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Our Ref: IM-FOI-2015-0088



Sir Stephen House QPM
Chief Constable

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FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
SUBJECT: Child Sexual Exploitation

I refer to your request for information received 12 January 2015, regarding the above which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

- 1. How many child sexual exploitation (CSE) crimes were recorded by your force in 2011, 2012, 2013 and 2014?**
- 2. How many recorded child sexual exploitation (CSE) were “no-crimes” in your force in 2011, 2012, 2013 and 2014? “No-crimes” are incidents that have been recorded as crimes but have then been “no crimed” where it is judged by the police that no crime actually took place.**

If providing the above information would exceed the cost limit then please provide the data for as many years as possible, working back from 2014.

If the force does not categorise crimes as CSE then please provide figures for the most appropriate category – e.g. child sexual offences.

I am afraid that your questions are not straightforward to answer for a number of reasons that I will endeavour to explain.

Firstly, there are a number of definitions in existence that describe criminal behaviour associated with Child Sexual Exploitation (CSE). One definition contained within Public Petition Committee’s 1st Report 2014 identifies CSE in Scotland as:

‘Any involvement of a child or young person below 18 in sexual activity for which remuneration of cash or in kind is given to the young person or a third person or persons. The perpetrator will have power over the child by virtue of one or more of the following – age, emotional maturity, gender, physical strength, intellect and economic and other resources e.g access to drugs.’

CSE is recognised as being a complex form of child abuse and the fundamental priority of Police Scotland in responding to all forms of child abuse is to keep children safe. We do this by working in partnership with a range of statutory and voluntary organisations following the principles of the National Guidance for Child Protection in Scotland 2014, published by the Scottish Government.

In terms of crime recording, CSE covers a broad range of criminal activity and does not correlate to a specific criminal offence, but rather can involve a range of differing offences. Therefore it is not a simple case of searching our crime systems to retrieve the information you have asked for.

The matter is further complicated as the definition of a child can be defined differently in different legal contexts in Scotland, and on occasion even within the same legislation. For example the Sexual Offences (Scotland) Act 2009, details a number of offences that are dependent on the age of the child as follows:

- the sexual abuse of a child under the age of 13, known as a 'young child'
- the sexual abuse of a child who is 13 but under 16, known as a 'older child'
- the sexual abuse of persons under 18 by a person in a position of trust.

Unfortunately, at this time the level of data you have requested is not held on a single system. Biographical information is still recorded on legacy crime recording systems, which operate independently from each other and were in existence prior to the establishment of Police Scotland on the 1st April 2013.

Whilst robust statistical analysis can be made of the data held on these systems, they are not at present designed to enable the retrieval of the information you have asked for, given the range of crime types that fall within the broad definition of CSE and the different definitions of a child associated with the variety of legislation.

To explain, the differing nature of these systems would mean that the only way to provide you with this information in an accurate and consistent manner would be to individually identify crime reports relating to criminal behaviour that may be indicative of CSE recorded on each system. Thereafter an analysis of the circumstances of each crime report would require to be undertaken to determine if the criminal conduct reported did fall under the broad definition of CSE.

I am sure you will appreciate that to provide you with the information you have requested would be a considerably time consuming as such this task would exceed the cost limits set out under FOI(S)A, and I must advise that 12(1) of the Act applies to your request: excessive cost of compliance.

Should you require any further assistance concerning this matter please contact me directly on 01382 596656 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance and within 40 working days of receiving this letter to request a review of the decision made by the Service. Should you wish to do so, contact details are; Police Scotland, FOI Central Processing Unit, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH. (Or email foi@scotland.pnn.police.uk).

Once informed of the review decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. The contact details are: Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610. Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely,

Charmaine Goody
Information Management