PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CRIME AND POLICING BILL

Eighth Sitting

Tuesday 8 April 2025

(Afternoon)

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Saturday 12 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

Tuesday 8 April 2025

(Afternoon)

[Emma Lewell *in the Chair*]

Crime and Policing Bill

Clause 42

Sexual activity in presence of child etc

2 pm

The Parliamentary Under-Secretary of State for Justice (Alex Davies-Jones): I beg to move amendment 14, in clause 42, page 46, line 31, at end insert—

"(7) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33 (offences under the Sexual Offences Act 2003), after the entry for section 10 insert—

'section 11 (engaging in sexual activity in presence of child)'."

This amendment excepts the offence of engaging in sexual activity in the presence of a child from the defence in section 45 of the Modern Slavery Act 2015.

The Chair: With this it will be convenient to discuss clause stand part.

Alex Davies-Jones: It is a pleasure to serve under your chairship, Ms Lewell.

The clause makes a series of important changes to the existing criminal law by amending a number of serious sexual offences in the Sexual Offences Act 2003. Consequently, I am delighted to talk about the clause, to explain what it does and its importance, and to give a little of the interesting history behind the law in the area, which I hope will inform the Committee.

The key legislation, which we will debate throughout the passage of the Bill, is the Sexual Offences Act 2003, which followed a full and extensive consultation entitled, "Setting the Boundaries", and significantly modernised and strengthened the laws on sexual offences in England and Wales, mainly to provide extra protection for children from sexual abuse and sexual exploitation. The 2003 Act amalgamated and replaced elements of the Sexual Offences Act 1956, the Indecency with Children Act 1960 and the Sex Offenders Act 1997.

The 2003 Act was the first major overhaul of sexual offences legislation for more than a century, and it set out a strong, clear and modern approach to this sensitive area of the law. The Act set clear limits and boundaries about behaviour with children, and reflects what we know today about the patterns and impact of sexual abuse in childhood. It was designed to meet the 21st-century challenges of protecting children, and applies to issues such as internet pornography and grooming children for sexual abuse. The Act also contained measures against abuse by people who work with children, and updated the laws on sexual abuse within families, acknowledging that children can be at risk from within families.

All those measures were designed to provide a clear and effective set of laws to deter and punish abusers, giving the police and the courts the up-to-date offences that they needed to do their job, while ensuring that children have the strongest possible protection under the law. The Act widened the definition of some offences —for example, bringing the non-consensual penile penetration of the mouth within the definition of rape under section 1 of the Act. It created new offences for behaviour that was not previously covered specifically by an offence—for example, the paying for the sexual service of a child and voyeurism. It also extended the age covered by certain offences against children from 16 to 18 and, importantly, gave additional protection to vulnerable adults. The Act provides rightly robust sentences that reflect the seriousness of the offending.

"Setting the Boundaries" was a groundbreaking review, covering some of the most heinous and disturbing areas of offending. The then Home Secretary, Jack Straw, who commissioned the review, stressed that point when he wrote in the review's foreword:

"Rape and other sexual offences of all kinds are dreadful crimes which deeply affect the lives of victims and their families, and whole communities. Modernising and strengthening the law can make a direct contribution to our aim of creating a safe, just and tolerant society. We give particular priority to the protection of children, and welcome the emphasis the review has given to increasing this protection and also that of vulnerable people."

He went on to say that he

"set up the review to consider the existing law on sex offences, and to make recommendations for clear and coherent offences that protect individuals, especially children and the more vulnerable, from abuse and exploitation, and enable abusers to be appropriately punished."

The review's

"recommendations also had to be fair and non-discriminatory in accordance with the European Convention on Human Rights and the Human Rights Act."

Today, the Government remain of the view that our priority is to ensure that the public, including society's most vulnerable, are given the full protection that the law is capable of offering. It is vital that society is protected from the scourge of sexual abuse, manipulation and exploitation in all of its forms. Children, of course, require additional protection from that awful offending. It is vital that we ensure that the criminal law is kept fully up to date in this area to ensure the safety of vulnerable young people.

With regards to children, the review itself acknowledged:

"The criminal law performs a vital role in society by setting standards of acceptable and unacceptable conduct. In making certain types of sexual behaviour criminal, the law provides protection, and supports and maintains the boundaries of acceptable behaviour in the family and community. Children need particular protection in the field of sexual relations because they are physically and emotionally dependent and not yet fully physically or psychologically mature. The law has long held that children are not, and should not, be able to consent to any form of sexual activity in the same way as adults."

Indeed, the response to the review's initial invitation to contribute ideas as of January 1999 overwhelmingly supported increasing the level of protection from sexual abuse available to children.

In addition, the review found that:

"The victims of sexual violence and coercion are mainly women. They must be offered protection and redress, and the law must ensure that male victims/survivors are protected too…The law must make special provision for those who are too young or otherwise not able to look after themselves and offer greater protection to children and vulnerable people within the looser structures of modern families."

That still remains the case. We must continue to ensure that the criminal law keeps up to date with developments, and ensure that police, prosecutors and the courts are fully equipped to deal with this grave offending. We need to offer full protection to victims of such appalling abuse and exploitation.

The review recommended that as a matter of public policy the age of legal consent should remain at 16. However, to provide further protection for younger children, the review recommended that the law:

"setting out specific offences against children should state that below the age of 13 a child cannot effectively consent to sexual activity".

As a result, the 2003 Act contains a range of offences that target specifically those who sexually abuse children under the age of 13 years. For example, sections 5 to 8 of the 2003 Act provide a range of offences capturing sexual activity with a child under 13, and it is very clear that consent in these offences is irrelevant. A child under 13 does not, under any circumstances, have the legal capacity to consent to any form of sexual activity.

Those under-13 offences overlap to a very significant extent with the child sex offences at sections 9 to 15 of the 2003 Act, which are designed to protect children under 16. This is to ensure that the criminal law provides the youngest and most vulnerable in society with protection from sexual abuse, and in doing so provides higher maximum sentences for these very serious offences. Under-13 offences are offences of strict liability as to age. The prosecution must prove only two facts: first, that there was intentional sexual activity, and secondly, the age of the complainant at the date of the sexual activity—for example, by a certified copy of a birth certificate, together with evidence of identity.

The principle of strict liability as to age for victims under 13 years old is reflected in the terms of other sexual offences in the 2003 Act. That includes section 11 of the Act, the offence of engaging in sexual activity with a child. That particular offence is one that will be directly amended and affected by provisions proposed in clause 42. While the 2003 Act—and the many amendments and additions to that legislation over the years, rightly championed by Members across this House—provided robust offences to deal with sexual abuse, we are introducing provisions to tighten up the law further to ensure additional protection for those who need it.

Broadly, we are amending and thereby strengthening the current suite of offences that apply where a person engages in sexual activity in the presence of a specified individual, for example child or, in certain circumstances, a person with a mental disorder. Our provisions will amend and toughen up the following offences in the Sexual Offences Act 2003: section 11, "Engaging in sexual activity in presence of child"; section 18, "Abuse of position of trust: sexual activity in presence of child"; section 32, "Engaging in sexual activity in presence of person with mental disorder impeding choice"; section 36, "Engaging in sexual activity in presence, procured by inducement, threat or deception, of person with mental disorder"; and section 40, "Care workers: sexual activity in presence of person with mental disorder".

For example, it is currently a criminal offence under section 11 of the 2003 Act for a person, "A", to intentionally engage in sexual activity to gain sexual gratification when a child under the age of 16, "B", is present or is in a place from which A can be observed, but currently only when A knows or believes that B is aware—or intends that they be aware—that A is engaging in the sexual activity. This offence carries a maximum 10 years' imprisonment and sexual offender management requirements. Significantly, this offence does not allow a defence of reasonable belief in age if the child is under 13.

The issue of concern here, and with the range of similar offences that I have listed, is the requirement that the defendant should know or believe that the victim is aware of his behaviour, or intend that the victim should be aware of the relevant activity. These requirements may initially appear reasonable. However, they mean this offence would not, for example, capture those who commit sexual activity in the presence of a child for sexual gratification, and who obtain such gratification from the presence of the child—even if the child is apparently unaware of the activity happening in their presence. If the defendant is performing a sexual act in the presence of a child who is asleep and gains sexual gratification from that mere presence, he cannot be charged under the existing section 11 offence; nor, for example, could he be charged for his behaviour if the child was pretending to be asleep—even pretending out of sheer terror—while aware of the appalling behaviour being carried out, if the defendant believed the child to be asleep and therefore unaware of what was going on.

I am sure hon. Members will agree that the criminal law being unable to prosecute such behaviour in this example scenario is unacceptable. The Government strongly believe this flaw must be rectified as a matter of urgency, to ensure that children and other specific groups of the most vulnerable in our society are protected by the criminal law and not denied justice should they become victims of such behaviour.

These amendments are not mere technicalities, nor are they addressing pseudo-philosophical "What if?" scenarios. They are a direct and swift response to concerns expressed by those on the frontline: the police, who have to come face-to-face with the consequences of this disturbing and damaging offending.

We have listened carefully to those on the frontline who are dealing with this awful behaviour. They have provided us with evidence of the difficulties in prosecuting a small number of nevertheless worrying cases, in which it was clear that the perpetrator engaged in the sexual activity because they obtained sexual gratification from a child's mere presence, but where there was insufficient evidence that the perpetrator knew, believed, or intended that the child was aware of the sexual activity.

These things are happening now. Such offenders are slipping through the net. It may only be in small numbers, but that is irrelevant when dealing with this level of offending and exploitation. This disturbing, unpleasant and damaging behaviour must not go unchecked by the justice system or by the law. It must not go unpunished. Our provisions will ensure that the law is able to make sure that it does not.

[Alex Davies-Jones]

We believe it is entirely wrong that, for example, a defendant masturbating while standing next to a child's bed—to obtain sexual gratification from the child's presence—cannot be convicted if they successfully argue they did not believe the child was aware of the sexual activity. In such a case we think it is entirely right that the person should be guilty of a criminal offence. We also want to ensure that these behaviours are capable of being prosecuted in future. This is not just to bring offenders to justice but, importantly, to be able to manage these sexual offenders when they are eventually released into the community, and to prevent further offending, where there is specifically potential for further sexual offences against children or vulnerable adults.

It is clear that some people may legitimately engage in sexual activity in the presence of a child—say a couple who live in a one-bedroom flat and by necessity have to sleep with a baby or very young child in the room. Others may have to have a young child in the room for the monitoring of health problems and so forth. We can all think of legitimate examples. I must make it clear that we do not want to criminalise those people who engage in sexual activity in the presence of a child but not for the purposes of obtaining sexual gratification from the child's presence. In those circumstances, the presence of the child is purely incidental. We have deliberately drafted our provisions to ensure that those people will not be criminalised.

