our future generations. Furthermore, we are providing a path to redress for victims. I have said before in this place that prevention is always better than detection, but those children who have already been subjected to this horrific exploitation will now have the opportunity to see justice, too.

Clause 17 marks a crucial turning point in our fight to protect children from exploitation. It holds offenders accountable, provides a framework for justice, and sets the stage for a more comprehensive and co-ordinated approach to safeguarding young people. This is a significant step towards the protection of our children, and one that we should all support.

Matt Vickers: I join the Minister in thanking and congratulating those who have campaigned to deliver this important change. Clause 17 rightly introduces a new criminal offence targeting adults who exploit children by coercing or encouraging them to engage in criminal activities. It is designed to address the growing problem of gangs, drug networks and other criminal groups using children to carry out illegal acts such as drug trafficking, theft or violence.

Child criminal exploitation is a scourge on our society —one that ruins lives, fuels violence and allows dangerous criminals to operate in the shadows, free from consequence. For too long, gangs and organised crime groups have preyed on the most vulnerable in our communities, grooming children, exploiting them and coercing them into a life of crime. These criminals do not see children as young people with futures; they see them as disposable assets, easily manipulated, easily threatened, and, in their eyes, easily replaced.

This exploitation is frequently linked to county lines drug trafficking, where children are exploited and coerced into transporting drugs across different regions. According to the Home Office, a key characteristic of county lines operations is

"the exploitation of children, young people and vulnerable adults,"

who are directed to transport, store or safeguard drugs, money or weapons for dealers or users, both locally and across the country.

Child exploitation is linked to a broad range of criminal activities, from local street gangs operating on a postcode basis to highly sophisticated organised crime groups with cross-border operations. The UK Government's serious and organised crime strategy estimates that organised crime, including county lines drug networks, costs the country £47 billion annually. A single county line can generate as much as £800,000 in revenue each year.

Under the previous Conservative Government, the Home Office launched the county lines programme in 2019 to tackle the harmful drug supply model, which devastates lives through exploitation, coercion and violence. County lines gangs often target the most vulnerable people, manipulating and coercing them into debt and forcing them to transport and sell drugs. A key part of the county lines programme lies in victim support, to ensure that young people and their families have the support they need as they escape the gangs. More than 2,000 county lines were dismantled between June 2022 and December 2023, as the Government hit their target of closing thousands of those criminal networks early.

The Parliamentary Under-Secretary of State for the Home Department (Jess Phillips): When thousands of county lines were being shut down, can the hon. Member tell me how many people in the same period were sentenced for the modern slavery crimes that they should have been in the closure of all those lines? In fact, was anybody?

Matt Vickers: I am sure that is right there in the Minister's brief—

Jess Phillips: It is not.

Matt Vickers: The Minister would have a better chance of knowing that than even me. But I will tell her what: one case is one too many, and that is why I am glad to see the Bill, which will bring forward measures to tackle just that.

Between April 2022 and September 2023, more than 4,000 arrests were made, while 4,800 vulnerable people caught up in those vile operations were offered support to turn their lives around. Between April and September 2023, over 700 lines were dismantled, 1,300 arrests made and 1,600 victims were supported.

I would like to mention a story that was included in the Home Office's press release on the work, which I found inspiring. Liam, not his real name, turned his back on county lines criminality due to Catch22's work. Liam was referred to Catch22 by social services after a raid at his home found his mother and brother in possession of class A and class B drugs, alongside £3,000 in cash. A subsequent raid found 11 bags of cannabis and weapons. Care workers were concerned that Liam was going down the same path as his family, and referred him to Catch22 for support. Liam was resistant to support at first, but the people at Catch22 were able to build a relationship with him and help him to understand the dangers of getting involved in county lines and drug use, and how to recognise and avoid criminal exploitation.

Liam never missed a session with Catch22, and his attendance and performance at college subsequently improved. He has now moved on to a construction college, knowing that support is there if he is struggling. Liam is just one of hundreds of young people who, since 2022, have been supported by Home Office-funded victim support services, which ensure that vulnerable, hard-to-reach people can, with support, make different choices and turn their backs on a life of criminality.

Action for Children warns that the crisis of child exploitation is worsening, while the absence of a legal definition means that there is no unified data collection across the UK. The available evidence highlights the scale of the issue. In 2023, the national referral mechanism, which identifies potential victims of modern slavery and criminal exploitation, received 7,432 child-related referrals, an increase of 45% since 2021. Criminal

exploitation was the most common reason for referral—there were 3,123 cases, with more than 40% linked to county lines activity.

Additionally, between April 2022 and March 2023, 14,420 child in need assessments in England identified criminal exploitation as a risk, up from 10,140 the previous year. Children as young as 11 or 12 years old are being recruited by gangs, forced to transport drugs across the country, and coerced into shoplifting, robbery and even serious violent offences. These children are often threatened, beaten and blackmailed into compliance. Once they are caught in the system, it is incredibly difficult for them to escape. The clause says it is child criminal exploitation if

"the person engages in conduct towards or in respect of a child, with the intention of causing the child to engage in criminal conduct (at any time), and

(b) either—

(i) the child is under the age of 13".

Can the Minister explain why there is a cut-off at the age of 13?

3 pm

I am sure many at home would think it is quite concerning that, as it stands, child criminal exploitation is not provided for in legislation, nor is it a criminal offence. That draws us to the findings outlined in the Jay review of criminally exploited children, which was chaired by Professor Alexis Jay on behalf of Action for Children and published in March 2024. The review found that the absence of a clear and consistent definition of the criminal exploitation of children presents a barrier to protecting children, and that it is clear that existing legislation is not fit for purpose.

In November 2023, Action for Children launched the Jay review to gather evidence from expert witnesses on the scale and nature of the criminal exploitation of children, the legal and policy response across the UK, and the support available to victims. The review gathered evidence from 70 organisations and individuals, including children, parents and mentors with first-hand experience of exploitation. Contributions have come from a wide range of professionals and senior leaders across the UK, including experts in children's services, education, local government, charities, inspectorates, academia, law enforcement and the youth justice system. Additionally, the Children's Commissioners of all four nations have provided input.

The two key findings of the review were clear. First, the absence of a clear and consistent definition of the criminal exploitation of children

"contributes to the failure to protect and support children".

The ability of services to safeguard children is limited by the lack of a specific child protection pathway for risks that occur outside the home, and by the complexity of the legal system for children who commit crimes as part of their exploitation. A statutory definition is essential to enable a new offence to be established, so that there can be a consistent response across agencies and sectors to prevent a postcode lottery and to identify exploited children more quickly.

The second conclusion is that the existing legislation and criminal processes are "not fit for purpose" in identifying or protecting exploited children and are leading to vulnerable children being failed. Section 45 of the Modern Slavery Act which gives a defence in England and Wales against being prosecuted for crimes committed while a victim of modern slavery is too restrictive in its understanding of exploitation and does not always comply with children's rights. The national referral mechanism does not offer effective protection to children, with delays of up to 18 months for a decision to be issued, in some cases preventing the defence of modern slavery being used in court.

Jess Phillips: I want to reassure the hon. Member on the delay, which has been halved since its peak in 2022, since this Government came to office.

Matt Vickers: I welcome any progress that the Minister might make in that space, and I look forward to her doing even more with the measures that we are putting through today.

Jess Phillips: You're not putting any through.

Matt Vickers: Well, okay, we are not—I take your word for it.

The review also highlighted that, in Scotland, the Human Trafficking and Exploitation (Scotland) Act 2015 requires the Lord Advocate to issue instructions that prosecutors should have a presumption against the prosecution of exploited children. However, that addresses only criminal offences linked to exploitation and does not offer protection at an earlier stage.

We welcome that the Bill makes it absolutely clear that adults who encourage or coerce a child into criminal activity will face serious consequences. They will no longer be able to hide behind children, using them as pawns while evading justice themselves.

The Jay review was also clear that the current approach is far too lenient on exploiters. The number of prosecutions in England and Wales under the Modern Slavery Act remain strikingly low. Only 47 prosecutions were brought under that Act between January and June 2023, resulting in just 24 convictions. That stands in stark contrast to the scale of enforcement activity under the county lines programme, which has led to the arrest of 15,623 adults and children in England and Wales since 2019.

A similar trend is evident in Scotland: between 2020-21 and 2022-23, 116 individuals reported to the Crown court for offences under the Human Trafficking and Exploitation (Scotland) Act. Of those, 92 cases were escalated to petition or indictment, while only two were prosecuted on summary complaint. In the first half of 2023, 24 individuals were reported for offences under the Act, with 13 of those cases proceeding to petition or indictment.

Those figures highlight a significant gap between the scale of child exploitation-related crime and the relatively low number of prosecutions and convictions. While thousands of individuals have been arrested in connection with county lines activity, very few cases progress to successful prosecution under modern slavery legislation. That suggests a need for stronger enforcement mechanisms, improved evidence gathering and greater legal support to bring more offenders to justice.

