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**ATTRITION IN CASES INVOLVING CRIMES OF
CHILD SEXUAL EXPLOITATION IN ENGLAND**

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ABSTRACT

This thesis is a critical exposition of attrition in cases involving crimes of child sexual exploitation in England. More specifically, this thesis offers an analysis of policy texts and empirical data, to interrogate the conditions of possibility for attrition in contemporary discourses on child sexual exploitation. It does so by employing a Foucauldian feminist theoretical framework and critical discourse analysis. It shows that knowledge statements within child sexual exploitation discourses around the notion of risk, about children as (un)knowing and as (a)sexual coupled with techniques of power such as the processes of assessing risk, the deployment of the rhetoric of consent and the requirement for an avowing subject, construct multiple subject positions which sexually exploited children come to occupy. It contends that specific rationalities underpinning the current forms of thinking within practitioners' discourse about the problem of attrition in child sexual exploitation cases in conjunction with the deployment within policy discourse of specific strategies for tackling crimes of child sexual exploitation, such as the disruption of perpetrators, lead to the de-prioritisation of prosecutions as a rational response to the crimes of child sexual exploitation. It stresses that children's experiences of sexual exploitation emerge into a discursive space enclosed by three axes namely: the fields of knowledge, processes of normalisation, and the modes of subject formation. It contends that these three axes enclosing the child sexual exploitation discursive space intersect at various sites within child sexual exploitation practice thereby producing the conditions in which attrition in these cases becomes possible.

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LIST OF ABBREVIATIONS

ABE	Achieving best evidence
ACPO	Association of Chief Police Officers
AS	Asperger Syndrome
ASD	Autism Spectrum Disorder (ASD)
CJS	Criminal Justice System
CEOP	Child Exploitation and Online Protection Centre
CROP	Coalition for the Removal of Pimping
CPS	Crown Prosecution Service
CSE	Child sexual exploitation
CSEA	Child Sexual Exploitation and Abuse
DCSF	Department for Schools and Families
FGD	Focus Group Discussion
FFF	Foucauldian Feminist Framework
HMIC	Her Majesty's Inspectorate of Constabulary
IICSA	Independent Inquiry into Child Abuse
NCA	National Crime Agency
NFA	No further action
NICE	National Institute for Health and Care Excellence
NHS	National Health Service
NRM	National Referral Mechanism
OCC	Office of the Children's Commissioner for England and Wales
Ofsted	Office for Standards in Education
PACE	Parents Against Child Sexual Exploitation
PO	Police Officer
RBSCB	Rotherham Borough Safeguarding Children Board
RSHO	Risk of Sexual Harm Order
SCIP	Safeguarding Children Involved in Prostitution
SCW	Social Care Worker
SHPO	Sexual Harm Prevention Order
SOCA	Serious and Organised Crime Agency

SOPO	Sexual Offences Prevention Order
SRO	Sexual Risk Order
UKBA	United Kingdom Border Agency
UNIFEM	United Nations Development Fund for Women
VRI	Video Recorded Interview
YPW	Young People's Worker

TABLE OF LEGISLATION AND CASES

Anti-social Behaviour, Crime and Policing Act 2014

Children's Act 1989

Children's Act 2004

Child Abduction Act 1984

Criminal Justice Act 2003

Criminal Justice and Courts Act 2015

Criminal Law Amendment Act 1885

Education Act 1870

Juries Act 1974

Modern Slavery Act 2015

Prosecution of Offenders Act 1985

Serious Crime Act 2015

Sexual Offences Act 2003

Youthful Offenders Act 1854

R v DPP ex p Manning [2001] QB 330

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CHAPTER 1

INTRODUCTION

“I should have preferred to be enveloped by speech, and carried away well beyond all possible beginnings, rather have to begin it myself. I should have preferred to become aware that a nameless voice was already speaking long before me, so that I should only have needed to join in, to continue the sentence it had started and lodge myself, without really being noticed, in its interstices, as if it had signalled to me by pausing, for an instant, in suspense. Thus there would be no beginning, and instead of being the one from whom discourse proceeded, I should be at the mercy of its chance unfolding, a slender gap, the point of its possible disappearance.”

*(Michel Foucault in his inaugural lecture on *The Order of Discourse* at the Collège de France on 02 December 1970¹)*

I, for one, have a similar desire to not be the one to begin, but am not free from the obligation to begin. Hence I start. And every beginning has a context and I guess some kind of history. This thesis aims to explore the process of attrition in child sexual exploitation cases in England. Attrition is the process by which cases are dropped from the criminal justice system (CJS) at various stages. This thesis analyses contemporary policy and practitioner discourses on child sexual exploitation in England with a view to explore the conditions in which attrition occurs during the criminal justice process, before these cases proceed to the court to be prosecuted. This chapter begins with a brief note on my motivation for engaging in this thesis. Thereafter, it clarifies in Section 1 how I use the term ‘attrition’ and the phrase ‘child sexual exploitation’ in this thesis. It also sets out the context for this thesis and the research questions it seeks to address. In Section 2 this chapter talks about the modest contribution to knowledge that this thesis

¹ Young 1981, p.51.

makes and draws attention to its limitations. In the final sub-section, this chapter provides an overview of the thesis outlining each of the chapters.

My interest in the issue of child sexual exploitation (CSE) goes back to my first engagements with women and children sold into the brothels of Kamatipura, the red light district in Mumbai, India. As a student social worker specialising in Criminology and Correctional Administration during 1999-2001, I had my student placement at Nagpada Police Station which covered within its jurisdiction the red light district of Kamatipura. As part of my placement, I had the opportunity to listen to the experiences of women and girls who were rescued from the brothels and were offered state protection along with access to programmes of rehabilitation. Their narratives were heart wrenching. Multiple issues stared me in the face, such as the sale of women and girls as objects into the brothels; their subjection to degrading treatment within them; the stigma and ostracism they endured; the social, cultural and economic conditions in which some of them had recourse to prostitution; feminist engagements with women and girls involved in prostitution; the criminal justice response to their commercial sexual exploitation; and more significantly the plight of children who were often detached from their families and ended up on the streets of Kamatipura. My placement at the police station finished in 2001, but not the need I felt to be engaged with some of these issues surrounding sexual abuse of women and girls. Having graduated, I joined the Lawyer's Collective², to work on a research project commissioned by the United Nations Development Fund for Women (UNIFEM). The research explored the legal responses to the problem of trafficking in persons for commercial sexual exploitation³. My involvement in this research furthered my understanding of the

