Home Office

# Equality Impact Assessment [EIA] – Crime and Policing Bill Child Sexual Abuse and Violence Against Women and Girls Measures

## 1. Name and outline of policy proposal, guidance, or operational activity

This Equality Impact Assessment (EIA) covers the following measures included in the Crime and Policing Bill:

1. Measures to combat Child Sexual Abuse
2. Stalking Measures
3. Child Criminal Exploitation
4. Cuckooing
5. Removal of Supervision Exemption regulated activity to allow check of the children's Barred List
6. Adding grooming as an aggravating factor
7. Management of Registered Sex Offenders (RSOs)

**Measures to combat Child Sexual Abuse**

This EIA refers to a collection of measures related to child sexual abuse which are designed to keep legislation up to date with the changing nature of online sexual abuse, increasing prevalence of Artificial Intelligence (AI) child sexual abuse material (CSAM), and prevent the creation and distribution of images. The primary target of these measures are offenders committing child sexual abuse related offences. The measures will also impact directly on law enforcement and Border Force officers who will need to have due regard for the new measures and apply them in practice. Indirectly the measures could have impacts on victims of child sexual abuse.

The EIA has therefore been prepared to understand the potential impacts on the following:

- Child sexual abuse offenders including those facilitating access to child sexual abuse materials (direct impact)
- Law enforcement and Border Force Revenue and Customs officers (direct impact)
- Victims of child sexual abuse (indirect impacts)

These measures are:

i. Creation of new offence which criminalises the creation, possession, or distribution of such digital files or models which are designed to create CSAM

Child sexual abuse offenders are using AI models to generate photorealistic CSAM. This imagery often depicts the most severe and graphic forms of child sexual abuse, can be used to generate abuse images of "real" children – including those known to the victim – serves to

normalise the sexual abuse of children, and increases the volume of child sexual abuse material available, which could affect identification of “real” victims.

There is a need to close a legislative gap where possession of a tool (a child sexual abuse image generator) which is being used for the sole purpose of creating CSAM (which is itself an offence to produce, possess or distribute) is currently not criminal.

Therefore, the Bill creates a new offence which criminalises the creation, possession, or distribution of such digital files or models which are designed to create CSAM.

ii. Expansion of Border Force powers to require a passenger to unlock their digital device to be searched for CSAM.

Demand for and possession of digital CSAM has grown exponentially in recent years. The change will restore Border Force powers by bringing the Customs and Excise Management Act 1979 (CEMA) into the digital age.

As part of their duties at ports of entry and departure, Revenue and Customs officer may suspect an individual to be in possession of CSAM on a locked digital device. However, officers will be unable to use the CEMA section 159 power to search the device, as if a passenger withholds the digital access key/code, the officers have no power available to require its disclosure in an intelligible form. If there is no other reason to examine, the suspect must be allowed on their way with incomplete CEMA examination.

The proposal is to expand Border Force powers under CEMA to require a passenger to unlock their digital device to be searched for CSAM.

The digital device search would use specialist technology to scan for image hashes – essentially unique digital fingerprints – which match known illegal material contained in the Child Abuse Image Database (CAID). It will not identify evidence of other criminality nor will it identify child sexual abuse images which are unknown to CAID.

The introduction of these powers will bring the refusal to provide the digital access key/code under the existing offence of Obstruction of a Revenue and Customs Officer. Therefore, should a passenger refuse to provide access as requested, they could be arrested for the offence of obstruction and their digital devices seized as liable to forfeiture, to enable a lawful search of them through National Crime Agency (NCA)/ police forensic retrieval.

iii. Creation of a new offence which criminalises the provision or maintenance of an electronic service that facilitates the production or distribution of CSAM.

The growing scale of child sexual abuse is facilitated and driven by the internet. Offenders use electronic services such as closed forums, darkweb servers or invite-only messaging groups to share CSAM, network with other offenders, offer access to children, and share tradecraft to avoid detection by law enforcement. Currently there is no specific offence related to providing or maintaining an electronic service which facilitates the production or distribution of CSAM. Without maintenance of an electronic service such as a darkweb server, offenders would not be able to access or share child sexual abuse images as they are prohibited on mainstream sites. Child sexual abuse forums or closed messaging groups are known to have rules set by moderators including requests for all participants to share imagery to gain access – and in some cases to share first generation imagery to access

more exclusive content, inciting contact abuse to produce that imagery. Technically sophisticated administrators can use tradecraft such as encryption to frustrate law enforcement ability to identify users and members of their child sexual abuse site.

The lack of a specific offence covering this behaviour has been flagged as a risk by Crown Prosecution Service (CPS). Offences related to possession and distribution of indecent images of children do not reflect the leading role that admins and moderators of child sexual abuse sites or groups play in facilitating other offenders' behaviours.

When charging for this activity, CPS are currently using section 50 of the Sexual Offences Act 2003 – arranging or facilitating sexual exploitation of a child, or inchoate offences relating to encouraging / assisting an offence. CPS have flagged this as a risk – they believe it is only a matter of time before an offender successfully challenges the use of these offences by downplaying their role in administrating/moderating a site/group as too remote and unable to be linked to a tangible instance of offending. However, the Department knows that these actions are key in sustaining online child sexual abuse offending.

iv. Creating a new offence possession of a paedophile manual related to possession of guidance on creating synthetic or partially synthetic CSAM.

There is intelligence as well as operational evidence that child sexual abuse offenders are using AI models to generate photorealistic child sexual abuse material. A photo-realistic AI generated indecent image of a child could be categorised as a photograph or pseudo-photograph depending on whether the means of creation are known or on the quality or realism of the act depicted.

Currently, it is an offence under section 69 of the Serious Crime Act 2015 to be in possession of any item that contains advice or guidance about abusing children sexually, including to take, distribute or possess an indecent photograph of a child. However, this offence specifically excludes pseudo-photographs.

The gap in current legislation which allows individuals to possess detailed guidance on how to create photo-realistic child sexual abuse material could be closed either through creation of a standalone offence or amending section 69 to ensure that the Paedophile Manual offence covers pseudo-photographs.

**Stalking Measures**

Introduce legislation that enables the court to make a Stalking Protection Order (SPO) on conviction or acquittal of their own volition. Currently, they are only available on application by the police to a magistrate's court.

Introduce guidance for agencies involved in identifying stalkers, pursuing stalkers, and protecting victims. There will also be statutory guidance on empowering the police to give victims of stalking the Right to Know the identity of their online stalker.

**Child Criminal Exploitation (CCE)**

The Bill creates a new offence to criminalise any adult who uses a child for the purpose of involving them in criminal activity. Culpability will be restricted to adults aged 18 and over

and victims will be limited to children under the age of 18. The offence will be punishable as an either way offence, with a maximum penalty on indictment of 10 years' imprisonment. The Bill also creates two new bespoke civil preventative orders to prevent CCE conduct from occurring or re-occurring. CCE orders will be able to impose conditions (prohibitions and/or requirements) on someone who has, by their acts, shown they are at risk of committing CCE conduct, which are necessary to protect children from the risk of being criminally exploited. Breach of an order will be a criminal offence with a maximum penalty of five years' imprisonment.

This measure also confers a power on the Secretary of State to issue (and, as appropriate, revise) statutory guidance to support implementation of the new CCE offence and orders and ensure that they are used effectively. The Bill places a duty on relevant bodies, such as the police and other applicant bodies, to have due regard to the guidance, when published, in exercising relevant functions.

Finally, the Bill adds the CCE offence to the list of offences that are considered to be a 'criminal lifestyle offence' when calculating a confiscation order under the Proceeds of Crime Act 2002, the regime that confiscates monetary gains from criminals.

**Cuckooing**

'Cuckooing' refers to the practice whereby criminals take over the dwelling of another person to use it for criminal purposes. It is a common tactic used in exploitative drug supply and is linked to violence and anti-social behaviour.

The Bill creates a new offence criminalising the exercising of control over another's home for the purpose of enabling the home to be used in connection with specified criminal activity without the victim's consent. The offence attracts a maximum penalty on conviction of five years' imprisonment, a fine, or both.

The Government will additionally issue non-statutory guidance for police and partners to support implementation of the offence and strengthen the frontline response to both perpetrators and victims of cuckooing.

The Bill also adds the cuckooing offence to the list of offences that are considered to be a 'criminal lifestyle offence' when calculating a confiscation order under the Proceeds of Crime Act 2002, the regime that confiscates monetary gains from criminals.

**Removal of Supervision Exemption**

This provision would remove the 'supervision exemption' from the definition of regulated activity in the child workforce so that an individual working closely and regularly with children would be in regulated activity, whether they are supervised or not. This would allow employers of such roles to ask potential employees or volunteers for an enhanced with children's barred list check.

This provision, once it comes into force, will mean that a barred person would be committing an offence if they applied for one of these supervised roles, which the provision brings into regulated activity. It will also mean that an employer who employs or engages a barred person in one of these supervised roles would be committing an offence.

**Grooming Aggravating Factor**

This measure reforms the sentencing framework to introduce a new statutory aggravating factor for grooming behaviour.

**Management of RSOs**

These provisions amend Part 2 of the Sexual Offences Act 2003 ('the 2003 Act'). Part 2 of the 2003 Act is the legislative framework for the police's administration of the notification requirements for registered sex offenders (RSOs). The changes are:

a. Lower the authorising rank for section 96B warrant applications to enter an RSO's home to conduct a risk assessment from superintendent to inspector and remove the requirement for a superintendent to attend court personally.
b. Require RSOs with convictions for child sex offences to notify in advance if they are entering or remaining in a household or other private place where a child resides or stays.
c. Create a power for the police to issue a notice to RSOs deemed to pose a risk to children (but without convictions for child sex offences) requiring them to notify as in (b) above.
d. Require RSOs with convictions for child sex offences[1] and/or those that have received a notice under (c) above to notify the police within three days where they have had unforeseeable (and unnotified) contact with a child.
e. Make prospective a requirement to notify absences from a previously notified address for more than five days:[2]
f. Give the police a power to receive notification virtually in certain circumstances.
g. Give the police a power to proactively consider – and if suitable – remove indefinite notification requirements after the 15-year statutory minimum.
h. Create a power for the Secretary of State to issue guidance to the police about the disclosure of police information for the purposes of preventing sexual harm ("the information disclosure guidance").[3]
i. Introduce a time-limited and targeted restriction on RSOs' chances of name on official documentation. The prohibition will last as long as the offender was subject to the notification requirements and failure to comply would be a criminal offence punishable by up to five years' imprisonment (in line with the penalty for breach of the notification requirements[4]).

## 2. Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

The evidence considered in considering the duty include crime statistics, national statistics, offender profile statistics and available research.

[1] 'Child sex offences' will include those covered in Schedule 34A of the Criminal Justice Act 2003
[2] This is essentially a copy of the Northern Ireland requirement save that the absence from a previously notified address in Northern Ireland need only be three days.
[3] There is an analogous provision in section 77 of the Domestic Abuse Act 2021. The new power would enable the Child Sex Offender Disclosure Scheme guidance to be made statutory and would enable additional guidance regarding sexual harm against other types of victims or in other specified circumstances to be statutory when introduced.
[4] Sexual Offences Act 2003, Part 2, s.91(2)

The Department has particularly considered the following:

**Measures to combat Child Sexual Abuse**

**A. Offender data – Criminal Justice System statistics quarterly: June 2024**

The Ministry of Justice publishes quarterly trends in the use of out of court disposals, defendants prosecuted, offenders convicted, remand and sentencing decisions in England and Wales.

- Ministry of Justice, 'Criminal Justice System statistics quarterly' (Year ending June 2024: Outcomes by Offence data tool) Criminal Justice System statistics quarterly: June 2024 - GOV.UK

It should be noted this data only covers the protected characteristics of sex, ethnicity and age. The Department does not have specific data for the other protected characteristics. It also should be noted these are only statistics of those convicted so does not represent all those that commit CSA offences.

Age
Ministry of Justice (MoJ) statistics suggest child sexual abuse appears to be conducted by perpetrators of all ages, but child sexual abuse offenders have been shown to not follow the normal age crime curve, which is where criminality becomes less prevalent with increased age. The most common age range for convicted indecent image of children (IIOC) offenders was 30-39 in June 2024 (22%).

Ethnicity
MoJ statistics suggest child sexual abuse appears to be conducted by perpetrators of all ethnicities. However, most commonly 68% of those convicted of IIOC cases are of a White ethnic background.

Sex
98% of individuals convicted of child sexual abuse offences are male.

**B. Offender data – Analysis of Police Recorded Crime: 2022**

The Vulnerability and Knowledge Practice Programme (VKPP) in collaboration with the National Police Chief's Council (NPCC) published their first annual report on their analysis of data collected on CSAE offences from police forces across England and Wales.

- National Police Chiefs' Council, 'National Analysis of Police Recorded Child Sexual Abuse & Exploitation (CSAE) Crimes Report: January 2022 to December 2022' National Analysis of Police-Recorded Child Sexual Abuse & Exploitation (CSAE) Crimes Report - January 2022 to December 2022

It should be noted that not all offender data is complete by police forces, and therefore these statistics only represent offenders of CSAE police recorded crimes where information is available. Therefore, there are limitations to the police data on perpetrator demographics as analysis is likely skewed towards cases with younger "perpetrators" who may more readily come to the attention of the police and have their age recorded.

Age

Data from a subset of police recorded crime for indecent image of children offenders (IIOC), where age was known, suggests a slightly younger age group with an average of perpetrators of 26 in 2022.

### C. Victim data – Crime Survey for England and Wales: 2019

The Office for National Statistics (ONS) published statistics measuring child sexual abuse crimes. This includes an analysis of responses by members of the public completing questions on child sexual abuse experiences in the 2019 Crime Survey for England and Wales (CSEW), as well as police recorded crime data. These statistics refer to data collected by the survey respondents who completed the CSEW.

- Office for National Statistics, 'Child sexual abuse in England and Wales: year ending March 2019' Child sexual abuse in England and Wales - Office for National Statistics

Sex
11.5% of women reported having experienced child sexual abuse before the age of 16, compared to 3.5% of men. The same report estimated that across the population, 77% of those who experienced child sexual abuse are female.

