

## Guidance on Investigating Child Abuse and Safeguarding Children, Second Edition 2009.

The changes to this publication are highlighted in red.

### **P27** 1.4.2 Indecent Images of Children

#### **An indecent photograph**

The Act defines an indecent photograph broadly without defining the term ‘indecent’, as ‘an indecent film, a copy of an indecent photograph or film, and an indecent photograph comprised in a film.’ The Act defines copy to include negatives and a computer disc or any form of electronic means that can be converted into a photograph, and defines ‘film’ as ‘any form of video recording’.

The Criminal Justice and Immigration Act 2008 further extended the definition to include tracings and images which are not itself a photograph or pseudo-photograph but is derived from a whole or part of a photograph or pseudo-photograph, and data stored on a computer disc or by other electronic means which is capable of conversion into an image.

### **P28** Sentencing Advisory Panel Guidelines

Level	Definition
Level 1	Images depicting erotic posing with no sexual activity
Level 2	Non-penetrative sexual activity between children or solo masturbation by a child.
Level 3	Non-penetrative sexual activity between adults and children.
Level 4	Penetrative sexual activity involving a child or children or both adults and children.
Level 5	Sadism or penetration of, or by, an animal.

### **P38** 1.4.14 Grooming

Grooming is the process of reducing the resistance of a child, or their parents or carers, to abuse. This may be achieved through increasing a child’s or parent’s or carer’s fear of what might happen should they report the abuse, as well as inducing them to believe that the abuse is acceptable. Grooming may take place through personal contact with the child or the parent or carer, or through other means of communication such as the internet. Grooming is a key element in crimes relating to trafficking of children (see 1.4.8 Child Trafficking). Victims of child trafficking may behave as if

# Addendum (continued)

they are complicit because they have been groomed by the trafficker to believe that they are being smuggled into a country for a better life or are in some way 'choosing' a particular way of living. This can make it more difficult to identify them as victims of child abuse and to provide them with the appropriate services. Section 15 of the Sexual Offences Act 2003 introduced a specific criminal offence of meeting a child following sexual grooming, where the adult had the intention of committing a sexual offence. The Criminal Justice and Immigration Act (Schedule 15, Paragraph 1) widened the circumstances in which a person will be meeting a child to include when the child has travelled to meet the adult or the adult has arranged to meet the child but the meeting has not taken place.

## **P42** 1.4.22 Travelling Sexual Offenders

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Due to provisions within the Policing and Crime Act 2009 coming into force in the early part of 2010, the footnote should be read in conjunction with paragraph 2 of this sub-section. Additional text has also been added to this sub-section.

Some sexual offenders travel abroad to abuse children. In some cases, abusers take children with them, prearrange access to children or travel to locations where they will have ready access to children who are abused by sexual exploitation. Particular countries are attractive destinations for abusers because of a low age of consent to sex, tolerance of sex with children, inadequate legislation, poorly resourced law enforcement and an established sex industry that includes the exploitation of children. Other factors influencing travel to specific destinations include choosing countries where poverty leaves children vulnerable to exploitation or where children are less physically developed for their age and appear to be younger. Foreign nationals, not restricted by British monitoring, may also travel to the UK for the purpose of sexually abusing children.

Under section 114 of the Sexual Offences Act 2003, the police may apply for a Foreign Travel Order (FTO) to prevent qualifying offenders (eg, those dealt with by the courts in respect of certain sexual offences against a child under 16 years<sup>1</sup>, either in this country or abroad) from travelling abroad where and so far as it is necessary to protect a child or children from serious sexual harm outside the UK. The police may apply for an FTO at the same time as applying for a SOPO, or separately.

The s72 Criminal Justice and Immigration Act effectively replaces the existing s72 Sexual Offences Act 2003. The amendments have widened the circumstances in which a citizen or resident can be prosecuted in the UK for an offence committed in another jurisdiction. If a UK National commits a Schedule 2 offence in the foreign jurisdiction there is now no requirement that the offence must also be an offence in that foreign country. The law is different for UK residents; the offence does need to be an offence in the country in which it was committed and England, Wales and Northern Ireland.

In addition the age of the child victim given in Sexual Offences Act 2003 Schedule 2 is increased from 16 to 18.

For further information about those who travel to commit sexual offences against children, see <http://www.ceop.police.uk> See also **1.4.23 Sexual Exploitation of Children**.

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<sup>1</sup> s23 Policing and Crime Act amends s115(2) Sexual Offences Act 2003 to read Under 18. This provision, at the time of publication, is not in force.