² Lawyer's Collective is a non-governmental organisation based in New Delhi, India working to promote the rights of women and other marginalised groups. See more information at <http://www.lawyerscollective.org/>

³ Lawyers Collective Women's Rights Initiative, Traffic in Persons for Commercial Sexual Exploitation: Legislation, Role and Effectiveness of the Law Enforcement and Law Adjudication Machinery, 2003 (Unpublished).

issue of sexual exploitation and also my determination to devote my legal training and research skills, to promoting effective responses to the sexual abuse of children. Moving from India to the United Kingdom (UK) for higher education, I never imagined the course of my career. But driven by my conviction I decided to join Parents Against Child Sexual Exploitation (PACE), a UK based national charity working with parents and carers of sexually exploited children⁴. PACE (formerly CROP, the Coalition for the Removal of Pimping) was founded in 1996 by Irene Ivison and other parents following the murder of Irene Ivison's daughter Fiona, who was groomed and coerced into prostitution and subsequently murdered at the age of 17⁵. Irene Ivison and CROP campaigned for effective protection of children from sexual exploitation and worked to support parents of children affected by sexual exploitation. As a researcher at CROP, I had the opportunity to meet many families from around the UK and listen to the stories of parents who were desperately trying to protect their children (mostly girls) from sexual abuse by perpetrators outside their families. The issues that angered most parents were the ineffective response from the criminal justice system and the inability of statutory agencies to protect their children from sexual exploitation. Convictions for crimes of CSE were rare and many cases did not reach the courts for trial. A significant number of cases were dropped during the investigation and charging stages. The questions that confronted me as a researcher for many years were about the what, why and how of attrition, the process by which cases get dropped at different points of exit in the criminal justice system. Thus started my journey back to academia to explore the process of attrition in cases involving crimes of CSE, which is the aim of this thesis. The following section sets out the background context to this thesis and the particular questions it seeks to address. It will begin by briefly explaining the meanings of the two key terms: child sexual exploitation and attrition.

⁴ See more information at <http://paceuk.info/>

⁵ See *Fiona's Story* written by Irene Ivison narrating her experiences of trying to protect her daughter from being sexually exploited and the impact sexual exploitation has had on their family (Ivison, 1997).

1. SETTING THE SCENE: DEFINITIONS, CONTEXT AND RESEARCH QUESTIONS

1.1. DEFINITIONS

Child Sexual Exploitation

The concept of CSE has been widely contested since its introduction in to the “policy and practice lexicon” in 2009 (Hallet, 2017, p.1). I will reflect on this contestation in the sections that follow, but before that I will clarify what is meant by the concept of CSE and what it means to talk about attrition in cases involving crimes of CSE. CSE refers to the process of involving children under the age of 18 in sexually exploitative behaviours, relationships or contexts for personal, monetary or sexual gain (Department for Children, Schools and Families, 2009). It is a form of sexual abuse involving physical contact (e.g. sexual assault by penetration of a child) or non-physical contact activities (e.g. involving a child in the production of sexual images). Kelly and Karsna (2017) write that it is vital to delineate the boundaries between child sexual abuse and exploitation, while “nesting CSE” within child sexual abuse (p.5). A recent practice guide published by the Department for Education in February 2017 defines CSE as follows:

“Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.” (Department for Education, 2017, p.5)

Sexual exploitation of children, as is reflected in the definition above, involves the abuse of power by an individual or a group to coerce and manipulate children

under the age of 18 to involve them in sexual activities either in exchange for something the child may need or for the advantage of the perpetrator. The guidance document highlights that where a child is under the influence of intoxicating substances, is fearful of the consequences of non-compliance, or feels compelled by the absence of any other meaningful choice, he or she cannot be considered to be giving consent legally (2017, p.6). The guidance document draws attention to CSE occurring through non-physical activities such as the production of sexual imagery through digital technology.

There are two elements which are important within the new definition of CSE namely: the irrelevance of consent and the notion of exchange. The emphasis on these two elements corresponds with the definition of sexual exploitation within the legislative framework. The concept of CSE was not specifically defined within the legislation until the enactment of the *Serious Crime Act 2015*. Section 68 of the *Serious Crime Act 2015* amended sections 47 -51 of the *Sexual Offences Act 2003* to include the offences under the specific label of CSE. These amendments redefined offences relating to “child prostitution or pornography” as “sexual exploitation of a child”. Offences under the category of sexual exploitation include: paying for sexual services of a child (Section 47), causing or inciting the sexual exploitation of a child (Section 48), controlling a child in relation to sexual exploitation (Section 49) and arranging or facilitating the sexual exploitation of a child (Section 50). A person is deemed to be sexually exploited, if that person offers or provides sexual services to another person on at least one occasion in return for payment or a promise of payment either to themselves or to a third person, whether or not they are compelled to provide sexual services (Section 51). The element of exchange i.e. sexual services in return for a payment is emphasised in the legislative definition of sexual exploitation and it also underscored the non-requirement for compulsion to be a characteristic of the exchange or offer of sexual services. These legislative changes are reflected in the updated definition within the 2017 Department for Education guidance.

Other offences criminalised under the *Sexual Offences Act 2003* that are likely to be committed in the context of CSE include: arranging and facilitating the commission of a child sex offence (Section 14), meeting a child following sexual grooming (Section 15⁶), rape (Sections 1 and 5), sexual activity without consent (Section 4), assault by penetration (Section 2), sexual assault (Section 3), assault of a child under 13 by penetration (Section 6), sexual assault of a child under 13 (Section 7), causing or inciting a child under 13 to engage in sexual activity (Section 8), sexual activity with a child (Section 9), causing or inciting a child to engage in sexual activity (Section 10), engaging in sexual activity in the presence of a child (Section 11), causing a child to watch a sexual act (Section 12), and sexual communication with a child (Section 15A⁷).

