

Operation Kern Learning Review Summary

1 Reason for the Learning Review:

1.1 The Derby Safeguarding Children Board proposed a learning review of Operation Kern and the associated activity by a number of agencies following the arrest and prosecution of 12 males for sexually exploiting young women in Derby. Operation Kern followed immediately on from Operation Retriever, also involving sexual exploitation, which was the subject of a serious case review. It was recognised that there was an opportunity for further learning from Operation Kern in the following context:

- A young person's journey of support before, during and after Court
- A parents/carers experience of the support and trial
- A professional's journey through a complex Child Sexual Exploitation (CSE) trial, identifying any organisational and procedural barriers to service delivery.

2 Background and chronology:

2.1 In July 2010 a young woman who was voluntary accommodated in Derby City disclosed to a member of staff that from the age of 14 years, she and approximately 13 other young women of a similar age were being paid to perform sexual activity with older males. Following that disclosure the Police identified 15 potential victims. Two of the victims were 'looked after' at the time of the disclosure due to agency concerns, some others were open to social care workers, and all were known to a variety of agencies due to vulnerabilities and offending behaviours. Joint visits with social care were carried out and video interviews completed between July and Nov 2010. 15 potential victims were identified through those interviews, 7 provided disclosure by way of video interview, 5 were victims and 2 provided witness accounts.

2.2 Whilst all of the victims knew each other, no link was identified between the defendants. 14 suspects were identified and arrested between July and November 2010 and of those, 2 defendants were convicted through victimless prosecutions and 3 pleaded guilty. The other 7 defendants went to trial, the first of which was on the 6th June 2012, almost 2 years from the date of the first disclosure, and the final trial was not completed until the 28th August 2013. In a national context, of CSE prosecutions, with 11 convictions, this case is currently the most successful case in the country.

3 Summary of findings from interviews with the young people

3.1 How were you prepared for the trial?

3.2 The general consensus of those involved as victims and witnesses taking part was that they were well prepared by professionals. Most were informed by the Police, but also supported by individual workers. The young people who were cross examined believed they could never have been prepared for how the barristers spoke to them. One said it was "as bad as the abuse".

3.3 What is your view of the support you received before the trial?

3.4 Although positive overall, the girls did express mixed views about the support offered in the months leading up to the trial. Some young people discussed avoiding support due to their perception of "having fun" with the perpetrators and a distrust of authority, this demonstrates the complexity of CSE. It is well documented that young people involved in cases of CSE rarely identify as victims of abuse and make constrained choices based on personal circumstances and the normalisation of abusive situations. This feedback has to be considered objectively due to the vulnerability of the young people involved:

"I was not always sure why I was being referred to people, didn't know what they did but I was referred to lots of different agencies."

"Professionals tried to protect me but I wasn't interested".

"I wasn't ready for support at the time so didn't engage".

"Didn't get on with SW so didn't want to work with them".

"I got locked up to protect me. How unfair is that!"

"I didn't trust workers, thought they wanted to take me away from home"

"Nothing really, at the time I didn't want support I thought it was fun."

Those who were part of the trial believed that they had received good support beforehand and during the trial.

3.5 How did the trial affect you/your life?

3.6 The 3 young people who were taking part in the trial talked about it being all consuming. They could not think of anything other than having to give evidence in Court.

3.7 The 4 young people who had not taken part also discussed feeling very sad and anxious about the trial. Some of that would be that they may have been called to give evidence, but for one young person it was because she knew people in her community who knew she was part of it and was worried about bullying and name calling. It also brought back a lot of very sad and

frightening memories for them. This is all the more concerning when they had the least input in terms of support. Comments included:

"It took over my life, I couldn't think of anything else"

"Some of those guys treated me really well. I felt sorry for them, but others were disgusting and deserved what they got."

"It made me really sad, I read about it in the paper and it reminded me of everything that happened and it is always on the tv and papers these days, so you can't forget it"

"I was anxious all the time and felt like I was on trial"

"It didn't affect me, I didn't have to go"

"The barristers made me feel really angry and disgusting. They dragged things up from when I was young and from my past that really upset me. I had a nightmare about the stuff they brought up and it had taken me ages to get over it."