The Minister will no doubt be aware that both Catch22 and Action for Children, two leading organisations in youth support and child protection, have welcomed the

[Matt Vickers]

measures set out in this chapter. They recognise the importance of tackling child criminal exploitation and holding those responsible to account. However, both organisations have emphasised that legislative action alone is not enough and have called on the Government to go further by introducing a comprehensive national strategy to address child criminal exploitation.

Paul Carberry, the chief executive of Action for Children, said that Action for Children

"strongly welcome both the new offence of criminally exploiting children and the new prevention orders in today's Crime and Policing Bill, which we called for in our Jay Review last year.

These measures will help to protect children across the country who are being preyed upon by criminals and put in danger. But we need to go further. The government's proposals will only protect children who have already been exploited.

That's why we need a comprehensive national strategy that ensures that children at risk of criminal exploitation are identified and safeguarded at the earliest opportunity."

Members will have read the written evidence submitted by Every Child Protected Against Trafficking, a leading children's rights organisation working to ensure that children can enjoy their rights to protection from trafficking and transnational child sexual exploitation. It campaigns for and supports children everywhere to uphold their rights to live free from abuse and exploitation through an integrated model involving research, policy, training and direct practice. Its vision is to ensure that:

"Children everywhere are free from exploitation, trafficking and modern slavery".

In regard to clause 17, Every Child Protected Against Trafficking said:

"We welcome the introduction of a specific offence of Child Criminal Exploitation (CCE) and the Government's commitment to tackling this serious child protection issue. Recognising CCE in law is a vital step towards improving protection for children and ensuring that those who exploit children for criminal gain are held to account. However, more remains to be done to ensure that this legislation is as effective as possible. To strengthen this legislation, we call for sentencing parity with the Modern Slavery Act 2015 and the introduction of a clear statutory definition of child exploitation, ensuring a unified and robust approach to tackling this abuse."

What are the Minister's thoughts on whether the measures set out by Action for Children would be a good step to achieving that? What further steps might she consider? A national strategy could provide a cohesive, long-term framework for tackling the root causes of exploitation, ensuring that law enforcement, social services, education providers and community organisations work together to protect vulnerable children. It would focus on not just prosecution but prevention, early intervention and victim support, ensuring that children caught up in criminal exploitation receive the help they need to escape and rebuild their lives. Has the Minister given serious consideration to those proposals?

Turning to clause 17, any adult who deliberately causes, encourages or manipulates a child into committing a crime, whether through grooming, coercion, threats or exploitation, will face severe legal consequences, including a prison sentence of up to 10 years. This provision aims to crack down on those who prey on vulnerable children, by using them to carry out criminal activities, while evading direct involvement themselves.

Tougher sentences are essential to deterring crime, ensuring justice for victims and reinforcing public confidence in the legal system. When penalties are lenient, criminals may feel emboldened because they believe that the risk of punishment is minimal compared with the potential gains of their illicit activities. A strong sentencing framework sends a clear message that crime will not be tolerated and that those who break the law will face severe consequences.

This is particularly crucial in cases of serious offences, such as child exploitation, drug trafficking and violent crime, where the harm caused to victims and communities is profound and long lasting. Studies have shown that the certainty and severity of punishment play a significant role in influencing criminal behaviour: individuals are less likely to engage in unlawful acts if they know that they will face lengthy prison sentences or substantial financial penalties.

Additionally, tougher sentences serve as a crucial tool for incapacitation, by preventing repeat offenders from causing further harm. For example, in the context of organised crime, longer prison terms disrupt criminal networks and limit their ability to recruit new victims. Beyond deterrence and public safety, stricter sentencing also upholds the principles of justice by ensuring that punishment is proportionate to the severity of the offence. It provides closure to victims and reassures society that the law is being enforced effectively.

Although rehabilitation remains an important component of the criminal justice system, it must be balanced with punitive measures that deter crime and protect the most vulnerable, particularly children, who are often targeted for exploitation. Strengthening sentencing laws is not just about punishment; it is about preventing crime, protecting communities and ensuring that justice is delivered with the seriousness it demands.

But do not just take my word for it. The written evidence submitted by Every Child Protected Against Trafficking raises a key concern about

"the disparity in sentencing between offences prosecuted under the Modern Slavery Act 2015 and those brought under the proposed CCE offence, which risks undermining the severity of this form of exploitation. The proposed sentencing for Child Criminal Exploitation is 10 years, shorter than the penalties under the Modern Slavery Act 2015 which are life imprisonment, creating a perverse incentive where those who exploit children for criminality may face a lesser sentence than those prosecuted under modern slavery legislation. This undermines the severity of the offence and risks weakening deterrence against those that systematically exploit children."

What assessment has been made of the Bill's potential deterrent effect? Does the Minister believe that the 10-year maximum sentence is sufficient to dissuade criminal networks from exploiting children?

Every Child Protected Against Trafficking also states:

"Enforcement of the Modern Slavery Act 2015, as noted by the Home Affairs Committee 2023 report on Human Trafficking, 'remains woefully inadequate', with worryingly low levels of law enforcement responses to them in comparison to the number of children who are exploited".

It also highlights that, as we have already discussed, child trafficking

"remains a low-risk, high-profit crime, and the persistently low prosecution and conviction rates for child trafficking and exploitation offences do not converge with the high numbers of children being referred into the NRM. Data provided by some police forces to

the Insight team of the Modern Slavery and Organised Immigration Crime Unit (MSOIC Unit) showed that in October 2024, police in England and Wales were dealing with at least 2,612 live modern slavery investigations with most of these (59%) primarily involved tackling criminal exploitation. In November, the CPS provided data to the Independent Anti-Slavery Commissioner on human trafficking flagged offences cross-referenced with child abuse-flagged offences for England and Wales which showed a decrease in prosecutions and convictions between 2021 and 2023. In 2021, there were 32 prosecutions and 23 convictions, this decreased to 19 prosecutions and 15 convictions in 2022. Prosecutions remained the same in 2023 with 13 convictions."

I would therefore be grateful if the Minister could elaborate on her confidence in the effectiveness of the measures in clause 17.

Jess Phillips: Does the hon. Member recognise that the reason why this Bill is going on to the statute book is because of the woeful record of criminalising those people? When exactly did his party change its mind on this? Every time I tabled such an amendment, as I did on a number of Bills when the Conservatives were in government, they said "No".

3.15 pm

Matt Vickers: I realise that, in some of these very sensitive areas, some people still want to play politics and talk about the history of one party or another. This is a really serious thing with really serious consequences, particularly in my part of the world, so I will leave the Minister to form her own opinions about the ups and downs of it. I support this, and I am keen to see it progress.

Every Child Protected Against Trafficking said:

"Data provided by some police forces to the Insight team of the Modern Slavery and Organised Immigration Crime Unit…showed that in October 2024, police in England and Wales were dealing with at least 2,612 live modern slavery investigations with most of these (59%) primarily involved tackling criminal exploitation. In November, the CPS provided data to the Independent Anti-Slavery Commissioner on human trafficking flagged offences cross-referenced with child abuse-flagged offences for England and Wales which showed a decrease in prosecutions and convictions between 2021 and 2023. In 2021, there were 32 prosecutions and 23 convictions, this decreased to 19 prosecutions and 15 convictions in 2022. Prosecutions remained the same in 2023 with 13 convictions."

As such, I would be grateful if the Minister could elaborate on her confidence in the effectiveness of the measures set out in clause 17, particularly on the introduction of a distinct offence of child criminal exploitation.

Jess Phillips: On a point of order, Sir Roger. Is there something in Standing Orders about repetition and the length of speeches? I think the shadow Minister, perhaps unintentionally, has read out the same page twice. I am just trying to help him out.

Matt Vickers: I may have done so inadvertently.

Jess Phillips: Okay, he is not purposefully reading out the same page.

Matt Vickers: The Minister confused me.

The Chair: Order. I am quite sure the Minister was not suggesting that anybody was out of order, because if they had been out of order, I would have said so.

Jess Phillips: Okay.

Matt Vickers: Given the historically low number of prosecutions in this area, does the Minister believe that the new offence will provide the necessary legal framework to improve enforcement, to increase accountability for perpetrators, and to ensure that more cases result in successful prosecutions? Furthermore, what additional steps, if any, does she perceive being necessary to support the implementation of the provision and enhance its impact?

Jack Rankin: It is a pleasure to serve under your chairmanship, Sir Roger. I rise to support clause 17, which creates the new offence of child criminal exploitation. For too long, we have all heard about the scourge of county lines gangs and the harm being done to children. They are usually already the most vulnerable children in society, before being used by adults to undertake and engage in criminal activity. It is right and proper that we make this a separate criminal offence.

Specific guidance, "Criminal exploitation of children and vulnerable adults: county lines," was published by the Government of the former right hon. Member for Maidenhead. It was primarily aimed at frontline staff in England and Wales who work with children, young people and vulnerable adults—including professionals working in education, health, adult and children's social care, early help family support, housing, the benefits system, policing, prisons, probation, youth justice, multi-agency partnerships and related partner organisations in, for example, the voluntary sector. It is a long list, but it speaks to the level of complexity involved in crimes of this nature and the continued importance of agencies working together.