To exclude such behaviour from being captured within the relevant range of offences, we have retained the requirement for a direct link between the purpose of obtaining sexual gratification and the activity occurring in the child's presence. I hope that that assures hon. Members that our provisions have been carefully crafted to rightly exclude those who may legitimately engage in sexual activity when a child is merely present. The Government's intention with this clause is to capture the criminally culpable, not the innocent.

Government amendment 12 seems a relatively modest amendment but, again, it is an important one. It adds the offence of sexual activity in the presence of a child at section 11 of the Sexual Offences Act 2003 to schedule 4 of the Modern Slavery Act 2015. The effect of this amendment is to thereby remove the section 11 offence from the ambit of the statutory criminal defence available at section 45 of the Modern Slavery Act 2015. I hope that I have convinced hon. Members of the importance of these provisions and of the necessity for swift action on our part.

Sexual offending, particularly against children and the most vulnerable, is a deeply distressing area of the law, and one that I know affects even legislators when considering reform, as we are today in this Committee. Over the years, the nature of sexual abuse, offending, manipulation and exploitation has changed, and it continues to change. Alongside the changing nature of offending, with which the law must keep up, gaps in the existing law are coming to light, highlighting those cases where serious offenders may be able to slip through the net of even the most well-intentioned and crafted drafting.

2.15 pm

As legislators, we rely heavily on those who work at the coalface—the frontline—to identify any such gaps and inform us of such problems in these sensitive but highly important areas. As legislators, we must listen and we must act. The House has an excellent record over the years of working collaboratively and successfully to ensure that our communities and our vulnerable are protected from sexual abuse and exploitation. We are at our best in this place when we work together. I ask members of the Committee to support our efforts to tighten up these offences in order to further protect people and further support our provisions, in the spirit of the efforts of those who came before us who reviewed the law in this area, who contributed to the debate and who worked hard to ensure that the Sexual Offences Act 2003 provided strong and ongoing protection to our communities.

Furthermore, these proposed amendments to the 2003 Act are a practical and necessary response to the calls and concerns of those who work on the frontline and see at first hand the devastation that such offending can cause. I therefore commend these provisions to the Committee.

Harriet Cross (Gordon and Buchan) (Con): As we have heard, clause 42 effectively incorporates provisions that had been included in the Criminal Justice Bill and is a key provision concerning sexual offences, specifically focusing on the offence of engaging in sexual activity in the presence of a child.

The clause makes an important amendment to the Sexual Offences Act 2003, which forms a core legislative framework addressing sexual offences in the UK. In particular, clause 42 expands on the existing provisions to enhance the protection of children from sexual exploitation and harm.

Under the Sexual Offences Act, certain sexual offences are committed when a child is involved, such as sexual activity involving children, or causing or inciting a child to engage in sexual activity. However, one area that has been highlighted for reform involves situations where a child might be exposed to sexual activity in a way that, while not directly involving them in the act, still results in harm.

Prior to the introduction of clause 42, the law did not adequately address situations where a child was the passive observer of a sexual activity. For instance, in scenarios where an adult or adults engage in sexual activity with each other in the presence of a child, the law might not have captured this activity as an offence, despite the potential psychological harm to the child. Clause 42 seeks to close this gap by making it an offence for an adult to engage in sexual activity in the presence of a child. This means that any sexual activity taking place in the physical presence of a child, even if the child is not directly involved in the sexual conduct, could now result in criminal liability.

The clause expands the scope of existing sexual offence laws to include situations that may not necessarily involve the direct participation of the child, but still expose the child to inappropriate activity or material that could be damaging to their wellbeing.

Clause 42 also sees parallel offences involving sexual activity in the presence of a person with a mental disorder, impeding their choice, and similar provisions in the Sexual Offences Act. Those individuals, too, might not fully understand the sexual nature of what the offender is doing. Previously, there might have been

the same issue with the law of requiring awareness. Clause 42 offers a broad safeguard for those who cannot consent or comprehend.

The clause seeks to offer further protection for children by recognising the potential harm caused by exposure to sexual activity, even if it is not directed at them. The law would now acknowledge that witnessing such an act could have a detrimental impact on the child's emotional, physiological, psychological or developmental health.

Although we support the clause, I seek clarity from the Minister on a couple of points. In situations where sexual activity takes place in private or behind closed doors, it might be difficult to establish whether a child was present or the extent of their exposure to the activity. Proving the impact on the child could also be challenging, particularly where psychological harm or emotional distress is not immediately apparent. What discussions has the Minister had on that matter? I note that, as we have discussed a number of times today, Government amendment 14 carves out an important exception of the offence from the defence in section 45 of the Modern Slavery Act 2015.

Clause 42 represents an important development in child protection law. At present, as the Minister has said, an offence is committed only where a person knows or believes that the child or person with a mental disorder is aware of the activity, or where a person intends that the child or person with a mental disorder be aware of the activity.

The provisions will amend these offences to capture situations where, for the purpose of sexual gratification, a person intentionally engages in sexual activity in the presence of a child, even if they do not intend for the child to be aware of the activity. The examples covered by this amendment are clearly heinous, and we welcome the clause.

Alex Davies-Jones: I welcome the hon. Lady's comments and the fact that the Opposition welcome the clause to close this loophole to protect children and the most vulnerable.

Hopefully I have outlined how we carefully crafted the clause to ensure that we do not capture those who innocently engage in sexual activity in the presence of a child, and not for the purposes of sexual gratification. We do not want to criminalise those who have to share a bedroom with a baby, a young child or somebody with a health condition, and are not seeking sexual gratification from engaging in sexual activity in the presence of a child. We have worked very closely with partners and stakeholders to ensure the law is crafted carefully so that we do not criminalise those people. The clause seeks to criminalise only those perpetrators who seek to gain sexual gratification from the presence of a child, whether the child knows or not.

I therefore commend the clause to the Committee.

Amendment 14 agreed to.

Clause 42, as amended, ordered to stand part of the Bill.

Clause 43

CHILD SEX OFFENCES: GROOMING AGGRAVATING FACTOR

Harriet Cross: I beg to move amendment 42, in clause 43, page 48, line 23, at end insert—

"70B Group-based sexual grooming of a child

(1) This section applies where—

(a) a court is considering the seriousness of a specified child sex offences,

(b) the offence is aggravated by group-based grooming, and

(c) the offender was aged 18 or over when the offence was committed.

(2) The court—

(a) must treat the fact that the offence is aggravated by group-based grooming as an aggravated factor, and

(b) must state in court that the offence is so aggravated.

(3) An offence is 'aggravated by group-based grooming' if—

(a) the offence was facilitated by, or involved, the offender, who was involved in group-based grooming, or

(b) the offence was facilitated by, or involved, a person other than the offender grooming a person under the age of 18 and the offender knew, or could have reasonably been expected to know that said person was participating, or facilitating group-based grooming, or

(c) the offender intentionally arranges or facilitates something that the offender intends to do, intends another person to do, or believes that another person will do, in order to participate in group-based grooming.

(4) In this section 'specified child sex offence' means—

(a) an offence within any of subsections (5) to (7), or

(b) an inchoate offence in relation to any such offence.

(5) An offence is within this subsection if it is—

(a) an offence under section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child),

(b) an offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child),

(c) an offence under any of sections 5 to 8 of the Sexual Offences Act 2003 (rape and other offences against children under 13),

(d) an offence under any sections 9 to 12 of that Act (other child sex offences),

(e) an offence under section 14 of that Act (arranging or facilitating commission of child sex offence),

(f) an offence under any of sections 16 to 19 of that Act (abuse of position of trust),

(g) an offence under section 25 or 26 of that Act (familial child sex offences), or

(h) an offence under any of sections 47 to 50 of that Act (sexual exploitation of children).

(6) An offence is within this subsection if it is—

(a) an offence under any of sections 1 to 4 of the Sexual Offences Act 2003 (rape, assault and causing sexual activity without consent),

(b) an offence under any of sections 30 to 41 of that Act (sexual offences relating to persons with mental disorder),

(c) an offence under any of sections 61 to 63 of that Act (preparatory offences), or

(d) an offence under any of sections 66 to 67A of that Act (exposure and voyeurism),

and the victim or intended victim was under the age of 18.

(7) An offence is within this subsection if it is an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory) and a person involved in the activity in question was under the age of 18.

(8) For the purposes of this section—

[Harriet Cross]

(a) 'group-based grooming' is defined as a group of at least three adults whose purpose or intention is to commit a sexual offence against the same victim or group of victims who are under 18, or could reasonably be expected to be under 18.".

This amendment would introduce a specific aggravating factor in sentencing for those who participate in, or facilitate, group-based sexual offending.

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

Clause stand part.

New clause 47—*National statutory inquiry into grooming gangs*—

"(1) The Secretary of State must, within 3 months of the passing of this Act, set up a statutory inquiry into grooming gangs.

(2) An inquiry established under subsection (1) must seek to—

(a) identify common patterns of behaviour and offending between grooming gangs;

(b) identify the type, extent and volume of crimes committed by grooming gangs;

(c) identify the number of victims of crimes committed by grooming gangs;

(d) identify the ethnicity of members of grooming gangs;

(e) identify any failings, by action, omission or deliberate suppression, by—

(i) police,

(ii) local authorities,

(iii) prosecutors,

(iv) charities,

(v) political parties,

(vi) local and national government,

(vii) healthcare providers and health services, or

(viii) other agencies or bodies, in the committal of crimes by grooming

(f) identify such national safeguarding actions as may be required to minimise the risk of further such offending occurring in future;

(g) identify good practice in protecting children.

(3) The inquiry may do anything it considers is calculated to facilitate, or is incidental or conducive to, the carrying out of its functions and the achievement of the requirements of subsection (2).

(4) An inquiry established under this section must publish a report within two years of the launch of the inquiry.

(5) For the purposes of this section—

'gang' means a group of at least three adults whose purpose or intention is to commit a sexual offence against the same victim or group of victims;

'grooming' means—

(a) activity carried out with the primary intention of committing sexual offences against the victim;

(b) activity that is carried out, or predominantly carried out, in person;

(c) activity that includes the provision of illicit substances and/or alcohol either as part of the grooming or concurrent with the commission of the sexual offence."

This new clause would set up a national statutory inquiry into grooming gangs.