"Good and bad ways. It is great that those men were convicted but it also plays on my mind and I feel sad."

"I feel guilty because some of them had kids and they won't have their dads now."

"It haunts me!"

"Waiting for the trial to start was hard, it took nearly two years."

3.8 What was your Court experience like?

3.9 This was a traumatic experience for the young people because our legal system is so adversarial. This means the defence barristers can use quite aggressive and intensive questioning techniques to cross examine victims. Comments included:

"I felt like the criminal", "It was awful", "Scary", "The barristers made me feel small and really angry.", "Made me feel ashamed"

"I hated the words the barristers used. They kept talking about prostitution and liars."

"Defence lawyers seem to be there at the beck and call of their clients, victims and families don't have the same support."

"Made me believe I was a prostitute – like I was guilty."

"Waiting around so much was torture, should be a quicker trial."

"Do judges and barristers understand young people? Do they know it is normal to drink and things? I felt like they were morally judging me because they disapproved of my lifestyle."

"It was worse than being raped! They are bullies"

"The Barristers just made me out to be an attention seeker."

"What happens when I see one of the Jury in town? I will be really embarrassed."

"The barristers used the fact that I had been given compensation against me – Said I was only in it for the money."

3.10 Did you understand the Court Process?

3.11 All victims and witnesses involved with the trial were prepared by undertaking court visits, speaking to CPS lawyers and given advice on giving evidence in court. However they struggled to deal with the process once underway:

"Yes but didn't realise there would be so much waiting around."

"Not really"

"It was difficult to understand the language they used sometimes."

"Yes but don't know why it is one rule for their lawyers and different for ours."

3.11 Are you receiving support now?

3.12 All young people involved were receiving support from a range of agencies and extended support has been provided in some cases for their emotional support needs.

3.13 The young people in this review are concerned because they are mostly transitioning to adulthood and know that services will no longer support them. However 4 of the 7 involved in the review felt that they would prefer to move on and focus on the future once the trial was over.

3.14 All know where to go if they need support and all questioned what to do if they need support when they are much older.

3.15 What could we have done better?

3.16 There was a strong sense of injustice about what was used from a young person's past and what couldn't be used from the perpetrators'. 4 of the young people discussed symptomatic anger and frustration that led to criminal records that now act as a barrier to them moving on in life. Generally the young people were happy with support, but identified a number of issues that have been incorporated into the recommendations. Other comments include:

"At first I wanted to do what I was doing, and then I wanted out and couldn't get out. I was angry all the time and now have a record that affects everything I can do."

"We were brought up a public staircase to get in and out of court so didn't feel safe all the time in Court."

"Why didn't the hotel staff ask us why we were with him or do something about us when he left?"

"Want to move on from this so don't want to have to bring it up with new workers and students. I don't want them asking me about it now. Makes me not want to work with new people."

3.17 What worked well?

"I got a new outfit for Court so felt smart – that made me feel more confident."

"Being out of the city – it was easier to forget the trial and live a normal life and I don't think I would have gone to Court if I had stayed in the city."

"Having same social worker since 2011"

"Lots of support at Court and afterwards in the evening if I needed it."

"counselling"

3.18 What could have helped you in the beginning?

"A stable home life", "Better relationship at home", "Not being abused at home",

"School should tell you more about this stuff."

3.19 What would your message be to other young people?

"Get out of it – put a big concrete wall between you and that kind of life, the fun soon stops."

"Look at my life now, just don't do it."

"This is what happens if you get into that kind of stuff it ruins your future."

"I wish I could turn back time."

"You think it's fun but you get hurt, raped and thrown away. Not nice!"

"Stay safe and stay at home in your nice warm bed."

"Tell someone"

4 Court issues

4.1 Legal arguments and general Court processes meant that professionals and young people were often waiting around for days for the trials to begin. There was a distinct lack of preparation for this and very little young people or professionals could do during these hours.

4.2 The safety and security of victims and witnesses was raised several times due to having to use public staircases and being in the same areas as defendants and their families. Young people commented on a number of "near misses" where they had seen defendants or had to pass them to go into interview rooms whilst in court.

4.3 When the sentencing was read out the defendants families were given priority in Court by the clerks and barristers and several professionals acting as support/advocates and victims' families and friends could not get in.