Organised crime groups are, by their very nature, well resourced—the clue is in the name. They are organised and often sophisticated in entrapment. While I welcome the new law in clause 17, it is not a fix-all solution. It remains the case that continuing effort is needed across the state and society to spot the signals, and we must work together to bring down the gangs targeting our children. That is just as important as ever.

Exploiting a child into committing crimes is abusive. Children who are targeted may also be groomed, physically abused, emotionally abused, sexually exploited or trafficked. As organisations such as the National Society for the Prevention of Cruelty to Children point out, however, because children involved in gangs often commit crimes themselves, sometimes they are sadly not seen by adults and professionals as victims, despite the significant harm that they have experienced. We make progress on that here today. This legislation seeks to address that issue and recognise it in law, so I wholeheartedly welcome this clause, which will make it an offence for an adult to use a child in this way.

The national statistics are stark. Action for Children's "Shattered Lives, Stolen Futures", a review by Alexis Jay of criminally exploited children, highlights the extent of this issue. In 2023, 7,432 children were referred to the national referral mechanism, a framework for identifying and referring potential victims of modern slavery and criminal exploitation. That represents an increase of 45% since 2021. Over the same period, 14,420 child in need assessments in England recorded criminal exploitation as a risk of harm—an increase from 10,140 in 2022.

[Jack Rankin]

Over the five years between April 2018 and March 2023, 568 young people aged 16 to 24 were violently killed in England and Wales, the vast majority of them by being stabbed. Police data published by the national county lines coordination centre in its county lines strategic threat risk assessment showed that 22% of individuals involved in county lines are children, equivalent to 2,888 children in 2023-24. The 2023-24 risk assessment also states that most children involved in county lines are aged just 15 to 17, and they are mainly recorded as being in the most dangerous "runner" or "workforce" roles within the drugs supply chain and linked to exploitation.

Victims may be subject to threats, blackmail and violence. They may be arrested, including for crimes committed by others, under the law of joint enterprise. They often find it hard to leave or cut off ties with those who are exploiting them, and their safety, or that of their friends and family, may be threatened. They are at risk of physical harm, rape and sexual abuse, emotional abuse, severe injury or even being killed, and they are at risk of abusing drugs, alcohol and other substances. That all has a long-term impact on these children's education and employment options. There is clearly a need to protect children from the imbalance of power exercised by these criminals.

I want to highlight some of the excellent work taking place in my own constituency to prevent children from becoming involved in county lines and criminal exploitation. In 2022, Trevelyan middle school in Windsor carried out some excellent pupil-led work to address the evils of county lines child exploitation. It produced its own hard-hitting film about one child's journey into slavery and exploitation. The film, titled "Notice Me!", was made available to schools across the local area as a learning tool to help pupils understand the process, the risks and the realities of county lines operations.

One scene showed how county lines gangs will promise children all kinds of luxuries, only to trap them into failing and place them forever in their debt. Another scene showed the grim reality that for children who find themselves in the world of county lines, it is the gangs themselves that they are most afraid of, not the prospect of arrest. However, the film also has a message of hope. It seeks to educate children and young adults alike about the warning signs that someone might be involved, such as disappearing for stretches of time or coming home with unexplained bruises or odd equipment.

Alongside the film, a scheme of lessons for pupils to study in school included video inputs from a range of partners, as well as both a pupil and a parent guide to county lines. The guides included inputs from many experts in the field, including those working on the frontline and tackling the issue every day. It is, of course, important and welcome that our schools are raising awareness of this important issue and working together to help to prevent children falling prey to criminal gangs, but where prevention fails, I welcome these specific measures. The addition of the child criminal exploitation offence to the list of criminal lifestyle offences in schedule 2 of the Proceeds of Crime Act 2002 is very welcome. The practical effect of the change is that a person found guilty of the new offence will automatically be considered to have a criminal lifestyle, and a confiscation order can be made accordingly under that Act. Ultimately, all their assets will potentially be seen as derived from crime and subject to confiscation, reflecting the serious nature of such offending.

I hope that that will be a significant deterrent to the masterminds of these gangs. In March this year, the British Transport police, working with Thames Valley police and Northamptonshire police, made multiple arrests in a two-day raid on a county lines operation. Three active deal lines were identified and £25,000 in cash was seized, alongside £9,000-worth of class A drugs and 14 kg of cannabis, with a street value of around £210,000. I thank all the officers involved in that successful operation. The values involved in this criminal activity are high, as we have heard throughout the Committee, and such operations are evidence that if resourced properly, police can break the back of the issue. Let deliver justice to victims by charging criminals for related offences, such as child exploitation, that are so common in the drug trade. In seats such as mine in the home counties, the county lines trade continues to pose risks, and I support measures that strengthen the hand of the police in tackling it.

Finally, given the vulnerabilities of who are children affected by child criminal exploitation, and because of the nature of abuse that children may suffer when they are involved in these gangs—I went through some of it earlier—I particularly welcome the fact that the Bill will ensure the victims are automatically eligible for special measures, such as giving pre-recorded evidence, or giving evidence in court from behind a screen, in proceedings relating to the offences. I hope such measures will result in more successful prosecutions of this crime.

Joe Robertson: I, too, support clause 17, which will create an offence of child criminal exploitation. Under this provision, any adult over the age of 18 would commit an offence should they do anything to a child with the intention to cause the child to engage in criminal activity. An offence will be committed where the adult reasonably believes that the child is under 18, but an offence is automatically committed where the child is under 13. An offence under this provision does not require the child to commit any offence; it only requires that the adult intended them to.

One strength of clause 17 is that it does not require the child to go on and commit the offence that the perpetrator intended them to. The criminal activity is the adult engaging with that child with the intention of causing the criminal offence. As the Minister set out clearly when she introduced the clause, it does not matter whether a child goes on to be convicted, because that is a separate offence relating to the adult's activity.

The second strength in the provision is the explanation of what child criminal exploitation is, and I am not persuaded that new clause 8 improves that. The Bill makes it very clear that the offence is engaging the child

"with the intention of causing the child to engage in criminal conduct".

Criminal conduct is clearly defined in clause 17(2) as

"conduct which constitutes an offence under the law of England and Wales".

It is clear and in plain English. There is no ambiguity about the key words: "criminal conduct", "intention of causing", "child" and

"the person engages in conduct".

3.30 pm

New clause 8 seeks to add to that by creating a statutory definition of child exploitation. I am sure the intention is good; I have no doubt that the Member who tabled the new clause means well and feels that they are improving the legislation. As is always the case in law, the problem of defining something in the positive is that it risks being defined in the negative, so that things that we fail to include in that definition suddenly become no longer child exploitation.

I accept that new clause 8 appears to be widely drafted. For example, subsection (2) says:

"Child exploitation includes, but is not limited to",

so definitions under paragraphs (a) to (d)—sexual exploitation, labour exploitation, criminal exploitation and economic exploitation—are not the only examples of child exploitation, because the definition is unlimited. Notwithstanding the good intent behind the new clause, however, I do not see how it takes clause 17 any further, and I am not minded to vote for it. Sitting in a Committee Room and reading words on a page, am unsure how that would translate into a real-world example where a vile criminal has exploited a child or children, and then goes to court and seeks to defend themselves. We would be relying on the new clause, which adds complication and is vague.

A further strength of clause 17 is that it fills in the gaps. The Minister has been clear and eloquent in setting out crimes that already exist in this area. Plainly, it is already a criminal offence to beat or otherwise abuse a child to coerce them to do something. Beating and assault are criminal offences. However, we are dealing with adults who may seek to engage the aid of children in criminality, and we have to consider the power imbalance and the level of manipulation involved. There are numerous examples of adult-child relationships where physical or verbal assault are not present, but the child is nevertheless being manipulated, although they may not know it, into engaging in criminal activity.

The strength of the new crime is that it fills in the gaps of the criminal law, which in too many cases does not capture this mean, cruel, subtle, and often hidden activity that ruins children's lives. Even if a child can be brought out of such a criminal and abusive relationship, the consequences often stay with them into adulthood and for the rest of their lives. That can have a widespread impact on the local community. Furthermore, it often—not always, but often—underpins wider criminal activity.

Such activity is often associated with county lines drug dealing, whereby children are coerced into transporting drugs across the country, although sometimes the transportation of drugs can be within a small locality. Children are often manipulated and recruited into doing this work, because if a drug dealer or gang member has induced or persuaded a child to deliver drugs, the adult will not be caught with the drugs on them and will be in a stronger position to avoid criminal sanctions. Additionally, many drug dealers will judge a child to be a safer bet than an adult to transfer drugs, because a child—especially a small child—on their bike with a rucksack on their back is less likely than an adult to raise the suspicion of police. This is a heinous, manipulative criminal activity.