### D. Victim data – Truth Project: 2022

The Independent Inquiry into Child Sexual Abuse (IICSA) published reports on the experiences of victim and survivors of child sexual abuse as part of the Truth Project completed in 2021.

- Independent Inquiry into Child Sexual Abuse, 'IICSA Truth Project: Dashboard: June 2016- October 2021' https://webarchive.nationalarchives.gov.uk/ukgwa/20230103112937/https://www.iicsa.org.uk/key-documents/31164/view/truth-project-dashboard-final-2022.pdf

Sex
70% of those who took part in the Independent Inquiry into Child Sexual Abuse's (IICSA) Truth Project were female.

### E. Victim data – Internet Watch Foundation: 2023

The Internet Watch Foundation (IWF) publishes annual statistics on the reports and webpages they have identified as containing child sexual abuse imagery. Statistics are included on the sex of victims identified in the images.

- Internet Watch Foundation, 'IWF Annual Report 2023' Analysis by Sex | IWF 2023 Annual Report

Sex
97% of indecent images of children (IIOC) victims were female. 1% of images had male victims and 2% had both sexes.

There were 176 reports of sexual extortion that contained child sexual abuse material in 2023, of which 91% concerned male victims.

## Stalking Measures

When considering whether to introduce the measures outlined, the Department considered the following sources of evidence:

1. The ONS Crime Survey for England and Wales (2024). This dataset covered the year ending March 2024.[5] The Survey contains a section on Stalking based on a self-completion module.
2. A study conducted by the Mayor's Office for Policing and Crime (MOPAC) into stalking in London.[6]
3. Existing information already in the possession of policy officials about the police response to stalking, derived from policing, sector stakeholders and others.
4. A systematic literature review into cyberstalking from 2021.
5. A study by Storey et al (2023) into the impact of staking and its predictors.[7]

**Child Criminal Exploitation**

As CCE is not yet its own standalone offence, it is recorded inconsistently across police force areas, resulting in a lack of national data on its prevalence and impact. This limits the department's ability to assess the effect of this policy on protected characteristics.

While there is a lack of comprehensive national data, in demonstrating due regard to the Public-Sector Equality Duty, the Department's analysis of the impact of this policy has been informed by some data sources from statutory agencies where available, for example, Children in Need Census data, National Referral Mechanism data and police data held by the National County Lines Coordination Centre (NCLCC). The Department has also drawn on the evidence of experts, including the Children's Commissioner estimates and reports from non-Government organisations. The Department anticipates that the introduction of a standalone offence will aid future data collection on offenders and victims of CCE in the future.

The below summary covers the current available data across several protected characteristics. The Department does not currently hold relevant any data on gender reassignment, maternity and pregnancy, marriage or civil partnership, sexual orientation, or religion. This EIA will be amended if this data becomes apparent.

Age

Available data is limited on the prevalence of CCE and number of offenders, or on the total number of criminally exploited children. Where data are available, for example Children in Need (CiN) data, they are likely to be an underestimate of the true prevalence, as they exclude children not known to social services.

*Victims*

Although adults can also be exploited for criminal purposes, victims of CCE are, by definition, children under the age of 18. In England, the latest Children in Need Census data

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5 https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/stalkingfindingsfromthecrimesurveyforenglandandwales

6 https://www.london.gov.uk/sites/default/files/2024-07/Stalking%20problem%20profile%20220724.pdf

7 The Impact of Stalking and Its Predictors: Characterizing the Needs of Stalking Victims - Jennifer E. Storey, Afroditi Pina, Cherise S. Williams, 2023

(for assessments in the year ending 31 March 2024) recorded 15,750 episodes of need where CCE was identified as a concern,[8] and the corresponding Impact Assessment for CCE estimates around 14,500 child victims each year. Demographic information for those identified as Children in Need show that those aged 10 and over make up the majority of Children in Need, making up 59% of the vulnerable cohort.[9]

National Referral Mechanism data suggests that victims of criminal exploitation are disproportionately children. In 2023, 4,715 referrals were for criminal exploitation only. Of these, 66% (3,123) of referrals were for children.[10]

Police data published by the NCLCC in its County Lines Strategic Threat Risk Assessment show that 22% of those individuals involved in County Lines are children, equivalent to 2,888 children recorded as involved in County Lines in FY23/24. The 23/24 Risk Assessment also assesses that most children involved in County Lines are aged 15 to 17 and that they are mainly recorded in the most dangerous 'runner' or 'workforce' roles within the drugs supply chain and linked to exploitation.[11]
In 2019, research by the Children's Commissioner estimated that 27,000 children were involved in gangs and up to 120,000 children faced risk factors linked to exploitation.[12]
The Children's Society have also found that 14 to 17 year olds are the most likely age group to be exploited by criminal gangs. Their evidence also showed that primary school children as young as seven or eight being targeted and exploited.[13]

*Perpetrators*

The 23/24 County Lines Strategic Threat Risk Assessment found that adults between 22 and 30 years of age make up the largest group of individuals recorded as involved in County Lines.[14]

Disability

Available evidence suggests that having a disability is an important vulnerability factor for CCE.

*Victims*

Existing evidence indicates that factors such as drug dependency, disabilities and social, emotional and mental health needs may increase an individual's vulnerability to

[8] Department for Education, Children in Need statistics (2024). Available at: https://explore-education-statistics.service.gov.uk/find-statistics/children-in-need
[9] Department for Education, Children in Need statistics (2024).
[10] Home Office, National Referral Mechanism and Duty to Notify statistics (2023). Available at: https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-end-of-year-summary-2023/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2023
[11] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024). Available at: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf
[12] Children's Commissioner, Keeping Kids Safe. Available at: https://assets.childrenscommissioner.gov.uk/wpuploads/2019/02/CCO-Gangs.pdf
[13] The Children's Society, Counting Lives: Responding to Children Who Are Criminally Exploited (2019). Available at: counting-lives-report.pdf
[14] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

exploitation.[15] Research undertaken by a number of non-government organisations, including Action for Children and the Centre for Social Justice, concurs that individuals with mental health issues, Special Educational Needs and Disability (SEND) or learning difficulties, including neurodivergence, are issues that can affect a person's capacity to make decisions, recognise or communicate that they are being exploited or access support, which can put them at greater risk of grooming and exploitation. [16]

The 23/24 County Lines Strategic Threat Risk Assessment identifies disability as one of a number of factors increasing vulnerability to county lines exploitation.[17]

Action for Children identified from a cohort of children and young people they reviewed that 82 of 140 young people (59%) were neurodiverse. Differences in ability to navigate relationships, identify risk or manage impulsivity were identified as vulnerabilities that increase a child's likelihood of exploitation.[18]

Race

Available data suggests that individuals of Black ethnicity are overrepresented as both victims and perpetrators of CCE relative to population size, but data on the ethnicity of perpetrators of CCE is limited.

*Victims*

The 23/24 County Lines Strategic Threat Risk Assessment found that in all regions (except London), the greatest proportion of children involved in county lines were of White ethnicity. However, in all regions, individuals of Black ethnicity are over-represented in comparison to the regional population data (based on the 2021 census).[19]

Missing episodes are a key risk factor of CCE. The 23/24 County Lines Strategic Threat Risk Assessment also found that while the majority of individuals with missing episodes where County Lines is believed to be an element or causal factor of the event were White (at 55%), Black individuals were more likely to go missing (at over 8 times) when looking at the data per capita. Black individuals went missing at a rate of 6.4 per 100,000 compared to 0.76 per 100,000 for White individuals. Of these individuals, around 88% were children.[20]

Furthermore, research highlights that children from Black and ethnic minorities are more likely to have multiple other risk factors, including adverse childhood experiences, poverty,

[15] Office for Health Improvement and Disparities, Vulnerabilities: applying All Our Health guidance (2022). Available at: https://www.gov.uk/government/publications/vulnerabilities-applying-all-our-health/vulnerabilities-applying-all-our-health
[16] See, for example: Action for Children, Shattered lives, stolen futures – The Jay Review of Criminally Exploited Children (2024). Available at: Shattered_Lives_Stolen_Futures_Report_-_Full_Report.pdf; and Centre for Social Justice, Criminal Exploitation: Modern slavery by another name (2024). Available at: https://www.centreforsocialjustice.org.uk/wp-content/uploads/2024/02/CSJ-JC_Criminal_exploitation.pdf
[17] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).
[18] Action for Children, I don't want to go down that road: The Harms Inflicted on Criminally Exploited Children (2024). Available at: "I don't want to go down that road": The harms inflicted on criminally exploited children | Action For Children
[19] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).
[20] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

neglect, family substance misuse and exclusion from school, which can put them at greater risk of being criminally exploited.[21]

Children from ethnic minorities as a whole are also overrepresented in the cohort of vulnerable children in England. As reported in the latest Children in Need Census data (for assessments in the year ending 31 March 2024), children from non-white ethnic groups combined make up 31% of the children assessed as needing help and protection as a result of risks to their development or health.[22] While this data is not limited to CCE, CCE is one of the factors that is recorded by Children in Need data. This is an overrepresentation in comparison with the overall child population reported in the 2021 census, which reported 27% of children as of non-white ethnicity.[23]

The Jay Review of Criminally Exploited Children assessed that it is unclear whether exploiters disproportionately target Black and minority ethnic children or if Black and minority ethnic children are more readily identified by police and other agencies due to racial bias. It highlighted, for example, that Black children are overrepresented in the criminal justice system generally, citing Black children made up 4% of children aged 10 to 17 in 2021, but 15% of child arrests, 18% of children stopped and searched and 29% of children in custody.[24]

The Commission on Young Lives assessed that black children, particularly teenage boys, are less likely to be seen as victims, and more likely to be viewed as 'offenders' and subject to 'adultification', where they are excluded from the perception of being vulnerable and experience punitive responses.[25]

*Perpetrators*

CCE takes place across England and Wales and as a result of the differences in the demographic make-up of communities affected, perpetrators cannot be attributed to certain ethnic groups. This position is further supported by a report from Crest Advisory, who found that particularly in areas with a lack of ethnic diversity, using local people as dealers draws far less attention than bringing in young people from other areas.[26]

The 23/24 County Lines Strategic Threat Risk Assessment found that in all regions (except London), the greatest proportion of adults involved in county lines were of White ethnicity. However, in all regions, adults of Black ethnicity are over-represented in comparison to the regional population data (based on the 2021 census).[27]

<u>Sex</u>

[21] Shaw, J. (2023) 'Won the Battle but Lost the War? 'County Lines' and the Quest for Victim Status: Reflections and Challenges', Youth Justice, 2023, available at: https://doi.org/10.1177/14732254231202673
[22] Department for Education, Children in Need statistics (2024).
[23] Office for National Statistics, Census 2021 (2023). Available at: Ethnic group by age and sex, England and Wales - Office for National Statistics
[24] Action for Children, Shattered lives, stolen futures – The Jay Review of Criminally Exploited Children (2024).
[25] Commission on Young Lives, Hidden in Plain Sight: A national plan of action to support vulnerable teenagers to succeed and to protect them from adversity, exploitation, and harm (2022). Available at: COYL-FINAL-REPORT-FINAL-VERSION.pdf
[26] Crest Advisory, Cutting the Head off the Snake: Addressing the Role Technology Plays in the County Lines Model (2022). Available at: Cutting the head off the snake - Final Report
[27] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

Available evidence suggests that males are more likely to be involved in CCE as both victims and perpetrators but there are likely barriers to the identification of women and girls.

*Victims*

National Referral Mechanism data suggests that victims of CCE are more likely to be male. In 2023, the majority of children (80%) referred were male; males were most often referred for criminal exploitation (34%); and 74% of referrals identified as county lines cases were for male children.

This is supported by the 23/24 County Lines Strategic Threat Risk Assessment which reported that 93% of all children linked to County Lines were male.[28] This also correlates with the slight over-representation of male children in the Children in Need population: for assessments in the year ending 31 March 2024, 55% were male, compared to 51% of the overall child population.[29]

However, there are likely barriers to the identification of women and girls as victims of CCE. The Commission on Young Lives has highlighted that "young women and girls who are affected by violence and gang-related activity often go unseen. These young women experience multiple vulnerabilities, trauma, and unmet need, and often face violence, intimidation, sexual abuse, and criminal and/or sexual exploitation".[30] Additionally, the Jay Review of Criminally Exploited Children assessed that the extent and nature of the criminal exploitation of girls remains unknown and that there is a complex overlap with sexual exploitation.[31] The 23/24 County Lines Strategic Threat Risk Assessment adds that "women and girls continue to be under-represented in County Lines, which is likely to be due to their role being more difficult for law enforcement to identify. It is possible that gender biases, including unconscious bias, mean that they are less likely to be interacted with by the police and therefore at greater risk, as there may be less intervention".[32]

*Perpetrators*

Males are more likely to be involved in county lines than females. The 23/24 County Lines Strategic Threat Risk Assessment estimates that approximately 14.3% of all nominals reported to be involved in county lines were female.[33] However, as above, there are likely barriers to the identification of women and girls as perpetrators of CCE.

**Cuckooing**

Cuckooing is localised and hidden by nature, making it challenging for professionals to identify. Since cuckooing is not yet its own offence it is recorded inconsistently across police force areas, resulting in a lack of national data on its prevalence and impact. This limits the Department's ability to assess the effect of this policy on protected characteristics.
While there is a lack of national data, academic sources and reports from statutory agencies have been drawn upon where available. The Department's understanding of cuckooing has

[28] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).
[29] Department for Education, Children in Need statistics (2024).
[30] Commission on Young Lives, Hidden in Plain Sight: A national plan of action to support vulnerable teenagers to succeed and to protect them from adversity, exploitation, and harm (2022).
[31] Action for Children, Shattered lives, stolen futures – The Jay Review of Criminally Exploited Children (2024).
[32] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).
[33] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024).

been further informed by engagement with a variety of key stakeholders such as the police, criminal justice system partners, local authorities, other Government departments, academics, non-governmental organisations, and the Devolved Governments.

