

## **Latest News on the Children Bill – Information-Sharing, Bullying and Child Prostitution**

The Children Bill has left the House of Lords and is now in the Commons, where it received its second reading on 13<sup>th</sup> September. Committee Stage will begin on October 12<sup>th</sup> and is expected to run until October 21<sup>st</sup>.

During its passage through the Lords, Clause 8 on information-sharing became Clause 9, and there were some amendments to put more detail on the face of the Bill as to who must share information, and what would actually be on the database.

Each child's file will contain:

- name and address
- date of birth
- details of parents
- family doctor
- school
- details of agencies with which a child comes into contact

Records cannot now be held on the database, but 'professionals' will put 'flags of concern' on the files and then contact each other to pool information.

**There is no budging the Government from its insistence that every child must have an ID number and a database file.**

Despite everything that has been said by social workers and child protection and IT experts, we are still hearing the same broken-record platitudes from several MPs that "child protection is more important than privacy". It begins to sound like something off the sleep-tapes in 'Brave New World'.

**We agree that child protection is very important, so let's spell it out one more time: the idea of using a database system containing the details of every child is dangerous. It is not going to help children at risk of harm—far from it!**

The Joint Committee on Human Rights reported on the Children Bill on September 21<sup>st</sup>. They, too, are unhappy about the information-sharing provisions and point out that, while it may be justifiable to put children at risk of harm on such a system, to put every child on it constitutes a serious interference with children's right to privacy under Article 8 of the European Convention on Human Rights. In fact, they go so far as to say: *"We are concerned that, if the justification for information-sharing about children is that it is always proportionate where the purpose is to identify children who need child welfare services, there is no meaningful content left to a child's Article 8 right to privacy and confidentiality in their personal information."*

**The full report of the JCHR can be seen here**

<http://www.publications.parliament.uk/pa/jt200304/jtselect/jtrights/161/16102.htm>

**ARCH continues to oppose the idea of creating a database of every child in England and Wales.**



**ARCH is also supporting two amendments tabled by Hilton Dawson MP.**

**The first amendment** is to place a duty of care on schools, LEAs and children's service authorities to prevent bullying. Click [here](#) for more information.

**The second amendment** would take away criminal liability from children involved in prostitution. Click [here](#) for more information

## **CHILD PROSTITUTION**

Incredibly, it is still an offence for anyone over the age of 10 to '*loiter or solicit for the purpose of prostitution*'. We're talking here about some of the most damaged, exploited and abused children, and if we want them to feel able to ask for help, we need to guarantee that they face no risk of prosecution whatsoever. Urgent change is essential.

During the passage of the Sexual Offences Act last year, David Blunkett was asked whether he would confirm that this new Act would de-criminalise child prostitution. He said that it would. Here's the relevant excerpt from Hansard:

### **Sexual Offences Bill - Second Reading in the Commons, 15th July 2003:**

Mr. Hilton Dawson (Lancaster and Wyre): *I am grateful to my right hon. Friend and I commend him for introducing this important legislation. Can he confirm that we have now reached the moment when it is possible to say that children who have been involved in prostitution or pornography are removed from any criminal liability whatever?*

Mr. Blunkett: *Children are, and the intent behind the clauses is to get round the difficulty that in the past it had to be proved that the person exploiting the child did so for material gain. That was much more difficult to prove than the suspicion itself. We are now removing that difficulty and we are also for the first time criminalising the payer for sex with a child.*

That wasn't quite correct, as children could still be prosecuted under the Street Offences Act 1959, and so Hilton Dawson tabled an amendment at Committee Stage of the Bill to take under-18s out of the Street Offences Act altogether. He was persuaded to withdraw this amendment by Beverley Hughes on the basis that the Government was about to conduct a review of Street Offences, and the matter would be dealt with there.

In July 2004 the Government duly published a consultation on Street Offences (called "Paying the Price"). **Far from removing criminal liability from child prostitutes the Government says that, although they accept that child prostitutes are primarily victims of abuse, there are: "*compelling arguments*" for keeping loitering or soliciting as a criminal offence in respect of those under 18 to "*underline the message that prostitution involving children and young people is wholly unacceptable.*"**

Using the same rationale, perhaps we should make it a criminal offence to be the victim of any form of child abuse!

Although the Government is inviting views on this extraordinary idea, and may be persuaded into a rather more humane approach, it could be a long time before any action is taken. It is already a year since David Blunkett 'confirmed' that child prostitution was de-criminalised.

Child prostitution is a serious child protection issue. We believe that so long as there remains any risk of criminal prosecution, young prostitutes will feel afraid to ask for the help they so desperately need, or to give the police the details of the pimps who have exploited and abused them.

Teenagers do not choose prostitution as some kind of career option. They are desperate – they may have run away from home and already have experienced abuse. Some children are brought into the UK for the sole purpose of prostitution. Many suffer violence and intimidation from pimps, or are given addictive drugs such as Heroin and then forced to prostitute themselves to support their addiction.

We hope that Hilton Dawson's amendment to s1(1) Street Offences Act 1959 at Committee Stage of the Children Bill will succeed in removing criminal liability from children.

## **BULLYING**

One of the most pressing problems for families within the school system is bullying. In fact, it's a problem that has driven many families *out* of the system altogether. Although the School Standards and Framework Act placed a duty on schools to have an anti-bullying policy, many parents have told ARCH that this can amount to a sheet of A4 paper that gathers dust on a shelf.

s.175 of the Education Act 2002 placed a duty on LEAs to ensure its functions are carried out "with a view to" safeguarding children. The Government has introduced Guidance to say that this must include the prevention of bullying. There has been a lot of tough talk, and much fanfare about the appointment of 'anti-bullying Tsars'.

Families do not believe that the measures taken so far are good enough, and amendments to the Children Bill have been tabled by Hilton Dawson MP that would place a far stronger duty to prevent bullying on schools, LEAs and Children's Service Authorities. This would appear in Statute, rather than being relegated to Guidance.

Guidance is *not* law - it merely describes how the law should be interpreted, and can be changed at any time. We want to see proper recognition given to the seriousness and scale of the bullying problem by having it specifically referred to in the Children Bill.

Some schools have made huge efforts to deal with bullying. It's time *all* schools followed their example.

**See our [press release](#) for more information**