A common feature of county lines operations is the exploitation of young people and vulnerable adults. Later, we will consider a separate part of the Bill that addresses cuckooing, so I will not say anything more about that now. Criminal child exploitation is not limited to county lines and may involve a wide range of other circumstances. The strength of the Bill is that it does not seek to define specific activities; any criminal activity that an adult induces a child to engage in will be caught. As I have said, child criminal exploitation is not provided for in legislation, and I have already gone through some of the relevant law.

There are some wonderful organisations out there trying to stop the incursion of gang activity into their local areas, and trying to identify at a young age children who might be induced to commit criminal activity. I will particularly refer to Community Action Isle of Wight and to the Bay Youth Project, a fantastic project that supports young people who may be vulnerable to exploitation. I was delighted to join representatives of the Bay Youth Project in London just a couple of weeks ago when they received a national award for their fantastic work.

Dame Diana Johnson: The debate on this group has been very full, and it is good to know that there is cross-party support for clause 17, which introduces the offence of child criminal exploitation.

The shadow Minister, the hon. Member for Stockton West, highlighted that the Modern Slavery Act, which the previous Government relied on to deal with the problem, has been failing for many years. The statistics that he cited on the very limited number of prosecutions that went through the courts emphasise how sad and unfortunate it is that this bespoke offence was not put on to the statute books years ago. Given the cross-party support for it today, I am surprised that such support did not exist years ago under the previous Government.

I will deal with some of the questions about clause 17, particularly on the age limit of 13. I think it is clear that it is never reasonable to consider a child under the age of 13 as an adult. There is crossover from the approach taken around child sexual exploitation, and it would almost always be obvious when a child is under the age of 13. I hope that explains why that age limit was set.

On the question of what is happening in Scotland and Northern Ireland, I have said in previous debates that we are in discussion with the devolved authorities, particularly with the Scottish Government and Northern Ireland's Department of Justice, about the application of the CCE provisions to Scotland and Northern Ireland. I hope that offers reassurance.

The hon. Member for Gordon and Buchan asked how many defendants had relied on the section 45 defence under the Modern Slavery Act in respect of CCE offences. Obviously, we will not have had a CCE offence until this Bill gets on to the statute book, so the answer to that question is none. The comparator offence in terms of modern slavery and human trafficking is also excepted from the defences listed in section 45. The purpose of amendment 10 is to ensure that those prosecuted for this serious offence cannot benefit from the section 45 defence.

The shadow Minister asked how the new offence will change the dial on the systems response to CCE. I take his point: introducing the bespoke, stand-alone offence of CCE, as well as CCE prevention orders, will raise the

[Dame Diana Johnson]

national consciousness of the issue and finally—I emphasise that word—place it on a level playing field with other harms. That said, we do understand that the offence on its own is only part of the answer, and that is why we are working across Government to identify opportunities to improve the systems response and drive change and transformation.

I do not wish to try your patience, Sir Roger, by going into the issue about the sentence that should be given for the new offence, as we discussed whether the maximum sentence should be life imprisonment in the debate on previous group. The Safeguarding Minister, my hon. Friend the Member for Birmingham Yardley, is undertaking a full review of the NRM, as well as looking at the Modern Slavery Act more generally, because it does not always work as effectively as we would like.

In terms of what else we can do, I want to highlight another manifesto commitment: the creation of Young Futures. That is about recognising those children who are vulnerable and who might need extra support. We will create youth hubs and prevention partnerships, which are about the cohort of very vulnerable young people who might be getting themselves into difficult situations and who are perhaps on the verge of getting involved in criminality. That will involve identifying who they are, working with them and putting in place a plan of action to ensure that they are diverted away from involvement in the gangs that we know prey on very vulnerable young people. On that basis, I commend clause 17 and amendment 10 to the Committee.

Amendment 10 agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18

POWER TO MAKE CCE PREVENTION ORDER

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clauses 19 to 30 stand part.

Schedule 4.

Clause 31 stand part.

Dame Diana Johnson: Clauses 18 to 31 and schedule 4 introduce child criminal exploitation prevention orders, which will be available on application to the courts, on conviction and at the end of criminal proceedings when there has not been a conviction. The provision for on-conviction orders is made by amendment of the sentencing code by schedule 4.

3.45 pm

As I have already outlined, child criminal exploitation can have devastating and life-changing effects on the children who are victims. That is why we have introduced a new offence of child criminal exploitation in clause 17. We must, however, go further to protect children and do all we can to prevent the terrible harm that can result from criminal exploitation before it even occurs. We are therefore also introducing new CCE prevention orders to prevent CCE conduct from happening in the first place or, in cases following a conviction, from re-occurring. These orders will specifically target the criminal exploitation of children and include restrictions and requirements the court deems necessary to manage the risk posed to a specific child or children.

Clauses 18 and 20 provide that these new orders will be available where an application is made by the police or National Crime Agency to a magistrates court. Clause 18 and proposed new section 358A of the sentencing code provide that they will also be available at the end of criminal proceedings where someone has been convicted of any offence, including CCE, or where they have been acquitted, where their appeal has been allowed or where they have been found not guilty by reason of insanity or to have done the act under a disability. Clause 23 and proposed new section 358D of the sentencing code set out the procedural powers a court has when an order is made at the end of criminal proceedings.

Clause 19 states that an order on application—or other outcome of a criminal trial, apart from conviction—must last at least two years. Proposed new section 358B of the sentencing code states that an order following conviction must last at least five years. Each order must not be discharged before the end of the minimum period without the consent of the defendant and the relevant police. Different prohibitions and requirements contained in the order may have different durations.

As in clause 18 and proposed new section 358A of the sentencing code, for a CCE prevention order to be granted, three tests must be met: the defendant must have shown past conduct associated with CCE, there must be a future risk that they will commit CCE, and an order must be necessary to protect children from that risk. Where an individual is convicted of a CCE offence, or certain special verdicts are returned in relation to a CCE offence, that conviction or finding alone will satisfy the first test. As outlined, the prohibitions or requirements imposed by the order must be necessary to prevent the risk of CCE. It will be for the court to determine which are most appropriate, based on the individual facts of the case.

Clause 20 provides that the police, including British Transport police and Ministry of Defence police, and the National Crime Agency will be able to apply to a magistrates court for a CCE prevention order. Where a national agency—that is, the British Transport police, the Ministry of Defence police or the NCA—applies for an order, it must notify the local police. That is to ensure that the local force is aware and can take appropriate action to monitor the individual who is subject to the order.

These orders will usually be made by giving notice to the defendant and allowing them to attend a hearing that decides the granting of an order. Given the nature of CCE offending, however, and the inherent risk to children, there is provision within clause 21 to apply for an order without giving notice to the defendant. This will mean that in urgent situations where there is an immediate risk of harm or where there is a risk that giving the defendant notice could cause them to hide their behaviour, it will be possible to apply for an order without notice. In these situations, it will be possible only for the court to grant an interim order as provided

for by clause 22 or for the hearing to be adjourned, pending a full hearing, or to be dismissed with no order granted.

Interim orders can be made where the court deems it necessary to do so, as shown in clause 22. This might be where there is an immediate risk to a child, and conditions need to be quickly placed on the defendant to manage that risk. Interim orders will be short term: they will last only for a fixed period or until an application for a full order is granted or dismissed.

A CCE prevention order can contain any conditions that the court considers necessary to protect children from CCE. Any conditions will apply throughout the United Kingdom, unless otherwise stated. The conditions may include a notification requirement as provided by clause 24, whereby the defendant must notify their name, or names, and home address to the police, and any subsequent change of their name or home address, within three days. However, that is not a mandatory condition and does not have to be included in every order.

Clause 25 and proposed new section 358E of the sentencing code provide the process for variation or discharge of an order. The original applicant for the order, the defendant, or the police where the defendant lives or is intending to go to, may apply to vary or discharge the order. That will ensure that the order remains relevant, best targeted to prevent CCE conduct, fair and proportionate.

Clause 26 and proposed new section 358F provide that the defendant, applicant for the order, and relevant police can appeal the court's decision in relation to an on application CCE prevention order, either full or interim, or an application to vary or discharge the order. The defendant can also appeal against the decision to make an order at the end of criminal proceedings as if it were a sentence passed on them for an offence.

It will be a criminal offence to breach a CCE prevention order, as laid out in clause 27 and proposed new section 358G of the Sentencing Code. That could mean a person does something that is prohibited by the order, or fails to do anything that is required by it. In the case of the notification requirement, clause 28 and proposed new section 358H of the sentencing code provide that it is also an offence to knowingly provide the police with false information. Each offence will have a maximum penalty of five years' imprisonment, which is commensurate with similar civil orders.

Clause 31 provides a power for the Secretary of State to issue statutory guidance to law enforcement about the exercise of its functions in relation to the new child criminal exploitation offence and civil prevention orders. I mentioned that earlier in answer to a question about ensuring that there is widespread understanding of what the new offence could do and what it is based on.