The National County Lines Coordination Centre (NCLCC) Strategic Assessment April 2023 – March 2024[34] states that there were 728 drug lines recorded as using cuckooing as part of their business modus operandi in 2023/24. It is acknowledged that one drug line could be linked to multiple cuckooed properties, therefore this is likely an underestimate of the prevalence of cuckooing. The Strategic Assessment further details that during County Lines Intensification Week in March 2024, 1,228 properties were visited where cuckooing had been reported or was suspected. During the most recent County Lines Intensification Week (Nov 2024) police visited 853 individual cuckooed addresses in one week alone. These figures give us a partial picture of the cuckooing activity being seen by forces.
The below summary covers the current available information across several protected characteristics. The Department does not currently hold any information on race, religion, maternity, sexual orientation, pregnancy, and gender reassignment. This EIA will be amended if this data becomes apparent.

Age

Available data suggests that victims and perpetrators of cuckooing are most likely to be aged over 18.

*Victims*

Adults are likely to be victims of cuckooing as the practice requires a property to be taken over for the purpose of criminal activity. Therefore, people of an adult age (>18) are likely to hold the tenancy and as a result be targeted. Whilst there is no predominant vulnerability type for victims of cuckooing, academic research suggests that victims of cuckooing include those with the characteristic of being 'elderly'.[35][36]
While this is true, it is not impossible for children to be victims. Children may also be vulnerable to cuckooing where they live independently, for example, 16-17 year olds who live in supported accommodation.[37]

*Perpetrators / individuals involved in cuckooing activity*

As highlighted above, cuckooing is a key characteristic of county lines activity.
The Department knows that in 2023/24 22% of nominals linked to county lines drug supply were children,[38] therefore perpetrators of cuckooing are more likely to be adults.

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[34] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024). Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf
[35] College of Policing, 'Understanding and preventing 'cuckooing' victimisation' Available here: https://www.college.police.uk/research/projects/understanding-and-preventing-cuckooing-victimisation
[36] National Crime Agency, 'County lines gang violence, exploitation & drug supply' (2017). Available here: https://www.nationalcrimeagency.gov.uk/who-we-are/publications/234-county-lines-violen-ce-exploitation-drug-supply-2017/file
[37] Justice and Care, 'Criminal Exploitation: Modern Slavery by Another Name'. Available here: https://justiceandcare.org/policies-and-reports/criminal-exploitation-modern-slavery-by-another-name/
[38] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024). Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf

However, it is understood that it is often children and young adults who are used as "runners" to travel to and from cuckooed properties and as "sitters" to occupy the properties – they may be complicit in the control and abuse of cuckooing victims but may also be, or have previously been, victims of child criminal exploitation themselves.[39]

The NCLCC Strategic Assessment April 2023 – May 2024[40] found that 2,888 children have been recorded as having county lines involvement (victim or perpetrator) with the majority aged between 15-17 years. Younger people (<18) are much less likely to be in management roles and have authority within county lines networks. [41] Children are therefore less likely to be responsible for directing cuckooing activity which is the behaviour the cuckooing offence sets out to target.

Disability

Available data suggests that victims of cuckooing are likely to be targeted because they are vulnerable and are therefore may be likely to have mental and/or physical disabilities.

*Victims*

Cuckooing is a highly exploitative activity and those targeted may have physical or mental impairments. Existing evidence, including an NCA report, indicates evidence of the exploitation of vulnerable adults with learning difficulties, mental health issues and, to a lesser extent, physical disabilities through cuckooing situations.[42] Other sources evidence that those vulnerable to cuckooing can also include individuals with drug dependencies.[43] Existing evidence also indicates that factors such as drug dependency, disabilities and social, emotional and mental health needs may increase an individual's vulnerability to exploitation.[44] Research undertaken by a number of non-Government organisations concurs that individuals with mental health issues, Special Educational Needs and Disability (SEND) or learning difficulties, including neurodivergence, are issues that can affect a person's capacity to make decisions, recognise or communicate that they are being exploited or access support, which can put them at greater risk. [45]

*Perpetrators / individuals involved in cuckooing activity*

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[39] National Crime Agency, 'County lines drug supply, vulnerability and harm' (2018). Available here: https://www.nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file

[40] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment. Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf

[41] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment. Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf

[42] National Crime Agency, 'County lines gang violence, exploitation & drug supply' (2017). Available here: https://www.nationalcrimeagency.gov.uk/who-we-are/publications/234-county-lines-violen-ce-exploitation-drug-supply-2017/file

[43] College of Policing, 'Understanding and preventing 'cuckooing' victimisation' Available here: https://www.college.police.uk/research/projects/understanding-and-preventing-cuckooing-victimisation

[44] Office for Health Improvement and Disparities, Vulnerabilities: applying All Our Health guidance (2022). Available at: https://www.gov.uk/government/publications/vulnerabilities-applying-all-our-health/vulnerabilities-applying-all-our-health

[45] See, for example: Action for Children, Shattered lives, stolen futures – The Jay Review of Criminally Exploited Children (2024). Available at: Shattered_Lives_Stolen_Futures_Report_-_Full_Report.pdf; and Centre for Social Justice, Criminal Exploitation: Modern slavery by another name (2024). Available at: https://www.centreforsocialjustice.org.uk/wp-content/uploads/2024/02/CSJ-JC_Criminal_exploitation.pdf

As above, the county lines business model involves the exploitation of vulnerable people, which the Department understands includes, but is not limited to, people with disabilities as "runners" who may be found in cuckooed properties. The Jay Review of Criminally Exploited Children (2024) commissioned by Action for Children also suggests that criminally exploited children and young people often have Special Educational Needs and Disability, in particular neurodiversity.[46]

Race

Available data suggests that perpetrators or those involved in cuckooing activity are more likely to be of white ethnicity but that black individuals are over-represented. Data is not available on the ethnicity of victims of cuckooing.

*Victims*

Cuckooing takes place across England and Wales and as a result of differences in the demographic makeup of communities being affected; victims cannot be attributed to certain ethnic groups.

*Perpetrators / individuals involved in cuckooing activity*

The NCLCC Strategic Assessment 2023-2024 found that in all regions (except London), the greatest proportion of individuals involved in county lines were of White ethnicity. However, in all regions, individuals of black ethnicity, where recorded, are over- represented in comparison to the regional population data (based on the 2021 census).[47] Given that cuckooing is a tactic of county lines drug supply, this suggests that the same may apply to perpetrators of cuckooing.

Sex

Available data suggests that males are more likely to be involved in county lines than females and therefore males may be more likely to be involved in cuckooing activity. Data also shows that men are more likely to be treated for drug dependency and as victims of cuckooing often have drug dependency, men may be more likely to be victims of cuckooing, however this is a partial picture.

*Victims*

Both males and females can be targeted for cuckooing but there are likely barriers to the identification of women and girls, as seen more broadly in the county lines context. These can be cultural and police procedural barriers. The NCLCC Strategic Assessment 2024 notes that 'Women and girls continue to be under-represented in County Lines, which is likely to be due to their role being more difficult for law enforcement to identify. It is possible that gender biases, including unconscious bias, mean that they are less likely to be

[46] Action for Children Jay Review of Criminally Exploited Children 'Shattered Lives Stolen Futures'. Available here: https://media.actionforchildren.org.uk/documents/Shattered_Lives_Stolen_Futures_Report_-_Full_Report.pdf

[47] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024). Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf

interacted with by the police and therefore at greater risk, as there may be less intervention'.[48]

While it is understood that there are difficulties in identifying women and girls in these scenarios, the NCA has noted instances in a broader county lines context where vulnerable adult females can be targeted for cuckooing where gang members enter into relationships with them.[49]

Evidence from police and partners suggests that victims of cuckooing often have drug dependency[50]. While the Department has no evidence to inform the sex of cuckooing victims, it is understood that there are more men in treatment for substance misuse than women. [51] On this basis, it is possible that more men could be victims of cuckooing. However, this is only a partial picture.

*Perpetrators / individuals involved in cuckooing activity*

Males are more likely to be involved in county lines than females. The NCLCC Strategic Assessment April 2023 – May 2024 estimates that approximately 14.3% of all nominals reported to be involved in county lines were female.[52] However, as above, there are likely barriers to the identification of women and girls as perpetrators of cuckooing.
The insights above give us a partial, but incomplete picture of the victims and perpetrators of cuckooing who possess these protected characteristics.

**Removal of Supervision Exemption**

Those who may be impacted by this change will be individuals:

- who are barred by the DBS from working closely, i.e. in regulated activity, with children; and
- who currently work, or who intend to work, regularly with children in supervised roles in what would otherwise be viewed as regulated activity.

The supervised roles which will be affected would, under the current legislation, already be eligible for an enhanced DBS check, which contains unspent and spent criminal record information, subject to filtering rules, and any police information which a chief officer considers relevant and ought to be disclosed.

The impact of this change would be strongest for those who would have no other criminal record or police information which would be disclosed on the lower-level enhanced DBS check for which they would have been eligible and would share with employers. Research

[48] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024). Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf
[49] "County lines gang violence, exploitation & drug supply" (2016) National Crime Agency.
[50] National Crime Agency, 'County lines gang violence, exploitation & drug supply' (2017). Available here: https://www.nationalcrimeagency.gov.uk/who-we-are/publications/234-county-lines-violen-ce-exploitation-drug-supply-2017/file
[51] Adult substance misuse treatment statistics 2023 – 2024. Available here: https://www.gov.uk/government/statistics/substance-misuse-treatment-for-adults-statistics-2023-to-2024/adult-substance-misuse-treatment-statistics-2023-to-2024-report#peoplein-treatment-substance-sex-age
[52] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment. Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf

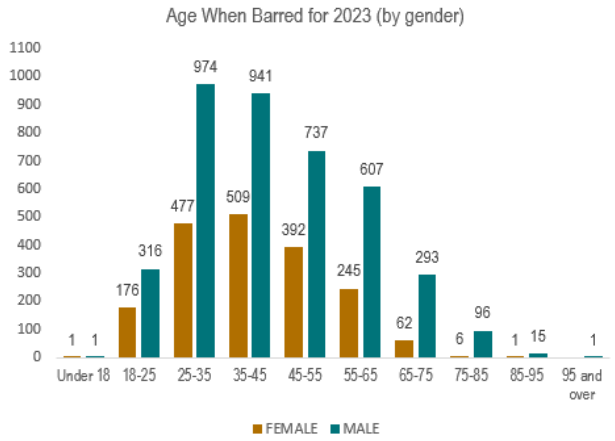
provided to the Independent Inquiry into Child Sexual Abuse by the DBS[53], looking at individuals added to the Children's Barred list from 1 April 2019 to 31 March 2020, confirmed that 7.3% of them (265 of 3,609 barred during that period) had no criminal record at the time of barring.

Individuals are considered by DBS for barring because of one of the following:

- having a conviction or caution for an autobar offence (serious violent or sexual offences);
- information disclosed by a chief officer on an enhanced DBS check;
- having been referred by an employer or other person due to causing harm or being a risk of harm to a child or vulnerable adult.

The Department understands that the majority of those on the barred lists are added because of having an autobar offence conviction or caution or because of police information on their enhanced checks, all of which would be likely to be disclosed on their DBS check.

The DBS holds age and sex information on those added to its barred lists. Figures provided by DBS show that those added to the barred lists via the referral route are evenly split in terms of sex; in 2022/23, 4210 (50.7%) men and 4101 (49.3%) women were added after being referred. The age range of most of those on the barred lists reflects the working age, with barring additions being mostly distributed from ages 20-65, as the graph below shows:




## Grooming Aggravating Factor

When considering the impact of the measure on people with protected characteristics, the Department considered the latest available Criminal Justice statistics (year ending June 2024) collected by the Ministry of Justice. The Department also considered statistics on convictions for sexual offences and where possible, statistics on specific offences relating to indecent images of children which are part of the measure. The Department compared these with data on the general sentenced population.

This measure aggravates offences only where the victim is under 18, and the offender is 18 or over, and where the offending was facilitated by or involved grooming. The Department

[53] https://webarchive.nationalarchives.gov.uk/ukgwa/20221215044750/https:/www.iicsa.org.uk/key-documents/27524/view/DBS000280.pdF

has not been able to consider its potential effects on the protected characteristics of this specific cohort of offenders as it is not possible to identify all sexual offences with a child victim, as age is not always specified in the offence, and the Department does not hold data on the prevalence of grooming in relation to sexual offences.

**Management of RSOs**

There is very limited data available to test all protected characteristics for this policy area. The below summary covers the current available data across several protected characteristics.

Where possible, the most up-to-date data available has been used to complete this assessment.

- The ONS to demonstrate the age of perpetrators of rape and assault by penetration; the number of victims of sexual assault with a disability; the ethnicity of offenders and the number of religiously aggravated sexual offences. [54]
- Engagement with operational policing stakeholders and the Ministry of Justice to gather qualitative and anecdotal information about the impact of the name-change prohibition.
- The Crime Survey for England and Wales (CSEW) to illustrate the demographics of victims and perpetrators of sexual violence.[55]
- MoJ statistics from March / April 2019 (most recent official count of transgender prisoners):[56]
- ONS' publication 'Internet Access: Households and Individuals, Great Britain', 2020.
- MoJ Outcomes by Offence dataset, to ascertain the number and demographics of child sex offenders.[57]

## 3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

[54] The Office for National Statistics, Nature of sexual assault by rape or penetration, England and Wales: year ending March 2020, https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/natureofsexualassaultbyrapeorpenetrationenglandandwales/currentyearendingmarch2020/natureofsexualassaultbyrapeorpenetrationappendixtables.xlsx (accessed 12 May 2023); The Office for National Statistics, Sexual offending: Ministry of Justice appendix tables https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/sexualoffendingministryofjusticeappendixtables/current/sexualoffendingministryofjusticeappendixtables.xlsx (accessed 12 June 2023); The Office for National Statistics Disability and crime, UK: 2019 https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandcrimeuk/2019#sexual-assault (accessed 13 June 2023); and The Office for National Statistics, Domestic abuse prevalence and trends, England and Wales: year ending March 2021 (accessed 12 June 2023).

[55] The Office for National Statistics, Sexual offences victim characteristics, England and Wales: year ending March 2022 https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesvictimcharacteristicsenglandandwales/yearendingmarch2022 (accessed 13 June 2023).