Sexual offences against children in the family, against those with mental disorders, and by those in positions of trust are also criminalised under the *Sexual Offences Act 2003*. In addition to these, the *Modern Slavery Act 2015* consolidated offences relating to trafficking in human beings (Section 2) and the Act sets out that “exploitation includes sexual exploitation by reference to conduct which would constitute the commission of an offence of taking, or permitting to take, indecent photographs of children or any of the sexual offences provided for in Part 1 of the *Sexual Offences Act 2003* (these include offences relating to rape, sexual assault, prostitution and child pornography)”⁸. These 2015 legislative amendments are important as they address some of the ambiguities in understanding the concept of CSE, a discussion to which I will turn to a little later. But first, the next section will clarify how I am using the term attrition in this thesis.

⁶ The offence of meeting a child following sexual grooming was amended through the enactment of Section 36 *Criminal Justice and Courts Act 2015*. The amendment substituted the need for a person to meet or communicate with a child under 16 with intent to commit a relevant sexual offence “on at least two occasions” with “on one or more occasions” to be guilty of an offence of grooming.

⁷ The offence of sexual communication with a child was added to the *Sexual Offences Act 2003* through the enactment of Section 67 *Serious Crime Act 2015*.

⁸ Explanatory notes to the *Modern Slavery Act 2015* Para 32.

Attrition

The term attrition refers to the process by which cases are lost or dropped as they go through the various stages of criminal justice from reporting to conviction (Lees and Gregory, 1996) or “drop out of the criminal justice system at one of a number of potential points of exit” (Lea et al., 2003, p.583). The process or the points of exit can include anything from crimes not being reported to begin with; to withdrawal by complainants for reasons of fear, intimidation or a lack of faith in the justice system; police investigations being discontinued; prosecutors unwilling to charge or to take the accused to court; or the court processes resulting in a dismissal or acquittal (Brown et al., 2007). A brief outline of the structure of the English criminal justice system is helpful here to understand the stages and processes that complainants in criminal cases go through as well as to understand the likely points at which cases may be lost or dropped from the criminal justice system (For a detailed account see McConville and Wilson, 2002; Ashworth and Redmayne, 2005; Hungerford-Welch, 2009; Sanders et al., 2010).

The first port of call for those wishing to complain or report a crime is law enforcement agencies, and there are 43 police forces in England and Wales which more or less correspond with local authority areas. The police are the key agency responsible for law enforcement. The police investigate the complaint/report, seek to identify suspects and gather evidence of guilt of the accused. Where there is sufficient evidence for charging the alleged offender, the police pass the case file for advice to the Crown Prosecution Service (CPS). The CPS reviews the case file presented to it by the police and decides either to charge the alleged offender; refer the file back to the police with advice to undertake further lines of investigation; or to drop the case without charges.

Criminal cases in England and Wales are not subjected to prosecution automatically. In its prosecution decisions the CPS is guided by the *Code of Conduct for Crown Prosecutors* (Crown Prosecution Service, 2013) issued under the

Prosecution of Offenders Act 1985 by the Director of Public Prosecutions for England and Wales. The code gives general guidance to prosecutors in making decisions about prosecutions and accordingly two tests should be satisfied if a case is to be continued for prosecution: the evidence test and the public interest test. The first test requires the prosecution to be satisfied that there is enough evidence to indicate a realistic prospect of conviction and that the courts are more likely than not to convict the accused of the alleged charge. At this juncture prosecutors consider the admissibility, reliability of evidence and any challenges to evidence that are likely to be made by defence counsel. The second test entails the prosecutors to consider whether it is in public interest to prosecute the offender. There may be many elements of public interest that work in favour or against a prosecution. Prosecutors, for example, may consider a case to be not in public interest if it is trivial in nature or is likely to have adverse effects on the victim's or the defendant's physical and mental health. Some factors that are likely to have an impact on the decision to prosecute may include: the seriousness of the offence, the impact of the offence on community confidence, marked difference between the ages of the offender and the victim, premeditated offences, or the impact on the victim of not prosecuting (see Hungerford-Welch, 2009, p.49-51). Wilson (2014) writes that contrary to being based on relevant legal principles, the decision to prosecute is an outcome of a judgement of how the case is likely to fare if brought before the court. A great deal of judgement is therefore exercised in this process and the decision making often involves, as noted by Lord Bingham CJ in *R v DPP ex p Manning [2001] QB 330*, "an assessment of the strength, by the end of the trial, of the evidence against the defendant and of the likely defences" (Wilson, 2014, p.14).

The CPS will proceed to charge the accused following a decision to prosecute. At this stage the accused may either plead guilty or contest the accusations. The English system takes an adversarial approach to criminal justice and accordingly it is for the prosecution to bring a case to the court and prove the guilt of the accused. The case will then proceed to the court for determination of a sentence following a guilty plea or a trial where the accusations or the charges are contested. Criminal offences that are indictable are tried at Crown Courts and those that are summary

are tried at a Magistrate's Court. Most of the offences referred to earlier that constitute crimes of CSE could be tried as summary or indictable offences. At the Crown Court the body responsible for determining the guilt of the accused is the jury unless a decision to try without a jury has been made (Davies et al., 2005). The selection and swearing-in of a jury is regulated by the *Juries Act 1974* and the *Criminal Justice Act 2003*. The evidence and arguments in the case presented by the prosecution and the defence counsel are considered at the trial for determining the guilt of the accused. The general principles that guide the criminal justice practice in England and Wales are not written in any penal code. However, certain key principles such as the rule of law, requirement for proof beyond reasonable doubt and presumption of innocence until proven guilty, underpin the administration of justice in England and Wales. Once a criminal case is set into motion following a complaint/report, it goes through these stages and can potentially be lost or dropped at any of these stages described, i.e. from the point it is reported through to its disposal by the court.