Providing for guidance to be issued on a statutory basis will ensure accountability and action by the police to ensure that the new provisions introduced by the Bill will be used appropriately and effectively. That will assist the police in their investigations, and support prosecutions and applications for civil orders. We also intend the guidance to provide further information about how child criminal exploitation arises in practice, including by providing illustrative examples of the common forms and methods used by perpetrators of CCE, to help with the identification of victims. In preparing the guidance, the Secretary of State must consult appropriate persons and must publish the guidance.

This is a comprehensive set of provisions to prevent the criminal exploitation of children and ultimately help to safeguard those at risk. I commend them to the Committee.

Harriet Cross: Clause 18 creates a new regime for child criminal exploitation prevention orders. A CCEPO is a new civil order that enables prohibitions or requirements to be imposed by courts on individuals involved in CCE to protect children from harm from criminal exploitation by preventing future offending.

A CCEPO will be obtained via a number of routes, including an order from a magistrates court following an application by a chief officer of the police—including the British Transport police and the Ministry of Defence police—or the director general of the NCA. An order may also be made by a court—for example, a magistrates court, the Crown court or, in limited cases, the Court of Appeal—on its own volition at the end of criminal proceedings in situations where the defendant has been acquitted of the offence, the court has made a finding that the defendant is not guilty by reason of insanity, or the defendant is under a disability such that they are unfit to be tried but has done the act charged.

CCEPOs will be reserved for defendants aged 18 and over where the court is satisfied that they have engaged in CCE. According to subsection (5), for a court to hand down a CCEPO, it must also consider that there is a risk that the defendant will seek to cause children, or any particular children, to engage in criminal conduct. Will the Minister confirm whether a defendant can therefore be given a CCEPO only if it is considered that they will repeat offend—that is, re-engage in CCE—or can a CCEPO be handed down regardless of the potential for or expectation of future offending? Is having previously engaged in CCE enough of an indicator to suggest a risk of future offending?

Clause 19 details what a CCEPO is and what it does and does not do. The nature of any condition imposed is a matter for the court to determine. These conditions could include limiting a defendant's ability to work with children, contact specific people online or in person, or go to a certain area, as well as requiring them to attend a drug awareness class. The conditions may also require the defendant to comply with a notification order, as detailed in clause 24, which I will address later.

We must be clear that no one can accidentally engage in child criminal exploitation. Those receiving a CCEPO will have knowingly endangered, threatened, misled and vilified children in pursuit of their own criminality, and there will be a risk to the public that they will do so again. These people are ruthless and the full force of the law is needed to prevent future offending.

Subsection (4) states:

"A prohibition or requirement applies throughout the United Kingdom".

I welcome that, but can the Minister detail how this will be enforced across the devolved nations? If extra resource is required, will it be made available to the devolved nations? What conversations has she had with our devolved Parliaments, Assemblies and police forces about this?

[Harriet Cross]

Subsection (7) provides that where a person is made subject to a new CCEPO, any existing CCEPO will cease to exist. We strongly believe that anyone being handed multiple concurrent or successive CCEPOs must be subject to stronger conditions and punishments—otherwise, what is to deter them from reoffending? Will the severity of successive CCEPOs be at the discretion of the court? How does the initial CCEPO lapsing on receipt of the second deliver justice for victims of the initial offence for which a CCEPO was handed down? What is the punishment for breaking the terms of a CCEPO, and how will it be enforced? How long can CCEPOs be handed down for? The Bill prescribes a minimum of two years. What is the escalation should a single defendant receive repeated CCEPOs?

Clause 20 sets out the practical mechanisms for obtaining these new prevention orders. It sensibly restricts the power to apply for a CCEPO to our law enforcement bodies—chiefly, the police and the National Crime Agency. That is appropriate, because decisions to seek an order will rely on police intelligence about who is grooming children into crime, and we would not want just anyone to be able to drag individuals to court without solid evidence. Placing this responsibility with senior officers looks as though it will ensure that applications are vetted by those with the expertise to judge the risk someone poses.

I note that the clause specifically includes British Transport police and MOD police alongside regional forces. That is welcome; exploitation is not confined by geography—for example, gangs use railways to move children along county lines. The British Transport police must be empowered to act if it identifies a predator using the train network to recruit or deploy children. Likewise, the National Crime Agency might come across sophisticated networks exploiting children across multiple force areas. Clause 20 lets those forces and the NCA go to court directly. Crucially, if they do so, they must inform the local police force for the area where the suspect lives, so that there is no gap in knowledge. That co-ordination will be vital, as local officers will likely be the ones monitoring the order on a day-to-day basis.

4 pm

Will other agencies, like social services or youth offending teams, be able to trigger applications indirectly? They cannot themselves apply under the clause, but social workers and schools often spot early signs of a child being groomed or exploited. We need assurance that their referrals to police will be acted on swiftly and, where appropriate, turned into an application for an order. I would also like to hear from the Minister about resourcing: it is not trivial to prepare a magistrates court application with evidence. Do police have the capacity and guidance to do that effectively, especially given the balancing test that must be met in court?

It is right that these orders should be accessible to law enforcement nationwide, but the process must be straightforward enough to not hinder timely action. If too much bureaucracy or delay hinders applications, dangerous individuals might remain free to exploit children in the interim. We all recall cases where warning signs were known but action lagged; we cannot allow that to happen when we have the legal tools in hand. I press the Minister on how the Home Office will guide police forces to use these orders. From day one, every chief constable should know when and how to apply for a CCEPO. It is also important that the threshold for evidence should be clearly explained in guidance so that officers compile the right material to satisfy the court. We want to avoid a situation where applications fail simply because the case was not presented robustly.

In summary, clause 20 is about empowering the right people to initiate action. I am encouraged that our police and the National Crime Agency will have this capability, but training and guidance will be vital to its effective implementation. I urge the Government to ensure that the mechanism is well publicised and adequately funded, so that CCEPOs become a practical reality, not just a well-intentioned text on the statute book.

I ask the Minister, first, what training and guidance will be provided to police forces and the NCA on identifying suitable cases and preparing CCEPO applications? Will the Home Office issue a formal circular so that all forces are ready to use the power consistently from the outset? Secondly, how will information from non-police agencies, such as schools, social services and youth workers, feed into the decision to apply for a CCEPO? Is there a protocol for multi-agency referrals so that, for example, a council safeguarding team lead can prompt the police to consider an order if they suspect a child is being groomed? Thirdly, has the Home Office estimated how many CCEPO applications might be made annually? If so, is additional resourcing being given to magistrates courts and police legal teams to handle the new workload? Fourthly, clause 20(3) requires the NCA or specialist police to notify local forces of an application. Will the Minister clarify how that notification will work in practice? How will we ensure a smooth handover for enforcement if the order is granted?

Clause 21 provides for applications without notice. The clause gives police the power to move swiftly when children face immediate danger. It allows officers to obtain orders without first alerting potential exploiters, because that could give them time to disappear or, worse, harm the children involved. We can all appreciate why that is necessary. If a gang leader knows that the police are seeking an order to clip their wings, they might disappear or retaliate against their child victims or witnesses, so the clause sensibly lets law enforcement apply for a CCEPO without tipping off the suspect.

We can each imagine situations in which this provision will be necessary. It might be that those involved in an undercover operation learn that a trafficker is about to move a child to commit crimes in another city today and so police need an immediate ban on that person contacting or transporting children, or that a suspect is particularly volatile and might violently confront a child if they knew that an order was pending, so it is better to get an interim order first. However, can the Minister confirm that this provision is intended for truly urgent cases, not routine applications? It is about striking first when delay would cause harm. The Bill's language is clear that an application without notice should be exceptional. The court will still expect evidence explaining why the usual process cannot be followed.

From a scrutiny perspective, we should consider the balance of justice. We are temporarily sidelining the defendant's right to be heard at the initial stage, but

the court can grant only an interim order in such cases; a full hearing will still happen soon after with the person present. That mirrors procedures for other protective orders—for example, emergency injunctions in domestic violence cases. I believe that it is a justifiable compromise, given the stakes of child exploitation. We simply cannot allow bureaucratic delays to create opportunities for these individuals to cause children harm.

However, I want to ask the Minister these questions. What safeguards ensure that without-notice applications will truly remain for urgent cases? For example, will guidance define the "immediate risk" circumstances to which the explanatory notes refer? Can she outline the expected timeline? If an interim order is made in the absence of the other party, how quickly must the full hearing follow? We need to reassure ourselves that no one will be under an order, without a chance to respond, for an undue period.

Clause 21 equips police to move fast and break the cycle of abuse in emergency situations, but we must be reassured that due process will catch up in short order. The clause will prevents situations in which the inability to act swiftly means that harmful behaviour could continue unabated while legal procedures are under way, particularly when children's safety is hanging in the balance. We must ensure that police use the provision judiciously and courts remain a check against potential overreach.