[56] Ministry of Justice 2020 Statistics: FOI-200615022-data-FINAL.xlsx

[57] Ministry of Justice, Criminal Justice System statistics quarterly,18 May 2023, Outcomes by offence tool, Criminal Justice System statistics quarterly: December 2022 - GOV.UK (www.gov.uk) (accessed 15 January 2024)

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where direct and indirect discrimination is not addressed, that is because at this time the Department has assessed that there is no direct or indirect discrimination to be considered for that measure or in relation to a particular protected characteristic; the Department will keep this under review and update as necessary.

**Measures to combat Child Sexual Abuse**

Age

CSA is exclusively targeted at children and therefore inherently has a differential impact on those under the age of 18 compared to the rest of the population. The CSAM measures are designed to safeguard children who may be at risk of online child sexual abuse and thus is discriminatory in a positive manner.

A further element to consider is the presence of children with the offending population. Child on child offending has come more to light with the ability to look at demographic details of subsets of child sexual abuse cases. A large proportion of IIOC cases are emerging that involve self-generated indecent imagery (SGII). Recent changes to counting rules procedures have sought to reduce the number of children being processed as suspects when the circumstances of their case warrant it. But there is a potential for these measures to impact on younger cohorts of offenders. However, the measures are targeting admins and moderators of sites, users of paedophile manuals for creating AI generated imagery and developers of software tools. The likelihood of these measures being used against offenders who are under 18 is assessed as limited.

The use of the Border Force powers will primarily be undertaken by Border Force officers. The power will be available to anyone that holds the Revenue and Customs Officer position, irrespective of their protected characteristics. Likewise, the other measures will be implementable by law enforcement personnel irrespective of their protected characteristics.

*Indirect Discrimination*

The measures will positively impact children as child sexual abuse is exclusively targeted at children and therefore will seek to protect them from abuse. This power may be said to indirectly discriminate against a certain age category. The Department is satisfied though that this power does not constitute indirect discrimination because it is a proportionate means of achieving a legitimate aim.

Disability

For the CSAM at the border measure, where an identifiable mental impairment is significant, standard Border Force safeguarding welfare considerations will apply. Where an individual's identifiable mental condition meant that the consent model wouldn't be appropriate, no adverse inference could be drawn against the individual. Otherwise, an individual may be asked to unlock their device irrespective of disability. An individual may be convicted of an offence under these measures irrespective of whether they have a disability.

*Indirect Discrimination*

Some characteristics can increase the risk that a child will experience child sexual abuse, such as if they suffered any long-term health condition or disability during childhood. The Crime Survey for England and Wales (ONS, 2020) found that adults with a long-term illness or disability during childhood were almost twice as likely to report suffering from sexual abuse during childhood (14%) than those without a long-term illness/disability (7%). The Independent Inquiry into Child Sexual Abuse (IICSA) (2022) found disabled children are at around three times greater risk of being sexually abuse than other children.

As a result, there may be some positive discrimination by virtue of the measures aiming to tackle child sexual abuse offending and thus safeguarding children who are vulnerable to child sexual abuse.

Race

*Indirect Discrimination*

The borders measure will naturally impact people who frequent the border more often than those who do not travel/do so less often. 68% of those convicted of IIOC cases are of a White ethnic background[58] which suggests that those of a white ethnic background are more likely to be impacted by these measures. However, this data is only for those convicted (not all offenders) and covers all IIOC offences which these measures are only a subset of, so this may vary in practice.

The power to unlock will be used in principle against suspects from every racial group where there are reasonable grounds for using it. Any theoretical racial disparity in its application will be unintended and will be justifiable because the power cannot be used in the absence of reasonable suspicion that the devices contain illegal material'.

Sex

*Indirect Discrimination*

There is generally accepted to be a higher prevalence of child sexual abuse amongst girls than boys. For example, in the 2019 Crime Survey of England and Wales (CSEW),[59] 11.5% of women reported having experienced child sexual abuse before the age of 16, compared to 3.5% of men. The same report estimated that across the population, 77% of those who experienced child sexual abuse are female. Furthermore, 70% of those who took part in the Independent Inquiry into Child Sexual Abuse's (IICSA) Truth Project were female.[60]

The Internet Watch Foundation (IWF) report that in 97% of indecent images of children (IIOC) victims were female. 1% of images had male victims and 2% had both sexes.[61]

[58] Ministry of Justice (2024). Criminal Justice System statistics quarterly: June 2024 - GOV.UK
[59] Office for National Statistics (2020). Child sexual abuse in England and Wales - Office for National Statistics
[60] Independent Inquiry into Child Sexual Abuse (2022). IICSA Truth Project: Dashboard: June 2016- October 2021. Available online at: https://www.iicsa.org.uk/key-documents/31164/view/truth-project-dashboard-final-2022.pdf
[61] Internet Watch Foundation (2023). IWF Annual Report 2023. Available online at: Analysis by Sex | IWF 2023 Annual Report

98% of individuals convicted of child sexual abuse offences are male.[62] Whilst men are therefore more likely to be the perpetrators of these new offences and will therefore be indirectly impacted to a greater degree, the Department does not consider that the provisions will amount to unlawful indirect discrimination, because the power to direct unlocking is a proportionate means of achieving a legitimate aim, which is the protection of children. This power can also be used against any female travellers who arouse the reasonable suspicion of officers at the border. If the majority of persons who are in fact subjected to the unlocking power happen to be male, this will because a majority of offenders in this context happen to be male, and not because the unlocking power is designed for use exclusively against male suspects.

More recently, a trend is emerging of boys being the predominant victims of sextortion over their female counterparts. IWF confirmed 176 reports of sexual extortion that contained child sexual abuse material in 2023, of which 91% concerned male victims.[63] Therefore, the extension of the criminalisation of paedophile manuals to cover AI-generated images which can be used to sextort will protect a cohort of victims who are disproportionately boys. However, girls still make up the majority of victims of online child sexual abuse.

**Stalking Measures**

Age

Younger people are more likely to be victims of stalking. The CSEW for the year ending March 2024 shows the prevalence of stalking in the last year (2023-2024) is highest in the age group 16-to-19-year-olds (8.8%), and this figure drops with each age group e.g., the prevalence is 0.8% for the 75 years and over age group.

A recent MOPAC study into stalking in London looked at the demographics of people proceeded against by the Metropolitan Police Service (MPS) for stalking offences. In 2022/23, 38.1% were aged between 25 and 34.

Data from the Ministry of Justice (MoJ) shows that the number of prosecutions for stalking was the highest among 30-39-years-olds (36.5% of prosecutions in the year ending December 2023). This compares to 22.7% for 40-49-year-olds, 14.1% for 25-29-year-olds, 9.7% for 50-59-year-olds and 8.6% for 21-24-year-olds.

*Indirect Discrimination*

There is limited data on perpetrators; however, as the evidence from the MOPAC MOJ suggests perpetrators might fall into certain age groups, which means they could be more likely to receive an SPO on conviction or acquittal. Nevertheless, this can be objectively justified as it serves the legitimate purpose of tackling their stalking behaviour and protecting victims.

62 Ministry of Justice Outcomes By Offence (year to June 2024, Ministry of Justice). https://assets.publishing.service.gov.uk/media/673dc6296d3c337b80acc483/outcomes-by-offence-june-2024.xlsx

63 Internet Watch Foundation (2023). IWF Annual Report 2023. Available online at: Analysis by Sex | IWF 2023 Annual Report

Additionally, the proposal to introduce multi-agency statutory guidance will not lead to indirect discrimination based on age. Although the guidance will be aimed at people of all ages, as younger people are more likely to be victims of stalking, the guidance might more positively benefit people with this characteristic.

Disability

According to the Crime Survey for England and Wales from 2023/24, the prevalence of stalking in the last year among people with disabilities is higher than people without disabilities (4.9% and 2.8% respectively). There is no known data on stalking perpetrators and disability.

*Indirect Discrimination*

The proposals on SPOs are not expected to indirectly discriminate against people with a disability. As SPOs apply equally to anyone convicted of stalking offences, or having demonstrated stalking behaviours, an SPO issued on conviction or acquittal would be because of the person's stalking behaviour. However, as people with disabilities are more likely to be victims of stalking, the proposal might positively benefit people with this characteristic by deterring/preventing perpetrators.

Gender Reassignment

According to the Crime Survey for England and Wales, in the year ending March 2024, the prevalence of stalking among transgender people (4.7%) was higher than cisgender people (3.2%). There is no data on perpetrators and gender reassignment.

*Indirect Discrimination*

The proposals on SPOs are not expected to indirectly discriminate against people who have undergone gender reassignment. As SPOs apply to everyone, any SPOs issued on conviction or acquittal would be because of the persons stalking behaviour rather than their gender identity. However, as transgender people are more likely to be victims of stalking, the proposal might positively benefit people with this characteristic through deterring perpetrators and better victim protections.

Additionally, the proposal to introduce multi-agency statutory guidance will not lead to indirect discrimination based on gender reassignment. Although the guidance will be aimed at people regardless of whether they have undergone or are undergoing gender reassignment, as transgender people are more likely to be victims of stalking, the guidance might more positively benefit people with this characteristic.

Marriage and Civil Partnership

Data from the Crime Survey for England and Wales in the year ending March 2024, shows that stalking is more prevalent among single people (6.0%) and those who are separated (5.2%) or divorced/legally dissolved partnership (5.0%) compared with people who are married/in a civil partnership (1.6%).

The MOPAC study found that 7 in 10 stalking-coded cases involved the suspects being an ex-partner, but it is unclear how many of these cases involved the victim and the perpetrator still being married and not legally separated.

The CSEW can provide some additional context. In the year ending March 2024, an estimated 3.2% of people aged 16 years and over had experienced stalking in the last year. Approximately 0.9% of people had experienced domestic stalking, with 0.7% stalked by a partner or ex-partner and 0.3% stalked by a family member.

*Indirect Discrimination*

These proposals are not expected to indirectly discriminate against people who are married or in a civil partnership. However, as single people are more likely to be victims of stalking, additional protections afforded due to this policy change could positively benefit people with this characteristic. Furthermore, though the guidance will be aimed at people of all ages, as single people are more likely to be victims of stalking, the guidance might positively benefit people with this characteristic.

Race

According to the Crime Survey of England and Wales in the year ending March 2024, the prevalence of stalking is highest in the Black or Black British ethnic group. The prevalence of stalking among people from a Black or Black British ethnic background is higher than people from a White ethnic background – 4.6% and 3.2% respectively.

The recent MOPAC study into stalking in London looked at the demographics of people proceeded against by MPS for stalking offences. In 2022/23, 49% self-identified as White.

Data from the MoJ shows that the number of prosecutions for stalking was the highest among people from a White ethnic background (61.2% of prosecutions in the year ending December 2023). This is higher than 5.5% for people from the Asian ethnic group, 3.3% for people from the Black ethnic group and 2.5% from the mixed ethnic group.

*Indirect Discrimination*

As SPOs apply to everyone regardless of race, any SPOs issued on conviction or acquittal would be because of the persons stalking behaviour rather than their race. Therefore, there is no evidence of indirect discrimination. There is limited data on perpetrators, however a recent MOPAC study suggests perpetrators may be more likely to be white (self-identified). Therefore, they could be more likely to receive an SPO on conviction. However, this can be objectively justified if this serves the legitimate purpose of tackling their stalking behaviour and protecting victims.

As people from a Black or Black British background are more likely to be victims of stalking, the proposal might positively benefit people with this characteristic through deterring perpetrators and better victim protections.

Furthermore, though the guidance will apply to all cases, as people from a Black or Black British ethnic background are more likely to be victims of stalking, the guidance might positively benefit people with this characteristic.

Religion or Belief

According to the Crime Survey of England and Wales in the year ending March 2024, people who identified as having an 'other' religion had the highest prevalence of being stalking victims (4.2%). This was followed by 3.4% of people who identified as having no religion and 3.3% for people who identified as Muslim. The figure was 2.9% for people who identified as Christian.

*Indirect Discrimination*

The measures are not expected to indirectly discriminate against people based on their religion or belief. The difference in prevalence between each religious group is low. Therefore, there is no basis to conclude that indirect discrimination would arise.

Sex

According to the Crime Survey of England and Wales, in the year ending March 2024, women were more likely to be victims of stalking than men. The CSEW showed the prevalence of stalking in the last year is higher in women (4.0%) than men (2.3%).

The recent MOPAC study into stalking in London looked at the demographics of people proceeded against by MPS for stalking offences. In 2022/23, 92% were male.

Data from the MoJ shows that the number of prosecutions for stalking was the highest among men (90.6% of prosecutions in the year ending December 2023). This compares to 5.2% for women.

*Indirect Discrimination*

The measures are not expected to indirectly discriminate against people of a particular sex. However, as women are more likely to be victims of stalking, the proposal might positively benefit people with this characteristic through deterring perpetrators and better victim protections. Furthermore, though the guidance will be aimed at people of all sexes, as women are more likely to be victims of stalking, the guidance might more positively benefit people with this characteristic.

Sexual Orientation

Stalking is considerably more prevalent among people who identify as bisexual (11.8% compared to 2.7% among people who identify as heterosexual, and 8.2% among people who identify as gay/lesbian).

*Indirect Discrimination*

The measures are not expected to indirectly discriminate against based on an individual's sexual orientation.

However, as bisexual people are more likely to be victims of stalking, the proposal might positively benefit people with this characteristic through deterring perpetrators and better victim protections. Furthermore, though the guidance will be aimed at people of all sexual orientations, as bisexual people are more likely to be victims of stalking, the guidance might positively benefit people with this characteristic.

**Child Criminal Exploitation**

Age

*Direct Discrimination*

The legislative provisions will have a direct impact on adults as culpability for the provisions will be limited to adults over the age of 18 and victims will be limited to children under the age of 18. This can be objectively justified as being a proportionate means to achieving the legitimate aim of going after the gangs luring children into a life of criminality and protecting children from adults who are criminally exploiting them.

Culpability for the new offence and orders will be limited to persons aged 18 or over only, meaning that under this offence, only adults face the prospect of being prosecuted, having prohibitions and requirements imposed upon them in a civil order, or a confiscation order being enforced as a criminal lifestyle offence.