4.4 Young people and professionals were frustrated at the language barristers were using to describe the victims and the aggressive style of questioning. They referred to them as prostitutes, liars and needy. Prostitution is an adult crime and the professionals felt that the use of this terminology was emotionally damaging and very disrespectful to the young people. It fails to acknowledge the child abuse or the fact that this case was about child protection.

5 Media Responses

5.1 In the early stages of the trials there were a number of organisations providing media statements and interviews to the media and partners were not always informed about what others were doing. This had the potential to generate media enquiries that those departments would not have been prepared for.

5.2 Later multi agency meetings ensured that pre and post trial there was an improved coordinated approach and positive media coverage focussed on the offenders rather than the victims of the case. This involved several meetings with journalists to raise their awareness of CSE and related issues. We also ensured that the families who wanted to undertake interviews were offered media training and specific preparation for their interviews. This was a successful approach and the local media worked with agencies to safeguard through responsible sensitive reporting on the trial.

6 Parent/Carer Feedback

6.1 Many of the issues raised by a parent and a carer have been highlighted in other sections so to avoid duplication the following comments were made in addition to other information:

- They believed they had received very good support throughout the trial.
- Schools need to advise parents about potential risks of sexual exploitation
- Some agencies just turn up or ring and expect you to be able to talk, when you can't always. They need to ask if it is convenient.

7 Professionals' feedback

7.1 Professionals were asked to reflect on key issues in relation to

- Organisational or procedural obstacles
- Opportunities for better practice
- Learning of professionals involved and
- To reflect on the collective responses of the young people

7.2 This was a multi agency review involving statutory and voluntary sector agencies. Initially the case was coordinated by the Police using the complex investigations procedure. In general the coordination through this system was effective, and all agencies felt they had the required information to support and coordinate the work. However the investigation was de-escalated from this process at the end of 2010 and the coordinated approach was less evident, with individual agencies completing their own work.

7.3 When meetings were resumed in 2012 it was sometimes difficult to identify which agencies were working with the young people. From May 2012, a structured plan was in place to ensure that communication was maintained between professionals and young people and families during Court. Each worker was provided with a plan of who was supporting individual young people and had a list of contacts should there be any issues. Additional support was available through a dedicated Child Protection Manager from Children & Young People's Dept and Inspector of Child Sexual Exploitation Unit at the Police.

7.4 During this phase all professionals felt that there was good communication and clear advice about process etc.

7.5 Professionals reported that due to the intensive support required during a trial they needed their workloads to be reduced to focus on the practical, physical and emotional support needs of the young person.

7.6 The police and CPS teams struggled to read handwritten reports when reviewing evidence. They believed that process could be quicker if all reports about young people are typed

7.7 The multi agency group believed that a specialist team would have been useful in relation to information sharing, resource issues and consistency of support.

7.8 Professionals also recommended specialist court training that reflects the adversarial nature of court processes, to ensure that social workers or other agencies could be better prepared to support young people during and after court appearances.

7.9 Professionals also considered the impact of changing workers and suggest that where possible, agencies should avoid changing support workers to ensure consistency for the young person and to ensure there is time to build a relationship with a victim.

7.10 Workers need to put factual information on reports and less opinion or hearsay about “teenage behaviour”.

8 Conclusions

8.1 The evidence from the learning review is that partnership arrangements to support children through the trial worked best in the early and latter stages of the investigation. When the complex abuse enquiry strategy was no longer in place there was evidence of good single agency practice but little consistent communication or information sharing between key partners relating to the trials. Throughout the investigation and trial there was a high level of commitment from various agencies to supporting and safeguarding the victims. In the latter stages, multi agency meetings were effective

8.2 The impact of media attention was significant and very time consuming. Although it was generally well managed and co-ordinated, this was not always the case and at times agencies responded unilaterally, leaving others to react or catch up. There is scope for improved co-ordination around these very high profile cases.

8.3 The trial was very successful with 11 out of the 12 defendants being found guilty, they will serve a combined sentence of 42 years and 7 months (at the time of publishing the report one defendant had not been sentenced).