My other questions relating to clause 21 are as follows. First, can the Minister provide examples of what the Home Office considers to be "exceptional or urgent" conditions justifying a without-notice application? Will there be published guidance or protocols—perhaps in the statutory guidance under clause 31—to help police to decide when to proceed down this route? Secondly, if an interim order is granted without notice, what is the maximum time before the respondent gets a full court hearing? For example, will the rules of court specify that a return date must be set, as is typical with emergency injunctions?

Thirdly, what opportunity will the defendant have to contest the order after the fact? Clause 21 refers to interim orders, which is clause 22, and appeals, which is clause 26. Can the Minister clarify that a person can challenge an interim order or appeal quickly if they believe that it was made on insufficient grounds? Fourthly, have the Government consulted police on how often they anticipate using without-notice powers? We would not want their use to become routine because of convenience. Will the Department monitor the proportion of CCEPO applications that are made without notice, to ensure that the powers remain only for genuine emergency cases?

Clause 22 provides for interim CCE prevention orders, which are temporary orders that a court can impose pending a full decision on a CCEPO application. The clause therefore in effect creates a holding pattern: it keeps children safe while the court process is going on. It seems to be a common-sense provision. We cannot have a situation in which we identify someone who poses a risk of harm to children, begin proceedings and then leave children vulnerable during the court process or procedural delays. The clause provides that if we have to adjourn, we do not leave a protection vacuum around the child, but the court can impose an interim CCEPO to cover the days or weeks until the matter is resolved.

An interim order can do most of what a full order does in stopping behaviour. For instance, the suspect can be banned from contacting certain children or entering certain places immediately. However—and this is important—interim orders are narrower in scope. They cannot force the person to, for example, attend a rehab programme or training course in the interim. That is understandable, because positive requirements often need more consideration and buy-in. Interim measures are about urgent risk mitigation. We can tell someone not to do X right away, but arranging that they must do Y is better handled once all evidence is heard.

It is right that the court must deem an interim order necessary before issuing one. Courts will not issue an order by default; they will look at whether kids would be in danger without it. We can suspect that in most cases where a full order seems likely, an interim order will indeed be necessary, and why would we pause protection? But the safeguard is there to ensure that the decision is well thought through.

We need clarity on how long interim orders can remain in force. Ideally, the period between the interim hearing and the full hearing should be short. As we know, justice delayed is justice denied for both the victim and the respondent. Perhaps the Minister can reassure us that the system will ensure the prompt scheduling of a full hearing if an interim order is put in place.

Joe Robertson: I thank my hon. Friend for her quick canter through the clauses, particularly the provisions on interim orders and without-notice orders. I worry that once someone has an interim order, given some of the court backlogs, it may take some time for them to come back to the court for a full order. Does she share that concern?

Harriet Cross: Of course. In all cases, it is a balance between getting an interim order in place to protect children in the immediate term, and ensuring that we get true justice through the system. It is something that we need more information on, but we also need a balance, and, on balance, the interim orders seem reasonable.

Another point is the serving of the interim order. If the person was not in court when the order was made—for example, if it was made after a without-notice application—it will kick in only once it is served. That is understandable; we cannot expect someone to comply with an order that they do not know about. However, I wonder whether there are provisions to use all reasonable means to serve it quickly, potentially with police involvement to hand it to the person if needed, since a child's safety could hinge on getting a bit of paper into the right hands.

Interim orders seem to be a sensible procedural tool. They align with how other orders, such as interim injunctions, work, and they will ensure continuity of protection. However, I reiterate that interim measures should not become semi-permanent due to procedural or court delays. The ultimate goal is to get to a full hearing and a long-term solution. Interim orders are the bridge to that, but they need to be a short, sturdy bridge, not a lingering limbo.

[Harriet Cross]

Can the Minister address what guidance or expectations will be set to ensure that, where an interim CCEPO is issued, the full hearing occurs as soon as possible? Is there an envisaged maximum duration for an interim order before it is reviewed? Clause 22(3) limits interim orders to prohibitions and the notification requirement. Can the Minister clarify why? Is it primarily because positive requirements, such as attending a course, might be burdensome to enforce in the short term? The explanatory notes mention that an interim order can be varied or discharged, just like a full order. Can the Minister confirm that if circumstances change—for example, if new evidence shows the risk is either higher or lower—the police or subject can apply to adjust the interim order even before the final hearing? Lastly, if an interim order is made in the absence of the defendant, what steps will be taken to ensure that it is served promptly?

Clause 23 empowers courts to consider making a CCEPO at the conclusion of certain criminal proceedings, even if the police have not applied for one. Effectively, it provides for judicial initiative, allowing courts to consider a CCEPO even without a formal application. This is quite a significant provision. It means that, if someone is prosecuted for drug trafficking involving children, for example, and they escape conviction—perhaps the jury was not 100% satisfied or there was a technicality—the court does not have to throw its hands up on the case. It can say that it has heard enough to worry that the person might exploit children, so it will consider a prevention order.

4.15 pm

From one angle, that is a robust safety net. We know that child exploitation cases can be complex. Sometimes the high criminal standard of proof is not met, yet there is serious smoke, even if not a fire. Clause 23 effectively says that justice can still do something about those cases. It allows a judge to use all evidence on file, even evidence that was inadmissible in determining guilt. For example, if police had intelligence or hearsay that could not be used to convict, the court could still weigh it when deciding a civil order. The burden now is the balance of probabilities, which is a lower bar.

That might raise eyebrows among those considering civil liberties, as it means that an order can be imposed on someone who is acquitted. The presumption of innocence is of course a vital part of our justice system, and acquittal means that a person is not guilty in the eyes of the law. However, we recognise that civil orders serve a different purpose—prevention, not just punishment—and use a different standard. This approach is not unprecedented; for example, serious crime prevention orders and sexual harm prevention orders can sometimes follow acquittals or be made without conviction, if the risk can be demonstrated. There is a rationale, but the provision must be used with caution.

How commonly does the Minister expect the provision to be used? Ideally, police would apply proactively under clauses 18 and 20, rather than leaving the court to make a prevention order spontaneously. Clause 23 ensures that no case falls through the cracks: if the prosecution forgot to apply, or was not able to do so before the verdict, the judge could still act. An adjournment will be permitted in order to consider a prevention order, which means that the decision to impose an order will not be made rashly in the immediate aftermath of, for example, an acquittal announcement. The court can take a step back, set a new hearing and examine whether a CCEPO is justified, and the defendant will be aware and can participate. If they try to abscond or refuse, the court will not be powerless, as a warrant can be issued to bring them back. That appears to be a balanced approach: the person will get a chance to contest the order, even though they were acquitted of the crime.

I would like assurances that the power will not be misused. It should not become routine that, every time someone is acquitted of a relevant offence, they automatically face a prevention order procedure. It must be evidence-driven and happen only where there is a clear indication of risk that does not translate into a conviction. Perhaps guidelines or CPS policy will cover this, so that it is invoked in the right cases.

In conclusion, clause 23 gives courts a last-resort mechanism to protect children. The previous Conservative Government considered similar ideas, to ensure that dangerous individuals do not walk free without scrutiny because a jury had doubts. We will not oppose the clause, but we will be vigilant to ensure that its implementation respects both child safety and the fundamental principles of justice.

I have some questions on clause 23 for the Minister. Do the Government anticipate that CCEPOs on acquittal will be frequent, or will they be very much used as a backstop? Will guidance be given to judges or the CPS on when it is appropriate to invoke clause 23 powers? Will the Minister outline the procedural safeguards for the defendant? For example, will they be given notice of the adjourned hearing and an opportunity to present evidence? That is implied but important to state, given the serious step of acting after acquittal.

Clause 23 lets courts consider evidence that was inadmissible at trial. Will the Minister give clarificatory examples? For example, would hearsay and intelligence reports count, and will there be any limit? Evidence obtained unlawfully might be inadmissible at trial, but could it be used in consideration of a CCEPO? If a CCEPO is made under the clause, I assume that the defendant can appeal under clause 26, which we will come on to. Can the Minister confirm that a person who is acquitted can appeal a subsequent order through the usual channels, and that that will be explained to them?

Clause 24 deals with an optional notification requirement that can be attached to a CCEPO. If the court includes that in an order, the individual who is the subject of the order must notify the police of certain personal details, specifically their name and any aliases, and their home address. The clause essentially creates a notification regime of the sort that we are familiar with from the sex offenders register and terrorism prevention orders. If a court sees fit, someone who is under a CCEPO can be required to keep the police informed of who and where they are.

The clause is practical. It is all well and good to ban someone from contacting children or going to certain places, but to enforce that, the police need to know where the person is and what name they go by. Requiring them to proactively give their address and any new alias they use will help police to monitor compliance. Imagine

that an individual who is subject to an order tries to slip away to a different town and operate under a nickname. The notification duty means that they would be committing an offence under clause 28 if they did so without telling the police. It shuts the front door on a tactic of disappearing or reinventing oneself to avoid scrutiny.

I note, however, that this is not compulsory with every order, and that is interesting. In practice, I share the view that most orders are likely to impose this requirement unless there is a compelling reason not to. Perhaps the Minister could shed some light on any scenarios where the court might omit the notification condition. Is it perhaps if a person is judged to pose a low risk or is easily trackable by other means?