Victims of offending covered by these measures will be limited to children under the age of 18. This means that adults, including vulnerable adults, who are criminally exploited will not benefit from the same provisions designed to protect against exploitation. This includes the extension of "special measures" protections to victims.

Similarly, the power to introduce statutory guidance will relate only to relevant offending or conduct which could lead to a CCE order by adults against child victims, meaning that relevant bodies will not have to have the same due regard to any guidance on the criminal exploitation of adults. This could arguably result in a response to adult criminal exploitation which is less consistent than that which is prescribed in statutory guidance to CCE (although see comparable provisions below).

The Department considers that this is a proportionate means of achieving the legitimate aim of protecting children from CCE, which seeks to prevent crime and protect children's health, welfare and safety. The Department assesses that child victims of CCE are, systemically, at a pre-existing disadvantage by way of the imbalance of power that exists between an adult who uses a child for a criminal purpose. The purpose of the measures, as a whole, is to stop adults exploiting children who the Department considers to be particularly vulnerable to being used by adults to commit crime by reason of their age and immaturity alone and so are deserving of specific protection under the law.

Furthermore, criminally exploited adults will also remain protected by the law, as they are now, through comparable provisions in the Modern Slavery Act 2015,[64] (including offences, orders, statutory guidance) and inchoate offences in the Serious Crime Act 2007[65].

The Department considers that to extend culpability for CCE offending covered by these measures to children would risk materially disadvantaging children by further criminalising children who in many instances have already been exploited themselves by an older adult. Again, the harm being targeted by these measures is the imbalance of power that is exploited by an adult who uses a child to commit crime. Parliament has in many other cases recognised that children should be afforded greater protections under the law, in line with the UN Convention on the Rights of the Child, for example, child protection legislation including

[64] Modern Slavery Act 2015. Available at: https://www.legislation.gov.uk/ukpga/2015/30/contents
[65] Serious Crime Act 2007. Available at: https://www.legislation.gov.uk/ukpga/2007/27/contents

the Children Act 1989,[66] child sex offences (including child sexual exploitation) in the Sexual Offences Act 2003.[67]

Finally, any imposition of prohibitions and requirements on adults by a civil preventative order will be subject to judicial discretion. Judges, as a public authority, must act compatibly with the Equality Act 2010 and the Human Rights Act 1998.

*Indirect Discrimination*

The Department is not aware of any evidence to suggest that people with the protected characteristic of age are likely to be indirectly discriminated against as result of this policy. Any disproportionate impact on a particular age group represented in the adult offender cohort can be justified as being a proportionate means of achieving the legitimate aim of protecting children from CCE.

The limited available evidence suggests that adults aged between 22 and 30 make up the largest group of individuals recorded as involved in County Lines, a drug supply model associated with CCE. It may therefore be more likely that the new provisions will indirectly have a greater impact on this age group, who are more likely than adults from other age groups to be perpetrators of this behaviour.

Due to the nature of CCE being interconnected with underlying criminality (for example, county lines drugs supply), the Department considers it likely that would-be perpetrators of a CCE offence would otherwise be charged with an existing offence anyway (for example drugs offences, sexual offences or offensive weapons offences), which the Department considers limits the additional negative impact of a new CCE offence in terms of criminalising this age group. Judicial discretion and clear application of the sentencing guidelines will seek to mitigate this risk and ensure sentences imposed are proportionate.

Notwithstanding this, if an adult of any age group has committed the CCE offence and been found guilty in court, or whose conduct has been found to meet the threshold for the imposition of an order, then the Department believes any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of protecting children from CCE.

*Harassment and Victimisation*
The proposed measures are likely to reduce the harassment and victimisation of children as they are designed to improve the law enforcement response to the exploitation of children and to deter gangs from enlisting children into crime by recognising offenders more clearly as exploiters of children.

Additionally, vulnerable child victims often do not provide testimony during court proceedings for fear of retribution by their exploiters. For this reason, the offence is designed to support the possibility of pursuing ‘evidence-led’ prosecutions which may not need to rely on the testimony of a vulnerable child. Where a child’s testimony is required, the proposed “special measures” provisions for involvement of child victims in court proceedings would further help ensure that children are not victimised or harassed as a consequence of their participation. The Department considers that together, this will reduce the harassment and victimisation of

[66] Children Act 1989.
[67] Sexual Offences Act 2003.

children by reducing opportunities for children to be put at risk of undue influence or threats, e.g. to prevent them from testifying.

Disability

*Indirect Discrimination*

The Department is not aware of any evidence that persons may indirectly be placed at a particular disadvantage due to their disability.

However, as a result of these measures, there may be some displacement of exploitative conduct by perpetrators from children onto vulnerable adults who, as explained above, will not be additionally protected by these CCE provisions. Those adults may be vulnerable as a result of having a disability. Perpetrators may also look to distance themselves from the direct engagement with children they are exploiting or at least shift the blame on to other vulnerable adults that the child victims come into contact with – for example, victims of CCE are often located in cuckooed properties, which may be occupied by adults with disabilities, who themselves have been targeted for their own vulnerability to have their homes used as a base for facilitating criminal activity. To protect against any unintentional displacement to the disadvantage of adults with a disability, the Department will ensure that the statutory guidance is clear that relevant bodies continue to consider the potential victimhood of such persons, who, as explained above, will remain protected by existing legislation which remains in place to tackle perpetrators of criminal exploitation against adults, including adults with a disability.

Children and young people with neurodiversity, learning disabilities, mental health issues and substance abuse issues are at a higher risk of being victims of CCE and therefore are likely to benefit from this legislative change by prosecuting the perpetrators and deterring them from targeting this cohort.

*Harassment and Victimisation*

The proposed measures are likely to reduce the harassment and victimisation of disabled children as they are designed to improve the law enforcement response to the exploitation of children, including those who are disabled.

Additionally, vulnerable child victims often do not provide testimony during court proceedings for fear of retribution by their exploiters. For this reason, the offence is designed to support the possibility of pursuing ‘evidence-led’ prosecutions which may not need to rely on the testimony of a child who may be more vulnerable as a result of their disability. Where a child’s testimony is required, the proposed “special measures” provisions for involvement of child victims in court proceedings would further help ensure that children are not victimised or harassed as a consequence of their participation. The Department considers that this will reduce the harassment and victimisation of disabled children by reducing opportunities for disabled children to be put at risk of undue influence or threats, e.g. to prevent them from testifying.

Race

*Indirect Discrimination*

The Department anticipates that there will be an indirect impact as a result of the differences in the demographic make-up of those affected by County Lines, a drug supply model associated with CCE. Available data show that the cohort of individuals identified as being involved in County Lines, both as victims and perpetrators, are disproportionally Black. This suggests that the new CCE measures could indirectly have a disproportionate impact on individuals of Black ethnicity.

Furthermore, in general, statistics on ethnicity and the criminal justice system show that ethnic minorities (excluding white minorities) appear to be over-represented at many stages compared with the white ethnic group. Among ethnic minorities (excluding white minorities), black individuals were often the most over-represented.[68] A new offence and orders may reflect similar representations of ethnicities as in the criminal justice system generally. This means that, where CCE is carried out, ethnic minorities (excluding white minorities) could be impacted by a new CCE criminal offence and preventative orders to a greater extent than others.

Persons with this protected characteristic could therefore also be impacted by additional sentencing resulting from a new offence to a greater extent, with data showing that since 2018, white defendants have had a consistently lower average custodial sentence length (ASCL) than all other ethnic groups combined for indictable offences. In 2022, white offenders had an ACSL of 21.2 months in comparison to 30.5 months for Asian offenders, 27.9 months for black offenders, 25.2 months for mixed offenders and 22.9 months for the other ethnic group[69].

However, due to the nature of CCE being interconnected with underlying criminality (for example, county lines drugs supply), the Department considers it likely that would-be perpetrators of a new CCE offence would have otherwise been charged with an existing offence, which the Department considers limits the additional negative impact of a new CCE offence in terms of criminalising black defendants. Judicial discretion and clear application of the sentencing guidelines will seek to mitigate this risk and ensure sentences imposed are proportionate.

The Department also believes any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of protecting children from CCE. Children from ethnic minority backgrounds, especially black children, are also overrepresented as victims of CCE. This would therefore suggest that victims of CCE who are of Black ethnicity could benefit from this legislative change by prosecuting the perpetrators and deterring them from targeting this cohort.

*Harassment and Victimisation*

The proposed measures are likely to reduce the harassment and victimisation of children of all races as they are designed to improve the law enforcement response to the exploitation of children.

Additionally, vulnerable child victims often do not provide testimony during court proceedings for fear of retribution by their exploiters. For this reason, the offence is designed to support

[68] Ministry of Justice, Statistics on Ethnicity and the Criminal Justice System. Available here: https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html
[69] Ministry of Justice, Statistics on Ethnicity and the Criminal Justice System.

the possibility of pursuing ‘evidence-led’ prosecutions which may not need to rely on the testimony of a child who may be more vulnerable as a result of their race. Where a child’s testimony is required, the proposed “special measures” provisions for involvement of child victims in court proceedings would further help ensure that children are not victimised or harassed as a consequence of their participation. The Department considers that this will reduce the harassment and victimisation of children by reducing opportunities for children of all races to be put at risk of undue influence or threats, e.g. to prevent them from testifying.

Sex

*Indirect Discrimination*

Available data show that the cohort of individuals identified as being involved in County Lines, both as victims and perpetrators, are disproportionally male. This suggests that the new CCE measures could indirectly have a disproportionate impact on males.
However, due to the nature of CCE being interconnected with underlying criminality (for example, county lines drugs supply), the Department considers it likely that would-be perpetrators of a new CCE offence would have otherwise been charged with an existing offence, which the Department considers limits the additional negative impact of a new CCE offence in terms of criminalising male defendants. Judicial discretion and clear application of the sentencing guidelines will seek to mitigate this risk and ensure sentences imposed are proportionate.

The Department also believes any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of protecting children from CCE.

Male children are also overrepresented as victims of CCE. This would therefore suggest that victims of CCE who are male could benefit from this legislative change by prosecuting the perpetrators and deterring them from targeting this cohort.

*Harassment and Victimisation*

The proposed measures are likely to reduce the harassment and victimisation of both male and female children as they are designed to improve the law enforcement response to the exploitation of children of either sex.

Additionally, vulnerable child victims often do not provide testimony during court proceedings for fear of retribution by their exploiters. For this reason, the offence is designed to support the possibility of pursuing ‘evidence-led’ prosecutions which may not need to rely on the testimony of a child who may be more vulnerable as a result of their sex. Where a child’s testimony is required, the proposed “special measures” provisions for involvement of child victims in court proceedings would further help ensure that children are not victimised or harassed as a consequence of their participation. The Department considers that this will reduce the harassment and victimisation of children of either sex by reducing opportunities for both male and female children to be put at risk of undue influence or threats, e.g. to prevent them from testifying.

**Cuckooing**

Age

*Direct Discrimination*

This new criminal offence will apply to all offenders above the age of criminal responsibility, and on this basis, no perpetrator would receive more or less favourable treatment on account of their age alone.

However, the new offence defines cuckooing as control of another person's dwelling for criminal purposes *without that person's consent*. The definition of 'consent' within the legislation sets out that a victim can never be deemed to have consented to the control of their property if they are under 18. This means that people aged under 18 may be more likely to receive legal redress for the harm caused to them as it may be easier to prosecute such cases.

The Department believes this would be a proportionate means of achieving the legitimate aim of protecting children aged under 18 who are occupants of a property living independently and, as such, particularly vulnerable. A child may be particularly defenceless to perpetrators of cuckooing by reason of their age and immaturity alone and so are deserving of greater protection under the law.

Defendants who cuckoo the property of a child under 18 should face a higher threshold. Parliament has in certain other cases set an age below which valid consent cannot lawfully be given, or below which an offence will nevertheless be committed notwithstanding that an apparently valid consent has been given – for example, sexual offences under the Sexual Offences Act 2003.

As a result, the Department considers that the policy is not likely to be directly discriminatory within the meaning of the Equality Act 2010. This will be kept under review.

*Indirect Discrimination*

Victims of cuckooing are often adults, particularly older adults who may be vulnerable due to disability or social isolation, factors that may be exacerbated by their age, making them a target for perpetrators. Improvement in the response to cuckooing would therefore benefit this age group by making it more likely that they are identified as victims and reducing the risk of them becoming victims in the first place.

There is anecdotal evidence that children or young adults are more likely to be used as 'runners' than adults and therefore more likely to be sent to cuckooed properties in a county lines context. This suggests that children and young adults could be impacted by any improved law enforcement response to cuckooing to a greater extent than other age groups. This impact could be negative due to increased criminalisation of this age group, however if mitigations in the form of guidance for police and partners are successful, there could be a positive impact due to increased identification of children and young people who are victims of criminal exploitation.

However, the offence only aims to target those who are exercising control over the property; it will not be an offence merely to be found in a cuckooed property. The offence specifies that the circumstances in which a person "exercises control over the dwelling of another person" include directing others in and out of the property. And so, a child or young adult who is used as a "runner" to travel to and from a cuckooed property is unlikely to be considered complicit in the control.

The new offence also provides for the control of property for the purpose of offences committed by other persons. And the specified offences include inchoate offences. Together, these provisions are designed to capture offenders who cuckoo properties through the use of others, including adults who exploit young people to engage in cuckooing.
The Government is also clear that children should be treated as victims first and foremost and has committed to introduce a new standalone CCE offence to go after the gangs that are luring young people into violent crime and to strengthen the response to victims of CCE.

Currently the police are already required to refer any child who they believe may be at risk of or experiencing county lines exploitation to children's social care services as per local guidance. Law enforcement also has a positive obligation to investigate whether a child has been a victim of exploitation. Police investigations into the circumstances of the individual will form the basis of the consideration as to whether or not to charge a child with an offence and is an operational decision for police and prosecutors. The Department relies on the operational discretion of the police and the public interest test decided by the Crown Prosecution Service (CPS) to only bring prosecutions where appropriate.

The CPS has published advice to police and prosecutors on how to deal with county lines cases to help effect a cultural shift from seeing children and young people exploited though county lines as victims rather than offenders. The Department will also work with the National County Lines Co-ordination Centre to provide guidance for police on the application of any new offence.