Many attrition studies have examined the different stages at which attrition in criminal cases occur and those focussing on attrition in sexual offences cases have highlighted the high rates of attrition in sexual offence cases. The disparity between the increased number of reported cases and low conviction rates in sexual assault cases is described as a 'justice gap' (Temkin and Krahé, 2008) and a 'chasm' (Kelly et al., 2005). Whilst attrition in rape and sexual assault cases has been the subject of much research in the last two decades (See Regan and Kelly, 2001; Kelly et al., 2005; Brown et al., 2007; Krahé and Temkin, 2008; Stanko, 2008; Munro and Kelly, 2009; Lovett and Kelly, 2009; Stanko and Williams, 2009; Hohl and Stanko, 2015; Hester and Lilley, 2017), there are few studies exploring attrition in sexual offences against children in the UK (See Gallagher, 1999; Eastwood et al., 2006; Bunting, 2008; Allnock, 2015). Among studies exploring the issue of CSE, a handful refer to the rarity of prosecutions in cases involving CSE and highlight the complex nature of CSE case investigations (Scott and Harper, 2006; Jago et al., 2011, Child Exploitation and Online Protection Centre, 2011; Pearce, 2013). In a recent study, Beckett and Warrington (2015) examined the experiences of sexually exploited children with the

criminal justice system and highlighted the insensitivity in the handling of complaints, insufficient recognition of children's needs and the exclusion of children from decision making during the investigation and charging stage. They noted that practices of witness preparation for court, case management and approaches to communication about case outcomes varied significantly. They further highlighted that the young people found the experience of engaging with the criminal justice process disempowering. Beckett and Warrington also stressed that perceptions about the credibility of children played a key role in 'No Further Action' (NFA) decisions and that the impact of NFA decisions on children was devastating (2015, p.19-20). Other studies too acknowledged the stress and trauma experienced by children in their engagement with the criminal justice process (Hall, 2009; Jago et al., 2011; Barnardo's, 2014).

In another recent exploration of the policing of child sexual abuse in England and Wales, Allnock (2015) highlights the lack of research on attrition in child sexual abuse cases. Allnock notes a significant increase in the number of child sexual abuse cases being processed by the CPS, but draws attention to the decreasing rate of conviction in these cases (2015). Although these studies are significant in highlighting the negative experiences of children in their engagement with the criminal justice system, their limited exposition of the process of cases being dropped at various stages of the criminal justice system points to the lack of research specifically examining attrition in CSE cases. My aim in this thesis is to explore this less researched area, particularly focussing on attrition that occurs before cases of CSE reach the court for trial, i.e. attrition in CSE cases before and during the police investigation as well as during the prosecution decision making stages. This thesis addresses the paucity of research on attrition in crimes of CSE and also the gap in knowledge particularly on how the discursive conceptualisations of CSE produce effects in the realm of the prosecution of CSE crimes.

1.2. SETTING THE CONTEXT

At the time I began this thesis in 2013, CSE was (and continues to be) the subject of vibrant political discussion and public interest. The problem of CSE received extensive policy and public attention over the last few years, intensified by the media coverage of high profile police operations⁹ involving groups of older men sexually exploiting young girls. The allegations of historical sexual abuse against celebrity figures such as Jimmy Saville, Rolf Harris, and Max Clifford further added to the media and public attention on child sexual abuse. A plethora of CSE specific texts, in research and policy arenas, have been published since 2009 by various government departments in response to the media and public concern over how cases of CSE and allegations of historical child sexual abuse had been dealt with. The UK government published a series of action plans, guidance documents and parliamentary inquiries relating to CSE. The formulation of CSE related policy was further intensified by a multitude of inspection reports and assessments carried out to examine the responses of local authorities to the problem of CSE (See reports by Cantrill, 2011; Klonowski, 2013; Jay, 2014; Ofsted, 2014; Casey, 2015; HMIC¹⁰, 2016). Reports and inquiries examining allegations of historical child sexual abuse against celebrities and institutions alleged to have failed to protect children from sexual abuse (See reports by IICSA, (ongoing); Operation Hydrant (ongoing); Operation Yewtree, 2013; Wanless and Wittam Review, 2014; Saville NHS Inquiry, 2015) also contributed to the increased public attention to the issue of child sexual abuse in recent years. The scope of this thesis is limited to an examination of attrition in cases involving crimes of child sexual exploitation as they are understood in current policy and public debate and does not include historic child

⁹The Guardian, *Nine men guilty of sexually abusing 'vulnerable' girls in Derby* (25 November 2010); BBC News, *Oxford exploitation trial: Guilty verdicts over child rapes* (14 May 2013); The Telegraph, *Rochdale grooming trial: how the case unfolded* (21 June 2012); BBC News, *Operation Chalice: Child sex abuse case concludes* (10 May 2013); The Guardian, *Rotherham child abuse trial: four men and two women found guilty* (24 February 2016); The Guardian, *Eighteen people found guilty over Newcastle sex grooming network* (09 August 2017).

¹⁰In July 2017, Her Majesty's Inspectorate of Constabulary (HMIC) extended its remit to include inspections of England's fire and rescue service and is now renamed HMICFRS.

sexual abuse cases or cases involving allegations against institutions such as churches, broadcasting houses. It is however important to note that the public debate on historic child abuse cases and inquiries involving allegations against institutions, ensured child sexual abuse/exploitation remained high on public and policy agenda over the last decade.

Intense public interest of this nature is often criticised as a preoccupation of modernity (Meyer, 2007) parallel to those with witchcraft in other historical eras (Becker, 1996), or as a moral panic (Jenkins, 1998; Ost, 2009). Ost affirms the existence of a moral panic around child pornography and grooming by strangers in our society (2009), evident in the increased concern regarding these behaviours, amplified hostility to those involved in such criminality, and heightened perception of the threat from such behaviours. Others however, suggest that increased concern about sexual abuse in any society is the outcome of an intersection of social movements, public policy developments and media representations as opposed to being a moral panic (Whittiar, 2009). Calling something a moral panic does not in any case undermine the existence of that phenomenon (Cohen, 2011; Ost, 2009). This high interest and discourse on child sexual abuse in general and sexual exploitation of children in particular appears to have an impact on the reporting of CSE cases, as is evident from the estimates in recent reports and inquiries (Berelowitz et al., 2012; Jay, 2014; Kelly and Karsna, 2017).