New clause 48—*Annual statement on ethnicity of members of grooming gangs*—

"The Secretary of State must make an annual statement to the House of Commons on the ethnicity of convicted members of grooming gangs."

This new clause would require the Secretary of State to make an annual statement to the House on ethnicity data of convicted members of grooming gangs.

New clause 49—*Publication of sex offender's ethnicity data*—

(1) The Secretary of State for the Home Office must publish—

(a) quarterly; and

(b) yearly;

datasets containing all national data pertaining to the ethnicity of sex offenders.

(2) For the purposes of this section, a 'sex offender' is anyone convicted of—

(a) an offence under section 1 of the Protection of Children Act 1978 (taking etc indecent photograph of child),

(b) an offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child),

(c) an offence under any of sections 5 to 8 of the Sexual Offences Act 2003 (rape and other offences against children under 13),

(d) an offence under any sections 9 to 12 of that Act (other child sex offences),

(e) an offence under section 14 of that Act (arranging or facilitating commission of child sex offence),

(f) an offence under any of sections 16 to 19 of that Act (abuse of position of trust),

(g) an offence under section 25 or 26 of that Act (familial child sex offences), or

(h) an offence under any of sections 47 to 50 of that Act (sexual exploitation of children),

(i) an offence under any of sections 1 to 4 of the Sexual Offences Act 2003 (rape, assault and causing sexual activity without consent),

(j) an offence under any of sections 30 to 41 of that Act (sexual offences relating to persons with mental disorder),

(k) an offence under any of sections 61 to 63 of that Act (preparatory offences), or

(l) an offence under any of sections 66 to 67A of that Act (exposure and voyeurism),

(m) an offence under section 71 of the Sexual Offences Act 2003 (sexual activity in a public lavatory) and a person involved in the activity in question was under the age of 18."

This new clause would introduce a requirement that ethnicity data of sex offenders be published on a quarterly and a yearly basis.

Harriet Cross: Clause 43 establishes a new statutory aggravating factor in sentencing. Where an adult offender commits a specified child sexual offence and that offence involves or was facilitated by the grooming of a child, courts will be required to treat that as an aggravating factor. This provision is a powerful statement that grooming, the insidious process in which predators prepare and manipulate children for abuse, makes a crime even more heinous, and the Opposition support it. In fact, the clause is substantially the same as a provision in the Criminal Justice Bill and aligns with key recommendations of the independent inquiry into child sexual abuse. Courts already often consider grooming as an aggravating factor, but putting it on a statutory footing ensures consistency and emphasis.

The clause sets out a list of specified child sexual offences, including the crimes of sexual assault of a child, rape and causing a child to engage in sexual activity, among others. If an offender being sentenced

for one of these offences is 18 or over and the evidence shows that they groomed the child—for example, by establishing an emotional connection, buying gifts, building dependencies or systematically desensitising the child—the judge must regard that as making the crime more serious. It does not dictate the extent of the sentence, but it mandates that sentencing guidelines account for the aggravating factor.

Child grooming offenders may pose as friends, mentors or even pseudo-parental figures to their victims. By the time they commit the sexual abuse, they have already isolated the child from help and normalised horrendous behaviour. It is calculated evil on every level and deserves a heavy hammer of justice, so clause 43 ensures that judges explicitly account for that aspect when allowing justice to be served.

Clause 43 is one of several measures implementing the IICSA recommendations. Mandatory reporting, which we will come to when we debate clause 45 onwards, is another. It is heartening to see progress on these fronts. The Conservative party has remained committed to enacting all reasonable recommendations from the child abuse inquiry. We want to live up to the promise to survivors that their testimonies will spur real change. This aggravating factor is one such change, so I commend the Government for including it. We will do everything we can to support its swift passage.

Amendment 42 would create a specific aggravating factor for group-based sexual grooming. It addresses a particularly abhorrent phenomenon, which we have seen in places such as Rotherham, Rochdale and Telford, where groups of at least three adults work together to systematically groom and abuse children. Such group-based offences show a truly chilling level of organisation and premeditation.

The amendment would ensure that courts treat group-based grooming as an aggravating factor when sentencing offenders who have participated in or facilitated that type of group-based sexual offending. This would send a clear message that gangs who collaborate to abuse children will face enhanced punishments, reflecting the organised nature of their crimes.

Amendment 42 defines group-based grooming as involving at least three adults whose purpose is to commit sexual offences against the same victim or group of victims under the age of 18. It would apply in three scenarios: where the offender participated in group-based grooming; where an offence was facilitated by another person's grooming that the offender knew about; or where the offender arranged or facilitated another person's participation in group-based grooming.

The Opposition support clause 43, as I said. We will watch to ensure that it is implemented efficiently—for instance, we will check whether sentences for grooming-related offences increase as expected. The feedback loop is crucial, because it should not be just words on paper; it must translate to tangible justice.

New clause 47 states that, within three months of the Bill's passage, the Secretary of State must set up a statutory inquiry into grooming gangs to seek to identify: common patterns of behaviour between grooming gangs; the type, extent and volume of crimes committed by grooming gangs; the number of victims of crimes committed by grooming gangs; the ethnicity of members of grooming gangs; and any failings, by action, omission or deliberate suppression, by a range of bodies or organisations.

The Parliamentary Under-Secretary of State for the Home Department (Jess Phillips): I just wonder what exactly the hon. Lady is outlining. I forgot to bring the report with me—I left it on my desk downstairs. What is she seeking to add with new clause 47 that was not in Alexis Jay's two-year report into grooming gangs? It sounds exactly the same to me, so I wonder what was missing from the report that she thinks the new clause would achieve.

Harriet Cross: As the Minister will realise, there is a lot in that report. The reason for putting something in a Bill is to enshrine it in law. It makes it an absolute duty on us, as elected representatives, and the Government to ensure that these things happen. It is an important provision, and I fully support the idea of making sure it is in the Bill.

New clauses 48 and 49 look at the ethnicity of grooming gang members. We cannot be squeamish or sensitive when it comes to protecting our children. Without adequate data, we cannot act with full understanding of what is happening across the country and where resources would be most effectively targeted.

Jess Phillips: I just want the hon. Lady to know that she is stepping on the toes of the statutory inquiry, which has already asked for better data collection on exactly these things. I am not sure why she seeks a provision that will say the same thing as the report in February 2022. Nothing was done about it then, so why does she want something else to say it again?

2.30 pm

Harriet Cross: The Minister seems to be on the same ground as us. She has said many times that she agrees with the implementation of what Alexis Jay suggested, and there should therefore be no issue with it being included in the Bill—she should be welcoming this at every step. As I said, grooming is one of the most insidious and harmful forms of child exploitation. We welcome clause 43, and we hope that our amendments will be supported to ensure that this type of crime is tackled as strictly as possible.

Jack Rankin (Windsor) (Con): I rise to express my strong support for clause 43, which is an essential provision that strengthens our ability to combat the abhorrent crimes of child sexual exploitation, particularly by making grooming an aggravating factor. For too long, this country has witnessed devastating failures in the protection of our most vulnerable. Clause 43 represents not just a legal tool but a moral commitment to never again allow these failures to go unanswered.

Let us remember the victims in Rotherham, where at least 1,400 children were sexually exploited over a 16-year period. Vulnerable girls were raped, trafficked, threatened and dismissed, and perhaps most disturbing was the silence of those in authority who feared speaking out. Clause 43 confronts that silence.

Jess Phillips: I do not ask this to catch out the hon. Gentleman, but has he read either of the two independent inquiries specifically into Rotherham? One was written by Alexis Jay and the other by Dame Louise Casey for the previous Government. What does the hon. Gentleman think will be found for the Rotherham victims that was not found in either of the two independent inquiries or in the statutory grooming gang inquiry undertaken by Alexis Jay? We say, "Never again," but we still have not implemented the recommendations of those inquiries.

Jack Rankin: I have read the Jay report but not the other report. I am speaking to clause 43, not the amendments, so I am supporting the Government in my remarks—the Minister can get me later.

Clause 43 is intended to compel transparency. It holds those in positions of power accountable when they turn away, and it provides law enforcement with the tools it needs to intervene earlier, investigate more thoroughly and prosecute more decisively.

Joe Robertson (Isle of Wight East) (Con): My hon. Friend has articulated this well. Is it not the point that people in positions of power and authority are doing nothing? That is one of the huge controversies around this that needs to be tackled, and I welcome the Bill's attempt to do so.

Jack Rankin: I absolutely agree with my hon. Friend. In Rochdale, we saw young girls dismissed as making "lifestyle choices". These were children, some as young as 12, and they were failed not just by their abusers but by institutions that were supposed to protect them.

The grooming gangs in Telford, Oxford and Huddersfield were not isolated incidents. They were systematic failures enabled by cultural sensitivities being prioritised over child safety. They were worsened by fragmented communication between agencies, and clause 43 addresses those issues head on. We owe it to the survivors—those who were silenced, ignored and blamed—to send a message: you were failed, but future children will not be. We will stand up, we will speak out and we will legislate.

That is also the intent of Opposition amendment 42, which aims to help this legislation to have the most meaning. Each of the cases I have described involved group-based grooming. This is not about politicising tragedy; it is about preventing future tragedy with legislation that matches the problems we know exist. It is a constructive amendment that helps to avoid our repeating the mistakes of the past. I urge my colleagues on the Committee to support that amendment and help deliver the justice that these victims have waited too long to see.

Mr Alex Barros-Curtis (Cardiff West) (Lab): As has been said by Members on both sides of the Committee, and as was mentioned in the IICSA statement that my hon. Friend the Safeguarding Minister made on the Floor of the House an hour or so ago, clause 43 will introduce a new aggravating factor to be applied when the courts consider the seriousness of a specified child sexual offence and where the offence being considered was facilitated by, or involved the grooming of, a person under 18. The clause is to be welcomed, and I note what the Opposition have said about it. However, new clauses 47 and 48 are not to be welcomed, and I will go into my reasons for that.

First, though, I want to put it on the record that, prior to my election, I worked with core participants in the independent inquiry into child sexual abuse, in the first module, which involved the heinous part of child migration in the whole sorry saga of this scandal. The Child Migrants Trust did fantastic work to expose that scandal. I just wanted to put on the record my involvement in helping the trust with some of its work at that time, and to commend it—particularly Margaret Humphreys, its founder—for the fantastic work it does; and to commend every former child migrant, and the families of former child migrants, for their bravery in speaking out about the experience they went through.