Due to the nature of cuckooing being interconnected with underlying criminality (for example, county lines drugs supply), the Department considers it likely that would-be perpetrators of a new cuckooing offence would otherwise be charged with an existing offence anyway (for example drugs offences, sexual offences or offensive weapons offences), which limits the additional impact of a new offence in terms of criminalising children or young adults.

Notwithstanding this, if a young person has committed an offence and been found guilty in court and they are of the age of criminal culpability, then the Department believes any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims by cuckooing and protecting the public.

The Department will monitor outcomes for young people found in cuckooed properties to keep the impact of this policy on the protected characteristic of age under review.

<u>Disability</u>

*Direct Discrimination*

The Department is not aware of any evidence to suggest that offenders with this protected characteristic are likely to be disadvantaged by this policy because a new criminal offence will apply to all offenders regardless of this protected characteristic.
The new offence requires evidence that the victim did not consent to the control of their dwelling for criminal purposes. The legislation sets out that consent is only valid if the victim had capacity to give consent to the exercise of control of their dwelling for that criminal purpose.

This means that where an offender 'cuckoos' the property of a person who lacks capacity, the offence would automatically be made out (subject to the other elements of the offence being met); whereas in the case of an offender who 'cuckoos' the property of a person who has capacity, other evidence would be needed to prove that the person had not consented. It may therefore be easier for victims with this protected characteristic to receive legal redress for the harm caused to them as such cases may be easier to prosecute. As a result, the Department considers that the policy is not likely to be directly discriminatory within the meaning of the Equality Act 2010 as per section 13(3). This will be kept under review.

*Indirect Discrimination*

While the 2020-22 County Lines Strategic Assessment[70] found that there is no predominant vulnerability type for victims of cuckooing, it is a highly exploitative activity and so it follows that people with a disability may be deliberately targeted by offenders, and therefore benefit from a new criminal offence.

Children and young people with neurodiversity, learning disabilities, mental health issues and substance abuse issues are at a higher risk of being victims of CCE. As victims of CCE are found in cuckooed properties, children with disabilities may be more likely to be impacted by cuckooing and would therefore benefit from action to reduce incidents of cuckooing. However, children and young people found in cuckooed properties and implicated in criminality may also impacted by any improved law enforcement response to cuckooing.

Due to the nature of cuckooing being interconnected with underlying criminality (for example, county lines drugs supply), the Department considers it likely that would-be perpetrators of a new cuckooing offence would otherwise be charged with an existing offence, which limits the impact of a new offence on defendants with this protected characteristic.

Notwithstanding this, the Department believes any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that reflects the level of harm done to victims by cuckooing and protecting the public.

Race

*Indirect Discrimination*

In general, statistics on ethnicity and the criminal justice system show that ethnic minorities (excluding white minorities) appear to be over-represented at many stages compared with the white ethnic group. Among ethnic minorities (excluding white minorities), black individuals were often the most over-represented[71].

While perpetrators of cuckooing cannot be attributed to particular ethnic groups, a new cuckooing offence would apply where control over a home is exercised in connection with

[70] National Police Chiefs' Council, County Lines – Strategic Threat Risk Assessment (2024). Available here: https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf

[71] Statistics on Ethnicity and the Criminal Justice System. Available here: https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html#defendantshttps://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html

underlying criminal activity. Therefore, a new offence may reflect similar representations of ethnicities as in the criminal justice system generally. This means that, where cuckooing is carried out, ethnic minorities (excluding white minorities) could be impacted by a new criminal offence of cuckooing to a greater extent than others. Similarly, given cuckooing is a tactic used in county lines and that data shows that the cohort of individuals which have been identified as being involved in county lines networks, both as victims and perpetrators, are disproportionally black, it is likely that the cohort involved in cuckooing will have a similar profile.

These groups could therefore also be impacted by additional sentencing resulting from a new offence to a greater extent, with data showing that since 2018, white defendants have had a consistently lower average custodial sentence length (ASCL) than all other ethnic groups combined for indictable offences. In 2022, white offenders had an ACSL of 21.2 months in comparison to 30.5 months for Asian offenders, 27.9 months for black offenders, 25.2 months for mixed offenders and 22.9 months for the other ethnic group[72].

Due to the nature of cuckooing being interconnected with underlying criminality (for example, county lines drugs supply), the Department considers it likely that would-be perpetrators of a new cuckooing offence would have otherwise been charged with an existing offence, which limits the impact of a new offence on defendants with this protected characteristic.

The Department believes any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that more appropriately reflects the harm done to victims by cuckooing and protecting the public.

Sex

*Indirect Discrimination*

The evidence suggests that there may be a disproportionate impact of county lines on men and so where cuckooing is carried out for the purpose of county lines drug supply, they could be impacted by a new criminal offence of cuckooing to a greater extent than women. Where cuckooing is carried out for the purpose of one of the other specified crime types scheduled in the offence, if they similarly disproportionately involve men, a new criminal offence could impact defendants with this protected characteristic to a greater extent than others. However, there is limited data on other forms of criminality committed in a cuckooing context and therefore the Department is unable to fully assess the impact.

Due to the nature of cuckooing being interconnected with underlying criminality (for example, county lines drugs supply), the Department considers it likely that would-be perpetrators of a new cuckooing offence would otherwise be charged with an existing offence anyway, which limits the impact of a new offence on defendants with this protected characteristic. Evidence also suggests that men are more likely to be victims of cuckooing, given that people with drug dependency are particularly vulnerable to cuckooing and men are more likely to experience drug dependency than women. An improved response to cuckooing could therefore benefit men more than women.

[72] Statistics on Ethnicity and the Criminal Justice System. Available here: https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html#defendants https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html

However, the Department believes any indirect impact on this protected characteristic would be a proportionate means of achieving the legitimate aim of prosecuting criminal behaviour that more appropriately reflects the harm done to victims by cuckooing and protecting the public.

**Removal of DBS Supervision Exemption**

The Department does not consider there to be a risk of harassment or victimisation as a result of the proposed changes. The information of an individual's barred list status on a DBS check is shared with an employer as part of an employment recruitment process, and subject to GDPR. Anyone on a barred list has been informed that it is an offence to work in regulated activity with the group from which they are barred from working.

Similarly, there is no evidence to suggest that this proposal will result in any unlawful indirect discrimination that would put people who share a protected characteristic at a particular disadvantage. As the supervised roles which would be affected by this change range across different sectors and types of role, the Department cannot say that this change would have a worse effect on any particular group. The effect of this policy is to prevent those who are on the Children's Barred Lists, who pose a risk of harm to children, from working closely and regularly with children in these supervised roles. This will impact those on the children's barred list who are working, or who intend to work in these kinds of roles but the children's barred list is not restricted by any protected characteristic.

Whilst the Department neither believe nor have the evidence to suggest that this will result in indirect discrimination, it is our view that any such impact of this measure would be objectively justified, as it is taken to reduce the risk that a barred person works closely with children, even in supervised roles, thus making children safer.

Age

*Direct Discrimination*

As the disclosure regime only applies to those aged 16 and over, there is direct age discrimination. However, the Department considers this objectively justified as the purpose of DBS checks and the barring regime is to support employers' recruitment decisions when individuals apply for a job in England and Wales, and children under 16 are not allowed to work full time. While there are a very small number of under 18s on the barred list, the vast majority of those on the lists are of working age, and of course the impact will be felt most by those in an employment context. This measure is also about protecting children, as the supervision exemption relates to regulated activity with children; it will mean that those who are barred, because they pose a risk to children, will not be able to work closely and frequently with them, even in a supervised capacity.

**Grooming Aggravated Factor**

Age

*Indirect Discrimination*

Offenders aged 21 – 49 years old are likely to be disproportionally impacted by this measure. Offenders aged 30 – 49 are overrepresented within those sentenced for sexual offences (45%) and offenders aged 21 – 39 are overrepresented within those sentenced for specific indecent images of children offences ("IIOCs") (44%). 26% and 29% of the general population fall into the 30 – 49 and 18 – 39 age brackets respectively.

This measure is more likely to affect those in the age range of 21-49 than other offenders. This is because those aged 21–49 years are overrepresented in the cohort to which this measure applies. The Department does not, however, consider that this overrepresentation will likely result in any particular disadvantage. The Department's assessment is that this measure is a proportionate means of achieving the legitimate policy aim of requiring courts to consider grooming behaviour when sentencing for specified sexual offences committed against those under 18.

Race

*Indirect Discrimination*

Based on the data available, amongst those sentenced for sexual offences (not including specified IIOCs) no particular ethnic group is overrepresented and the measure will therefore not result in disproportionate impacts on this basis.

In the year ending June 2024, where ethnicity is stated, 83% of those sentenced for a sexual offence were of White ethnicity, 8% were of Asian ethnicity, 6% were Black ethnicity, 2% were of Mixed and 2% of Other ethnicities. In England and Wales, 82% of the general population are of White ethnicity, 9% are of Asian ethnicity, 4% are of Black ethnicity, 3% are of Mixed and 2% of Other ethnicities.

The most common sentencing outcome across all ethnic groups for sexual offences (not including specified IIOCs) is immediate custody. However, where the measure is applied and immediate custody is imposed, offenders from certain ethnic groups may spend longer in custody due to differences in average custodial sentence length (ASCL). In the year ending June 2024, where ethnicity is known, White offenders were sentenced to an ASCL of 69 months, Asian offenders to 76 months, Black offenders to 75 months, and those of Mixed or Other ethnicities to 60 and 61 months respectively. This trend has fluctuated across recent years, with those of Mixed ethnicities having the highest average custodial sentence length in 2021 and those of Black ethnicity in 2020.

For the specified IIOCs, there is a small overrepresentation of offenders of White ethnicity within those sentenced. Where ethnicity is stated, 93% were of White ethnicity, 4% were of Asian ethnicity, 1% were of Black ethnicity, 1% were of Mixed and 1% of Other ethnicities.
There are also differences between ethnic groups in the proportion of offenders sentenced to immediate custody and average sentence length where immediate custody is imposed, in the year ending June 2024, 19% of those sentenced who were of White ethnicity, 6% of those of Asian ethnicity, 7% of those of Black ethnicity 19% of Mixed and 13% of Other ethnicities received immediate custodial sentences. The ASCL was 19 months for those of White ethnicity, 26 months for Asian ethnicity, and 26 months for Mixed ethnicities.

The Department acknowledges that, based on 1. the small differences identified in ASCL between ethnic groups for those sentenced for both sexual offences and specified IIOCs and 2. the small overrepresentation of White offenders amongst those sentenced for specified

IIOCs, this measure might indirectly impact those from certain ethnic groups more than others. However, the Department considers it unlikely that any difference in impact will be substantial. The Department's assessment is that this measure is a proportionate means of achieving the legitimate policy aim of requiring courts to consider grooming when sentencing for specified sexual offences committed against those under 18.

Sex

*Indirect Discrimination*

Men are more likely to be impacted by this measure as they are overrepresented amongst those sentenced for sexual offences. In the year ending June 2024, men accounted for 97% of sentences for a sexual offence and 99% of sentences for specified IIOCs, in comparison to 78% of those sentenced overall. Men and boys make up 49% of the population of England and Wales. The Department's assessment is that this measure is a proportionate means of achieving the legitimate policy aim of requiring courts to consider grooming when sentencing for specified sexual offences committed against those under 18.

**Management of RSOs**

Age

The available data from the ONS on the age of perpetrators of rape and assault by penetration (one category of a large number of sexual offences), show that between March 2017 and March 2020, 98.3% of perpetrators were men, with almost two thirds (64.9%) was a male aged between the ages of 20 and 39.

The Ministry of Justice Outcomes by Offence tool shows that from 2018-24 offenders were most commonly between the ages of 30-39 for both adult and child contact sexual offences. The same dataset shows that from 2018-2024, offenders between the ages of 30 and 39 were also responsible for most sexual offence convictions each year. This is data about age on conviction only, with the most pertinent fact for RSOs' notification requirements upon release from a custodial sentencing being their age at release. Registered sex offenders may remain subject to notification requirements for life; many remain subject to notification for 15 years or more, which means that any age-related data and conclusions should be caveated.

ONS data for the year to March 2022 shows that sexual assault victimisation is more prevalent among younger age groups. In the year to March 2022, 11.3% of those aged 16-19 and 8.8% of those aged 20-24 reported being the victim of sexual assault. The prevalence is even more acute when that data is cut by sex: 14.6% of women aged 20-24 reported being the victim of sexual assault in the same time period. The data for women aged 16-19 was suppressed for the year ending March 2022,[73] but in the year ending March

[73] ONS, Sexual offences prevalence and victim characteristics, England and Wales (year ending March 2022), Table 4, Sexual offences prevalence and victim characteristics, England and Wales - Office for National Statistics (ons.gov.uk) (accessed 14 January 2025).

2020 the data shows that 12.9% of women aged 16-19 reported being the victim of sexual assault compared to 10.5% of 20–24-year-olds in the same time period. [74]

The percentage of adults engaged in particular internet activities varies dependent on (a) age (with older people being generally less likely to engage in every type of activity), (b) type of activity and (c) disability. ONS data from 2020 shows, for instance, that in the three months prior to being surveyed 70% of respondents aged 16-24 had used the internet to make video or voice calls; this reduces to 34% for adults aged 55-65 and 21% for those aged over 65.[75]

*Indirect Discrimination*

Any change to the notification requirements system would impact groups of people aged between 20 to 39 more than other age groups due to the fact that most perpetrators of sexual offences fall within this age bracket. While it is expected that younger men will be the group most likely impacted, the nature of the name-change prohibition will apply to all age brackets.

The measure requiring advance notification of entering a private place where children are present is likely to impact men between the ages of 30 and 39 more than others, dependent on the duration for which that male of that age on conviction will remain subject to notification requirements.

Relevant to virtual notification, older people are less likely than younger people to use the internet for many activities. Accordingly, they may not benefit from the opportunity to notify the police virtually as younger people can. The Department has retained the provisions in the legislation that enable them to continue to give notification in person as they have done historically.