It is striking that though a few high profile investigations since 2009 have resulted in successful prosecutions, the overall rates of prosecutions and convictions across the country have not improved in proportion to the increased number of cases reported¹¹. It seems paradoxical that we have high attrition rates in cases involving sexual offences against children along with a growing recognition of the prevalence and the harm of CSE. Whether a moral panic or an outcome of social action,

¹¹Operation Retriever (Derby), Operation Span (Rochdale), Operation Bullfinch (Oxford), Operation Chalice (Telford), Operation Central (Rotherham) are some of the investigations which resulted in the prosecution of crimes of CSE.

increased public attention indicates an 'immense verbosity' (Smart, 2000, p.69) around the issue of CSE. It is apparent that the intensification of discourse on CSE and the pervasive rhetoric to safeguard children from the harm of sexual exploitation did not result in increased conviction rates for crimes constituting CSE. The immense verbosity however underlines the need to understand the conditions into which children's experience of sexual exploitation emerge and in particular the discursive conditions that constitute their experience of attrition in cases involving crimes of CSE. This thesis therefore sets out to examine the CSE discourses and interrogates in particular the discursive conditions in which attrition occurs in CSE cases.

The issue of CSE has been the focus of research from both the academia and the third sector agencies. The research is often focussed on conceptualising CSE, its constituent elements, its patterns and forms, its impact on children and families, and best practice responses to tackle CSE. Despite the widespread public attention and increased interest in researching CSE, the concept of CSE itself has remained ambiguous and contentious. The ambiguity and contestation revolves around issues of age, sex, capacity, harm, choice, responsibility and power. Research examining the discursive conceptualisation of CSE is scarce with the exception of a few studies such as Melrose (2013a), Phoenix and Oerton (2005), McAlinden (2014), and Hallet (2017). These studies elucidate the contestation over the meaning of CSE. Melrose (2013a) argues that the redefinition of 'abuse of children through prostitution' as 'child sexual exploitation' within social policy and through campaigning efforts of third sector agencies constituted a discursive shift in relation to adult-child sexual contact. She argues that this discursive turn made the concept of CSE rather vague, abstract and meaningless. She notes that the conceptualisation of adult-child sexual contact as CSE fails to account for those young people who get involved in commercial sex markets of their own accord, albeit for reasons of social and economic disadvantage (Melrose, 2010). She argues that the current conceptualisation of CSE is produced by dominant understandings of childhood as a state of innocence, adolescent sexuality as passive and constitutes all children as passive objects, victims and incapable of exercising agency. Melrose goes on to

suggest that CSE discourse reduces young people's involvement in CSE to an issue of immorality of adults who engage in sex with children or to that of problematic sexual behaviour by children. She contends that such conceptualisation abstracts the young person from the material conditions of his or her life and "obscures the social, economic, political and cultural conditions that underpin" their involvement in sex markets (2013a, p.22). Others too affirm that contemporary understanding of CSE results in dichotomous constructions of children either as passive victims of abuse or as active agents consenting to sexual activity (Phoenix and Oerton, 2005; McAlinden, 2014; Hallet, 2017). Drawing from the work of Melrose, Hallet (2017) argues in her examination of professionals' and young people's perspectives on CSE that CSE is framed within policy and practice predominantly as grooming of children by predatory adults and thus inhibit a fuller understanding of the experiences of children who fall outside the grooming paradigm. These include young people who feel that the exchange of sex is expected, inevitable or the best available 'least worst' option (p.143). Hallet (2017) further notes that narrow conceptions of CSE based on grooming models not only simplify the complexities of children's experiences and their recognition in responses to CSE, but also rest on normative conceptions of children as dependent, innocent and without agency. The boundaries constituted by those normative understandings imply that the recognition of young people's vulnerabilities and their exploitation is dependent on them fitting those normative conceptions of 'childhood' and of 'grooming' (Hallet, 2017).

The consequences of the dominant framing of CSE as grooming have been highlighted by Melrose (2013) and Hallet (2017). Contrary to Melrose's (2013a) observation that the dominant conception of CSE constitutes children as passive, Pearce (2013) writes that children's consent is often taken for granted, presumed and children are blamed for the abuse they experience. These two opposing schools of thought aptly capture the issues that are central to discussions on CSE such as agency, consent, childhood, vulnerability and child sexuality (See Hallet, 2017). Other critical scholars stress that CSE is one form of sexual violence against women and girls. They note that young people accept sexual violence as a normal part of

sexual relationships (See Barter, 2011) and that the sexualised landscape in which children experience sexuality normalises sexual violence (Melrose, 2013). In her analysis of existing literature and field data to problematise the notion of grooming, McAlinden (2012) argues that contemporary understanding of grooming does not capture the complexities and nuances of abuse in all cases. She notes that dominant conceptualisations of grooming focus heavily on predatory adults procuring children in online contexts or abuse of children in institutional settings by those in positions of trust. McAlinden (2012) offers a nuanced analysis of the process of grooming and argues that the concept of grooming ought to include patterns of behaviour occurring not just in online and institutional contexts, but also in intra-familial contexts. She also notes that grooming can be targeted not just at children, but at significant adults and social environments within which perpetrators operate.

Offering a more nuanced exposition of official and quasi-official discourses on rape and sexual assault, Phoenix and Oerton (2005) argue that official discourses construct a totalizing understanding of the victim and generate the imperative to act from such construction. They contend that the discourses exclude some victims and work to effectively erase the conditions of their victimisation from the discourse. They note that the regulatory framework dealing with adult-child sexual matters is shaped by a “fundamental contradiction in the construction of children as both innocent and blameworthy; as both knowing and not knowing; as both a proto-adult and non-adult and as both danger to the community and the vulnerable within the community” (Phoenix and Oerton, 2005, p.65-66). They stress that such “contradictions permit both the retention and collapsing of the symbolic boundaries between children and the realm of sex and sexuality” (2005, p.67). They further note that such fluid boundaries create the spaces for some children to be understood as sexual and as a threat to other children or to the society at large (2005).