I admit that I thought new clauses 47 and 48 were missing a name—that of the acting lead of the Conservative party, the right hon. Member for Newark (Robert Jenrick), because we know that they reflect his driving ambition. I feel a sense of déjà vu because I am almost certain that the Opposition tabled identical new clauses in Committee on the Children's Wellbeing and Schools Bill. I am therefore somewhat surprised that they failed to copy and paste the amendments to table them on time last week. Fortunately, we are able to talk about them today.

I pay tribute to my hon. Friend the Member for Derby North (Catherine Atkinson) for the forensic way she went through, line by line, the equivalents to new clauses 47 and 48 in that Bill Committee, and for exposing the politics behind them—how this was not about getting a new national statutory inquiry, as was claimed. She exposed how, line by line, the Opposition are repeating and duplicating the work already done by IICSA and previous inquiries, including Rotherham, and the newly announced local-led investigations, on which my hon. Friend the Safeguarding Minister gave an update just an hour ago on the Floor of the House. She outlined how the Opposition are undermining the work that the Conservative party sat on for 20 months. When the Conservative Government got the IICSA final report in October 2022, with 20 concluding recommendations—107 in total—they did nothing with them.

The faux outrage, the politicking and the weaponisation of the new clauses is infuriating. I should not be infuriated, because it is for the victims to be infuriated; they are being used for politics so that the populist Opposition can squeeze out votes. The Opposition are haemorrhaging votes, and they are trying to court and carry votes.

We had the sorry sight of the Children's Wellbeing and Schools Bill. In the eight or nine short months that I have had in this place, I have never been as angry as I was on Second Reading when, through a wrecking amendment—which is now being replicated with new clauses 47 and 48—the Conservatives had the audacity to claim that we, the Labour party, which had been in power for just a couple of months, were doing nothing to protect our children, when for 20 months they had sat on their hands with the 20 concluding recommendations from IICSA and did nothing. Not only that, they go out and curry favour with the populist right. They go out placing Facebook ads and Twitter posts calling us defenders of paedophiles, and we are meant to believe that they genuinely believe this—new clauses 47 and 48 are about politics.

I give credit to the hon. Member for Gordon and Buchan, who has received this hospital pass, for saying that it is heartening to see progress being made on this

issue. I only wish that she had been in the Chamber an hour ago, when she could have heard the sorry contributions from nearly all Opposition Members in response to the Safeguarding Minister's update on the action plan. They focused on one specific element, no doubt for their clickbait Facebook and Twitter posts, and everything else that the right hon. Member for Newark will end up doing later. I look forward to being ridiculed and criticised for defending paedophiles because I am standing here criticising the Opposition's politicisation of new clauses 47 and 48, but we do what is right for the victims, not what is right for the Tories.

Joe Robertson: Does the hon. Gentleman really believe that the inquiries and reports on this issue to date have gone far enough into looking at the allegations of walls of silence within the authorities—councils, the police and so on? Is there not a role for a further inquiry that deals particularly, but not only, with that issue?

Mr Barros-Curtis: When work has not been done to implement any of the recommendations of all the preceding investigations, and when the Government have announced locally led work on grooming gangs, on which the Safeguarding Minister gave an update in the House but an hour ago, it is imperative that we get on with implementing the Bill, as well as the other legislation and work to which the Government have committed. We must get laws on the statute book and get policies, training and funding in place. We must do the things that we have committed to, which the Tories should have done when in government.

As I said, my hon. Friend the Safeguarding Minister, in her update just a moment ago, announced £5 million of national funding to support locally led work on grooming gangs. We should not duplicate work that is already done; we should get on with the recommendations that we have before us already. I am grateful for what the hon. Member for Gordon and Buchan said, but I just wish that had been reflected in the House but an hour ago.

Matt Bishop (Forest of Dean) (Lab): I have dealt with many victims in these cases and heard what they want. Does my hon. Friend agree that what they really want is action, rather than just more inquiries with no action taken on their recommendations?

Mr Barros-Curtis: I completely agree, and I will take that as my cue to stop talking. My hon. Friend is right that we need action, so I will step down from my soapbox and move to conclude my remarks.

I do not doubt that Opposition Members are committed to doing what is right by victims. However, what is not right by victims is the politicisation and weaponisation of such a heinous issue, as has been done by some Opposition Front Benchers—not those here in the Committee, but some in the shadow Cabinet.

As the Ministers have said today, we should be working together, listening to victims, learning from their experiences, bringing about a culture change so that this can never happen again, and putting in place frameworks, rules, laws and policies to ensure that, if it does, the perpetrators are prosecuted to the fullest extent. I submit that new clauses 47 and 48 should not be moved, so that we can move forward with practical measures that do not duplicate work and get on with the important work of safeguarding and protecting our children.

Luke Taylor (Sutton and Cheam) (LD): I will be brief. I very much welcome clause 43.

On new clause 47, the Liberal Democrats welcome anything that will deliver justice to the victims of these horrific crimes and help take meaningful action to stop the crimes from occurring again. The Government should waste no time in launching inquires, where required, and clearly set out when areas beyond those included in the pilots that ask for a local inquiry can get one. However, we must focus on implementing the conclusions of the Jay report. That has to be our priority. The conclusions and recommendations are there, but they were not taken forward under the previous Government. We just need to get those in place. We also need a timetable for when they will be taken forward, so that there is no delay to justice for victims.

I join the hon. Member for Cardiff West in his dismissive and quite angry analysis of new clauses 48 and 49, which are clearly merely race-baiting measures to chase headlines, and encourage Conservative Members not to move them.

2.45 pm

Alex Davies-Jones: I thank the Opposition Front Benchers for tabling amendment 42 and new clauses 47 to 49. I also thank hon. Members for their contributions to the debate—in particular, the hon. Member for Windsor, who gave a thoughtful contribution, and my hon. Friend the Member for Cardiff West, a good friend who has worked his entire career to ensure that victims get the justice they deserve. His passionate contribution to the debate reminds us all exactly why we are here in this place: to deliver for victims of these heinous crimes, to make sure that the perpetrators receive the full force of the law, and to ensure that any gaps in legislation and recommendations of inquiries are followed through with. That is exactly what we are doing today.

Before I respond to the amendments, I will explain the rationale for clause 43. I am pleased to speak to it, and I know that its provisions have been welcomed by hon. Members across the House. In recent years, there have been a number of high-profile cases involving so-called grooming gangs—groups of offenders involved in heinous child sexual exploitation—including those in Rotherham, Telford, Newcastle, Rochdale and Oxford. In February 2022, the independent inquiry into child sexual abuse recommended

"the strengthening of the response of the criminal justice system by…amending the Sentencing Act 2020 to provide a mandatory aggravating factor in sentencing those convicted of offences relating to the sexual exploitation of children."

The Government want to ensure that the sentencing framework reflects the seriousness of child sexual abuse and exploitation. In January, the Home Secretary committed to

"legislate to make grooming an aggravating factor in the sentencing of child sexual offences, because the punishment must fit the terrible crime".—[*Official Report*, 6 January 2025; Vol. 759, c. 632.]

Clause 43 will require courts to consider grooming an aggravating factor when sentencing for specified child sex offences, including rape and sexual assault. It will

[Alex Davies-Jones]

capture offenders whose offending is facilitated by, or involves, the grooming of a person under 18. The grooming itself need not be sexual.

The measure will capture models of exploitation not currently directly addressed by existing culpability factors. It will create an obligation on courts to aggravate sentences where the offence has been facilitated by grooming undertaken by either the offender or a third party, for example where an offender assaults a victim who has been groomed by another member of a grooming gang. It will also capture instances where grooming is undertaken against a third party, for example where a victim has been groomed to recruit others.

The measure requires the courts to consider grooming an aggravating factor when sentencing in relation to any of the listed child sex offences. However, I must be clear that it will be in the court's discretion to consider grooming an aggravating factor when sentencing for any offence, where it is relevant to the offending, regardless of the age of the victim.

I understand that the Opposition's intention with their amendment 42 is to require courts to consider group-based grooming as a specific aggravating factor when sentencing sexual offences committed against children. Clause 43 already requires courts to consider grooming an aggravating factor when sentencing for specified child sex offences. This includes, but is not limited to, offences facilitated by or involving the group-based grooming of a child. An aggravating factor makes an offence more serious and must be considered by the court when deciding the length of the sentence.

The Sentencing Council's overarching guidelines make

"offence committed as part of a group"

an aggravating factor. That means that, when sentencing for grooming gang offences, a court will be able to aggravate the offence to take into account the grooming behaviour, and then additionally aggravate the offence to take into account the fact that the offending was committed as part of a group. An aggravating factor for group-based grooming, as proposed in amendment 42, would be likely to have a more limited application, as the court could not apply the factor unless it was satisfied that the offender was a member of a group, which may be difficult to prove.

Clause 43 will go further than existing sentencing guidelines, by capturing models of group-based exploitation that are not currently directly addressed by grooming high-culpability factors. It will create an obligation on courts to aggravate sentences in instances where the offence has been facilitated by grooming undertaken by either the offender or a third party, for example where an offender assaults a victim who has been groomed by another member of a grooming gang or group. It will also capture instances where grooming is undertaken against a third party, for example where a victim has been groomed to recruit others. For that reason, I urge Opposition Members not to press amendment 42.

New clause 47 seeks to establish a statutory national inquiry into grooming gangs. It therefore seeks to revisit the questions considered by the seven-year-long independent inquiry into child sexual abuse. During the passage of the Children's Wellbeing and Schools Bill, the Opposition tabled similar amendments—maybe even identical ones—on the basis that the independent inquiry "barely touches on" grooming gangs.

IICSA, as is common practice for a public inquiry, involved a series of smaller inquiries and investigations of different strands. One of those inquiries was on child sexual exploitation by organised networks—the entire focus of that inquiry was grooming gangs. It took two years and reported three years ago, in February 2022. It is clear from cross-refencing new clause 47 with the scope of the previous investigations into grooming gangs that it seeks to revisit questions already examined by the inquiry. For example, subsection (2)(a) of the new clause seeks an inquiry into grooming gangs to

"identify common patterns of behaviour and offending".

However, the scope of the previous grooming gangs inquiry states that it will investigate "the nature" of sexual exploitation by grooming gangs. I could go on and on.

If we continue to call for inquiry after inquiry along the same lines, we will undermine the whole system of public inquiries, including public trust in them and public tolerance for the resources of the state that they demand. Therefore, rather than engage in gesture politics by re-running inquiries without the evidence and data that we need, it makes sense to take the Government's approach, with Baroness Louise Casey's audit there to fill in the gaps that have already been identified by the previous inquiry. That audit is well under way, as we heard today in the Chamber from my hon. Friend the Safeguarding Minister, and it will report in due course.

