

The Rt Hon. the Baroness Chakrabarti CBE  
House of Lords  
London  
SW1A 0PW

17 December 2025

Dear Baroness Chakrabarti,

### **Crime and Policing Bill: child criminal exploitation**

Thank you for your valuable contribution to the debate on child criminal exploitation provisions in the Crime and Policing Bill in Committee on 27 November (Hansard, columns 1427-1439). You asked me to reflect on whether the new offence at clause 40 adequately captures adults who enable a child's offending in addition to adults who cause a child's offending and the potential distinction between the two.

Let me be clear that the offence is not limited to cases where a child has in fact been caused to commit an offence. In that sense, proving causation is not necessary for the offence to be committed; instead, prosecutors will only need to prove that the adult *intended* to cause the child to commit criminal conduct. The child criminal exploitation offence will be committed regardless of whether the child's offending occurs as a direct result of the adult's conduct or indeed regardless of whether the child goes on to commit the criminal activity intended by the adult at all.

Framing the offence simply around the adult's intention to cause a child to commit crime means the offence can prosecute adults where the offender's intention is that the child will commit an offence as a consequence of their conduct. We believe this will capture perpetrators for a range of ways that they may seek to draw children into criminality, including where they enable, or as similarly put in the explanatory notes to the Bill, arrange or facilitate a child's offending. Many actions that might be described as enabling a child to commit an offence would also be causative. For example, where the perpetrator supplies a drug to a child and makes arrangements for them to deal to drug users, they have both sought to cause and enable the child to commit a drug offence. Without the perpetrator's enabling acts of supplying the materials and arranging the plans, the child would not have been able to commit the drug offence and in that sense will have been caused to, and it will have been the offender's intention that they be so caused to.

I do accept that enabling a child to commit crime will not in every instance meet the threshold for intending to cause a child to commit crime. Taking its ordinary meaning, "to enable" means "to make it possible for something to happen". To criminalise adults as exploiters of children for simply "making it possible" for a child to commit an offence, without any qualification as to what they intended to make the child do in consequence, would risk taking the offence somewhere quite different.

The offence seeks to criminalise adults who do something culpable in respect of a child that they intend will lead the child into criminal behaviour. If the adult's action is not intended to cause or even facilitate the causing of criminal behaviour, it is hard to see how it can be characterised as exploitation. It is not the Government's intention to criminalise adults by this offence for being more loosely connected to a child's own criminal conduct which the child has instigated themselves. Alternative criminal offences exist for the penalisation of such conduct, in particular the inchoate offences under Part 2 of the Serious Crime Act 2007 and principles of secondary liability. As we heard during the debate in Committee, this is a complex area where the lines between perpetrators and victims are often blurred. If an adult merely enables the child to do something, the power imbalance involved in exploitation because of the direction of causation is not in play.

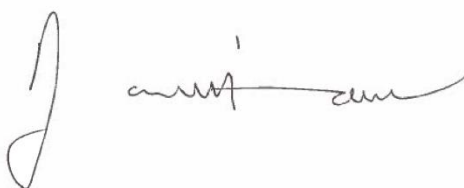
I would also like to highlight for your consideration some other ways that the legislation has been designed to capture the actions of perpetrators which are not directly causative of a child's offending but which allow us to firmly place blame on the adult:

- Clause 40(1)(a) captures the adult's conduct which is done 'in respect of' the child (as well as 'towards' the child). This seeks to allow the offence to capture everything the adult has done to shape the conditions around the child which they intend to cause them to commit crime, not just where they have directly engaged the child.
- Clause 40(1)(a)(iii) captures where an adult intends to make it easier to cause a child to engage in criminal activity in the future, which seeks to better capture the earlier stage grooming and recruitment of children.
- Clause 40(3) puts beyond doubt that where, for example, a more senior gang member directs a subordinate to get a child to carry out criminal activity, the senior directing offender can be caught.
- Clause 41 sets out how it is to be proved a defendant intended to cause a child to engage in crime. It effectively seeks to focus the proof of blame for the elements of the underlying offence which make the act done criminal onto the adult. The defendant needs to intend the child to do the act which is criminal, but the mens rea elements of the end offence can be made out based on what the adult's state of mind was, rather than that of the child.

I hope this response will alleviate your concerns and assure you that we have reflected seriously on your points raised in Committee.

I am copying this letter to Lord Davies of Gower, Baroness Brown of Silvertown, Baroness Butler-Sloss, Baroness Fox of Buckley, Lord Russell of Liverpool and Baroness Doocey. I am also placing a copy in the library of the House.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Hanson', with a long horizontal flourish extending to the right.

**Lord Hanson of Flint**