This specific genre of scholarship examining discourses on child sexual exploitation is valuable in understanding how sexual exploitation is conceptualised in CSE

discourses. However, there are no studies examining the processes through which conceptual understandings of CSE are produced and the effects they may have on those who are subjected to those conceptualisations. In particular there is a dearth of studies examining the effects of specific constructions of sexually exploited children on the responses of criminal justice agencies and on the process of attrition. There is a lack of exploration of how different discourses (policy, legal, practitioner, academic or media) operate, intersect, dominate, and sustain how CSE as a problem is understood and responded to. Furthermore, the processes through which discourses explain, regulate and re-constitute children's experiences remain underexplored. It is clear that various discourses engage in the conceptualisation and reconceptualisation of the phenomena of CSE and of sexually exploited children. As is evident from Ost's examination of legal responses to grooming, the way we talk about sexual abuse as exploitation instead of abuse of children through prostitution has come into discourse through the enactment of the offence of grooming (2009). Against this background, this thesis sets out to explore contemporary discourses on CSE to examine how sexually exploited children are understood within those discourses and what effects those specific ways of understanding have, in the realm of criminal justice, particularly on attrition in CSE cases. This section thus far clarified the meaning of the term attrition and of the concept of CSE. It has drawn attention to the contestation in the conceptualisation of CSE. It noted that despite the wide spread public attention and the intensification of discourse on CSE, attrition in cases involving crimes of CSE remains a problem. The following sub-section sets out the specific questions that this thesis purports to address.

1.3. RESEARCH QUESTIONS

This thesis begins from an understanding that contestation within CSE discourses around notions such as childhood, sexuality, choice and risk creates a complex matrix of contexts and sub-contexts within which experiences of children subjected to sexual exploitation and those around them are intertwined. It examines CSE discourses to explore how children and their experiences of exploitation come to be

understood in those discourses and to interrogate the discursive conditions in which attrition in cases involving crimes of CSE occurs. In particular, it sets out to answer the following three questions:

1. How are children's sexual subjectivities 'constructed' in contemporary discourses on CSE and what effects are produced through those constructions in the prosecution of crimes of CSE?
2. How is attrition in crimes of sexual exploitation 'problematized' in contemporary CSE discourses?
3. What are the 'conditions of possibility' for attrition in crimes of sexual exploitation in contemporary CSE discourses?

The next few paragraphs further clarify these research questions and draw attention to the relevance of Foucault and feminist theorisation to this thesis. This thesis is not an investigation of the truth about attrition i.e. rates of its incidence, its causes and effects. On the contrary this thesis explores the discursive 'conditions of possibility' for attrition within CSE discourses. Foucault and feminist conceptualisation of power, sexuality, subjectivity and the power-knowledge-truth nexus are the key themes relevant to this analysis. In Chapter 3 I offer an elaborate exposition of these concepts and their value for examining the process of attrition.

Feminist theoretical perspectives and activism are particularly relevant to this thesis. First and foremost feminist engagements with the issue of adult-child sexual contact over the last century has been crucial in de-centring conventional patriarchal views about young girls as precocious, immoral seductresses of men (Smart, 2000) and in bringing the issue of child sexual abuse into public discourse (Ashenden, 2004). Feminist campaigning firmly sought to construct young women as victims of abuse by men, and placed the protection of young women firmly on the political agenda, despite strong resistance from political and legal quarters (Smart, 2000). Examining the recent history of child sexual abuse from 1910 to

1960, Smart notes how the criminal trial and the procedures associated with it prevented the reconceptualisation of the harm of child sexual abuse (2000). Smart highlights the power of legal discourse in imposing “its internally generated meanings and understandings” of concepts such as child, sexuality and harm and in ensuring the continuation of the view that children are the source of sexual danger and also unreliable as witnesses (1999, p.394). Others too note that in the discursive construction of the law, the abused child no longer remained innocent, thus forfeiting her entitlement to protection (Kitzinger, 1988). Whilst meanings of childhood and the notion of harm have shifted over time, the discursive struggles are far from over (Smart, 1990). Child sexual abuse (and CSE as I noted above) remains a contested discursive field despite the widespread acknowledgement of its prevalence and consequent harm (Smart, 1999). Smart argues that the discursive struggles over what constitutes sexual abuse and how children ought to be understood takes many dimensions, with some dominant discourses such as those of law assuming hegemonic power, thus subjugating alternative discourses and silencing some voices (2002). The *Criminal Law Amendment Act 1885* which raised the age of consent from thirteen to sixteen years remains the foundation for current criminal law approaches to child sexual abuse (Smart, 2002). The age of consent remains at 16 under the *Sexual Offences Act 2003* which is the current legislative framework criminalising sexual offences against children. The *Sexual Offences Act 2003* has also established specific crime categories against children aged 13 and under. Whilst Smart suggests that law confines us to the position that it constructs for us, others who also draw on Foucault like Smart see subjectivities as both “producing and being produced through and within discourses” (MacNaughton et al., 2010, p.135-136). Discourses therefore produce and are produced by subjectivities and discourses thus share a circular relationship with subjectivities.

The first research question explores how children and their experience of sexual exploitation come to be constructed in CSE discourses, i.e. what subject positions they come to occupy and what effects those specific subject positions have on the prosecution of CSE cases. In this thesis, I understand discourses as bodies of

knowledge with power to produce material effects (McHoul and Grace, 2002; Bacchi, 2000) at the level of subjectivities. The body of knowledge on CSE is constituted by multiple discourses emanating from various arenas, namely academic, legal, policy, sociological, political, media and other interest groups including victims and campaign groups. Smart's work on law as a form of discourse with its claim to scientificity and to truth, is particularly instructive in examining the power of specific discourses on the construction of children's sexual subjectivities (Smart, 2002). The meanings constructed in and through discourses do the work of explaining, validating and creating our experiences and subject positions.

Discourses on CSE are therefore inherently linked to questions of power. Drawing from Foucault and post-structural feminist conceptions of power as productive and as evident in its exercise, this thesis focuses on the operation of power-knowledge-truth nexus in discursive practices and draws attention to the effects produced through the nexus. In its current state, the conceptualisation of CSE is institutionalised in particular forms of knowledge and practice. The reports, inquiries, and practice guides to which I referred above affirm the institutionalisation of CSE. This thesis therefore examines both discursive (such as policy texts) and non-discursive practices (such as tools and techniques used in risk assessing and determining support pathways for children) to understand how different domains of knowledge and practices construct subject positions for children to occupy.