The Government are also setting up a new victims and survivors panel, not just to guide Ministers on the design, delivery and implementation of the plans of IICSA, but to produce wider work on child sexual exploitation and abuse. Elsewhere in the Bill, we are making it mandatory to report child sexual abuse, and we will be making it an offence to prevent such reports from being made, as well as introducing further measures to tackle those organising online child sex abuse. As I have set out, we are legislating to make grooming an aggravating factor in sentencing for child sexual offences.

New clause 48 seeks to identify the ethnicity of members of grooming gangs and require regular reporting on the same. The 2022 inquiry into grooming gangs identified widespread failure to record the ethnicity of perpetrators and victims, and inconsistency of definitions in the data, which has meant that the limited research available relies on poor-quality data. The child sexual exploitation police taskforce already collects and publishes ethnicity data on group-based child sexual exploitation. However, we are committed to improving that data, and we have asked the taskforce to expand the ethnicity data that it collects and publishes. Baroness Casey's audit will also look to uncover the gaps in current knowledge and understanding of grooming gang crimes, including ethnicity, which will inform our future work.

Finally, new clause 49 would require ethnicity data on sex offenders to be published on a quarterly and yearly basis. The ethnicity of those convicted of sex offences is already available in the "outcomes by offence" data tool. The data is published by the Ministry of Justice quarterly, and it is available in the public domain. The new clause would, in effect, require the duplication of data that is already available pertaining to the ethnicity of convicted sex offenders.

In conclusion, not only are new clauses 47 to 49 unnecessary, but they detract from the Government's vital work to tackle the crimes of grooming gangs and other sex offenders. On that basis, I respectfully ask the hon. Member for Gordon and Buchan not to move them when they are reached later in our proceedings.

Harriet Cross: I will keep my comments brief. I thank everyone who has contributed; I appreciate that this issue raises tensions. I know that no matter what side of the House we are on and no matter what angle we come at this from, everyone wants what is best for children and to prevent any sort of gang-based grooming or sexual violence against them. Any approach we can take to prevent that is one that we should consider. I listened to every word that the hon. Member for Cardiff West said and I understand it, but anything we are able to do to make a difference, I want done. I do not care which side of the House does it—I really do not.

Mr Barros-Curtis: I reiterate that I am grateful for the tone that the hon. Lady adopted when she congratulated Ministers on the progress that has been made. It is just a shame that other members of her team, so to speak, did not do the same in the Chamber earlier. The Government are committed to this cause, as I would expect every Member of the House to be. Perhaps she will reflect, in discussion with her team, on what my hon. Friend the Under-Secretary of State for Justice said about redundancies in the new clauses, and their duplicating work that has already been done or detracting from work that is under way, but I just put it on the record that I think we are all singing from the same hymn sheet on this point.

Harriet Cross: I thank the hon. Member for that.

We will press amendment 42 to a vote. Although I heard what the Minister said on the matter, we feel that the wording of the clause is not conclusive. It refers to "offender" in the singular, not to "offenders" in the plural, and we want to make sure that anything involving a gang or group is reflected in the law.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 9.

Division No. 11]

AYES

Cross, Harriet	Robertson, Joe
Rankin, Jack	

NOES

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

Question accordingly negatived.

Clause 43 ordered to stand part of the Bill.

Clause 44

POWER TO SCAN FOR CHILD SEXUAL ABUSE IMAGES AT THE BORDER

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

The Chair: With this it will be convenient to discuss new clause 28—*Power to deport foreign nationals for possession of child sexual abuse images*—

"(1) The Protection of Children Act 1978 is amended as follows.

(2) In section 1 (Indecent photographs of children) after subsection (4) insert—

'(4A) Where a person is a foreign national and is charged with—

(a) an offence under subsection (1), or

(b) is found to be carrying an electronic device storing child sexual abuse images under section 164B of the Customs and Excise Management Act 1979,

the Secretary of State must make a deportation order in accordance with section 32 of the UK Borders Act 2007."

This new clause would make foreign nationals found in possession of child sexual abuse images subject to automatic deportation.

Jess Phillips: Many individuals who pose a direct risk to children travel frequently across the UK border to commit child sex abuse offences abroad. Before the development of digital media, child sexual abuse material would typically be present in physical form, such as printed photographs or DVDs. Border Force officers did and do have the power to search for that material under existing legislation, namely the Customs and Excise Management Act 1979. Child sexual abuse material is now usually held digitally on devices such as phones, tablets and laptops, which are almost always password-protected. Currently, Border Force officers can compel individuals to present these devices but cannot compel them to unlock the devices so that the contents can be inspected. As I am sure everybody would agree, that is nonsense. Clause 44 will give Border Force officers the power to require an individual who is reasonably suspected of child abuse offences to unlock their devices in furtherance of a search. If they refuse, they can now be arrested for the existing offence of wilful obstruction.

The Home Office maintains a database of all known CSAM, known as the child abuse image database. Clause 44 allows officers to scan the contents of an unlocked device to detect the presence of the hashes, or digital fingerprints, of these images. The scan will be limited to this. Therefore, there is no risk of collateral intrusion. When they unlock phones, it will be to look for child abuse material; it will not be to look at anything else they might have been buying off Amazon. That is the purpose of the clause. It was very strongly requested by law enforcement and Border Force. Their hands have been tied for a while on this.

3 pm

Harriet Cross: Clause 44 provides Border Force officers with a new power to scan electronic devices for child sexual abuse images at UK borders under specific conditions. The measure addresses the documented issue of certain offenders transporting indecent images of children on various devices when entering or leaving the country. Currently, detecting the contraband at the border is challenging without seizing devices and performing time-consuming forensic examinations. Clause 44 streamlines the process by allowing officers to act when they have reasonable grounds to suspect someone has child abuse imagery. I note that clause 45(1) references reasonable grounds. Can the Minister expound further on which instances will be classed as reasonable grounds?

[Harriet Cross]

I draw attention to new clause 28, which seeks to strengthen the UK's response to foreign nationals found in possession of child sexual abuse images by mandating their deportation. Any foreign national charged with an offence under section 1 of the Protection of Children Act 1978, which criminalises the possession, making or distribution of indecent images of children, or found carrying an electronic device containing such images would automatically be subject to deportation.

Possession of child sexual abuse images is a serious, awful and heinous crime.

Joe Robertson: Does my hon. Friend agree that the mandatory requirement to deport foreign nationals would need to be implemented in a proper and sensitive way? Criminals leaving the country should be handed over to law enforcement in the country they go to, if appropriate, rather than just released into the world.

Harriet Cross: Yes, absolutely. I do not think any Member present wants to act unlawfully or be seen to do so in any way. We want to ensure that if someone is deported, it is done properly and efficiently so that the deportation works as planned.

Every image represents a real child who has been subject to abuse, and the act of possessing, viewing or sharing such material fuels a cycle of harm and victimization. This crime is not victimless. Children depicted in these images are subject to unimaginable trauma, and the continued circulation of such material prolongs their suffering and prevents them from fully recovering from their abuse, if that is at all possible.

The psychological and emotional harm caused by these crimes extends far beyond the individual victims. Families and communities are devastated when offenders are discovered, and public trust is severely damaged when such crimes occur. Law enforcement agencies worldwide are engaged in an ongoing battle against child exploitation, investing significant resources into identifying offenders, rescuing victims and preventing further harm.

Given the severity of the crime, strong legal measures are necessary to deter offenders and hold them accountable. Those found in possession of child sexual abuse images must face strict penalties. Given the severity of the crime and its devastating impact on victims, I hope the Government will support new clause 28 and share in our strong belief that foreign nationals convicted of possessing child sexual abuse images should never be allowed to remain in the UK.

Jess Phillips: I will first answer the hon. Lady's question about how Border Force officers will decide what reasonable grounds of suspicion are. Officers will rely on various indicators of reasonable suspicion. Those could include whether the individual is a registered sex offender—which is quite clear—frequent travel to destinations included on the list of countries under section 172 of the Police, Crime and Sentencing Act 2022, or the presence of child abuse paraphernalia in their luggage. Unfortunately, I have seen some of the seizures in such cases, and some really horrendous stuff gets found in people's luggage, so if someone had some of those terrible things—child-like dolls, for example—that would be reasonable suspicion.

For the purposes of this clause specifically, I give particular thanks. My right hon. Friend the Minister for Policing, Fire and Crime Prevention thanked Holly Lynch earlier, and I thank a former Conservative Member of Parliament. Pauline Latham was a brilliant campaigner, a brilliant woman, who I worked alongside many times on issues such as this. She tried to get this clause into a number of different private Members' Bills and so on. She was definitely trying to help, but the previous Government, I am afraid to say, were resisting this clause, perhaps because of time—we have already had this Bill once, and I am not sure why the clause was being resisted, but that is what I found when I entered the Home Office. I am therefore proud to commend the clause to the Committee, and I thank Pauline Latham for always speaking up frankly—regardless of who she was speaking up to—about what was right.

New clause 28 seeks to extend the automatic deportation provision in section 32 of the UK Borders Act 2007 to foreign nationals charged with an offence under section 1 of the Protection of Children Act 1978, or found in possession of sexual abuse images. Where foreign nationals abuse this country's hospitality by committing crimes, it is right that we consider taking deportation action against them. I could not disagree with the sentiment of the hon. Member for Gordon and Buchan, although I would not put it down to just those who use child abuse imagery, rather than those who might have had contact offences with children or those who commit domestic abuse, for example. To see that in such small isolation is fairly problematic for a system that needs some serious attention.

The UK has existing powers to deport foreign nationals who commit sexual offences. Under the UK Borders Act, a foreign national must be deported if they are convicted of any offence in the UK and sentenced to at least 12 months' imprisonment, unless an exception applies. As someone who has worked in the field for many years, however, I recognise that some of the most heinous crimes—the ones that worry us the most and those that the Government are really keen to tackle—are those that frequently get a sentence of less than 12 months. My hon. Friends at the Ministry of Justice are looking, in the sentencing review, at how and why we have a situation where some of the worst crimes against the vulnerable end up with such small sentences.

I therefore recognise the point that the hon. Lady is making. However, I would say that that is automatically the case with more than 12 months; where that threshold is not met, a foreign national can already be deported on the grounds that their deportation is conducive to the public good, under section 3 of the Immigration Act 1971. The power to deport under the 1971 Act can also be used to deport a foreign national even where they have not been convicted of an offence.

