Written evidence submitted by JBS-R Associates

Executive Summary

• Evidence as to success of focusing criminal sanctions on the buyers of sex and the decriminalisation of those who sell sex and see them as victims.
• Evidence as to what needs to be in place to support those who wish to exit from prostitution.
• Provable evidence of savings of £2 for every £1 spent within the strategy and there were many other areas of savings too.

About The ‘Make a Change’ Team

1. Suffolk County Council and Suffolk Constabulary were the two lead partners alongside Ipswich Borough Council, the Drug and Alcohol Action Team, health, probation and the VCS in forming a multi-agency team to tackle both ‘on’ and off street prostitution in Ipswich in 2007, following the multiple murders of street sex workers in Ipswich in December 2006. The ‘Make a Change’ team were one of the few response teams formed from the statutory sector: Traditionally the main operational support had been from the VCS. The team supported over 130 individuals who were engaged in on and off street prostitution. A key aim of the strategy was to remove on street prostitution, and this was successfully achieved after only two years and has been sustained even now. I was the lead assistant director at Suffolk County Council at the time.

Evidence relating to the inquiry’s terms of reference

Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.

2. The approach taken in Ipswich was to shift the focus from viewing on-street sex workers as offenders to one which viewed them as victims, and to focus the criminal justice emphasis on to the kerb-crawlers seeking their services (Matthews, 2005). A zero-tolerance policy for kerb-crawlers, enforced in 2007 was to arrest (taking photographs, fingerprints and DNA) in every case, administer a Caution (a recorded verbal warning), where they admitted guilt and then to serve an Acceptable Behaviour Contract (ABC) for a first offence; to charge and apply for an Anti-Social Behaviour Order on Conviction (CRASBO) for a second offence; and to charge with an offence and a breach of the CRASBO for a third offence.

The Strategy’s objectives for tackling demand covered a range of high profile activities including making changes in the physical environment to improve surveillance of sex work-related activities which would including kerb-crawling. These included installing CCTV cameras in strategic locations and carrying out high visibility and intensive police patrols. Enforcement was also more active, reducing from three to one the numbers of letters sent to observed kerb-crawlers before prosecution. As the 2008 EVISSTA study found, these strategic policies had a swift and marked effect, in reducing levels of kerb-crawling activity, with only 3 kerb crawlers out of 134 who had been arrested once, being arrested for a...
second time in the first year of the Strategy and only 1 eventually being followed by a CRASBO.

What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.

3. Prostitution absolutely constitutes violence against individuals, whatever an individual's age, gender or sexuality. Research indicates that for the greater majority of prostituted individuals, the experience is one that involves physical, psychological and sexual violence, which may then cause significant physical and emotional harm. Such harms are long lasting and can often require intensive therapeutic intervention in an attempt to ameliorate the physical and mental assaults inflicted. The Crown Prosecution Service's recognition of prostitution as violence against adults and children enables greater awareness of the fact that vulnerable individuals, whatever their gender or age, are more likely to be at risk of, or subject to coercive sexual exploitation into prostitution. (Such vulnerabilities include learning disability/difficulty, mental health disability/difficulties, those fleeing domestic violence, poverty, those rendered vulnerable as a consequence of childhood neglect and abuse, addiction, homelessness, ‘missing’, those excluded from school and those who are trafficked. Such recognition of prostitution as violence against women and children acknowledges the power differentials at play in coercive and controlling crimes of exploitation, and a vulnerable subject’s inability to resist or attempt escape (when resistance may well provoke even greater levels of violence and subjugation for either themselves or their families).

What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured.

4. The Modern Slavery Act 2015, places renewed focus on the National Reporting Mechanism (NRM). This was introduced in 2009 to meet the UK’s obligations under the Council of European Convention on Action against Trafficking in Human Beings. At the centre of every participating country’s NRM is the process of locating and identifying “potential victims of trafficking” (this was widened in July 2015 to include all victims of Modern Slavery following the implementation of the Modern Slavery Act).

The NRM is I believe, currently the only means of data collection, and this must have a bearing on the accuracy of reporting the true position, not least of which reason is that:

• Not all victims would wish to be referred to authorities for support and help and for a number of reasons, not least of which may be the threat of retribution from perpetrators.
• Not having this cohort registered through the NRM makes it difficult to locate and identify and provide safeguarding provision to them if they are subsequently further moved around as part of the trafficking crime.
• UK adults and children may not always have been identified as trafficked. Regrettably, the term trafficked has often been understood to refer to only those trafficked “into”, rather than “around” the UK.
• That awareness about the predictive indicators of trafficking and it’s recognition has previously been low, both within the police force and local authorities, which has hindered proactive identification of the offence.
• If a child is already in receipt of care, local authorities may not necessarily have seen the benefit of referral in to the NRM.
• Reinforcing focus on the benefit of registration with the NRM will enable identification and location of those vulnerable victims if they subsequently go missing as a consequence of further trafficking activity. Strengthening awareness and knowledge about the crime and the corrosive effect on its victims will enhance the support and
advice mechanisms available to them. As a consequence of robust support and advice, victims may then and only then, feel sufficiently confident in identifying their persecutors.

- The Modern Slavery Act, 2015 will enable the prosecution of offenders, since all Modern Slavery offences are now considered as ‘criminal lifestyle offences’- i.e. crimes against the person which are motivated by profit.
- The Modern Slavery Act requires the courts to pay particular attention to the victims age, disability (mental or physical) and where relevant, family relationships, when considering the offence. (i.e. the court will consider the level of vulnerability of the child /adult in assessing the degree of coercion visited upon them).
- Sentences have been increased for perpetrators.

Whether further measures are necessary, including legal reforms, to:  
Assist those involved in prostitution to exit from it  
5. Without having dedicated resources available to support those individuals who wish to exit from prostitution there is little chance of reducing prostitution. As indicated earlier the Make a Change team was formed to ensure that there was routes out for those engaged in prostitution. The focus of the team was to initially fast track those vulnerable individuals engaged in prostitution into drug / alcohol treatment services, safe accommodation and ensure that benefits were in place. This then allowed for other types of support to be put in place. Emotional support and increasing individual's self-confidence and self-worth was crucial. As was contraception, sexual health and making sure that service users were registered with doctors and dentists. Providing telephone support out of hours and building a long term professional relationship all helped to break down barriers and engage service users. Recognition that change would take a long time and that it had to be at the pace of the individual was an important principle. There was the need to coordinate interventions which occurred through a case conferencing and review meeting often attended by up to 15 different organisations. The team would have benefitted by having quicker and more access to mental health services and counselling. The work of the team had to be supported by an agreement and strategy across all the relevant organisations and endorsed at strategic level. Having an explicit piece of legislation that requires local agencies to come together and provide holistic services to individuals who wish to be supported to exit prostitution would ensure a sea change in how response to the issue was made. The work undertaken in Ipswich clearly demonstrates that it is not inevitable those individuals cannot exit from prostitution and that individuals should not be criminalised for the sexual exploitation they experience. A link to the evaluation undertaken by UEA is below:
http://www.suffolk.police.uk/newsevents/newsstories/2012/may/prostitutionstrategysuccess/idoc.ashx?docid=aa28f25f-c38e-4b60-af2f-05b640fd052b&version=-1

- Increase the extent to which exploiters are held to account

- Discourage demand which drives commercial sexual exploitation

Declaration of interests
JBS-R Associates is a not for profit company limited by guarantee and has no conflicting interests to declare.

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