



Alliance
for Youth
Justice

From exploited to exploiter?

Preventing the unjust criminalisation
of victims of child criminal exploitation
in the transition to adulthood

September 2025

About this briefing

This is the third in a series of three policy briefings by the Alliance for Youth Justice on critical issues faced by young people in contact with the criminal justice system transitioning to adulthood.

This briefing explores the criminal justice response to victims of child criminal exploitation (CCE) as they transition to adulthood. It highlights how young adults remain at risk of exploitation but face a sharp drop in support, protection, and recognition as victims, and calls for a developmentally informed, safeguarding-led response that prevents the unjust criminalisation of exploited young adults.

It draws from an [evidence review](#); a consultation session bringing together professionals from the youth and adult criminal justice sector, voluntary and community sector, legal practitioners, and academia; and meetings and interviews with practitioners, subject matter experts and civil servants.

Practitioners and professionals spoken to as part of this research are collectively referred to as experts throughout this briefing. 'CCE' is used even where the victim has turned 18 and is now a young adult. In this report, 'child' refers to those aged under 18, 'young adult' refers to those aged 18 until at least 25,¹ and 'adolescent' and 'young people' refer to those aged around 16 into the early 20s.²

About the project

The '[Young People in Transition in the Criminal Justice System](#)' project is a three-year project by the [Alliance for Youth Justice](#) (AYJ), supported by the [Barrow Cadbury Trust](#). It examines the experiences of children and young people turning 18 while in contact with the justice system, exploring issues spanning the youth and adult criminal justice systems and wider support systems.

By drawing on existing evidence and engaging directly with children and young people, front-line practitioners and other experts, we aim to build a strong and credible evidence base; influence government policy and strategies; enable the development of effective practice; shape the narrative around young people in transition; and support young people to empower themselves as advocates to share their experiences and make change.



About the AYJ

The AYJ brings together over 80 organisations, advocating for and with children to drive positive change in youth justice in England and Wales. Members range from large national charities and advocacy organisations to numerous smaller grassroots and community organisations. The AYJ advocates for distinct systems, services and support that treat children as children first and foremost – underpinned by social justice, children’s rights and a focus on positive long-term outcomes. AYJ aims to promote widespread understanding about the underlying causes of children coming to the attention of the criminal justice system, and champion approaches that enable them to reach their full potential.



About the Barrow Cadbury Trust

This briefing was made possible by support from the Barrow Cadbury Trust, an independent, charitable foundation committed to bringing about a more just and equal society. Transition to Adulthood (T2A) is convened and funded by the Barrow Cadbury Trust. It campaigns for a distinct approach for young adults (18-25) based on their ongoing maturation. Registered Charity Number 1115476.



Introduction

Child criminal exploitation is a serious and growing concern. Children are often subjected to violence and coercion, and drawn into contact with the criminal justice system, with lifelong consequences. The harms do not stop at 18: as children grow up and become young adults entrenched in exploitative environments, their victimisation continues. In the eyes of the criminal justice system, however, these young people may now be seen as perpetrators, rather than victims, and at worst as exploiters, rather than exploited.

In recent years knowledge and understanding of child criminal exploitation has increased. As awareness has grown of how children's offending behaviour may be a consequence of their victimisation, there have been promising examples of policy and practice focussed on safeguarding children and diverting them away from the criminal justice system. While this progress in recognising the issues impacting children and working to improve the response is warmly welcome, there is still a long way to go, and the same progress has not yet been made for victims of child criminal exploitation who turn 18 and become young adults.

The response to criminal exploitation sits uncomfortably between safeguarding and criminal justice systems. Although victims should be protected and supported, both children and young adults harmed by criminal exploitation often continue to be further harmed by facing a severe criminal justice response. This risk of criminalisation is influenced by race, class and gender-based biases. In particular, it increases with age: the older a child is, the less likely they are to be viewed and treated as a victim, with a significant shift in this perception and treatment at age 18.

Young people do not overnight transform from children into fully mature adults, and the adults exploiting children do not disappear on the eve of their 18th birthday. Yet many of the services and systems designed to protect young people from harm fall away at this point, leaving young adults not only at continued risk of harm, but at risk of increasingly severe criminal justice consequences. Upon legally becoming an adult at 18, thresholds for support are higher, criteria for being protected from prosecution are stricter, sentences are harsher, and young adults are at risk of being charged with the exploitation of children despite their own continued victimisation.

There is a lack of data and research considering child criminal exploitation and the justice response from a transition to adulthood perspective. This briefing aims to shine a light on the issue in order to open a conversation across child and adult justice and safeguarding policy. It explores how perceptions of young people and the cliff edge at 18 contributes to the escalation of older children and in particular young adults into the justice system, punished for criminal activity they were exploited into. The briefing aims to identify key issues that are driving a criminal justice response rather than diversion and safeguarding. Critically, it considers what the response for young adults could learn from progress seen in recent years for children.

As the Crime and Policing Bill makes its way through Parliament, introducing a new offence of child criminal exploitation, it creates a pivotal moment for increasing awareness and understanding of the issue. It presents an important opportunity to improve the response for victims, but for victims who have since turned 18, the proposed new law increases the risk that exploited young adults will be prosecuted as exploiters of children. Now more than ever it is therefore crucial that complex victim perpetrator dynamics for young adult victims of criminal exploitation are properly grasped in policy and practice. Without this, young people will not only face long-term impacts on their mental health and wellbeing due to the abuse and violence they have been subjected to, but their lives will be forever blighted by criminalisation, potentially facing long custodial sentences and lifelong criminal records.





What is child criminal exploitation?

A statutory definition of child criminal exploitation (CCE) does not exist, however it is commonly understood to be a form of child abuse where a child is used, coerced, controlled, or manipulated into criminal activity.

This may be through violence or intimidation, can be in exchange for something and for the financial gain of the perpetrator, and can occur online and through the use of technology.³ It is a form of child trafficking, which is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.⁴ Statutory guidance acknowledges that a victim may have been criminally exploited even if the activity appears consensual, and that ‘vulnerable adults’ may be victims.⁵

CCE can take a range of forms and involve a range of activities but most commonly involves drug distribution and supply, including in the form referred to as ‘county lines’, where victims travel around the country to sell drugs.⁶ It can involve growing cannabis, transporting weapons, theft, shoplifting, burglary, fraud and street crime like begging and pickpocketing.⁷

Exploiters can range from friends and family, to local drug dealing groups, to serious organised crime groups.⁸ Grooming often begins with exploiters identifying a need, want or adversity in a child’s life, taking advantage of this to manipulate the child and make them feel valued, and then over time escalating the demands on the child to participate in criminal activity – including involving the child in the recruitment of other victims.⁹ Experiences of exploitation can include debt bondage, coercion, violence, threats, emotional and sexual abuse.¹⁰ Victims experience psychological stress and anxiety, are exposed to traumatic events, and can face intimidation and violence if they attempt to refuse involvement.¹¹



Child criminal exploitation in numbers

Statistics may underestimate the prevalence of CCE as many victims go under the radar of support services and are therefore not identified.¹² However, we know that:

- The Home Office has identified **14,500 children as at risk** or involved in CCE in 2023/24, and acknowledges this is likely to be a “significant underestimate”.¹³
- In 2023/24, **15,750 children in need assessments recorded** a child was facing risk of harm from criminal exploitation, **an increase from 10,140 in 2021/22**.¹⁴
- The number of both children and adults referred to the National Referral Mechanism (NRM), the framework for identifying victims of exploitation,¹⁵ as potential victims has increased significantly since the NRM’s introduction.¹⁶ This reflects both improved recognition of victimisation and an increasing number of victims.¹⁷
- **31%** of almost 20,000 referrals to the NRM in 2023/24 were for child potential victims, who are most commonly referred for criminal exploitation.¹⁸ **1,503 child referrals and 342 adult referrals were flagged as county lines**.
- In National Crime Agency county lines statistics, **65%** of police regions reported exploitation of children, and **74%** reported exploitation of vulnerable adults.¹⁹
- Of the **438 serious incidents** that Youth Justice Services (YJS) notified the Youth Justice Board (YJB) of in 2023/24 (where a child dies or is convicted of a serious violent offence), **41%** of children were identified as ‘gang affiliated’, criminally exploited, or involved in the NRM process.²⁰ This rises to **48%** for children with care experience or mental health needs, and to **53%** for children with Special Educational Needs and Disabilities (SEND).
- **92%** of NRM referrals flagged as county lines are for boys and men.²¹
- **Black and mixed heritage boys ‘appear to be more vulnerable to harm from criminal exploitation’**,²² and are disproportionately represented,²³ with almost a third of Black and mixed heritage boys on YJS caseloads recognised as victims.²⁴
- ADHD, Autism Spectrum Disorder, learning difficulties, speech, language and communication needs, school exclusion, care experience, and experiences of other abuse and exploitation are identified as factors of vulnerability in criminally exploited children.²⁵



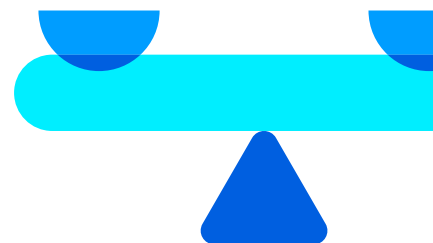
Victim or perpetrator?