The hon. Member for Isle of Wight East—is that like "Wicked", with a Wicked Witch of the West and of the East? *[Interruption.]* Oh, the hon. Gentleman is the Good Witch. He certainly made an important point about child abuse, especially online, which new clause 28—this comes from a very good place—seeks to determine: it is not that child abuse knows any border, but child abuse imagery especially knows no border. The idea that British

children would be made safer by deporting somebody to another country is not something I would recognise. The system of then handing people over, so that actually people serve their sentences here, is probably something that we would be keen to see.

The power to deport can be used when somebody has not been convicted of an offence, so actually the powers in the new clause already exist. The Government take the matter of foreign nationals committing criminal offences in the UK extremely seriously. We deport foreign national offenders in appropriate cases, including all offenders sentenced to more than 12 months. New clause 28 is therefore unlikely to result in any more deportations, given these existing powers.

The Government do, however, recognise that the automatic deportation regime does not capture some offenders, who get shorter sentences. I recognise that and it bothers me. We intend to bring forward proposals later this year to simplify the deportation regime and address lower-level offending. I am not calling child sex abuse lower-level offending, but if we think of the most famous case of child sex abuse offending that we have had in recent years, I believe it resulted in a suspended sentence of eight weeks. While I certainly do not think it is lower-level offending, that is often is how it is treated.

At this time, we do not advocate taking a piecemeal approach to making changes in the Bill that would mandate the deportation of every foreign national charged with an offence under section 1 of the Protection of Children Act 1978. However, this is absolutely something that we are keenly looking at, and I imagine that when there is future legislation, largely on immigration, we will have these debates again.

Question put and agreed to.

Clause 44 accordingly ordered to stand part of the Bill.

Clause 45

Duty to report suspected child sex offences

Harriet Cross: I beg to move amendment 43, clause 45, page 50, line 8, leave out subsection (7).

This amendment would keep an individual under the duty to report child abuse despite the belief that someone else may have reported the abuse to the relevant authority.

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

Amendment 46, clause 45, page 50, line 20, at end insert—

"(10) A person who fails to fulfil the duty under subsection (1) commits an offence.

(11) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

This amendment would implement part of recommendation 13 of the Independent Inquiry into Child Sexual Abuse that a failure to report a suspected child sex offence should be a criminal offence.

Amendment 47, clause 45, page 51, line 5, at end insert "or

(c) an activity involving a 'position of trust' as defined in sections 21, 22 and 22A of the Sexual Offences Act 2003."

This amendment would implement part of recommendation 13 of the Independent Inquiry into Child Sex Abuse that any person working in a position of trust as defined by the Sexual Offences Act 2003, should be designated a mandatory reporter.

Clause stand part.

Schedule 7.

Clause 46 stand part.

Amendment 48, clause 47, page 52, line 11, at end insert—

"(7) The sixth case is where P witnesses a child displaying sexualised, sexually harmful or other behaviour, physical signs of abuse or consequences of sexual abuse, such as pregnancy or a sexually transmitted disease, to an extent that would cause a reasonable person who engages in the same relevant activity as P to suspect that a child sex offence may have been committed.

(8) The seventh case is where P witnesses a person (A) behaving in the presence of a child in a way that would cause a reasonable person who engages in the same relevant activity as P to suspect that A may have committed a child sex offence.

(9) A failure to comply with the duty under subsection (1) is not an offence where the reason to suspect that a child sex offence may have been committed arises from subsection (7) or subsection (8)."

This amendment would implement part of recommendation 13 of the Independent Inquiry into Child Sex Abuse that there should be a duty to report where a person recognises the indicators of child sexual abuse. Failure to report in these instances would not attract a criminal sanction.

Clause 47 stand part.

Harriet Cross: Clause 45, alongside clauses 46 and 47 and schedule 7, introduces a duty to report suspected child sex offences, and in doing so fulfils a major recommendation of the independent inquiry into child sexual abuse. In essence, clause 45 will require professionals and volunteers working in roles closely connected to children to notify the authorities if, in the course of their work or duties, they have reason to suspect that a child has been sexually abused.

Time and again, inquiries into abuse scandals—whether involving institutions, schools, churches, sports clubs or grooming gangs—have found that people around the victim knew or suspected something was going wrong but did not report it, perhaps out of fear, confusion, misplaced loyalty or uncertainty. Clause 45 sends an unequivocal message: if you know or suspect a child is being sexually abused, you must tell the police or a local authority.

Opposition amendment 43 would remove subsection (7) of clause 45, which currently exempts someone from reporting if they believe that another person has already made the notification. Our amendment would maintain every individual's duty to report suspected abuse, regardless of whether they think someone else has already done so. This is a sensible amendment and seeks to avoid incidences or suspected incidences of child sexual abuse slipping through the net on account of someone assuming, even in all good conscience, that someone else has already reported the matter. We cannot be careful enough, and repeated notifications of the same offence can only add to the evidence base for such a crime. Too much information is always better than no information. We cannot stand back and leave a child's safety to chance or hope that someone else has taken the appropriate action.

The notification may be made to a relevant police force, local authority or both, as soon as is practicable. It is detailed in clause 46 that

[Harriet Cross]

"'Relevant local authority' means—

(a) if a relevant child resides in England or Wales, the local authority in whose area the child is believed to reside, or

(b) if the person making the notification does not know the local authority area in which any relevant child resides, such local authority as the person making the notification considers appropriate."

That is a sensible approach. The first port of call is to report to the local authority that will be reasonably responsible for the vulnerable child; that is the obvious and correct place to start. However, where the notifying adult is unsure or unaware of the vulnerable child's living arrangements, it is still vital that notification is made to a local authority, no matter where in the country the child lives, as local authorities are better placed than the notifying person to direct the report to the appropriate channels. A similar provision is outlined in clause 46 relating to the definition of a "relevant police force." Again, we consider that to be a sensible approach.

3.15 pm

In both instances, however, can the Minister please confirm what discussions have been had with Scottish and Northern Irish police forces and local authorities to ensure that if notifications about cases in England and Wales are made in those devolved nations, they are aware of how to handle such notifications and who to pass reports to?

There is also a concern on our side as to who in the local authority is considered suitable to receive reports. For example, a notifying member of the public may consider that their local councillor or an employee of the local authority is a suitable person to report to. Will the Minister confirm that they will set out notification guidelines as to who within a local authority should be notified?

Finally, can the Minister confirm whether resource and training will be made available to local authorities to ensure that notifications of this kind are suitably handled? Should notification be made to someone within a local authority or a police force who is not trained or who cannot be reasonably expected to handle such a notification, where does the burden of responsibility lie for the notification to be passed on to a suitable recipient? For example, does it lie with the notifying person, or is it the council employee's duty?

Overall, however, we consider that clauses 45 to 47 are an important addition to the Bill and we will not oppose them.

Matt Bishop: Clause 45 demonstrates, once again, that this Government are serious about protecting children from what I think we would all agree is one of the most hideous of crimes—child sexual abuse. The impact of such abuse can last a lifetime, but far too often the voices of victims remain unheard.

Having worked closely with vulnerable children and witnessed the devastating consequences of abuse, I am extremely supportive of the inclusion in the Bill of the duty to report child sexual abuse. The clause places a clear legal responsibility on professionals such as teachers, healthcare workers, social workers and others to report any suspicion or knowledge of child sexual abuse. It ensures that when these individuals encounter children at risk, they cannot remain silent. They must act, safeguarding the child and ensuring that the abuse is reported to the relevant authorities as soon as possible.

For too long, we have seen cases where abuse has gone unnoticed or unaddressed because there was no legal duty to act. That gap in the law has allowed perpetrators to evade detection and left children vulnerable to further harm. By making it clear that silence is no longer an option, this provision empowers professionals to intervene early and prevent further abuse.

David Burton-Sampson (Southend West and Leigh) (Lab): Does my hon. Friend agree that although it is crazy that this was not a mandatory requirement in the first place, it is great to see a further recommendation from the IICSA report now being acted on and hopefully becoming law?

Matt Bishop: I absolutely, wholeheartedly agree with my hon. Friend. It is crazy that it was not mandatory in the beginning but, as he says, we have all taken steps to make sure that it is now.

On a few occasions in my past career, I would speak to professionals after an abuse case had been alleged, and found out that they had no idea what had been happening. On other occasions, professionals had been suspicious for a long time but did not think that they had the evidence to act. Often, the abuse would then go unreported for many months—in some cases years. Some professionals—not all, but some—chose not to report through naivety or because of concern about the repercussions for themselves, and some just chose not to report at all. So, it is important to note that this clause does not criminalise those who are unaware of abuse, but rather holds accountable those who fail to report when they have a reasonable suspicion. This legal clarity will encourage professionals to act decisively and without fear, knowing that they have a duty to protect children. The provision will strengthen our child protection system and ensure that those in positions of trust cannot ignore their responsibility to act when they suspect abuse. This is a vital step in ensuring that no child falls through the cracks, and that those who seek to harm them are held accountable.

In conclusion, the duty to report child sexual abuse is a necessary and positive change. It will protect children, support professionals in their efforts to safeguard the vulnerable, and help bring perpetrators to justice. I fully support the clause and believe that it represents a significant step forward in safeguarding our future generations.

Jack Rankin: I rise to speak to clause 45 and the principle running through the clauses that follow it. Clause 45 introduces a mandatory duty to report child sexual abuse by establishing a legal obligation for individuals engaged in regulated activities with children, such as teachers and healthcare professionals, to report known instances of child sexual abuse to the police or local authorities.

Will the Minister consider the British Medical Association's written evidence, which raised concerns about the scope of this duty? I disagree with the BMA, having read its evidence, but I want to explore it a little, so I hope the Minister might comment on it.

The BMA is worried that the Bill might compel healthcare professionals to disclose patient information to the police, potentially undermining the trust inherent in the doctor-patient relationship. In my view, that perspective seems to neglect the existing legal frameworks that already permit such disclosures in specific circumstances, particularly when public safety is at risk. In fact, the General Medical Council's guidance allows for breaching confidentiality to prevent serious harm or crime, indicating that the Bill's provisions are not as unprecedented as the BMA might suggest.

Furthermore, the BMA's apprehensions do not sufficiently consider the potential benefits of the Bill in facilitating a more integrated approach to preventing serious violence. By enabling appropriate information-sharing between healthcare providers and law enforcement, we can create a more robust system for identifying and mitigating threats to public safety. The BMA's focus on confidentiality, in my view, should be weighed against the imperatives of protecting individuals and communities from harm.