While it is expected individuals particularly affected by these proposed measures will be young men, the Department considers this to be objectively justified, as these measures will apply to all age brackets and meet the legitimate aim of seeking to reduce sexual violence being committed amongst those groups of people more than others. If young men are over-represented in being impacted by these changes, the Department expects this to be due to their over-representation within offender statistics.

It can be suggested that older people are less likely to engage with the internet and therefore access the Secretary of State's information disclosure guidance online. To increase the accessibility of the scheme, and mitigate any challenges that older people may face, the individual can complete the application form face-to-face at their local police station or through calling 101.

Disability

There is no particular evidence that individuals with disabilities are more likely to commit sexual offences. However, certain groups are more likely to be victims of these crimes. ONS

[74] ONS, Sexual offences prevalence and victim characteristics, England and Wales (year ending March 2022), Table 5, Sexual offences prevalence and victim characteristics, England and Wales - Office for National Statistics (accessed 14 January 2025).
[75] Internet access – households and individuals, Great Britain - Office for National Statistics (ons.gov.uk), table 6.

statistics for the year ending March 2022 show that disabled adults were more likely to experience sexual assault than non-disabled adults regardless of their age, with 3.9% of adults aged over 16 in the preceding year being a victim of any sexual assault, as opposed to 2% of adults without a disability.[76]

In the three years ending March 2018, a high proportion of adults with a social or behavioural impairment, as well as those with a mental health impairment, experienced sexual assault (including attempts) in the last year (9.0% and 6.8% respectively), compared with those reporting any other type of impairment. However, this did not hold true to adults reporting an impairment related to learning, understanding or concentrating, where there was no significant difference[77].

*Indirect discrimination*

Relevant to the information disclosure measure, individuals with disabilities may experience additional challenges in accessing or understanding the content of the guidance. The Department considers such indirect discrimination to be objectively justified, and the mitigations undertaken to make the guidance accessible for police officers/staff will likewise apply to those members of the public with disabilities or learning difficulties who are seeking to make an application under the guidance.

The police across England and Wales have adjustments in place that ensure equality of access for people with a disability under the Equality Act 2010. Whilst completing the face-to-face disclosure form at the police station, the police can arrange for an interpreter to be present with the applicant if they are deaf, hearing impaired, or have speech difficulties. Furthermore, extra staff can assist, or additional time can be taken to explain the questions/scheme if the applicant would benefit from this.

According to a study by the National Society for the Prevention of Cruelty to Children, parents of children with learning difficulties perceive it to be harder to identify signs of child sexual abuse due to their children's disabilities.[78] Accordingly, the existing Child Sex Offender Disclosure Scheme may be a beneficial tool for parents, carers, and guardians of children with disabilities to help further safeguard their children.

The Home Office publishes guidance to Part 2 of the Sexual Offences Act 2003, and it will be made publicly accessible in a format able to support screen readers so that police officers and members of the public that require screen reading technology are able to understand the guidance.

ONS data shows that disabled people are less likely than all other internet user groups other than those aged 55 or over to use the internet for voice or video calls. In the three months prior to being surveyed in 2020, 37% of disabled respondents had used the internet for that purpose. However, virtual notification is not indirectly discriminatory; it will be an additional option for RSOs who will still be able to give notification in person. They will also have an offender manager who can assist them to use technology to give virtual notification.

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[76] ONS, Sexual offences prevalence and victim characteristics, England and Wales (year ending March 2022), Table 4, Sexual offences prevalence and victim characteristics, England and Wales - Office for National Statistics (ons.gov.uk) (accessed 14 January 2025).

[77] Disability and crime, UK - Office for National Statistics

[78] https://library.nspcc.org.uk//HeritageScripts/Hapi.dll/search2?searchTerm0=C7926

There is no evidence to suggest that people with the protected characteristic of 'disability' are likely to be disadvantaged by the remaining proposed policy changes.

Gender Reassignment

Information on sexual offending and gender reassignment is limited. Statistics from the MoJ show that in March/April 2019, 76 out of 129 male-born prisoners identify as transgender have at least 1 conviction of sexual offence. This includes 36 convictions of rape and 10 for attempted rape.
There is no evidence available to determine the number of RSOs who change their name when undergoing gender reassignment. There is no evidence available to determine the number of RSOs risk managed by the police that do not identify as the gender assigned to them at birth.

*Indirect Discrimination*

RSOs who change their name upon undergoing gender reassignment may be affected by a name-change prohibition. However, the name-change prohibition includes a number of exemptions to enable name legitimate changes in certain circumstances. This would include where a name-change relates to the protected characteristic of gender reassignment, where that change is evidenced and the police do not consider there to be a risk. As a result, the Department considers that any indirect discrimination stemming from these proposals to be objectively justified as the policy seeks to reduce sexual violence amongst those groups of people most affected by it.

Marriage and Civil Partnership

There is no evidence that perpetrators with a particular marital status are more likely to commit sexual offences. However, the Department knows more about certain groups that are more likely to be victims of these crimes. The CSEW for the year ending March 2022, showed that 5.7% adults aged 16 years and over who were single experienced sexual assault; this is higher than adults with any other marital status. Those who were divorced or had a legally dissolved partnership (1.2%) were more likely to experience sexual assault than those who were married (0.8%).
In addition, data supplied by 24 police forces for the year ending March 2022 showed that male victims of rape or other sexual offences were most likely to be acquaintances with the perpetrator (38%). In comparison, the victim-perpetrator relationship for female rape victims was most likely an intimate partner (46%), but an acquaintance for other sexual offences (36%).

*Indirect discrimination*

RSOs who wish to marry, which is anecdotally given as a common reason for name change, will be affected (as will their spouses whose relationship with a registered sex offender may become an indelible fact as a result). Offenders who wish to update their official documentation to reflect a change in marital status will be impacted by a name-change prohibition.

The name-change prohibition includes a number of exemptions to enable name changes in legitimate and necessary circumstances. This includes where a name change relates to the protected characteristic of marriage.

Where RSOs have intimate partners with children who do not begin cohabiting but at whose address RSOs spend time regularly or – in the case of child sex offenders – visit on any occasion will be affected. However, any indirect discrimination will be due to their over-representation in the offending cohort, and the Department considers this to be objectively justified as meeting the legitimate aim of protecting the public.

Maternity and Pregnancy

There is no evidence to suggest that people with the protected characteristic of maternity and pregnancy are likely to be disadvantaged by this policy. This will be kept under review.

*Indirect discrimination*

There is no evidence to suggest that people with the protected characteristic of maternity and pregnancy are likely to be disadvantaged by this policy. As a result, it is considered that the policy is not likely to be discriminatory within the meaning of the Equality Act 2010. This will be kept under review.

The requirement to notify information about children will likely impact fathers (owing to the overrepresentation of men over the age of 30 in the offending cohort) than other groups with parental/guardian responsibilities. This is due to their overrepresentation in the offending cohort, and in any case does not represent a significant departure from the status quo. They are already required to notify information about children, albeit after the fact where that contact has lasted 12 hours or more. In one respect this change of policy is likely to be advantageous to a large cohort of offenders with parental responsibility for children. Whereas currently all RSOs are required to notify information about children – whether they pose a risk to children or not – following the change only those who pose a risk to children will be required to notify.

Race

Data from the MoJ from the year ending June 2024 shows that more white people are convicted for sexual offences than other ethnicities. The number of offenders found guilty at all courts for sexual offences in the year ending June 2024 comprised 4,476 White offenders (59% of all those convicted). 313 (or 4.1% of those convicted) were Black, 437 (5.8%) were Asian, 98 (1.3%) were Mixed. This is likely a reflection of the ethnic mix of England and Wales, whereby white is the largest ethnic group.

*Indirect discrimination*

As the evidence above shows, the Department would expect more White people to be impacted by the proposed measures than other ethnic groups, as, in terms of volume, they account for the majority of perpetrators of sexual violence. However the Department considers this to be objectively justified, as the policy seeks to reduce instances of sexual violence amongst those groups of people most affected by it.

In the year to March 2020, data shows that people from the Asian (77%), White (74%), and Other ethnic groups (75%) were more likely to have confidence in their local police than Black people (65%).[12] Furthermore, in every year recorded, a lower percentage of Black Caribbean people had confidence in their local police force than White British people. This negative perception of the police held by some individuals from ethnic minorities, particularly Black Caribbean individuals, could indirectly affect their access to the scheme. However the Department considers this to be objectively justified, as the policy seeks to reduce instances of sexual violence amongst those groups of people most affected by it.

Religion or belief

There is no data about registered sex offenders' adherence to particular faiths or their beliefs. The ONS data for the year ending March 2022 (see footnote 11 above) shows that victims of all forms of sexual assault (including attempts) are more likely to have no religion: 3.4% of victims aged over 16 that had experienced sexual assault in the preceding year had no religion; 1.5% of them identified as Christian, and 1.8% were recorded as 'other'. The remaining data were suppressed.

The September 2021 The Independent Inquiry into Child Sexual Abuse report on child protection in religious organisations and settings said there was likely to be a significant under-reporting of child sexual abuse, both internally within the religious organisation and externally to statutory agencies.[15] Organisational and cultural barriers to reporting child sexual abuse were found in some religious organisations, which may be linked to the organisation itself or factors related to the community in which the organisation operates.

*Indirect discrimination*

RSOs who change their religion may be affected by the name-change prohibition where it is customary to change one's name upon conversion. However, the Department considers this to be objectively justified as the policy seeks to reduce instances of sexual violence amongst those groups of people most affected by it. The name-change prohibition includes a number of exemptions to enable name changes in legitimate and necessary circumstances. This would include where a name change relates to the protected characteristic of change of religion

The Department does not consider this measure to be discriminatory based on religion or belief for those individuals seeking to make an application under the Child Sex Offender Disclosure Scheme .However, the cultural barriers discussed in the Independent Inquiry into Child Sexual Abuse report (2021) - for instance, the pressure to maintain honour and prevent familial shame and mistrust of external agencies - may deter some individuals from religious communities from using the Child Sex Offender Disclosure Scheme. It could be reasonably assumed that additional police disclosure schemes to prevent sexual harm will be affected by the same factors. To address this, clear information on the Child Sex Offender Disclosure Scheme is provided on the gov.uk webpages, with information that demonstrates the discreet nature of the scheme. Any future scheme will consider the above factors in its design.

Sex

Data on sexual offences suggests that men are disproportionately represented as perpetrators of sexual violence. Using available data from the ONS on the sex of perpetrators of rape and assault by penetration (one category of a large number of sexual offences), it shows that

between March 2016 and March 2020, 98.3% of perpetrators of rape and assault by penetration were men. There is only a marginal difference (5 percentage points) in the percentage of men (46%) and women (51%) that used the internet for video or voice calling in the three months before being surveyed for the ONS dataset referenced above.

The latest ONS data on sexual offences from the year ending March 2022 suggests that women are more likely to be victims of any sexual assault. Approximately 3.3% of women and 1.2% of men experienced sexual assault (including attempts).
It is generally accepted there is a higher prevalence of child sexual abuse amongst female than male victims. For example, in the 2019 CSEW, 11.5% of women reported having experienced child sexual abuse before the age of 16, compared to 3.5% of men. The same report estimated that across the population, 77% of those who experienced child sexual abuse are female. Furthermore, 70% of those who took part in the Independent Inquiry into Child Sexual Abuse's Truth Project were female.

The Internet Watch Foundation (IWF) report that in 97% of indecent images of children (IIOC) victims were female. 1% of images had male victims and 2% had both sexes.

*Indirect discrimination*

Any change to the notification requirements system would impact men more than women, although the measures will apply to both sexes. The Department considers this to be objectively justified, as the policy seeks to reduce sexual violence amongst those groups of people most affected by it.

Sexual Orientation

The ONS data for the year ending March 2022 demonstrates that 16.4% of adults aged 16 years and over who identify as bisexual, and 12.8% who identify as gay or lesbian experienced sexual assault. This is higher than adults identifying as heterosexual/straight (1.7%).

The Crime Survey for England and Wales also found that adults who identify as bisexual (26%) or gay/lesbian (13%) experienced sexual abuse in childhood at a higher rate than those who identify as heterosexual (7%). Furthermore, there is some evidence that children who are exploring their sexuality may be more at risk of child sexual abuse.

There is no known evidence on the sexual orientation of perpetrators of sexual offences. Additionally, there is no evidence to suggest that people with the protected characteristic of sexual orientation are likely to be disadvantaged by this policy. As a result, it is considered that the policy is not likely to be discriminatory within the meaning of the Equality Act 2010. This will be kept under review.

## 3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where advancing equality of opportunity is not addressed, that is because at this time the Department has assessed that the measures will not have a positive or negative

effect on advancing equality of opportunity between people who share a protected characteristic and people who do not share; the Department will keep this under review and update as necessary.

**Measures to combat Child Sexual Abuse**

Both perpetrators and victims could be people with any of the protected characteristics, but in the main the victims of the behaviour targeted are women. The Department does not believe that these measures specifically advance the equality of opportunity for particular groups, but the creation of these offences aims to protect people from this harmful behaviour and should have a positive impact on them.

**Stalking Measures**

Stalking can have significant adverse impacts on those who experience it, e.g. on their psychological wellbeing. In recent years, there has also been the emergence of cyberstalking and now most stalking contains elements of cyberstalking. A study found that cyberstalking also had similar impacts on victims that traditional stalking had[5].

A research study had found stalking impacts on victims in a variety of ways, including health impact, substance abuse, practical impact on life and activities and impact on third parties, but has the most prevalent impact on psychological wellbeing with 91.5% of victims[6]. Panic attacks, diagnoses of post-traumatic stress disorder and aggressive thoughts by the victim were found in this study.

The findings from the ONS CSEW year ending March 2024 estimates that 3.2% of adults aged 16 and over experienced stalking in the last year. It also found that women were more likely to experience stalking (4.0%) than men (2.3%). Stalking victims were also more likely to be from a Black or Black British ethnic background (4.6%) compared to 3.2% from white ethnic backgrounds and 2.8% for those from an Asian or British Asian ethnic background.

The ONS data also showed that single people were the group most likely to be stalked (6.0%), followed by people who were separated (5.2%) divorced (5.0%) and cohabiting (3.0%). The lowest prevalence of stalking was among people who are married or in a civil partnership (1.6%) and widowed (0.8%).