The choice between keeping young people safe and criminalisation

The Office of the United Nations High Commissioner for Human Rights (OHCHR), Council of Europe Convention on Action against Trafficking in Human Beings, and Organization for Security and Co-operation in Europe (OSCE) all set out a principle of non-punishment for crimes committed as a result of exploitation.²⁶ The UK has provisions in place which aim to achieve this principle. For example, police are supposed to investigate potential victimisation;²⁷ the NRM aims to identify and support potential victims;²⁸ the Crown Prosecution Service (CPS) can choose not to prosecute if they believe the person charged is a victim of exploitation;²⁹ and section 45 of the Modern Slavery Act 2015 provides a statutory defence against prosecution for certain offences committed because of exploitation.³⁰ In an ideal world, the safeguarding system would spot victims and support them away from harm instead of the criminal justice system even being involved.

However, as this briefing goes on to explore, the current response is a long way from this ideal, leading to “unacceptably and unnecessarily high” social and personal costs.³¹ Many fall through the gaps of protective mechanisms, may never be successfully referred for support, or may be prosecuted despite having their victimisation identified,³² meaning criminally exploited people continue to be convicted for crimes resulting from their exploitation.³³

The complexity of criminal exploitation and the needs of those affected, unhelpful perceptions of who is and isn’t a victim, and a safeguarding system ill-equipped to deal with harm facing adolescents and its continuing effects into adulthood, all stand in the way of young people receiving a response that focusses on keeping them safe, over prosecution and punishment. The barriers to being viewed and safeguarded as a victim increase significantly upon turning 18.





A long way to go towards a safeguarding approach to CCE

Despite some progress in recent years, CCE continues to fall between fragmented safeguarding and criminal justice systems, leaving many children without support and treated as perpetrators rather than victims.

Over the last decade there has been growing recognition of the link between criminal exploitation and offending,³⁴ and strides by the government to promote the safeguarding of child victims and diversion from the criminal justice system.³⁵ However, children too often continue to be treated as perpetrators rather than victims, with law enforcement taking precedence over child protection.³⁶

Experts highlighted a lack of understanding and professional awareness of CCE, and support mechanisms, creating missed opportunities to protect victims,³⁷ and a lack of consistency creating a postcode lottery of responses. The response is “often slow, reactive and lacking in capacity”,³⁸ held back by insufficient training,³⁹ resources,⁴⁰ and information sharing.⁴¹ The absence of a statutory definition of CCE,⁴² and use of a non-statutory definition that is not compliant with international law,⁴³ creates barriers in identification of victims.

The needs of CCE victims are complex⁴⁴ and often intertwined with other harms such as sexual exploitation and domestic abuse.⁴⁵ Many face social inequalities and structural disadvantages such as poverty and racial discrimination, and have a history of trauma, care experience, and school exclusion,⁴⁶ making them highly vulnerable to being targeted. Despite overlapping vulnerabilities, experts were concerned that the system is highly fragmented, operating in policy silos, and that multi-agency work is not always effective, creating barriers to coordinated, child-centred approaches.⁴⁷

The safeguarding system, designed to respond to harms to younger children within the home,⁴⁸ is not working well for adolescents at risk of harms such as serious violence and exploitation,⁴⁹ leaving children without referrals, support, and early intervention.⁵⁰ Growing recognition of the need for a distinct safeguarding response⁵¹ has led to significant innovation and positive developments in recent years,⁵² such as the Contextual Safeguarding approach.⁵³ However, Contextual Safeguarding is often poorly understood and not always being applied,⁵⁴ and experts set out how the lack of nationally established response means local practice varies hugely.

Overall, the criminal justice and safeguarding systems still sit on separate tracks. CCE creates awkward intersections between the two, which experts believe are not currently functioning to protect children from harm and criminalisation.



Criminally exploited young people: not the ideal victim

Arguably the most crucial factor in ensuring safeguards against prosecution work is how well professionals identify victimisation. However, young adults impacted by criminal exploitation do not meet the criteria for the ‘ideal victim’.

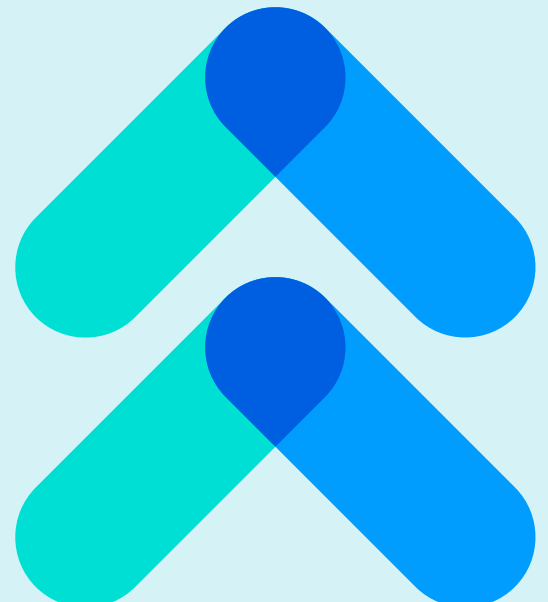
An ‘ideal victim’ is weak, passive and blameless, victimised by a stranger while engaged in respectable activity.⁵⁵ Victims of CCE do not fit this mould, and as they get older, the longer exploitation goes on, and offending gets more serious,⁵⁶ the further they divert from it – with a particularly acute shift at 18.

Victims may be reluctant to accept help, distrusting, defensive, or hostile due to past trauma, previous negative interactions with professionals, or fear that they will be in trouble or put in further danger.⁵⁷ They may appear to be benefiting from, and enjoying, their position nor consider themselves as victims,⁵⁸ and complex coercive relationships may make them protective of, or emulate the lifestyle of, those exploiting them.⁵⁹ Experts highlighted how this behaviour exacerbates issues in identifying victims and a culture of victim blaming among professionals.⁶⁰



Experts set out how harmful views and biases create disparities in who is, and who isn't, deemed worthy of victim status:⁶¹

- **Race:** Racial bias – particularly adultification, where Black boys are viewed as less innocent, older and more culpable⁶² – creates disparities in victim identification. Young people feel that Black young people are less likely to receive help and more likely to receive either no response or a punitive one.⁶³ Foreign national children also face discrimination and significant barriers to identification.⁶⁴
- **Gender:** While there is growing recognition of girls at risk of CCE, gender-based biases may lead to under-identification.⁶⁵ Young people feel girls are more likely to receive help than boys,⁶⁶ and while some experts agreed, others felt young women are treated more harshly for defying gender norms. Girls' involvement can look different to boys and often includes child sexual exploitation, but assessments may not be designed with this in mind.
- **Class:** Classism creates disparities in perceptions of whether children and young people are considered 'risky' or in need of protection and diversion,⁶⁷ with experts highlighting how working class children and young people experience adultification.
- **Neurodivergence:** Children with SEND may not only be at particular risk of CCE but needs may be undiagnosed, creating difficulties in identifying victimisation.⁶⁸ Young people are concerned that misconceptions about how neurodivergent young people present can result in inappropriate responses.⁶⁹
- **Care experience:** Young people with care experience are particularly vulnerable to exploitation but may face difficulties in having their victimisation recognised, and social care and criminal justice professionals face challenges in meeting their safeguarding needs.⁷⁰





The cliff edge in support in the transition to adulthood

The harms of exploitation do not stop as young people turn 18, yet support and sympathy too often does. Children receiving safeguarding support and wider services face a cliff edge as this often falls away at 18, if not before.



There's the justice/welfare divide, there's also the child/adult divide. So you've got this vertical and horizontal break in the system"

Director, research institution

Young adults continue to face harm

While awareness of CCE has grown, there is far less policy focus on young adults who began being exploited as children and have transitioned into adulthood, despite it being common for adult victims to have been exploited as children.⁷¹

Abuse and exploitation do not end at 18⁷² and the effects of harms experienced in childhood, and many of the systemic and environmental factors that make a child vulnerable, continue into adulthood and may intensify.⁷³ The traumatic impact of exploitation on emotional, physical and mental wellbeing is acute and long-lasting⁷⁴ and may drive offending, drug and alcohol misuse, going missing, undermine access to education and other services, and negatively impact family relationships.⁷⁵



People don't understand how much being exploited, county lines, has a knock on effect. It really impacts until 25, until 30, and long term support is needed."

Young person

Past criminalisation and incarceration⁷⁶ for crimes connected to their exploitation create further challenges in recovering. Experts highlighted how exploiters, aware of this, and aware of how a drop off in support at 18 makes young adults more vulnerable, may specifically target those transitioning to adulthood.⁷⁷



We see two, three years later, the traffickers come back, when they're settled, doing well, older and working, and say to them 'you still have that debt' – the debt bondage carries on for years and years. And if there has been any conviction or arrest on their criminal record, they struggle with any opportunities, employability or registering for college or university. So it's such a vicious circle."