The second research question asks how the problem of attrition in cases involving crimes of sexual exploitation is problematised within CSE discourses. The term 'problematization' is used in specific terms in this thesis. To put simply, it refers to the terms in which a problem is thought about. It is understood as the way in which we turn elements of our experience into questions to be addressed and propose solutions, provide forms of understanding to those questions as well as particular ways of thinking about and responding to those experiences (Ashenden, 2004). Through examining the forms in which the problem of attrition is thought about in contemporary CSE discourses, this thesis scrutinises specific rationalities

that undergird those forms of thinking. It draws attention to various strategies proposed within policy to tackle CSE and how they come to effect criminal justice responses to the problem of CSE.

The third research question this thesis proposes to address relates to the 'conditions of possibility' for attrition in crimes of CSE. As opposed to asking what causes attrition, this thesis asks what are the conditions in which attrition becomes possible thus drawing attention to attrition as an effect of a 'complex and tight causal network' (Foucault, 1997, p.63). It draws attention to the multiple axes that constitute the CSE discursive space such as the bodies of knowledge, the modes in which subjectivities are formed and the processes of normalisation operating in CSE discourses. It examines the complex ways in which these axes (knowledge, subjectivity and processes of normalisation) intersect to constitute the conditions in which attrition becomes possible.

This thesis draws from two different sources of data so as to account for discursive (i.e. texts) and non-discursive (i.e. practice guides) elements of discourse. It examines policy texts and data generated from practitioner interviews and focus groups. Policy texts including legislation, government guidance, parliamentary debates, select committee reports, Ofsted inquiries and public consultations from 1996 to 2016 are selectively chosen using the technique of corpus construction. Texts emanating from non-official sources such as reports produced by non-governmental organisations, victim biographies and true stories published by those affected by CSE are not included for textual analysis owing to limitations of time. In addition to policy texts, data gathered through semi-structured interviews with 16 practitioners and through focus group discussions with 55 practitioners, is examined. All practitioners who took part in interviews and focus group discussions were/are involved in the investigation and prosecution of CSE cases or in supporting sexually exploited children in England. The data is analysed under different themes, identifying in the process knowledge statements which prompted a specific way of thinking about CSE and the responses proposed to tackle CSE. The

data is coded using Nvivo software and the analysis of texts and practitioner responses is mainly presented in three chapters i.e. Chapters 5, 6 and 7.

2. CONTRIBUTION, LIMITATIONS AND OVERVIEW OF THE THESIS

2.1. CONTRIBUTION TO KNOWLEDGE

There are several important areas where this study makes a unique and original contribution to the growing body of knowledge on CSE. As noted earlier there is a dearth of literature examining the process of attrition in cases involving crimes of CSE. It also noted that scholarship examining CSE discourses has focussed on dominant conceptions of CSE, but pays little attention either to the processes through which discursive as well as non-discursive practices reify dominant conceptualisations or to the effects they produce. This thesis brings to the fore the operation of a power-knowledge-truth nexus in constructing and reconstructing children's experience of sexual exploitation. It thus addresses a significant gap in knowledge and adds to the specific genre that is the interrogation of the material and constitutive effects of discourse.

This thesis makes a specific contribution to an understanding of the discursive construction of children's sexual subjectivities. It exposes the classification of children into reserved victims, unreserved victims and non-victims through the processes of normalisation and differentiation. It thereby refutes the arguments that CSE discourses predominantly constitute children either as victims or non-victims. In addressing how the issue of attrition in CSE cases is thought about within practitioner's discourse, this thesis draws attention to the specific rationalities underpinning the thinking about the problem of attrition. It draws attention to the shifting priorities and policy objectives over the last two decades. By bringing into view how safeguarding of children and disruption of perpetrators have come to be prioritised over prosecutions both in policy and practice, this thesis troubles the common-sense understanding prevalent within contemporary CSE discourses that disruption of perpetrators is a rational and legitimate response to CSE. This thesis is

in this respect a significant contribution to the development of policy and practice relevant to CSE. This thesis emerged from the researcher's previous work and concern about high rates of attrition in CSE cases particularly during the investigation and charging stages. This thesis does not propose solutions to address the problem of attrition, but identifies the sites and areas that ought to be subjected to critical review. It promotes an increased understanding of the conditions in which attrition occurs thereby opening up to challenge the contemporary ways of addressing CSE. It makes visible the spaces and sites where resistance to problematic constructions of subjectivity and subjective experiences becomes possible. Finally, it stresses the need for and the importance of reflective practice among practitioners when responding to CSE and identifies practice areas in which there is scope for developing such reflective practice.

2.2. RESEARCH LIMITATIONS

This thesis is limited in many respects. Firstly, its scope is limited to examining what is described as child sexual exploitation in contemporary policy discourses and in the practice of professionals. It does not engage with other discourses such as the discourse of children, medical discourses and so on. It also does not engage with other forms of child abuse such as neglect, labour exploitation or historical child sexual abuse. The study is also specific in its geographical location to England and temporally to contemporary discourses spanning a twenty year period from 1996-2016. Secondly, a significant limitation of this research is in its choice of informants. This thesis does not include amongst its participants children and families whose lives are affected by sexual exploitation. It is a significant, but a conscious exclusion owing to challenges around access, confidentiality, support needs and the level of care required in involving victims/survivors as participants in research. In addition, the lack of input from CPS representatives is a significant limitation of this thesis. Access to prosecutors who were/are involved in CSE case prosecutions could not be obtained despite many efforts. Only one former prosecutor could be interviewed. Finally, this project was conceived during my time working for a charity. It is thus vital to remember that my thinking and my politics have specific roots, and my

interpretation of texts and other forms of data could not be completely divorced from these roots. My position as both an insider (by which I mean how I am perceived by those who are aware of my previous work) and an outsider (i.e. how others perceive me as a student undertaking a specific study and thus devoid of specific politics) has inevitably impacted the ways in which participants talked about and responded to interview questions and discussion points. In chapter 4, I will be reflecting further on the impact of my subject position as a researcher on the process of data collection and interpretation. I provide a brief overview of the thesis in the following sub-section.