8.4 However, that has been at some considerable cost to the victims and witnesses. Current Court processes were in effect abusive of the young people; they reported feeling distressed, degraded, exposed, unsafe at Court and in the community, prevented from leading a normal life. The impact on agencies has also been significant, in an effort to fully support the young people. Improvements in the treatment of and arrangements for young witnesses in Court are much needed.

8.5 Judge Jonathan Gosling the trial judge commended the police for a very thorough and well managed investigation and praised the young people involved. He said:
“The young people have showed extreme courage and fortitude, this case has gone back many months and against that background, there is the ordeal they had to go through giving evidence”

8.6 The progress that has been made by agencies in dealing with complex cases demonstrates an improvement in systemic partnership work in Derby. It also clearly shows the value of working together to improve outcomes for children and young people and means they better protected as a result.

8.7 Despite this being a very successful outcome, there remains concern about the complex needs of the individual young people, some of whom are now adults. The successful action taken by agencies needs to be balanced with the recognition that in terms of outcomes for the young people, the impact of what they have gone through has been so significant that some of them continue to be vulnerable and the longer term outcomes for them remain unclear. For that reason individual young people need a very strong transition plan and information about what support can be offered in adulthood.

8.8 Derby Safeguarding Children Board would like to thank the young people and parents/carers for their input on this learning review. They have given some very profound and powerful insight into their experiences through court and we will use this learning to improve our practice locally and to support national plans to improve the victim journey through court.

Finally, thank you to all those professionals who contributed to this learning review.

9 Recommendations:

1. Pre-trial co-ordination

- a. The multi-agency strategy to coordinate professional work and support victims should be maintained for the duration of the investigation and trial following the system implemented to monitor complex abuse enquiries. Meetings could be less frequent pre-trial, with the intensity being increased 3 months before trial.
- b. Police Interviews and Child Protection Medicals
Whenever possible these should take place in the morning to facilitate consistent support from the allocated keyworker rather than out of hour's services. If early appointments are not possible support by keyworkers should be extended to cover out of hours timeframes.
- c. A multi agency approach to media management should be agreed at the outset to ensure that messages are from a multi agency perspective. Emphasis should be placed on the media's opportunity to raise awareness of CSE and the fact that it is a child protection and safeguarding concern

2. Court

- a. Police and Children's Social Care should liaise at the earliest possible stage with CPS and Court services to ensure an integrated, child centred approach to supporting young people in the Court process and reducing the issues outlined by young people, parents and professionals.
- b. Victims should be given the opportunity to attend the trial in another city
- c. Victims and their families should be given the opportunity to give evidence from another Court building or agency office to avoid contact with perpetrators and their families
- d. The trial should be planned in a way that allows the Judge and Barristers involved to conclude legal arguments and agree what evidence will be used prior to victims being called to Court.

- e. Barristers should use language and terminology that relates to child abuse not adult prostitution. They should be less aggressive and more understanding of the complex needs and issues of these young people.
 - f. If historic information about the child is disclosed in Court this should be professionally interpreted for a jury, rather than just used to undermine their credibility by the defence barrister
 - g. Unsubstantiated opinions should not be disclosed in Court to undermine the character of the child.
 - h. Timeframes to bring trials involving children to Court should be significantly reduced to avoid undue stress and reduce negative impacts.
3. **Other recommendations:**
- a. Content of records
Professionals should not put opinions or hearsay in reports about young people unless they can substantiate information or are qualified to give that opinion, given the risk it will be released into Court and potentially misinterpreted.
 - b. Support to parents
Parents should be offered consistent support and be involved in the support planning for their children.
 - c. Support to non-witnesses
There was recognition that support to young people who were victims or witnesses but not involved in the trial was patchy; in future trials they should be offered consistent and equal support to those victims who are taking part.
 - d. Resourcing support
A strong recommendation that workers involved in supporting young people during the trial have case loads reduced so they can provide intensive and reactive support to the victims.
 - e. Therapeutic support pre and post-trial
The young people in this case had access to therapeutic support throughout the trial which proved very valuable. Post-trial, young people should be advised of existing support and arrangements for support in the future when they are adults
 - f. Post trial
There should be a debrief meeting for professionals to discuss the outcome at court and to agree the next steps and implementation of any recommendations

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