Manager, safeguarding service

Failures to safeguard young adults from the harms they face and support recovery can result in "unmet needs and costly later interventions",⁷⁸ **entrenching young adults in exploitation and crime at an enormous social and financial cost to society.**

Young adults are no longer treated as vulnerable

At 18, the treatment of victims of CCE shifts in a way that does not reflect the complex reality of exploitation.⁷⁹

Experts highlighted how a young person aged "17 and 364 days" may be seen as a vulnerable child victim in need of support, while on turning 18, overnight they may be seen as a fully mature adult perpetrator: less vulnerable, more complicit, and less capable of being manipulated and controlled.⁸⁰

Experts expressed concerns that the response to adult victims dismisses or fails to identify prior childhood victimisation, overlooking vulnerabilities, trauma, and how coercion frequently begins early and persists into adulthood.⁸¹ They were concerned that access to support is impacted as the adult system fails to view behaviour through a trauma-informed lens, and to consider exploitation and related trauma to the same degree as the children's system,⁸² instead focussing on harm the young adult may pose to children.⁸³



The prevailing narrative tends to focus on the young adult as the cause of harm, rather than recognising the harm being caused to them."

Director, research institution and consultancy

Experts highlighted **the response fails to recognise that maturation continues until at least the mid-twenties,**⁸⁴ assuming levels of developmental and cognitive abilities that go against the evidence base, and therefore viewing young adults as culpable, even if victimisation is recognised.⁸⁵

From “exploited” to “exploiter”

At its worst, this lack of understanding of victimisation, vulnerability and culpability leads to a switch from a young person being viewed as exploited while under 18, to then being treated as an exploiter upon turning 18.

When young people are exploited over a number of years, the ‘position’ they come to occupy in drug offending groups may be viewed as more senior. Part of their exploitation may involve the recruitment and coercion of younger children. They may be forced to participate in this, or may do so as a survival strategy – reducing their personal risk by ‘moving up’ the group, but increasing the risk they will be labelled as a perpetrator. This is a well known pattern in child trafficking, for example in child sex rings.⁸⁶ However, it was a significant concern among experts that the response to CCE demonstrates **a fundamental lack of understanding of this complex victim/perpetrator dynamic, where young adults were initially exploited as children and have since become involved in exploitation themselves.**



Once there is evidence that a young person may be involved in exploiting others, any prior recognition of their victim status is often disregarded. The system defaults to prosecuting them solely as perpetrators, without accounting for the coercion and manipulation they may still be experiencing.”

Director, research institution and consultancy

Experts highlighted how whether or not there is evidence of a young adult playing a role in the exploitation of others, being over 18 automatically creates an assumption that they are perpetrating exploitation of children, rather than that both children and young adults can be victims.





When a young person turns 18 it is so common for the police and CPS to suggest that they are now a perpetrator, often on the basis of tenuous evidence or no evidence at all. I don't think they realise how much harm this causes to a young adult who has been exploited; to be told that they are now inflicting the same harm that was caused to them on someone else...I represented an incredibly vulnerable young adult, who had been exploited since they were 14 years old, arrested for drugs supply and modern slavery offences. They refused to say anything about their own exploitation in interview and the only thing they wanted to make clear was that they were not responsible for exploiting anyone else. Despite being NFA'd for the modern slavery allegations, the narrative that they were a perpetrator continued throughout their case. To this day, my client still talks about that."

Lawyer

Experts were concerned that progress in recognising children as victims therefore rebounds on young adults. As the system seeks to protect children and demonstrate its success in stopping exploiters, young adults may be targeted for prosecution.



A 17 year old and 18 year old out together, both with Class A drugs in their pockets, and suddenly one of them is exploited and one of them is the exploiter."

Exploitation lead, voluntary sector

As well as the psychological harm imposed on a victim being treated as an exploiter of children, there are grave criminal justice consequences. Convictions for modern slavery carry significant custodial sentences and potentially lifelong criminal records. **As the Crime and Policing Bill creates a new offence of CCE, the risk of young adults being prosecuted for perpetrating CCE – and receiving the associated maximum 10 year prison sentence – increase significantly.**



Young adults fall through gaps in the adult safeguarding system

Upon turning 18, many young people who have experienced criminal exploitation are no longer entitled to safeguarding protections.

While child safeguarding legislation has a broad remit to protect any child at risk of significant harm,⁸⁷ adult safeguarding duties only apply where adults face abuse or neglect, have formally defined care and support needs, and are unable to protect themselves because of those needs.⁸⁸ The Care Act 2014 defines care and support needs as physical or mental impairments that significantly affect someone's ability to carry out daily activities.⁸⁹ This higher threshold and narrow focus leaves many turning 18 facing a drop off in support, excluding many exploited young adults who fall outside the definition but still face serious risks.⁹⁰



If we think of a 19 year old who might have a learning difficulty but not a disability, be neurodivergent but not with a high tariff diagnosis, care experienced, living in poverty, mental health needs, but if it's not 'care and support needs', he might be culpable rather than vulnerable. He might get a criminal justice response rather than a safeguarding response... This real disconnect emerges because we built the safeguarding system before we knew what we now know about exploitation."

Director, research institution

Experts raised concerns that even where authorities recognise exploitation is occurring, without a formal diagnosis or care and support need, they do not know how to respond, and are not set up to. They noted that while recognition may have increased, less progress has been made in adult safeguarding compared to child safeguarding in supporting those at risk. This means young adults may receive no safeguarding response at all, leaving the criminal justice system as the default response.⁹¹



There isn't an adult safeguarding response. Part of the 'out' of criminalisation is having a safeguarding offer – if you don't have that, where else are you meant to go?"

Academic

There is growing recognition of the need for a new approach that better reflects the needs of young adults and the risks they face. Experts argued that under the Care Act 2014 authorities do have relevant duties regarding young adult victims of exploitation, as the Act requires areas to provide support to prevent or delay the



development of care and support needs. They reported some local authorities have used this legislation to establish an offer of support, but these are isolated, and such initiatives rely on the commitment and creativity of local agencies in the absence of national support and funding.

Support has emerged for a Transitional Safeguarding approach which recognises the need for flexible, developmentally-appropriate support for young people moving into adulthood.⁹² While some local partnerships have begun to develop these approaches,⁹³ experts warned they face challenges due to the different legislative frameworks and thresholds,⁹⁴ a lack of national mandate and support to develop and implement new approaches, and siloed working. They highlighted this means in many areas, despite guidance,⁹⁵ Transitional Safeguarding is not being enacted at national policy level, and so is not reflected in most local area activity.



Safeguarding teams can operate in parallel rather than in partnership, with good practice emerging in silos. It's not uncommon for adult and children's safeguarding teams to have limited opportunities to collaborate."

Policy professional, voluntary organisation

Unless national government support local partnerships and agencies to fully develop and embed Transitional Safeguarding, young adults who have experienced exploitation will continue to face a system where eligibility, not vulnerability, dictates access to support.

Young adult needs are unmet as wider support falls away

Despite needs and risks persisting, thresholds and eligibility criteria for a range of support change at age 18, closing young people off to services.

Many victims of CCE have experience of the care system, SEND, mental health needs, substance misuse issues, and adverse childhood experiences such as poverty, abuse, and homelessness.⁹⁶ These intersecting vulnerabilities mean children may be open to a number of services and have statutory entitlements that change or drop off as they turn 18, creating a cliff edge in support.⁹⁷

Experts highlighted how prevalent neurodivergence and mental health needs are among victims, and raised concerns about how difficult it is to secure support, even for children. With backlogs meaning young people may turn 18 while on long waiting lists, they may never receive help and won't be transferred to adult services.



Every single child or young adult affected by county lines, completely unprompted, mentions mental health. Both as a vulnerability to, and as a consequence of, exploitation. So the lack of mental health support is really significant.”

Research professional, voluntary organisation

For care experienced young people becoming care leavers at 18, some support continues.⁹⁸ However, experts were concerned that some areas have better understanding of exploitation than others, and leaving care entitlements alone are not sufficient to facilitate recovery from exploitation. They highlighted that if a young person has been moved out of area to protect them from county lines, when they turn 18 they may fall through gaps between different areas' leaving care teams, and may lose out on access to housing.

The voluntary and community sector (VCS) supports children with a range of vulnerabilities, but their remit and funding is also frequently restricted to under 18s, with few equivalent services for over 18s or arrangements to transition between them.



Lots of the help I received was from children's charities. Unfortunately these charities have age cutoffs which means that normally people over the age of 18 or 21 they can't offer support for, their funding just won't allow them to cover those age groups.”

Young person

Children subject to immigration enforcement who have been convicted of offences as a result of their exploitation face barriers in regularising their status. They may suddenly become more likely to be deported as a Foreign National Offender upon turning 18.⁹⁹

Finally, protecting young people by disrupting and prosecuting their exploiters becomes more difficult as they transition to adulthood. **For a child to be trafficked, the means (such as use of force, deception, or abuse of power) don't need to be proven or evidenced, whereas for an adult to be trafficked, they do.**¹⁰⁰ Experts set out how this makes evidencing exploitation of over 18s much more difficult, making supporting young adults away from harm by prosecuting their exploiters less likely. They also raised concerns that Child Abduction Warning Notices (CAWNs), a common exploitation disruption power, can only be used when a victim is under 16, or under 18 if they are care experienced.

Young adults drop out of the NRM

On turning 18, victims of CCE may find it increasingly difficult to receive a successful referral and support from the NRM.