The ONS data also shows that 4.9% of stalking victims aged 16 or over in England and Wales had a disability (as defined by the Equality Act 2010) compared to people who did not have a disability (2.8%).

When it came to a person's religious background, the ONS data showed that people who identified as having an 'other' religion had the highest prevalence of stalking (4.2%). This was followed by people who identified as having no religion (3.4%) The figure was 3.3% for people who identified as Muslim and 2.9% for people who identified as Christian. However, the difference in prevalence between religions is not significant.

According to the ONS data, people who identified as straight/heterosexual had the lowest prevalence of stalking (2.7%). For the other groups, 8.2% of stalking victims identified themselves as gay/lesbian and 4.7% identified as 'other'. The largest group were bisexuals with 11.8% of stalking victims identifying themselves in this way. In addition to this, stalking

victims were more likely to identify themselves as being transgender (4.7%) than cisgender (3.2%).

The ONS did not have data regarding the pregnancy or maternity status of women. However, the Department does not consider there to be any implications for advancing the equality of opportunity between people who share this protected characteristic and those who don't.

Based on the evidence set out above, it is clear that certain groups, such as women, people with a disability, people who are bisexual, people from Black or Black British ethnic backgrounds, people who are single and transgender people are more likely to be victims of stalking than others, and the stalking measures will therefore provide additional protection against these groups.

The stalking measures seek to advance equality of opportunity between persons by addressing a pre-existing disadvantage faced by the individuals with protected characteristics as mentioned above. To the extent that other protected characteristics are disproportionately impacted by this crime (young people, disabled people, single people, transgender people, people who are bisexual and those in certain minority ethnic groups), the measures may also assist in advancing equality of opportunity for those groups (and other groups with protected characteristics for whom there is no evidence of disproportion) as the measures will improve the multi-agency response to stalking.

Where any new guidance is issued as a result of these measures, the Department will also follow Cabinet Office guidance to help make the document accessible and to ensure equality of opportunity between people with and without a disability.

**Child Criminal Exploitation**

The potential benefits of these new measures are increased prosecutions against perpetrators, a deterrent against criminals from recruiting and exploiting children, improved identification of victims and earlier intervention to help prevent offending and protect victims. In doing so, these measures could advance the equality of opportunity for children by preventing children from being drawn into criminality and enabling them to participate fully in society. The "special measures" provisions for child victims in court proceedings will also aid advancement of equality, by ensuring children can safely and effectively participate in court hearings.

Also, these measures could reduce criminality committed by adult perpetrators by deterring them from committing CCE in the first place, intervening with a civil preventative intervention where they are at risk of committing CCE, or incarcerating them where they have committed CCE.

The potential benefits of these new measures are increased prosecutions against perpetrators, a deterrent against criminals from recruiting children, improved identification of victims and earlier intervention to help prevent offending and protect victims. Therefore, the Department expects these new measures to result in improved outcomes for children with disabilities who the Department knows are at increased risk of CCE. The Department also expects these new measures to result in improved outcomes for children from ethnic minority backgrounds, especially black children, who are currently overrepresented as victims of CCE. In addition, the Department expects these measures, the statutory guidance

in particular, to raise awareness of CCE which could help to improve the identification of women and girls as victims of CCE, to which there are currently barriers.

The civil preventative orders are also intended to prevent individuals from committing or recommitting CCE, and so may have potential benefits for potential perpetrators who share these protected characteristic by helping to draw them away from offending.

**Cuckooing**

The potential benefits of a standalone criminal offence of cuckooing include improved awareness of cuckooing and a more effective enforcement response against perpetrators. Therefore, the Department expects any activity to result in improved outcomes for vulnerable adult victims, as well as children and vulnerable adults who are involved as perpetrators who are also exploited by county lines criminals

**Removal of Supervision Exemption**

Age

The definition of regulated activity with adults does not include a supervision exemption, so this change will bring the same level of protection to children as is afforded to the adults with whom regulated activity is undertaken, so that both supervised and unsupervised roles in both workforces are treated equally in terms of the application of the definition of regulated activity, and therefore eligibility for DBS enhanced with barred list checks.

**Grooming Aggravating Factor**

Age

The measure is likely to advance opportunities for children and young people by enabling greater protections through the strengthening of sentences for those who commit sexual offences against those under 18 involving grooming.

**Management of RSOs**

The above analysis indicates that RSOs with certain (being White, between the ages of 20 and 39 and male) protected characteristics are more likely to be impacted by a change to the notification requirements than those who do not have that or those protected characteristics.

Groups more likely than others to be victimised by sexual offences are younger people, particularly younger women; people with disabilities; people of mixed ethnicity;[79] single people; lesbian, gay and bisexual people; people with no religion.
The purpose of the notification requirements is to enable the police to gather information with which to assess the risk of sexual harm that each individual offender poses to the public and to manage that risk. Once the police (with the prison, probation and other MAPPS 'duty-to-

[79] ONS data shows that in the year to March 2022, 4.8% of mixed ethnicity individuals surveyed had experienced sexual assault in the preceding year; the next highest affected group were white respondents, 2.5% of whom reported experiencing sexual assault in the same period. Source: ONS, Sexual offences prevalence and victim characteristics, England and Wales (year ending March 2022), Table 4, Sexual offences prevalence and victim characteristics, England and Wales - Office for National Statistics (ons.gov.uk) (accessed 15 January 2024).

cooperate' agencies, such as health) have assessed an offender's risk, a risk management plan tailored to that individual will be put in place. Strengthening the notification requirements system, therefore, aims to reduce sexual recidivism generally. Reducing recidivism will remove a particularly impactful and harmful disadvantage (sexual offence victimisation) that people with the above characteristics are more likely to face than other groups.

It is difficult to definitively determine whether a name-change prohibition will advance equality of opportunity due to the fact there is very limited information on the protected characteristics of RSOs and those that change their name. However, the exemptions to the prohibitions should advance equality of opportunity for RSOs that are able to evidence a protected characteristic (such as a legitimate change of religion, marriage or a change of gender).

It may be that people intending to marry a registered sex offender that is subject to a name-change prohibition are disincentivised from doing so, due to the stigma of being associated with a sex offender that is unable to change their name. This could result in these people not marrying or being the targets of community opprobrium if they marry an RSO that cannot change their name. The Department considers that this would only occur in a very small number of cases.

Importantly, these measures are designed to improve the police's risk management of registered sex offenders. This will advance equality of opportunity for people with protected characteristics that are associated with higher incidence of sexual assault victimisation, such as young women, disabled people and bisexual or gay or lesbian people. It will advance equality of opportunity to these people in that it will lower the risk of sexual violence they face and enable them to go about their lives with a lessened fear of being victimised.

Certain changes will enable registered sex offenders with disabilities to have the same opportunity to comply or avoid punishment for non-compliance as other offenders. Virtual notification will enable those offenders with disabilities affecting their mobility or otherwise their ability to attend a police station in person to give notification in a timely manner and avoid inadvertent breaches of the legislation (and the attendant criminal sanction). Enabling the police to review and remove indefinite notification requirements (rather than wait for an application by an offender) will enable them to remove notification requirements where they are no longer necessary, but the RSO is unable to make an application to have them removed. The Department hears anecdotal examples of RSOs who are injured in accidents and remain incapacitated for a duration that causes them to breach their notification requirements. This would be avoided with these changes.

## 3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Department has considered whether these measures will foster good relations between people who share a protected characteristics and persons who do not share it. Where a measure is not addressed, the Department has not identified any impacts; this will be kept under review.

**Measures to Combat Child Sexual Abuse**

The Department does not believe these measures will impact on the relations between people who share this protected characteristic, and those who do not share it.

**Stalking Measures**

The stalking measures are likely to lead to better protections for people who are more likely to be victims of stalking. The groups with the highest prevalence of being victims of stalking and therefore are more likely to positively benefit from the measures, are women, those in younger age groups, single people, those who identify themselves as having a disability, those who identify themselves as bisexual and transgender people.

The stalking measures may also lead to more punitive enforcement against perpetrators. Perpetrators of stalking are more likely to be male and from younger age groups.

The Department does not consider there are any implications for fostering good relations between people who share protected characteristics and those who don't.

**Child Criminal Exploitation**

Improving the identification of victims and enforcement against perpetrators of CCE who fuel violence and criminality within communities may result in an improvement in trust and confidence in the response to CCE.

More specifically, the use of civil preventative orders could create further confidence within communities that there is oversight of potential offenders that could help to move them away from offending. The proposed "special measures" protections also aim to build trust and confidence among children participating in court proceedings.

**Cuckooing**

The potential benefits of a standalone criminal offence of cuckooing include improved awareness of cuckooing and a more effective enforcement response against perpetrators.

Improving the identification of victims and enforcement against perpetrators of cuckooing may result in an improvement in trust and confidence in the response to cuckooing.

**Removal of Supervision Exemption**

This proposal is not a means to foster good relations between people who share a protected characteristic and those who do not. Ensuring that roles that work closely with the most vulnerable, in this case children, are eligible for the highest level of DBS check, through being in regulated activity, is about supporting safer recruitment and ensuring that those who are considered to pose a risk of harm to children do not have the opportunity to work closely with them, improving safeguarding.

**Grooming Aggravating Factor**

This measure is not expected to have any significant impact on fostering good relations.

**Management of RSOs**

Due to the limited data available, it is difficult to anticipate whether the name-change prohibition will cause any negative ramifications between those in protected characteristic groups and others. The name-change prohibition does, however, include exemptions to account for particular protected characteristics that might be impacted by the prohibition. This will be kept under review.

Improving the police's risk management of sex offenders will result in groups with protected characteristics associated with higher rates of sexual violence victimisation having improved relations with those groups that share the protected characteristics associated with higher rates of perpetration (but that are not sex offenders).
It is challenging to know what the equalities impact of as yet undefined schemes for the police's disclosure of information to prevent sexual harm will be, but some relevant considerations informed by the Child Sex Offender Disclosure Schemes are below.
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By placing the Child Sex Offender Disclosure Scheme on a statutory footing and extending it to all offenders, it is expected that there will be a greater awareness of the scheme and its guidance, which will foster good relations between people who share a protected characteristic by:

- Providing the public with information on the scheme to increase its accessibility, alongside providing applicants or individuals enquiring about the scheme with resources which includes general information on CSA, and signs to help identify it. To foster good relations with the applicants, irrespective of any protected characteristics, the guidance ensures the police support the applicant, and safeguard the child, by identifying any immediate risks to the child within 24 hours, and keeps the applicant informed of a disclosure/non-disclosure decision.
- Providing the use of the online application form alongside the traditional face-to-face interview or through dialling 101 will increase accessibility of the scheme to all groups with protected characteristics and help to foster good relations between groups with protected characteristics.
- Consulting with colleagues from police forces, College of Policing and voluntary and community sector stakeholders to discuss how the scheme is currently being used by the public, and to continually identify any groups with protected characteristics that may face obstacles utilising the scheme and mitigating these challenges as they occur. Previous engagement with the consultation group, comprised of the above-mentioned stakeholders, highlighted the fact that it would not be beneficial to have a large-scale comms campaign as that risks overburdening police forces with unnecessary applications. The focus of any comms surrounding the revised guidance will be ensuring those with concerns regarding the safeguarding of a child, specifically surrounding child sexual abuse, will be able to easily find out about the scheme.
- Reducing recidivism and mitigating sexual risk may to some extent foster better relations between people with and without protected characteristics. A more robust risk management system may lead to individuals with characteristics that are associated with a higher likelihood of victimisation may come to see those with characteristics associated with a higher likelihood of perpetration as less threatening.

## 4. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

The Department has considered any mitigations from any negative impacts that this assessment has identified. Where a measure is not addressed, the Department has not identified any negative impacts; this will be kept under review.

**Stalking Measures**

The Department will follow Cabinet Office guidance in ensuring any guidance and documents are published in an accessible format.

**Child Criminal Exploitation**

The aim of the policy is to stop adults exploiting children. Whilst the criminal justice system retains independence, the Department expects any activity to result in improved outcomes for vulnerable people, regardless of their protected characteristic, who are likely to be victims of CCE.

To protect against any displacement of negative impacts of criminal exploitation of children and vulnerable people, statutory guidance will ensure that relevant bodies continue to consider the potential victimhood of such persons.

The Home Office recognises that further research is needed to fill in the gaps in our understanding of CCE and, where possible, seek further views on the impacts of Government action on different protected characteristics. The Department will monitor outcomes for perpetrators and victims to keep impacts of these measures on protected characteristics under review.

**Cuckooing**

The Home Office recognises that further research is needed to fill in the gaps in our understanding of cuckooing and, where possible, seek further views on the impacts of Government action on different protected characteristics.

**Management of RSOs**

To mitigate some of the risks of indirect discrimination, exemptions are included to enable name changes in legitimate and necessary circumstances. This will include where a name change relates to the protected characteristics of marriage, gender reassignment or a change of religion.

## 5. Review Date

The proposals considered in this document will be reviewed throughout the legislative process and will be subject to the normal post-legislative review three to five years after Royal Assent.

## 6. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

**SRO Sign Off:**

**Measures to combat Child Sexual Abuse:** Christian Papaleontiu, Deputy Director, Tackling Child Sexual Abuse Unit
**Stalking Measures:** Gisela Carr, Deputy Director Interpersonal Abuse Unit
**Child Criminal Exploitation:** Caroline Hart, Deputy Director, County Lines and Gangs
**Cuckooing:** Caroline Hart, Deputy Director, County Lines and Gangs
**Removal of Supervision Exemption:** Shehla Husain, Deputy Director, Public Protection Unit
**Grooming Aggravating Factor:** Adam Bailey, Sentencing and Parole Policy Unit (Ministry of Justice)
**Management of Registered Sex Offenders:** Gisela Carr, Deputy Director Interpersonal Abuse Unit

**Lead Contact:** CrimeandPolicingBillTeam@homeoffice.gov.uk

**Date:** 17 February 2025

For monitoring purposes all completed EIA documents must be sent to psed@homeoffice.gov.uk

EIA enquiries must also be sent to psed@homeoffice.gov.uk

**Date sent to PSED Team:** 24 February 2025