Most importantly—I was concerned to read this, and I would welcome the Minister's comments—the BMA says it is concerned that 15-year-olds who are engaged in what it terms "consensual sexual activity" with someone over the age of 18 will be "flooding the system". My understanding of the law is that 15-year-olds cannot consent to sexual activity with 18-year-olds, and I find it concerning that a professional body is choosing to interpret this country's laws on sexual consent in this way. Perhaps the Minister might comment on that in her closing remarks. The age at which I understand people can legally consent to sexual activity is 16 in this country. The BMA should know that, understand the law and have a duty to uphold it.

The independent inquiry into child sexual abuse was clear on this recommendation, and the Crime and Policing Bill seeks to enhance public safety through judicious information-sharing. The existing ethical and legal safeguards governing medical confidentiality remain intact, and it is crucial that GPs and medical professionals take seriously their duty towards children, as that is what 15-year-olds are.

The international experience of mandatory reporting laws has already demonstrated the effectiveness of including reasonable suspicion as a trigger for reporting. For instance, the introduction of such laws in Australia led to increased reporting, without a corresponding rise in malicious reports. This suggests that professionals can responsibly handle the duty to report suspicions, contributing to more robust child protection systems.

Amendment 43 could address the under-reporting of child sexual abuse. Research has indicated that child sexual abuse is significantly under-reported, with many victims not disclosing their experience at the time of abuse. The independent inquiry into child sexual abuse highlighted that a cultural shift is needed to make discussions about child sexual abuse less taboo. By tabling amendment 43, our intention is to signal our commitment to fostering an environment in which suspicions are taken seriously and professionals are encouraged to report concerns without fear of reprisal.

I commend amendment 43 to the Committee.

Luke Taylor: We welcome the clauses in this group, but I have a simple question about clauses 45 and 47. Why does the Bill not go further than the Conservative Government's Criminal Justice Bill did in 2024? It could include the IICSA recommendation that observing recognised indicators of child sexual abuse be a reason to suspect. Can the Minister give an explanation of why that key finding of the Jay report is not included in the Bill and whether opportunities are being missed to go that little bit further?

I also agree with amendment 43. Obviously, in some recent high-profile cases, the belief that something had been reported by another person was notoriously used to explain why there had not been further reporting. This would provide a backstop to prevent that explanation from being used to absolve an individual of their responsibilities.

Jess Phillips: I feel quite proud to commend this clause about mandatory reporting. For much of my professional life and a huge amount of our political lives, we have been trying to get mandatory reporting across the line, so it is a proud moment. Clauses 45 and 47 and schedule 7 introduce the new mandatory duty to report child sexual abuse, building on the recommendation of the independent inquiry into child sexual abuse, and I will come on to answer the questions that have been asked of me.

The inquiry gathered evidence from many victims and survivors who made disclosures or presented information to a responsible adult with no action being subsequently taken to inform the relevant authorities. A common reason for those failures was the prioritisation of protecting an individual or institution from reputational damage over the safety and wellbeing of children. Many victims who spoke to the inquiry set out the inadequate and negative responses to their disclosures, which meant that they never wanted to talk about their experiences again. The inquiry's final report recommended that certain individuals in England should be subject to a mandatory duty to report child sexual abuse when they become aware of it. Clauses 45 to 47 give effect to such a duty.

When adults undertaking relevant activity with children have reason to believe that child sexual abuse has occurred, either by being told about it by a child or perpetrator or by witnessing the abuse themselves, the new duty requires that they report it promptly to the police or local authority. Clause 45 applies to the new duty, while clauses 46 and 47 define key practical considerations to whom reports should be made and incidents that qualify as giving a reporter sufficient reason to suspect that abuse has occurred.

I will now turn to the amendments in this group, although I do not think some of them will be pressed. Amendment 43 proposes to remove the qualification that, once relevant information has been passed on to the authorities, further duplicate reports are not required. We do not believe that this amendment is necessary. In designing the duty, we have sought to minimise any disruption to well-established reporting processes. Clause 45(7), which this amendment seeks to remove, ensures that a reporter will not have to make a notification under the duty if they are aware that a report has already been made.

Subsection (7) means that, for example, an inexperienced volunteer or newly qualified professional can refer an incident to their organisation's designated safeguarding

[Jess Phillips]

lead for an onward notification to be made to the local authority or the police. The duty will be satisfied when a mandated reporter receives confirmation that the report has been made on their behalf, and it remains on them until that point.

I will answer some of the questions that have been asked, specifically those on guidance for the duty and the people within local authorities whom we are talking about. The Government will set out clear guidance on the operation of the duty, but we will also work with regulators and professional standard-setting bodies to ensure that the new duty is clearly communicated ahead of implementation.

3.30 pm

This goes hand in hand with training, on which the Government will also set out clear guidance, but we will also work with regulators. Organisations, however, will need to judge how best to support their own staff. I could go out and train people who work in women's refuges, but I know almost zero about football coaching. Organisations will have to ensure that training happens, but there will be strict guidance and support for that as it is rolled out, including within our own workforces across Government. In fact, many of us who work directly for the Government will be liable for the duty.

A very good question was asked about Scotland. We will be working with the devolved Administrations to ensure that marginal cases and cross-border notifications are well understood. We will delay the commencement of the duty to accommodate preparations for effective implementation, and it will be accompanied by detailed guidance. There are other safeguards within the system, some of which we will debate later, such as disclosure and barring services. There is also the issue of police computers, on which this sort of data can be shared. The hon. Member for Gordon and Buchan is absolutely right that we need to make sure that people do not just scoot up to work somewhere else with their reputation intact. That issue is being considered.

On the point raised by the hon. Member for Windsor about a 15-year-old and an 18-year-old, he is absolutely right to point out the difficult balance. The BMA has concerns about ensuring that it can speak to children and gather information about them, and, as somebody who has worked in sexual health services with teenagers, I totally understand where it is coming from. The difficulty with the balance, however, is that safeguarding always trumps liberty.

As recommended by the independent inquiry, we have provided for an exception to the duty to avoid capturing healthy, developmentally appropriate relationships between young people. A notification regarding sexual activity between young people will not be required where a reporter is satisfied that the children involved are over 13 and there is no risk of harm. However, any sexual activity between an adult and a child will not fall under that exemption.

To the example mentioned by the hon. Member for Windsor, guidance relating to the duty will make it clear that sexual relationships involving teenagers under the age of consent should be referred to an appropriate agency for advice, where appropriate. I hope that answers some of the questions about close peer relationships, which we will talk about in more detail in the following clauses.

I commend this clause to the Committee.

Harriet Cross: I do not have much to say, other than to welcome the clause. It was part of the Criminal Justice Bill, so we are very happy to see it replicated here. I appreciate what the Minister said, but we will be pressing our amendment to a vote, because no matter how many people think that an offence has or has not been reported, we can never be too careful. Over-reporting is so much better than under-reporting, so anything that ensures it gets reported at any time is vital. Otherwise, I thank my hon. Friend the Member for Windsor for his contribution.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 9.

Division No. 12]

AYES

Cross, Harriet	Robertson, Joe
Rankin, Jack	Taylor, Luke

NOES

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

Question accordingly negatived.

Clause 45 ordered to stand part of the Bill.

Schedule 7 agreed to.

Clauses 46 and 47 ordered to stand part of the Bill.

Clause 48

EXCEPTION FOR CERTAIN CONSENSUAL SEXUAL ACTIVITIES BETWEEN CHILDREN

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

The Chair: With this it will be convenient to discuss clauses 49 to 51 stand part.

Jess Phillips: Clauses 48 to 51 establish a limited number of situations in which the mandatory duty to report can be disapplied to avoid unintentional consequences for child safeguarding.

Clauses 48 and 49 set out that consensual relationships between young people should not be considered child sexual abuse in the absence of coercion or significant differences in age or maturity, and that an exception can therefore be made to the duty in such circumstances. This avoids situations such as two kissing teenagers having to be reported to the authorities by a teacher who knows them both well. That is not something I want to have to deal with—teenagers kissing in halls. I suppose it is better working here. Well done to the teachers of the world. For the record, I do not want to see anyone kissing in the corridors—teenagers or otherwise.

Nor do we want to discourage young people from accessing services that are designed to offer support in addressing their own harmful sexual behaviour. Clause 50 gives reporters some discretion in this area, by making it clear that a disclosure by a child can be dealt with outside of the mandatory duty to report.

We know that, notwithstanding the introduction of this duty, young people may need some safe spaces to explore disclosures at their own pace or with a trusted adult. Clause 51 therefore confers a regulation-making power on the Home Secretary to exempt specific services from the duty on the exceptional basis where their function relates to the safety or protection of children, and where confidentiality is considered absolutely essential. This may be required to prevent services that provide confidential support and advice to children from closing ahead of the duties' commencement, leaving significant gaps in safeguarding provision.

Harriet Cross: As we have heard, clause 48 introduces a carve-out to the reporting duty. It recognises that not all sexual activity involving under-18s is a cause for alarm or state intervention. Specifically, it lets professionals refrain from reporting consensual sexual activity between older teenagers when they believe there is no abuse or exploitation at play. It is basically a Romeo and Juliet exemption.

Sexual activity for under-16s is, as we know, illegal in law but without this clause, a teacher who learns of two 15-year-olds in a consensual relationship would legally be bound to report that as a child sexual offence. The clause empowers the teacher to use their professional judgment, but the exemption applies only where the reporter is satisfied that the relationship really is consensual and not appropriate to report given the circumstances.

The bar for not reporting should be high. As a safeguard, the clause explicitly says to consider the risk of harm. If there is any indication of harm or imbalance, the duty to report remains. For example, if a 14-year-old girl is sexually involved with a 17-year-old boy, even if she says she has consented, a teacher or adult might rightly feel uneasy about the power dynamic and the possible impact of grooming. The adult might decide that it is appropriate to report in that case. On the other hand, two 14-year-olds would likely fall under the exemption.

The exemption is not about condoning under-age sex; it is about proportionality. We know that in reality about one third of teens have some form of sexual contact before the age of 16. We do not want to criminalise young people unnecessarily or deter them from seeking healthcare or advice. For example, if a 15-year-old girl is pregnant by her 16-year-old boyfriend, without this exemption a doctor might feel compelled to report the boyfriend to the police. Clause 48 means that the doctor can exercise their judgment and focus on providing healthcare instead of a police report, as long as the relationship seems consensual and caring.

That approach aligns with what many safeguarding experts recommend: to include a competent, consensual peer exemption so that mandatory reporting does not overreach. It mirrors, for instance, the approach in some Australian states where similar laws exist. Those states carve out consensual peer activity from mandatory reporting to avoid inundating child protection with consensual cases.