The NRM is a system for identifying potential victims of modern slavery and ensuring they receive support. This support can include legal advice, accommodation, protection and psychological or emotional support. However, experts raised concerns that the framework was originally designed for adults trafficked from abroad, that support and entitlements through the NRM are not providing effective and adequate protection from harm,¹⁰¹ and that even if children are receiving child protection support as a result of a positive decision, because this sits under child welfare law it may end at 18.



Young adults have nothing. We can't even get them safe accommodation, despite the fact that they still have an NRM decision and they're at huge risk of harm. It's pretty shocking, the lack of support that derives from a NRM referral for children which gets worse when turning 18."

Policy lead, voluntary organisation

NRM first responders are authorities authorised to refer children or adults into the NRM, including the police, local authorities, and a select few VCS organisations chosen when the framework was first created. Experts were concerned there is a lack of understanding among first responders about their role¹⁰² and the complexity of CCE and its continuing impacts into adulthood, impacting NRM referrals. They highlighted that **the current list of first responders lack capacity and expertise, while very few VCS organisations who are specialists in supporting CCE victims are on the list.**

Experts raised concerns that a lack of clear guidance, victim-blaming narratives, and feelings among police and others that the NRM is a ‘get out of jail free card’ and that support services are only for ‘victims’ rather than for those viewed as perpetrators – particularly for those who have previously been convicted – leave young adults at increased risk of not being referred. Lawyers set out how difficult they are finding getting a first responder to refer their young adult clients, providing examples of having to threaten legal challenge in order for the police to refer. They highlighted a policy within the British Transport Police of automatically referring all children arrested for certain offences such as drug supply into the NRM, but were not aware of similar policies extending to young adults.



The use of the NRM seems to hinge on whether referrers believe a youngster is a ‘proper’ victim...many assume that support services are just for ‘victims’, so don’t refer those young adults who occupy that greyer area.”

Exploitation lead, voluntary sector

Ensuring young adults receive support via the NRM is made more complicated by the fact children do not need to consent for a referral whereas adults do.¹⁰³ A child already in the system and pending a decision needs to provide informed consent to remain in it upon turning 18. Experts raised concerns that many young people withhold consent, particularly as professionals do not properly explain the benefits of the process,¹⁰⁴ and particularly if the referral has come from the police. Research raises concerns that upon turning 18, **the vast majority of young people withdraw from the NRM, have their cases suspended, and are not referred for or going on to receive support,**¹⁰⁵ and that information about childhood NRM referrals are not always communicated to and used by adult services.¹⁰⁶





So many young people just aren't going to consent. They may not see themselves as victims. They may not see how this process is helpful to them. They may genuinely fear that if they consent, it could have repercussions on them for being snitches or for providing information against their exploiters."

Policy lead, voluntary organisation

Independent Child Trafficking Guardians, providing advocacy for child victims in the NRM, are being slowly rolled out nationally. Although providing this support beyond 18 has been piloted,¹⁰⁷ for the vast majority this support will end upon transitioning to adulthood. Experts raised concerns that the Home Office terminated the pilot abruptly last year despite its apparent success.



That independent guardian is so vital for that young person in that very precarious moment when they're turning 18."

Policy lead, voluntary organisation

The transition starts before 18

The loss of victim status and cut off in support starts well before 18, in practice it is seen from 16 onwards.

Experts set out how from 16 onwards, local authorities and police take a more punitive, less empathetic approach, disregarding the child's circumstances and exploitation and therefore not offering support. Children's services have a different duty of care to 16 and 17-year-olds compared to the protections afforded to younger children,¹⁰⁸ and experts highlighted struggles to get children's services to recognise CCE as a child protection concern for older children, and a 'huge increase' in cases being closed at 16 or 17.



How youngsters are treated changes before they are 18. In a frank conversation with a county lines focused police officer I was told "under 16, probably a victim, 16 or 17- depends if they have previous, over 18 – probably culpable","

Exploitation lead, voluntary sector

This drop off in safeguarding and support as children approach 18 not only leaves them more vulnerable, but limits opportunities for handover between child and adult services, or for building a multi-agency offer around a young adult.

Criminalising victimisation: missed opportunities in how the justice system responds

When a victim of CCE is arrested, how the police, Crown Prosecution Service (CPS), lawyers and courts respond all determine whether a child or young adult ends up escalated through the criminal justice system and convicted, or whether opportunities are seized to support them and prevent the unjust criminalisation of victimisation. How different parts of the justice system utilise NRM decisions is also critical. Case law sets out clear obligations, under Article 4 of the European Convention on Human Rights, on authorities to identify victims of trafficking and exploitation and take appropriate protective steps before any prosecution.¹⁰⁹ Police and prosecutors have a duty to carry out a thorough investigation into indicators of exploitation, and to suspend criminal proceedings while such assessments are ongoing.¹¹⁰

The criminal justice system has made some strides towards a focus on identifying exploitation and preventing the criminalisation of child victims. However, practice remains inconsistent, crucial evidence isn't gathered or shared, and practitioners still lack knowledge about exploitation, the protections available, and how to apply them effectively. The system is even further behind in its understanding of and response to victims of CCE who have transitioned into adulthood. These young adults face significant barriers in avoiding criminalisation, as protections diminish, criteria for being treated as a victim tighten, perceptions of culpability shift, and the risk of being treated as a perpetrator – or even as an exploiter themselves – increases.





Police investigations

Police drive children and young adult victims into the justice system when they fail to identify CCE and fully investigate cases.

Police are the gateway to the justice system and when they arrest children and young adults who may be victims of CCE, the decisions they make and investigations they conduct are crucial in identifying opportunities to divert young people from criminalisation, gathering important information on exploitation to support a young person's case, and catch the older adults harming young people. However, in 2024 inspectors found the Metropolitan Police – the force handling the largest number of cases – to be ineffective at identifying CCE and skilfully investigating, focussed on prosecution rather than safeguarding, and missing opportunities to identify exploiters.¹¹¹

Experts highlighted that awareness may have grown among senior-level police, and specialist county lines teams generally have improved knowledge and practice, but expertise is disjointed, officers at street-level have patchy and variable understandings about vulnerability to exploitation, and initial judgments shape their handling of cases.¹¹² For young adults, understanding of past victimisation is crucial, however experts were concerned flags on police systems for vulnerable children do not transfer post 18. **They raised concerns that little consideration is given to victimisation, particularly after turning 18, and particularly when young adults appear to be taking on the role of exploiter.** They even reported concerns that police sometimes defer prosecution until a child is over 18 so there is a better chance at conviction.



In practice, police responses in cases we have worked on frequently exacerbate trauma and place children in further danger. Upon reaching the age of 18, the policing response shifts dramatically to an assumption that the young person is now acting willingly and has potentially taken on a more senior role, even in cases where there is substantial evidence indicating that their exploitation began years earlier.”

Director, research institution and consultancy

Experts highlighted that police often don't refer young adults to exploitation support services as they don't recognise or agree that support is the right outcome. However, even if they do, as thresholds for support and services increase at 18, police may no longer have a safeguarding partnership willing or able to take referrals for young adults they encounter. Experts set out how this can lead police to feel they have run out of options and have no choice other than to criminalise.



There's very limited support services for police to refer adults to. A senior police person once said to me 'Sometimes I think we're criminalising these young adults so they get some kind of response'."

Transition into adulthood project lead

Experts felt that police investigations too often did the bare minimum 'tick box exercise' to examine CCE, focussing instead on investigating the criminal offence. They highlighted police may refer into the NRM but then make no other inquiries around someone being a potential victim, or refer into the NRM while simultaneously seeking to secure a conviction.



Investigations are often someone going out to the child, saying 'are you being exploited? Yes or no'. If the child says no, case closed."

Practitioner, safeguarding service

Failures to properly investigate could be due to a lack of understanding or belief young people are victims, a lack of resources, and a lack of awareness that collecting evidence of exploitation is crucial not just for police but also CPS decision-making and whether the section 45 Modern Slavery Act defence against prosecution could apply in court.¹¹³ Experts also highlighted police are missing opportunities to identify adult perpetrators and protect young people by failing to thoroughly investigate.

A significant barrier in police investigations is young people experiencing criminal exploitation giving ‘no comment’ interviews¹¹⁴ and not disclosing information for fear of a punitive justice response,¹¹⁵ retribution from their exploiters, or concern they will be removed from their home to keep them safe.



Often as soon as I confirm on behalf of my clients that, for obvious reasons, they are unable to speak about their experiences and are unwilling to name those responsible for their exploitation, the exploitation investigation is closed.”

Lawyer

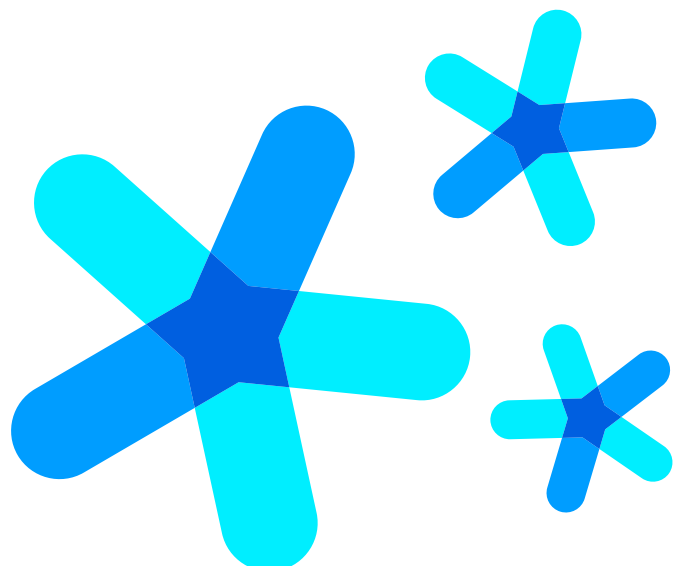
Experts were concerned about police relying on personal disclosure and pressing children and young people to be informers, despite case law proving victims do not need to self identify in order for police to have a protective duty.¹¹⁶ Experts did note some examples of police using evidence such as data extracted from phones to secure prosecutions of exploiters, rather than using young people as witnesses. However, they set out how police often pressure young people to give names and details of their exploiters in order to validate their account of exploitation, sometimes presenting the NRM like witness protection, or essentially bargaining with young people that support such as an NRM referral will be given in exchange for information.