The details include a three-day deadline to register and report any changes, and that strikes me as standard and reasonable. Three days is a tight turnaround, but that is intentional to prevent someone from moving and hiding before notification. I also welcome the broad definition of "home address". Some individuals might not have a stable home, and those who are involved in crime are often transient. Even if they couch-surf or live between multiple locations, they must pick one location where they can be regularly found, and provide the address. That prevents anyone from creating a loophole by saying that they are homeless and evading the requirement completely. Even a homeless individual could, for example, name the town or area they frequent, or a day centre address, as a point of contact.

From our perspective, strong post-order monitoring is key to making the orders effective. Experience has taught us valuable lessons. The original antisocial behaviour orders lacked proper notification requirements and suffered from weak enforcement. Compare that to the sex offenders register, which for more than two decades has proven to be essential in managing risk. The clause essentially creates a register for child criminal exploiters. I ask, though, why it is optional. Perhaps that is to give courts flexibility; some older individuals subject to an order might be very settled and known to the police, so perhaps notification would not be necessary. Personally, however, I lean towards thinking that the requirement should be the default. Perhaps the Minister can tell us whether the intention is that almost all orders will be subject to the requirement, or whether it will remain case by case.

How will the system be administered? Will the notifiable names and addresses be kept on a national database, or just locally? Many exploiters move between areas, so a national record that was accessible by all forces would be ideal. If, for example, someone in Manchester who was subject to an order moved to Birmingham, the Birmingham police would be automatically aware after notification.

Overall, clause 24 is a vital part of the effectiveness of these orders. It turns an order from words on paper into something that police can actively keep tabs on. The Opposition will not oppose this measure, which aligns with our belief that enforcement is as important as the law itself. We are keen to see it applied rigorously in practice, but we question why it is optional, not mandatory.

Clause 25 provides a mechanism for changing or ending a CCEPO. It allows for an order to be varied—the terms either modified or extended—or discharged by the court on application. Clause 25 ensures that CCEPOs can adapt as circumstances change. It recognises that neither risk nor rehabilitation remain static. A person under a CCEPO might genuinely turn their life around and no longer pose a threat, or conversely, new information might show that an order is not stringent enough. The clause allows the courts to adjust orders accordingly.

On one hand, from the policing perspective, if an individual is finding clever ways around an order's terms, the police can come back and ask the court to tighten the restrictions. For example, if the order initially banned someone from contacting certain known associates, but the police learn that they have started grooming a new child not covered by the original terms, they could seek a variation to expand the prohibition list. Alternatively, if the order was set to last two years, but near the end of that period the person is still exhibiting worrying behaviour, an extension can be requested. The clause notes that extending the duration is a form of variation.

On the other hand, the clause is fair to the individual concerned as well. If someone under an order has complied diligently and circumstances have changed—maybe they have moved away from negative influences, are holding down a steady job and have proven that they are no longer a risk—they can apply for a discharge or relaxation of the order. Otherwise, we would be saying that once someone is under an order, they are locked in regardless of improvement. It therefore removes any incentive for someone to get their life back on track.

Importantly, clause 25 allows not just the original force or agency, but any relevant police chief where the person is living, to apply for changes. That covers circumstances where, for example, the person moves. If the Met police originally got the order but the individual has since moved to Birmingham, West Midlands police can step in if they see an issue and apply for a variation of the order. That is a sensible bridging. I would be interested in hearing how often the Government expect variations. With sexual harm prevention orders, variations are not uncommon, as people move or circumstances change. We should ensure that the process for variation or discharge is straightforward and not overly burdensome on the courts. Perhaps a simple application process, or even by consent if both police and the defendant agree on a change, would be appropriate.

Our concern is that a person under the order might apply repeatedly to discharge it as a way of gaming the system or just causing administrative hassle. Do the courts have the power to prevent abuse of the process? Usually, if nothing has changed, a court can dismiss a repeat application quickly. This is not about indefinite punishment. Rather, it recognises that risk management must be responsive to changing circumstances. We support that. As circumstances improve, lifting an order can help rehabilitate someone and encourage them to get back on track without unnecessary restrictions. Conversely, if risk remains, we must keep the safeguards up.

Could the Minister please answer, what guidance will be given on what constitutes a material change in the circumstances to justify varying or discharging an order? Will courts expect, for example, a minimum period of compliance or new evidence of reduced risk before considering discharge? When a defendant applies to vary or discharge, will the police or CPS be involved to present arguments for maintaining the order if they oppose the change?

Clause 26 provides the right to appeal decisions relating to a CCEPO. It outlines who can appeal and to which court. The clause is a safeguard for fairness and oversight. It essentially says that any major decision on the prevention orders can be challenged in a higher court. That includes the decision to grant the order, refuse the order, or vary or discharge it. Both the person subject to the order and the police side have equal footing to appeal.

Why is that important? CCEPOs are powerful orders, which can impose significant restrictions on someone's liberty for years—we must have a safeguard, so that if a court gets the decision wrong, it can be corrected. For example, if a magistrates court declines to give an order but the police strongly believe that a child or children are at risk, they should not have to hit a dead end; they can apply to the Crown court to look at the case afresh. Conversely, if an order is made and the individual feels it was based on insufficient evidence or is too harsh in its terms, they too can apply to a higher court for a review.

4.30 pm

Having the Crown court as the appeal forum for magistrates' decisions is standard and sensible. It brings judicial experience to bear. For Crown court decisions, allowing the Court of Appeal review is likewise standard for such matters. I am reassured to see that spelled out, including treating an order made at the end of a Crown court trial as part of the sentence for appeal purposes, meaning the defendant can appeal it as they would appeal a sentence if they thought it was unfair.

The Crown court on appeal can make any order that the lower court could have made, so it can impose an order even if one were refused, or vice versa. That full flexibility is good and welcome. It means the appeal is not limited—it can get to the right outcome, rather than just uphold it or not. It is also practical that if the Crown court imposes an order on appeal, further variations of that order go back to the magistrates. That avoids clogging up the higher courts with later minor adjustments. The day-to-day management stays at the appropriate level. I have a question about how appeals will be handled timewise. If someone appeals the making of an order, will the order be paused pending appeal, or will it continue in force? Typically, civil orders remain active unless the appellate court suspends them.

Clause 26 completes the legal framework to ensure that the orders are accountable. As an Opposition, we always look for the checks and balances. Here we seem to have a robust one: the higher courts provide oversight. That means the Government scheme has an independent review. However, I ask the Minister: if an order is imposed and the defendant appeals, is the default position that the order continues to have effect during the appeal, or is it paused? Also, the clause allows appeal on decisions relating to an interim order and variations to it. Will the Minister confirm that if, for example, an interim order is made without notice, the person can appeal that immediately to the Crown court if they feel that the order was wrongly imposed, rather than waiting for the full hearing?

Clause 27 makes it a criminal offence to knowingly breach any requirement or prohibition of a CCEPO, including an interim order, without a reasonable excuse. It makes breaching a CCEPO a serious criminal offence in its own right. We consider that is vital to the likely effectiveness of CCEPOs. Without it, an order would be just a piece of paper. Under the clause, if a person ignores the court's restrictions they can be hauled back before the courts and potentially sent to prison for up to five years. That appears to be a strong deterrent, as it should be.

We have to remember why someone has a CCEPO in the first place—a court has deemed that they are a risk to children. If the person then flouts the order, that should be a big, bright red flag that they have not reformed. The public would expect swift and firm action. Clause 27 delivers that—a breach equals a crime. Notably, no conditional discharges are allowed. In other words, a judge cannot say, "I'll let you off this time, but don't do it again." The breach must incur a penalty.

I welcome that, because in the past, with ASBOs, for example, breaches often resulted in slaps on the wrist initially. That undermined respect for the order. Eventually, breach rates soared to nearly 50%, because offenders did not fear the consequences. We do not want a repeat of that mistake. If someone breaks a CCEPO, they should expect and receive punishment, possibly a custodial sentence.

The range of sentencing—from six months up to five years in the most severe cases—gives flexibility. A minor breach, such as someone missing by a day the deadline to report a change of address, although they did comply, might be dealt with in the magistrates court with a fine or a short sentence. A deliberate and egregious breach, however, such as immediately contacting children in defiance of the order, could warrant a Crown court case and a hefty sentence nearer the five-year mark. That spectrum seems appropriate.

I also note the evidentiary help. A certified copy of the order is proof that it exists. This is a procedural thing, but it is important; it saves time in court. The prosecution does not need the original judge or clerk to come and say that yes, they have made the order; it is assumed valid through the sealed copy. This helps expedite any breach prosecutions.

One question, however: how will these breach cases be handled in terms of prioritisation? Given that these orders relate to child safety, I would hope that breaches would be promptly prosecuted. Police will need to treat a breach report almost as they would a new child endangerment case. Perhaps the Minister could reassure us that guidance to police and the CPS will emphasise the gravity of any breach and the imperative to respond.