Clause 49 is a twin provision to clause 48, addressing the fact that young people sometimes arrange sexual encounters with each other or share things such as intimate images. By the letter of the law, those actions can be offences, but it is not the intention of the mandatory reporting regime to treat those young people as perpetrators or victims of sexual abuse if it was consensual or equal. Clause 48 says that if a child is essentially facilitating a consensual act with another child of a similar age and there is no sign of harm or coercion, a professional is not obliged to report it.

Clause 50 acknowledges that children are sometimes the ones committing sexual harm and that in certain cases, the best way to protect everyone is to allow those children to seek help rather than immediately branding them as criminals. In short, if a teenager confides that they have done something sexually wrong with another teen, a teacher or counsellor can handle that sensitively without jumping straight to calling the police—as long as everyone involved is over the age of 13 and there is no acute risk requiring immediate intervention.

The guardrails are important. The exemption kicks in only if the other child involved in the incident is 13 years old or over. If a teenager admits harming a younger child who is 12 years old or under, that is considered so serious and a younger child so vulnerable that it must be reported.

The exemption is not a green flag to do nothing, but it gives an option to not report to the police. The expectation is that professional judgment will take precedent. How does the Minister envisage that professionals will handle such disclosures in practice? Obviously, if a child confesses to something such as date rape, even if that is not reported to the police, the school or agency must ensure that the victim is safe and supported. How will those situations be monitored?

3.45 pm

Jess Phillips: The term "guardrails" is a really good one; we are trying to put those guardrails in. What I find alarming, not just in the IICSA report but in many serious case reviews—for example, about the murder of Sara Sharif—is that there is sometimes a lack of professional curiosity and/or that some of these things are repeatedly not in place. As somebody who has had teenagers come forward and tell me that they have been gang raped or raped by their boyfriend, or tell me about a date rape situation, I am a bit flabbergasted that professionals do not already know to report that. If that person was a child, I would always have reported it. For me, it is not difficult to manage from a professional perspective, and the reality is that the child knows that the professional is likely to have to report it. In most professional practice, that would still be the case today.

When the hon. Lady asks how professionals will manage the example that she gave, I very much hope that mandatory reporting—I cannot stress enough that I do not want loads of people to go to prison because of mandatory reporting—is used to make a system in children's safeguarding and working with children that is open and transparent, rather than one where people worry about getting in trouble for the thing that they have done. The training and the guidance that will accompany mandatory reporting will be that guide for

[Jess Phillips]

professionals, and we will take the time to make sure that the Bill commences only once that guidance is absolutely right.

I find it shocking that people who work with children might need to be told that they have a safeguarding duty if a child reports something such as a date rape to them—it is not the same for adults. I have never worked anywhere where that would not have resulted in a safeguarding referral. I commend the clauses to the Committee.

Question put and agreed to.

Clause 48 accordingly ordered to stand part of the Bill.

Clauses 49 to 51 ordered to stand part of the Bill.

Clause 52

PREVENTING OR DETERRING A PERSON FROM COMPLYING WITH DUTY TO REPORT SUSPECTED CHILD SEX OFFENCE

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

Jess Phillips: Clause 52 introduces a separate criminal offence reserved for anyone who deliberately prevents or deters an individual from carrying out the duty through, for example, destroying or concealing evidence or applying pressure on an individual to prevent them reporting. The offence is punishable by up to seven years' imprisonment and/or an unlimited fine. That will ensure that those with the greatest responsibility for organisational failures or cover-ups face the appropriate penalty for their action.

Hon. Members on both sides of the House have raised concerns about the lack of a criminal offence for people who fail to report. We do not think it appropriate or proportionate to create such a sanction, which may create a chilling effect where people are reluctant to volunteer with children or to enter certain professions because they fear being criminalised for making a mistake in an area that many people find very difficult to understand.

The purpose of mandatory reporting is to improve the protection of children while helping to create a culture of knowledge, confidence and openness among those most likely to be alerted to child sexual abuse. Its introduction is not intended to criminalise those working and volunteering with children, often in challenging circumstances, but we are determined for it to set high, consistent standards in identifying and responding to such abuse wherever it is found. That is why we consider it more appropriate for those who fail to discharge their duty to face referral to the Disclosure and Barring Service and the professional regulators where applicable. Those bodies can prevent individuals from working with children, so they potentially lose their livelihood, which is still a very serious consequence. That approach will reserve the greatest impact for the right cohorts of people.

Harriet Cross: Clause 52 makes it a serious criminal offence to cover up child sexual abuse by blocking a report. If any person—be it a headteacher, coach, priest or director of a care home—tries to stop someone else reporting suspected abuse, that person can be prosecuted and potentially imprisoned for up to seven years. We know from countless inquiries in the past that often the issue was not that frontline staff did not suspect; it was that they were silenced or ignored by those higher up.

Clause 52 squarely targets that kind of misconduct. Instead of being able to threaten or cajole an employee into staying silent, now the one doing the threatening will face severe consequences. The clause is not aimed at someone who, for example, in good faith decides to wait until tomorrow, when the child is in a safer place, to file a report. There is a defence precisely for making suggestions about timing when motivated by the child's best interests. That covers a situation where, for example, immediate reporting might tip off an abuser and endanger a child. A supervisor might decide to first secure the child before reporting. That is okay—they can argue that that is in the child's best interests, not an attempt at covering up. But anything beyond those well-intentioned timing considerations—any attempt to outright stop a report or permanently delay it—has no defence.

Clause 52 will apply not just within organisations but potentially to abusers themselves. If an abuser tries to threaten a mandated reporter into silence, that is also preventing a report. The clause should create a cultural backstop: everyone in an organisation will know that ordering a cover-up could land them in prison. It should therefore act as a strong deterrent.

Jess Phillips: I thank the hon. Lady for her support.

Question put and agreed to.

Clause 52 accordingly ordered to stand part of the Bill.

Clause 53

MODIFICATION OF CHAPTER FOR CONSTABLES

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

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

Government amendment 15.

Clause 54 stand part.

Jess Phillips: The duty to report will apply to the police in a slightly different way, as they are both a category of reporter and a potential recipient of reports under the duty. There are also scenarios in which a police officer may encounter child sexual abuse in the course of a covert investigation, or be required to review a large volume of child sexual abuse material. Clause 53 therefore provides for some modifications to the new duty to ensure operational flexibility for police officers.

Clause 54 provides the ability to future-proof the mandatory reporting duty against the emergence of new functions or settings that it may be appropriate for the Government to consider. That is essential in recognition of the unique nature of child sexual abuse as a constantly evolving threat, including through the utilisation of technology and the internet.

Finally, Government amendment 15 adds the offence of preventing a report to schedule 4 to the Modern Slavery Act 2015, removing the offence from the ambit of the statutory criminal defence in section 45 of that Act.

Harriet Cross: Clause 53 acknowledges that police officers operate under a different framework when it comes to responding to crimes. Quite sensibly, it modifies the mandatory reporting duty to fit their role. After all, we would not expect a police officer to file a report with themselves. If an officer learns of abuse, they are already empowered, and indeed obliged by their oath, to take investigative action directly.

The Bill here is technical, but the result is likely that a constable who has reason to suspect child abuse is considered to have complied with the duty so long as they handle it through the proper police channels, for example by recording it on their system, notifying their child protection unit or initiating an investigation. They would not have to make a separate notification to, for example, the local authority, as a teacher or doctor would. The police already have established protocols for involving social services in joint investigations.

Clause 54 is essentially a future-proofing and housekeeping part of the chapter. It gives the Secretary of State the ability, with Parliament's approval, to amend the reporting regime as necessary. It also ties up loose ends by integrating new offences into related legislation. The regulation-making power means that if a list of relevant activities needs to be expanded, that can be done relatively easily. Of course, it is important that any changes undergo parliamentary scrutiny. Although we want flexibility, we must also ensure democratic oversight, given the sensitivity of the obligations. I note amendment 15, as I have the other Government amendments.

Jess Phillips: I am going to miss making amendments to put things in the schedule to the Modern Slavery Act when this is all done. I commend the clause to the Committee.

Question put and agreed to

Clause 53 accordingly ordered to stand part of the Bill.

Clause 54

POWERS TO AMEND THIS CHAPTER, AND CONSEQUENTIAL AMENDMENT

Amendment made: 15, in clause 54, page 55, line 31, at end insert—

"(3) In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 36D (offences under the Crime and Policing Act 2025) (inserted by section 17), after the entry for section 38 (inserted by section 38), insert—

'section 52 (preventing or deterring a person from complying with duty to report suspected child sex offence)'."—*(Jess Phillips.)*

This amendment excepts the offence of preventing or deterring a person from complying with the duty to report a suspected child sex offence from the defence in section 45 of the Modern Slavery Act 2015.

Clause 54, as amended, ordered to stand part of the Bill.

Clause 55

GUIDANCE ABOUT DISCLOSURE OF INFORMATION BY POLICE FOR PURPOSE OF PREVENTING SEX OFFENDING

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

Jess Phillips: Clause 55 creates a power for the Secretary of State to issue statutory guidance to the police regarding their disclosure of information to prevent sexual offending.

Currently, the child sex offender disclosure scheme, also known as Sarah's law, is the only guidance for the disclosure of information to prevent sexual harm. The clause will place the scheme on a statutory footing, bringing it in line with the domestic violence disclosure scheme. In so doing, it will help ensure greater consistency in the operation of the scheme across police forces. The Secretary of State will be able to use the power in clause 55 to issue further statutory guidance regarding the police's disclosure of information to prevent sexual harm to other kinds of victim or in other circumstances.

Harriet Cross: Clause 55 includes guidance for disclosure of information to the police for the purpose of preventing sexual offending. It is vital that the police are able to obtain all information as quickly as possible to ensure that offences are prevented. Prevention is always better than cure, and that goes as much for sexual offences as it does for any other offence. We welcome this provision, in order to ensure that sexual offences can be prevented and to give police the necessary powers.

Jess Phillips: I thank the hon. Lady for her comments, and I commend the clause to the Committee.

Question put and agreed to.

Clause 55 accordingly ordered to stand part of the Bill.

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

3.58 pm

Adjourned till Thursday 24 April at half-past Eleven o'clock.

Written evidence reported to the House

CPB 40 The Coalition for the Abolition of Prostitution (CAP International)

CPB 41 Amnesty International UK

CPB 42 Friends, Families and Travellers

CPB 43 Talita

CPB 44 Royal College of Paediatrics and Child Health

CPB 45 Jewish Leadership Council

CPB 46 A Model For Scotland