Within the Met we’ve seen children being explicitly told that if they can’t / won’t name perpetrators then they can’t / won’t be supported.”

Practitioner, local authority

Young people making disclosures need to be kept safe. However, experts highlighted huge challenges around ensuring safe accommodation and robust long-term safety plans are in place, and provided examples of police compromising the safety of young people by relaying information disclosed during police interviews to co-defendants or potential exploiters.





CPS decisions to prosecute

CPS decision-making is a critical stage in preventing the criminalisation of exploited children and young adults, but ensuring the CPS discontinues proceedings is hard, and becomes more difficult the older the victim is.

The CPS must follow a four-stage test when deciding whether to prosecute a potential victim of CCE. They must first consider whether there is reason to believe that the person is a victim of modern slavery. If so, if there is clear evidence of a credible common law defence of duress, or of a statutory defence under section 45 of the Modern Slavery Act 2015, then they should not prosecute. Finally, even if there is no clear evidence of duress, or the section 45 defence may not be applicable, they must consider whether it is in the public interest to prosecute. This public interest test must consider the seriousness of the offence, harm caused, age, maturity, and culpability.¹¹⁷ NRM referrals and decisions are also important considerations, discussed in the next section.

Experts emphasised how vital it is for lawyers to raise possible exploitation in representations to the CPS,¹¹⁸ to push them to review the case, as if the case makes it to court then being put on trial is traumatising and avoiding conviction is difficult.



Juries don't actually understand. We've had mixed success in terms of children being acquitted on a modern slavery defence once in trial, and it's a really traumatic process. So you don't really want to be in trial: you put all of your efforts into getting the case reviewed prior."

Lawyer

However, experts set out how the CPS is not properly reviewing cases when it should be: that **all reasonable lines of inquiry for information are not being made, and the public interest test is not being given full consideration.** They set out how lawyers must gather evidence and records ahead of a potential trial and continuously challenge CPS refusals to review cases.



We've really seen how important it is to get those collateral sources collated before we go to trial. But it's not being tapped into until we're into the trial process and lawyers are instructing expert witnesses to make those inquiries instead."

Consultant and expert witness

The Code of Crown Prosecutors sets out that the younger someone is, the less likely it is prosecution is required, but acknowledges young adults will continue to mature into their mid-twenties.¹¹⁹ CPS guidance around criminal exploitation highlights that for children, culpability for an offence is removed – and therefore it is not in the public interest to prosecute – depending on their circumstances, whereas for over 18s there must have been a degree of compulsion.¹²⁰ Experts set out that ensuring the CPS review a case and decide not to prosecute is much harder when it involves young adults compared to children.



In my experience, once a young person turns 18, it is more difficult to persuade the CPS to apply their own guidance and discontinue proceedings. We often receive one line responses to detailed and extensive representations and material simply confirming that they are proceeding with the prosecution. We are increasingly having to make applications to stay proceedings as an abuse of process as a result.”

Lawyer

Lawyers set out how after 18, it can be harder to gather historical information to evidence exploitation as the Youth Justice Service is no longer involved. They highlighted that the CPS views young adults as less vulnerable and more culpable, and this is exacerbated when a young adult has been exploited for a number of years and may have successfully avoided prosecution as a child but continues to be exploited and arrested post-18.



We may have successfully ensured that the prosecution is discontinued for a number of occasions when somebody is a child and then they become a young adult, they have less support, there’s less hope of any intervention or support that’s actually going to break that cycle. And so then they’re back with us again on more similar offences. The CPS are much less sympathetic at that stage.”

Lawyer





How the justice system uses the NRM

NRM decisions impact how the CPS and courts respond to victims of CCE, but the NRM's ability to prevent prosecution is increasingly at risk, particularly for over 18s.

When a child or young adult is arrested for crimes connected to their criminal exploitation, NRM decisions play an important role in whether the criminal justice system pursues a conviction. The CPS must take positive NRM decisions into account when deciding whether to prosecute,¹²¹ and in court, NRM decisions can support a section 45 defence and influence sentencing decisions and appeals. However, as discussed earlier, young adults are less likely to be successfully referred than children, and child safeguarding experts have long been concerned that **the NRM does not suit the circumstances of criminally exploited people, and is not well understood and inconsistently used by the CPS and the courts.**¹²²

Recent developments in the Nationality and Borders Act 2022 (expanded but not yet in force in the Illegal Migration Act 2023) further harm the NRM's ability to protect CCE victims from prosecution.¹²³ The Act raised the threshold for positive NRM decisions and disqualified certain people from support.¹²⁴

Children and young adults can be excluded if they are deemed to pose a threat to public order (the 'Public Order Disqualification' or 'POD'), while over 18s can also be excluded if it is believed they have claimed to be a victim in 'bad faith'. Experts were concerned the increase in threshold is having a huge impact, particularly on over 18s, and this is borne out in statistics: the proportion of NRM referrals resulting in a positive decision that there are 'reasonable grounds' to believe someone is a victim has decreased from 90% in 2022 to 79% in 2024 for children, and from 87% to just 40% for adults.¹²⁵

In 2024, 242 PODs were made.¹²⁶ Experts warned **PODs are an emerging threat to victims of CCE. They highlighted PODs can be made for serious or repeat offences, which many criminally exploited people will be involved in.** By hindering access to the NRM, experts set out how PODs impact CPS decisions on whether to review cases, making young people more likely to end up in court, and influencing whether a section 45 defence is applied.



So many of my clients at the moment are being issued with PODs. This is causing a huge problem with progressing and actually accessing a section 45 defence."

Lawyer



Long delays are also undermining the NRM, leaving victims in limbo, and in some cases preventing a section 45 defence from being used.¹²⁷ **Delays cause significant issues in ensuring victimisation is recognised ahead of prosecution and are particularly concerning for young people approaching their 18th birthday.** These young people face the choice between going to court as a child without an NRM decision, or their case being delayed to await the decision, as CPS guidance suggests it should be.¹²⁸ The latter would hopefully mean the CPS then reviews the case and decides not to proceed, but their court case may well go ahead anyway – either because the NRM decision is negative or because CPS diverts from the NRM decision and decides to prosecute anyway. If they have turned 18 while awaiting their decision, they will now face the adult rather than youth justice system, with significant consequences for their protections, sentence, and criminal record.¹²⁹



In practice, many trials are conducted before an NRM decision is issued. This leaves victims unrecognized as potential victims of exploitation, leading to convictions without consideration of modern slavery contexts.”

Director, research institution and consultancy

A Home Office pilot is underway devolving decision making around whether children are victims of modern slavery to local existing safeguarding structures,¹³⁰ and evaluation results have shown this reduces delays and improves decision-making.¹³¹ However, experts were concerned that the pilot excludes children subject to a POD or close to turning 18, and a similar pilot does not exist for young adults.



How long the NRM process takes...there was a real big time lapse and it affected my mental health a lot, it affected my recovery, it affected me looking to move on with life. It just affected so many things.”

Young person

A court judgment in the case of *R v Brecani [2021] EWCA Crim 731* has been a “major setback” for the power of NRM decisions to prevent the criminalisation of CCE victims.¹³² The judgment set out that a positive NRM decision, that there are ‘conclusive grounds’ that someone is a victim of exploitation, is no longer admissible evidence at Trial. While conclusive grounds decisions must still be considered by the CPS during their review of the case, they are not deemed robust enough to be relied upon as proof of modern slavery.

Since the Brecani judgment, experts have witnessed a lack of understanding among the CPS, advocates, judges and criminal defence practitioners of the importance of NRM referrals, irrespective of whether decisions are ultimately admissible at trial. Experts highlighted how the judgment has made it more important than ever to secure an NRM referral and decision promptly, so it can inform the CPS decision on whether to prosecute. However, the judgment has also made clear that CPS prosecutors are not bound by NRM decisions and can decide to prosecute anyway.¹³³ Experts raised concerns that since the judgment, the CPS is neglecting its continuing duty to review cases in light of an NRM decision, and is pushing ahead to trial before decisions are made. This not only makes a case more likely to end up in court, but may make it less likely for the court to realise a section 45 defence should be explored.



We’re having cases batted back time and time again with the CPS saying ‘no, we’re proceeding’... on the basis that the NRM isn’t admissible in trial. But it certainly is in terms of the decision to continue the prosecution. So trials should not be going ahead without an NRM.”