The Opposition endorse the purpose of clause 27. In fact, if anything, we might ask that the maximum five-year term be extended for the most egregious cases. The point is to create a credible deterrent. We want those under a CCEPO to think twice, three times or four times before stepping out of line, knowing that they could be sent to prison. The success of these orders will in large part depend on rigorous enforcement. Clause 27 provides the legal basis for that.

Clause 28 covers the offence of providing false information. It creates a specific offence for when someone gives false information to the police within the notification requirements of a CCEPO. In other words, if an individual is required to provide their name and address—as per clause 24—and knowingly provides information that is false, they commit a crime. It says that if someone is under a CCEPO and tries to trick the police by giving

false details, that in itself is a serious offence. That complements clause 27; while clause 27 is about failing to do what the order says, clause 28 is about pretending to comply but lying about doing so. That is arguably even more insidious. We can imagine why the measure is needed: a gang leader under an order might think about giving the police a false address so that they could leave London secretly and operate in Manchester. Clause 28 means that if they attempted that and got caught, they would face up to five years in prison. The message is clear: lying to the authorities is not an option.

This offence being either way, with hefty penalties, indicates Parliament's zero tolerance for such dishonesty. It mirrors the approach taken with sex offender notifications, as lying about one's whereabouts on the register is likewise a criminal offence with tough penalties. As we know, false information can completely undermine the monitoring system. A false address can lead police off the scent, effectively nullifying the protective purpose of the order, and in this case putting children at risk.

Clause 28 requires that the false information is given knowingly, so if someone genuinely misspells the name of their street, or there is a confusion, they would not be criminalised. It targets intentional falsehoods, and that seems reasonable. We are talking about individuals who deliberately try to evade the very measures designed to protect children. Together, clauses 27 and 28 send an unmistakeable message that compliance is non-negotiable. Not only must individuals obey the letter of the order, but they must be truthful in the compliance process. This double layer is good. As Conservatives, we believe in personal responsibility and honesty; if someone is given a chance to stay out of prison by living under certain rules, the least they can do is be honest in fulfilling them.

I have a question for the Minister on detecting this offence. How will we know if someone gives false information? It will likely require police checks and intelligence. For instance, if someone says that they live at "No. 10 High Street", and the police go and check and find out that it is a bogus address, how will the police be able to actively verify these notifications? Maybe, for example, there could be occasional home visits, or cross-referencing of council records, especially for high-risk individuals. A credible threat of catching these lies is important in making this offence a real deterrent.

Clause 28 is straightforward, but very important to the integrity of the system. We must send a message that a person cannot cheat the system. If someone lies to the police in this context, they will face consequences, just as they would if they broke the order outright. We cannot allow a situation where individuals on registers are allowed to provide false addresses, leading the authorities to lose track of them, ultimately without serious consequences. This clause serves as an essential safeguard to prevent such risks.

I have two questions for the Minister on this clause. First, what measures will be in place to verify the information given by individuals under CCEPOs? Will the police perform home checks or require proof of address to catch out initial false notifications proactively? Secondly, to prosecute under clause 28, proving a person knowingly gave false information is required. Often that can be inferred from circumstances, but will guidance be issued to ensure the police gather evidence of the knowing element—for example, confirming the person's actual knowledge of their true address—so that cases can be robust?

Clause 29 provides definitions and additional procedural clarifications for the CCEPO provisions in clauses 17 to 28. It is the definitions and technical wrap-up clause for this part of the Bill. While it may seem dry, it is important for making sure that everything in clauses 17 to 28 works as intended and is interpreted consistently. The clause defines "child" as under 18. This is straightforward and expected, but it is good to have that explicit for legal certainty. It also defines a CCE prevention order and defendant in context, which clarifies the reading of earlier clauses. The definitions ensure, for example, that wherever a child is referred to in these clauses, we know that refers to those under 18—there is no ambiguity about that person being 18 years old.

One very practical provision here is the effective lifting of the usual six-month limitation on magistrates court applications. Normally, if someone wants to bring cases to a magistrates court based on an incident, that has to be done within six months of the incident. Clause 29 notes that that does not apply for a CCEPO application. That provision seems sensible because child exploitation patterns might not be uncovered in a neat six-month window. Police might discover a series of incidents over a year that indicate a current risk. They should not be barred from seeking an order just because the incidents are not ultra-recent. Protection should not be time-limited in any way. I also read that provision as applying to the variations and discharges as well. Basically, any application under this part to a magistrates court is not subject to a time bar, so no one can wriggle out by saying that more than six months have passed so action cannot be taken.

Clause 29(2) clarifies that when someone applies by complaint to the magistrates court, they follow the standard magistrates court rules for such civil matters. Although that is a procedural note, it is important to have that point clarified, as the courts need to know how to handle such cases.

As the clause defines criminal conduct as referring to offences in England and Wales, will the Minister confirm that the orders are intended primarily for use in the England and Wales jurisdiction? The Bill, however, has UK-wide reach for enforcement, as was noted earlier. Since these civil orders are in English and Welsh law, Police Scotland and the Police Service of Northern Ireland can enforce them if someone travels, but they would not be able to issue them. Will the Minister confirm that is correct?

Clause 29 basically ties up the loose ends so that the new regulation functions smoothly. The Opposition have no quarrel with any of these provisions. In fact, we welcome the removal of procedural hurdles, such as the six-month rule, because bureaucracy should not get in the way of protecting children. This is the engine room stuff that makes everything else enforceable in practice. We appreciate that it has been included.

Clause 30 covers orders made on conviction and schedule 4. Clause 30 will grant criminal courts the power to impose child criminal exploitation prevention orders as part of the sentencing of an offender. It will mean that if someone is in the dock and found guilty of exploiting children, or related offences, the judge can address not only punishment for the past but prevention

for the future, in one go. That is analogous with how courts issue criminal behaviour orders or sexual harm prevention orders upon conviction for relevant offences. In this case, if a person is convicted of the new offence of child exploitation under clause 17, that automatically signals that they meet the first condition for an order.

The court still needs to consider risk and necessity. Even if a person is convicted of some offence—for example, drug trafficking offences—the court can still impose a CCEPO if evidence shows they are using children in that crime. Again, it is a balance of probabilities test. That is valuable, because not everyone grooming children will be convicted specifically under clause 17. They might be done for related crimes, but the risk to children is the same. Imagine someone is convicted of county line drug supply. Maybe he pled guilty, so not all evidence came out in the trial, but the prosecution knew that they were using 15-year-olds to run drugs. The court can take that into account and slap a prevention order on him lasting, for example, five years after he is released from prison, barring him from contacting under 18s. That would be lifesaving for potential victims.

The schedule basically transplants all the rules we have discussed into the sentencing framework—so the same definitions, for example, the minimum duration being two years, notification requirements, variation ability and the breach penalties applying to orders, are made this way. That is good to maintain consistency as an order is an order, whether it is made by magistrates on application or a Crown court on conviction. Clause 30 streamlines the process and will likely increase the uptake of these orders, as judges at the Crown court can act on the spot. Historically, sometimes after a conviction, a separate civil application might not be pursued due to resources or co-ordination issues.

There is one thing to clarify: even though these orders are made on conviction, they are civil in nature and use civil proof for the conditions beyond the conviction itself. That dual aspect is fine, but it should be clearly explained to defendants that this is not an additional sentence; it is a preventive matter. Courts would likely make that clear. Also, if someone wants to appeal an order on conviction, clause 26(4) already handles that, but does the Minister foresee any orders coming via this route and will the CPS guidance instruct prosecutors to remind courts about it at sentencing so that it is not overlooked? Clause 30 ensures that by the time an exploiter finishes their prison term, there is already an order ready to monitor them and restrict them in the community.

The Chair: Order. It is slightly earlier than I intended, but I am going to suspend the Committee until 5.10 pm, after which we shall suspend every two hours for 15 minutes.

4.47 pm

Sitting suspended.

5.8 pm

On resuming—

Dame Diana Johnson: The hon. Member for Gordon and Buchan raised a number of very interesting points of detail. I do not want to detain the Committee any further this afternoon by addressing each and every one of the very important questions that she posed, but I hope that she will take my assurance that I will reflect on all her points and consider them as part of the implementation planning for the new clauses. I commend clauses 18 to 31 and schedule 4 to the Committee.

Question put and agreed to.

Clause 18 accordingly ordered to stand part of the Bill.

Clauses 19 to 30 ordered to stand part of the Bill.

Schedule 4 agreed to.

Clause 31 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. *—(Keir Mather.)*

5.11 pm

Adjourned till Tuesday 8 April at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

CPB 33 Professor David Paton, Nottingham University Business School

CPB 34 The Josephine Butler Society

CPB 35 USDAW

CPB 36 Alan Caton OBE

CPB 37 An Independent Sex Worker

CPB 38 Matthew Barber, Police & Crime Commissioner for Thames Valley (supplementary submission)

CPB 39 British Medical Association