Lawyer





The section 45 defence in court

The section 45 defence exists to protect victims of exploitation from prosecution, but it is inconsistently applied and young adults face particularly high barriers to proving their victim status.

If all previous safeguards against punishment for exploitation have failed and a child or young adult ends up in court, experts highlighted how harmful having to stand trial is, and that some may plead guilty just to avoid the whole traumatic process.



Children and young people are forced to give evidence about their exploitation in a trial situation, that's traumatic in itself, and then to be in a situation where you're then not believed by a jury, it's soul destroying for them... We have clients losing hope and just starting to want to plead guilty. They're worn out by the process. They may have successfully been acquitted, but they're just not prepared to go through a criminal trial and give their account of exploitation again."

Lawyer

However, once a case is going to court there is still an important line of defence to prevent criminalisation: section 45 of the Modern Slavery Act 2015 provides a statutory defence against prosecution for crimes committed in connection with modern slavery.

There is a lack of data available on its use which makes assessing its scale and impact difficult.¹³⁴ The government recently committed to collect data, via the Home Office police force annual data requirement, on recordings of the use of section 45 in crime records.¹³⁵ **As part of the AYJ's research, an FOI was submitted to the Home Office for this information for 2023/24. Only 11 police forces had submitted the voluntary data, which showed roughly 250 instances of the statutory defence recorded.** These forces predominantly recorded the defence being used in cases relating to drug trafficking, reflecting earlier findings by the Independent Anti-Slavery Commissioner,¹³⁶ as well as for assault, theft, and weapon possession. Data showing the age of defendants was not available.



A higher bar for over 18s

The legal test as to whether the section 45 defence applies is more stringent for over 18s compared to children.

For children, they are not guilty of an offence if it was committed as a *direct consequence* of their exploitation, and a reasonable person in the same situation and with the same relevant characteristics *would have also* committed the offence. For an adult, they are not guilty if they were *compelled* to do the offence, the compulsion was attributable to their exploitation, and a reasonable person in the same situation and with the same relevant characteristics would have *no realistic alternative* to committing the offence.¹³⁷

Experts highlighted how the higher threshold requiring compulsion leaves young adults more vulnerable to conviction, and the sudden change at 18 is incompatible with evidence that brain maturation continues into at least the mid-twenties.¹³⁸



At 18, the legal test changes and there's a requirement for adults to be compelled. That's not necessarily in line with adolescent brain development and the difference between a 17 year old and an 18 year old."

Lawyer

The defence still not properly understood and utilised

In the decade since its inception, awareness of the defence has grown but concerns remain that it is not always appropriately implemented,¹³⁹ is "too restrictive in its understanding of exploitation",¹⁴⁰ and about a general lack of working knowledge among police, the judiciary, and lawyers.¹⁴¹

Defence lawyers play a critical role in identifying exploitation, advocating that the section 45 defence is raised, and gathering information to support the defence,¹⁴² but there are inconsistencies in doing so.¹⁴³ Experts highlighted that although some specialist lawyers provide expert representation in CCE cases, poor knowledge and practice persists in many areas.



The quality of legal representation in criminal exploitation cases varies considerably. While some solicitors demonstrate a strong understanding of the section 45 defence and actively instruct expert witnesses to support their cases, there are many instances where legal teams have provided poor advice or failed to adequately explore available defences."

Director, research institution and consultancy

Experts provided examples of lawyers giving victims poor advice including to plead guilty; appearing disinterested in pursuing a section 45 defence; and failing to instruct expert witnesses or ensure entitlements to expert assessments such as psychological evaluations are met. The consequences are severe, damaging the potential strength of defences and increasing the likelihood of criminalisation.

Cases involving CCE are complex and nuanced, and a lack of in depth understanding of exploitative dynamics and its impacts among lawyers, the judiciary and juries impacts the use and effectiveness of the section 45 defence.¹⁴⁴



A significant barrier is the lack of understanding of exploitation at both the court system and judiciary levels. This includes a limited grasp of coercion, control tactics, trauma, and the long-term impacts of exploitation, resulting in a lack of compassion and empathy for young people who have endured severe adversity.”

Director, research institution and consultancy

This lack of understanding of the nuances of CCE particularly harms older children and young adults. As young people grow older and perceptions shift in a binary and overly simplistic fashion from victim to perpetrator, experts set out how courts disregard the complexities of coercive relationships and assume culpability, meaning the section 45 defence is not successful. They raised concerns that the longer a young person has been exploited and therefore the more attempts there have been to employ the defence for different offences, the less sympathy courts have. **Crucially for young adults, this lack of knowledge of CCE dynamics and continuing effects into adulthood puts them at risk of being severely punished for the exploitation of children, even though they are still victims themselves.**



Experts set out how harmful narratives prevail in court that the section 45 defence is being misused as a 'loophole' to avoid conviction, particularly for young adults. They reported that in some areas and courts that have more experience with these cases, a trauma-informed approach is attempted, whereas in areas less familiar with the issue, or in Crown Courts for example, a concerning lack of understanding continues to harm young people.



I think we have come a long way in our Youth Courts and our Magistrates' Courts in relation to knowledge of CCE and exploitation generally. In the Crown Court however, there is a lack of understanding and knowledge from some of the judiciary, particularly around re-exploitation, and a lack of a trauma informed approach when it comes to young adults. I recently had a judge tell a client in open court that they were too old to be relying on exploitation and that they were trying to use it as a get out of jail free card. This had such an impact on my client who finds it incredibly difficult to talk about their experiences and what has happened to them."

Lawyer

Young people may also be hesitant to invoke the defence for fear of retribution from their exploiters.¹⁴⁵ Experts were particularly concerned that when young adults are charged alongside their exploiters, they may have to give evidence of their exploitation in front of their exploiters, putting their own safety and loved ones at risk, while the alternative is to remain silent and accept criminalisation. Experts were concerned that those raising the defence are not afforded the same protections as other vulnerable witnesses.

Failures to gather evidence of childhood experiences

One of the most critical barriers to the section 45 defence being successfully employed is a lack of evidence presented of exploitation.

Experts highlighted how, particularly since the Breconi judgment disqualified the use of NRM decisions as sufficient evidence of exploitation and NRM case workers as expert witnesses, gathering wider evidence in support of a young person's victim status is crucial. However, many concerns were raised that proper investigation is not routinely taking place.



What we're routinely seeing is poor decisions being made because they don't have enough information."

Lawyer

Lawyers and advocates are reportedly overly reliant on defendants' own evidence that they were exploited, rather than gathering material from local authorities including children's services, medical records including psychological and psychiatric evidence, information on neurodivergence or SEND, and hospital records that corroborate violent victimisation. Societal and contextual information may also be useful.¹⁴⁶ Experts set out how **it is particularly important to gather this evidence for young adults, in order to overcome the higher legal barrier and preconceptions about culpability**. However, once a young adult has transitioned to adulthood, accessing information about childhood can be complex and cause delays.

Ultimately, even if the defence is correctly employed and evidence is gathered, experts highlighted how the legal test – that a reasonable person in the same situation and with the same relevant characteristics would do the same – is inappropriate for children and young people.¹⁴⁷ It requires judges and jurors to imagine themselves as someone they are very unlikely to have similar characteristics to. In particular concerns were raised that jurors would not be able to understand the impact of SEND and neurodivergence, or that they would presume maturity of older children and young adults, especially in cases involving Black defendants.



We are requiring a judge or a jury to understand the circumstances in which a young person acted through the lens of, for instance, an autism spectrum disorder, a conduct disorder, complex post traumatic stress disorder, and then asking whether or not they perceived a realistic alternative to acting as they did. If I'm a member of a jury, I'm unlikely to have those same neurological, psychological and experiential social differences. And my perception is going to be determined by my knowledge, understanding and life experiences, which will be more than for a young person. It's an impossible and unreasonable test to apply for the majority of young people that we're describing here."

Consultant and expert witness



Exclusion of young adults perceived as exploiters

The section 45 defence is not even available for a long list of over 100 offences, set out in schedule 4 of the Modern Slavery Act 2015 ('schedule 4 exemptions'), and due to be expanded by the Crime and Policing Bill.¹⁴⁸ Critics highlight that many of the exemptions are offences victims of CCE are particularly likely to be accused of or compelled to commit.¹⁴⁹



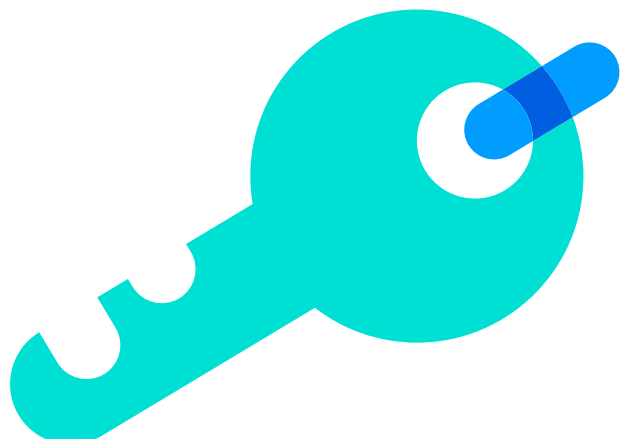
Some of the crimes exempt from the defence like threats to kill and GBH can really hinder help as these are normally crimes that are caused by their exploitation.”

Young person

Schedule 4 limits the ability of section 45 to protect victims, and experts argued it goes against the OHCHR, OSCE and Council of Europe non-punishment principle.¹⁵⁰ They set out how the severity of an offence does not suddenly mean it could not have been committed as a consequence of exploitation, but the system is simply not able accept someone as a victim if they have offended more seriously, even if forced to do so.¹⁵¹ This includes victims who have gone on to exploit others as part of their own exploitation, where the crime is considered to outweigh their victim status.¹⁵²

Offences of carrying out modern slavery sit on schedule 4, and the Crime and Policing Bill will also add the new specific offences of CCE, cuckooing, and internal concealment to the list. **For young adults coerced into recruiting younger victims or forcedly occupying someone's home, this means the Crime and Policing Bill wil not only makes arrest for CCE more likely, but if their case goes to court the section 45 defence will not be available.**

This all makes the CPS decision to discontinue prosecution all the more important, as the CPS can still decide it is not in the public interest to prosecute even if the offence sits on schedule 4 or other parts of the defence would not stand in court.





What should the response to criminally exploited young adults look like?

To reduce crime and harm – both perpetrated against, and by, victims of CCE – young people need to be supported to make sense of their experiences and the impacts of their actions, to engage with support designed to enable a safe and law-abiding life, and to remain outside of the criminal justice system wherever possible. Based on expert insights and grounded in evidence of what works to reduce harm and prevent unhelpful and costly criminalisation, we set out ten key characteristics for an effective response that protects, rather than punishes, criminally exploited young adults:



1. Developmentally appropriate

A robust understanding of adolescent brain development should guide all assessments, safeguarding, legal processes, and support for young adults. Vulnerability must be assumed on the basis of life stage, functionality, and capacity, rather than assuming maturity at the point of legal adulthood.



2. Trauma-Informed

Responses must be underpinned by an understanding of childhood trauma and its continuing effects into adulthood, as well as understanding of how race, gender, class, poverty, and neurodiversity intersect with trauma and increase vulnerability to exploitation. A criminal justice response must not re-traumatise young people in need of protection.



3. Vulnerability is recognised

Systems must proactively gather, share, and act on information from across mental health, education, care, and criminal justice sectors, including from childhood, to ensure that decisions reflect the young person's needs and vulnerabilities.



4. Context is central

Rather than focussing only on any offending, the system must investigate the exploitation and historic harm behind the behaviour. Victimisation in childhood and ongoing risk and coercion must be examined and inform how risk is assessed, services are offered, and legal protections are applied.



5. Complex exploitation dynamics are understood

The system must reject simplistic victim/perpetrator binaries, understanding that they are not mutually exclusive. It must recognise the nuances of CCE, that young adults may not present or disclose themselves as victims, may engage in serious offending, and may even exploit others as a result of their own coercion and control and as a way of making themselves safer.



6. Safety and desistance are long-term goals

Support must be sustained and focussed on long-term safety, routes away from harm, and meaningful desistance. This includes culturally competent services, safety planning tailored to the young person's lived reality, and approaches that embed the voice of the young adult. Young people must be supported to understand the impact and consequences of their actions and to build a pro-social identity. Safeguarding is a shared, ongoing responsibility.



7. Diversion is the default

Responses must prioritise the best interests of the young person and their journey to desistance, over criminal suspicion and prosecution. Every point of contact must be viewed as an opportunity for safeguarding and support, with a presumption in favour of diversion from the criminal justice system.



8. Collaboration is key

Systems must work together, not in isolation. Multi-agency responses must bridge child and adult services, criminal justice, health, social care, and voluntary organisations. Across government, policy silos must be broken down to ensure young adults do not fall through the gaps.



9. Safeguarding continues beyond 18

Turning 18 must not be a cliff edge for statutory or voluntary support. Transitional Safeguarding approaches must be embedded that recognise the continued risk of exploitation and need for protection into adulthood. Long-term, trusted relationships – and the services that provide them – must not be cut off by arbitrary age thresholds.



10. Young adults are treated as a distinct group

A tailored response for young adults must learn from but not simply mirror or extend the children's system. Legal frameworks for preventing prosecution and providing services must be reformed to reflect current knowledge of young adults' unique stage of development and evolving risks of exploitation, moving towards maturity-based approaches and removing barriers to justice and support.

Learning lessons from positive practice

For criminally exploited young people to receive a developmentally appropriate response that takes account of their enduring vulnerabilities and the complexity of their experiences as they transition to adulthood, policymakers must learn from developments in policy and emerging positive practice across criminal justice, safeguarding systems and beyond.



The world isn't separated into the naughty versus the needy, the culpable versus the vulnerable. So our systems shouldn't be either."

Director, research institution

The response to child victims of CCE still has a long way to go to ensure a safeguarding response always takes priority over criminalisation. A significant shift in culture among police and other justice professionals, like that seen previously in relation to child sexual exploitation (CSE), is required.¹⁵³ Experts called for policymakers to learn lessons from how the response to CSE learnt to bridge the binary boundary between justice and welfare and recognise the vulnerability behind harmful behaviour. Likewise, they highlighted how domestic abuse cases deal with similarly complex dynamics around recognising and disclosing victimisation, and relationships with the perpetrator of harm, which the CCE response could learn from.

The response to child victims is, however, far more developed than for those who have transitioned to adulthood, and experts set out how adult systems need to learn from the progress made for children in recent years. For example, adopting approaches that have gained traction in youth justice that focus on victimisation and trauma and prioritise diversion from the criminal justice system, and developing a Contextual Safeguarding approach for young adults.

Experts highlighted emerging positive practice in some local authorities to develop Transitional Safeguarding for young adults,¹⁵⁴ calling for the government to draw lessons from and expand these approaches. For example, Kingston and Richmond Boroughs have created a Vulnerable Adolescents Supported into Adulthood (VASA) Panel: a partnership approach that reviews cases of young adults who remain at risk of exploitation, to advise on safety plans and coordinate support. [Read our blog about the approach here](#). Wiltshire Council provides

another promising example: establishing a Prevention and Wellbeing Team within adult social care, to provide a support offer for young adults without formal care and support needs, using the Care Act 2014 prevention duty to substantiate the investment.¹⁵⁵

Alongside these examples, lessons should be learnt from the approach of the voluntary and community sector, which plays a vital role in supporting young people affected by criminal exploitation, often providing trusted, long-term relationships that can bridge the gap in statutory services.¹⁵⁶ Frontline perspectives and lived experience shared in [AYJ guest blogs from The Children's Society and Abianda's Young Women's Advisory Group](#), highlight what meaningful, trauma-informed, and participatory practice can look like in real-world settings. **These insights reinforce the need for consistent, gender- and racially-informed, strengths-based support that is not cut off at 18**, and underscore the value of building long-term trust, recognising intersectional vulnerabilities, and placing young people's agency at the heart of the response to exploitation.

Finally, examples from how other sectors have attempted to address the cliff edge in support at 18 could be studied to improve the response to CCE, such as how young people with SEND may continue to have support until 25, and those becoming care leavers are entitled to some continuing support.¹⁵⁷



Conclusion

The risks and harms of criminal exploitation do not disappear at 18, yet the systems designed to safeguard children often fall away precisely when young people remain most vulnerable. Despite welcome progress in recognising child criminal exploitation and diverting children from the criminal justice system, this progress has not translated into protections for young adults. Too often, those turning 18 face a stark cliff edge in support, safeguarding, and protection from prosecution.

Across the board, opportunities are being missed to intervene early and divert exploited young adults from criminalisation. A lack of professional awareness, fragmented policy landscape, harmful narratives and victim-perpetrator binaries, bias and discrimination based on age, race, gender and class, and failures to gather and share vital information all contribute to these missed opportunities. At its worst, this results in a young person being seen and treated as exploited one day, and as an exploiter the next, simply because they have turned 18 – a fundamental failure of safeguarding and justice.

The introduction of a new offence of child criminal exploitation through the Crime and Policing Act 2025 marks a critical juncture. While it has the potential to improve recognition of exploitation and better protect children, there is a real risk it will further criminalise young adults who remain trapped in cycles of harm upon turning 18 and beyond. The social, personal, and financial cost of inaction is high. A continued failure to recognise young adults as at risk, and to respond to their needs with safeguarding rather than suspicion, will entrench exploitation, reinforce trauma, and create harmful lifelong consequences through unnecessary and unjust criminalisation.

To avoid this, policymakers must learn from positive developments in the response to exploited children and apply these lessons to young adults. Responses must recognise the ongoing impacts of childhood harm and the reality that exploitation continues into adulthood, and young people do not become fully mature adults overnight. A developmentally-informed, safeguarding-led approach is essential — one that focuses on young people's potential, meets their needs, and provides routes out of harm — not pathways into punishment.



Recommendations



Safeguarding and support beyond 18

The Department for Education (DfE), Department of Health and Social Care (DHSC), Home Office (HO) and Ministry of Justice (MoJ) to jointly lead the development of a Transitional and Contextual Safeguarding approach for young adults at risk of exploitation, building on existing good practice, to ensure safety planning and protections extend beyond 18.

DHSC and the Chief Social Worker for Adults to issue guidance to local areas clarifying how Part 1 Section 2 (1)(a) Care Act 2014 – the prevention principle – applies to young adults at risk of exploitation, even where they are not assessed as having formal care and support needs, to encourage the creation of an early support offer for over 18s.

DfE to review and promote positive local practice approaches, identifying barriers and enablers of success and the systems changes needed to facilitate services that provide enhanced support for young people at risk of harm as they transition to adulthood.

Funders and commissioners to support the voluntary and community sector (VCS) to provide long term support into adulthood that bridges the gap between child and adult services.

All relevant departments to ensure young adults transitioning from children's services – including care leavers – do not face gaps in support, through improved transition planning and commissioning models that support continuity and are trauma-informed, recognising ongoing impacts of discrimination and structural inequality.



Improve multi-agency working and tackle policy silos to establish safeguarding paramountcy over criminalisation

Cross-departmental working to achieve the UK Government's goals of safer streets and halving knife crime to include a specific Ministerial taskforce on tackling criminal exploitation.

DfE, DHSC, HO, and MoJ to create a Criminal Exploitation Concordat, to be co-signed by all departments and public bodies responsible for young people at risk of harm, to:

- Establish a shared position that safeguarding, not criminal justice, is paramount in cases of CCE, including for young adults.

- Embed shared values — including trauma-informed, contextual, participatory, intersectional and strengths-based approaches — across safeguarding, policing, justice, and health services, ensuring shared expectations and requirements across multi-agency responses.
- Strengthen strategic partnership working by supporting greater alignment across child and adult multi-agency boards/partnerships including Local Safeguarding Children Boards, Community Safety Partnerships, Safeguarding Adults Boards, Health and Wellbeing Boards, Violence Reduction Units, Youth Justice Management Boards and others.
- Improve coordination around identifying and supporting the common underlying vulnerabilities those at risk of exploitation face and ensuring specialist representation across multi-agency responses.



Police investigations focussed on identifying and protecting victims

HO to issue guidance for police forces emphasising that enforcement in potential criminal exploitation cases must be secondary to and guided by a wider safeguarding approach and should focus on investigating and prosecuting adults leading exploitative groups, not securing the prosecution of children and young adults trapped in situations of violence.

HO and the College of Policing to ensure police training packages on exploitation include specialist training on:

- Identifying victims of criminal exploitation
- Recognising ongoing vulnerability beyond 18 and complex exploitative dynamics
- Gathering evidence of childhood experiences and exploitation – without requiring personal disclosure
- Awareness and use of available support mechanisms such as child and adult safeguarding services, the NRM and section 45 Modern Slavery Act 2015 defence

Chief Constables to support police forces to allocate more resources for specialist modern slavery investigators.



Reform the National Referral Mechanism (NRM) and associated protections

HO review of the NRM announced in its Modern Slavery Action Plan 2025 to:

- Expand the list of NRM first responders, to include more CCE-specialist VCS organisations including those working with young adults.
- Provide standardised, in depth training for all first responders, including on identification, referral process, and communication with children and young people about what a referral will mean and post-18 consent requirements.
- Pilot the extension of Independent Child Trafficking Guardians beyond 18, with a view to national rollout.

- Expand and resource devolved NRM decision-making pilots and explore how a similar system could be piloted for young adults.
- Explore the potential merits of automatic referral into the NRM for children and young adults arrested for offences such as drug supply commonly linked to exploitation.
- Remove the Public Order Disqualification and review the impact on young adults of Nationality and Borders Act 2022 changes that have raised thresholds for positive NRM decisions.
- Review the process for requiring consent to remain in the NRM at 18, with consideration given to allowing referrals without consent for young adults.

HO to embed in its current workstream on improving identification of victims of modern slavery,¹⁵⁸ specific consideration of the distinct risks, forms and indicators of criminal exploitation of young adults.

HO to ensure the new Support for Victims of Modern Slavery contract provider has a focus on the long term support young adults need to move on from exploitation.



Crown Prosecution Service (CPS) to only prosecute in the public interest

His Majesty's Crown Prosecution Service Inspectorate (HMCPIS) to review CPS handling of cases where exploitation is raised as a concern, to examine how well prosecutors:

- Factor NRM decisions into prosecution decisions, including awaiting an NRM decision prior to proceeding cases to trial.
- Pursue all reasonable lines of inquiry, including consideration of information on historical exploitation and vulnerabilities.
- Take into consideration maturity of young adults and complex exploitative dynamics.
- Continually review cases in light of information provided by lawyers and advocates.

CPS, in light of findings of HMCPIS, to issue new guidance and training to ensure prosecutors understand and identify CCE, including for young adults, to ensure appropriate application of the public interest test on whether to prosecute



Improving legal advocacy and ensuring section 45 works to prevent punishment of victims

MoJ to reform the Section 45 Modern Slavery Act defence to create a distinct legal threshold for young adults that reflects developmental evidence and continued vulnerability.

MoJ to develop in depth training for judges, magistrates, and prosecutors on section 45, the NRM, nuanced exploitative dynamics, victim-blaming and trauma-informed practice.

MoJ to issue guidance to clarify the use of vulnerable witness special measures and protections for young people giving evidence who may be at risk of retaliation from exploiters.

MoJ to review the impact of Schedule 4 exemptions on the non-punishment principle, with a view to disapplying the schedule to children and young adults who should not be exempt from legal protection based on the severity of offences they were forced to commit.

MoJ to improve data collection on the use and outcomes of section 45 to understand barriers to its application.

MoJ to provide dedicated funding for training to ensure defence lawyers:

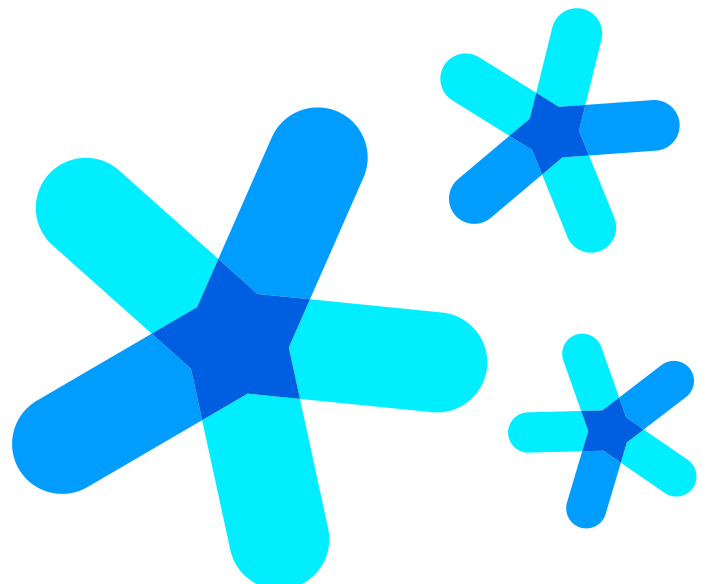
- Have a thorough understanding of the complex dynamics of CCE, including how exploitation affects young people beyond 18.
- Have in-depth knowledge of Section 45 of the Modern Slavery Act 2015, including when and how it applies to young adults.
- Prioritise securing CPS case reviews at the earliest stage to prevent unnecessary trials, using representations and legal challenge where appropriate.
- Gather and present robust supporting evidence from the outset, including historical records, contextual information, and details of childhood exploitation.
- Understand and effectively apply the use of expert witnesses.



Implementation of the Crime and Policing Bill

HO to ensure statutory guidance accompanying the new offence of CCE explicitly addresses the risks of criminalising young adults, promoting a nuanced, safeguarding-led response for 18–25-year-olds.

HO to ensure all training on implementation of the new offences incorporates an understanding of adolescent development, continued vulnerability, and the need to prevent unjust criminalisation of exploited young adults.



Acknowledgments and further reading

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For more information about the project or this briefing, or if you are interested in arranging a meeting, please contact us at: info@ayj.org.uk

Further reading:

Reports:

- [Evidence Review: Young people in transition in the criminal justice system](#)
- [Bridging Gaps and Changing Tracks: Supporting racially minoritised young people in the transition to adulthood in the criminal justice system](#)
- [Adultifying Youth Custody: Learning lessons on transition to adulthood from the use of youth custody for young adults](#)

Blogs:

A series of blogs that accompany these reports, and other related news, can be found on the project page [here](#).

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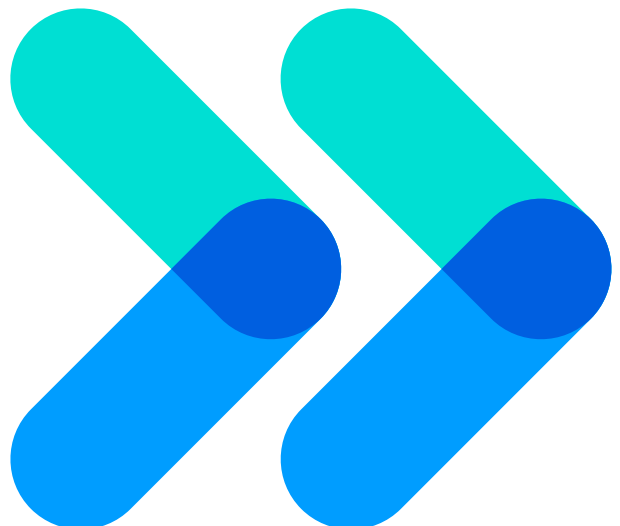
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