2.3. OVERVIEW OF THE THESIS

This chapter thus far has expressed the motivation behind the thesis, looked at the definition of CSE and attrition, and briefly set out the contestation around the conceptualisation of CSE within discourses on CSE. It has underscored the gap in knowledge on how discursive conceptualisations of CSE produce effects in the realm of the prosecution of CSE crimes. It has drawn attention to the specific questions that this thesis asks and the approach adopted to address those questions. This sub-section provides an overview of the thesis, outlining the content and key arguments made in each chapter. This thesis is broadly organised into two parts. Part I sets the scene in chapters 2, 3, and 4 paying attention to the theoretical and methodological orientation of this thesis. Part II broadly explicates the conditions of possibility for attrition in CSE cases presenting the findings of this thesis in chapters 5, 6 and 7.

Chapter 2 reviews and locates this thesis in existing literature. This chapter is organised into four sections. The first section engages with studies that examine the conceptualisation of childhood identifying key themes informing contemporary theorizing of childhood and child subjectivity. Section 2 reviews studies examining sexual abuse of children in general and CSE in particular and sketches the specific themes such as innocence, harm, child development, agency, choice and power that underpin thinking on sexual abuse and exploitation of children. Section 3

outlines existing literature on attrition in sexual offence cases, exploring if and how attrition in CSE cases is addressed in this body of literature. Acknowledging the dearth of research on attrition specific to CSE, this section draws from rape attrition studies and highlights their relevance and contribution to this thesis. And finally in section 4, it signposts the approach adopted in this thesis i.e. Foucauldian feminist discourse analysis drawing out its specific contribution in relation to the literature considered in this chapter.

This thesis aims to explore the relations of power that continue to operate and shape children's subjectivities as they embark on a journey through the criminal justice system and the effects that specific subjectivities produce in constituting children's experience of attrition. **Chapter 3** sets out the theoretical concepts informing the thesis. It elaborates the contours of the Foucauldian feminist theoretical framework that underpin this thesis, highlighting its value in interrogating attrition in cases involving crimes of child sexual exploitation. It highlights the potential within this framework for thinking beyond the liberal notions of agency and account for the social, cultural and discursive context in relation to which subjects and objects of analysis emerge. This chapter focuses on the themes of power, subjectivity, sexuality, and the knowledge-truth-power nexus, as developed both within Foucault's writings and in feminist theory. Consisting of four sections, the first section of the chapter briefly engages with the concept of power as a relation of force (Foucault, 1980) and with feminist critique of Foucauldian notions of power. The second section engages with the notion of subjectivity as constituted by relations of power, further eliciting the convergence and contradiction in Foucault and feminist theorisation of subjectivity. The third section of this chapter engages with feminist and Foucauldian conceptualisation of sexuality and the theorising of child-adult sexual relations. The final and fourth section explores Foucault's conceptualisation of the nexus between power, knowledge and truth. It talks about knowledge as a social-political construct and notes that truth as an ally of power shares a circular relationship with power and comes into effect through discourses. The aim of this chapter is to demonstrate the value of analysing the power-knowledge-truth nexus operating within CSE

discourses and its constitutive effects in creating the conditions for attrition in cases involving crimes of CSE in England.

Chapter 4 lays out the methodological approach that this thesis adopts. Developed into four sections, this chapter starts with the rationale for choosing an assemblage of critical discourse analysis (CDA), feminist empiricism and Foucauldian power analytics and thereby clarifies the epistemological and ontological positions that guide the conduct of this thesis. It explicates the methods adopted for collecting data noting the value of reading of texts as well as interviews and focus group discussions with specialist CSE practitioners for gathering the relevant data. It offers an overview of the process of data collection and analysis. Finally, the chapter critically reflects on the researcher's own subject position and its impact on the choices of methods, selection of texts/participants, collection of data, and analysis of data.

Chapter 5 presents the findings from an analysis of policy texts and data from practitioner interviews and focus group discussions. It specifically addresses research question one: How are children's sexual subjectivities constructed in contemporary CSE discourses in England and what effects do those constructions have in the prosecution of CSE crimes? It sets out identifying discursive elements clustered around three themes: children at risk, children as (un)knowing and children as (a)sexual. It argues that these discursive utterances, coupled with certain technologies of power, create specific ways of understanding sexually exploited children. It posits that the risk assessment processes used in child protection; the operation of the rhetoric of consent; and the imperative for children to verbalise their experience as abuse become the technologies of power through which certain statements (e.g. children do not know they are victims of abuse) about sexually exploited children are marked as truths. The truths thus produced become the norm against which children's experiences are measured and classified through processes of normalisation and subjectification. Finally, the chapter concludes that 'knowledge statements', 'technologies of power' and 'regimes of

truth' operating in a nexus produce multiple subject positions for children to occupy. It emphasises that the subject positions that children take up (i.e. unreserved victims, reserved victims or non-victims) are multiple, constituted through a network of operations and have material effects on the legal and social responses to the problem of child sexual exploitation.

Chapter 6 draws on an analysis of policy texts and data from practitioner interviews and focus group discussions, to examine the forms of 'problematization' of attrition, i.e. the forms in which attrition in CSE cases in England is thought about in contemporary discourses on CSE. It specifically seeks to address the second research question. It notes four specific rationalities underpinning the problematization of attrition in practitioners' discourse namely: the contradictory construction of the value of prosecution outcomes for children; a commonsense understanding that the complexity of CSE case investigations and prosecutions arise from the very nature of CSE as a crime; the prosecution process as undermining children's best interests; and finally the lack of a shared understanding of CSE among practitioners as a constitutive condition of CSE practice. Further, the chapter takes stock of the shifting priorities and policy objectives over the last two decades, bringing into view how safeguarding of children and disruption of perpetrators have come to be prioritised in policy and simultaneously in practice. Finally, the chapter concludes that the prioritization of disruption and safeguarding as effective strategies in tackling CSE produce real effects, mainly by noting that prosecutions are accorded low priority.

Chapter 7 interrogates the conditions of possibility for attrition in the contemporary discourses on CSE. It draws upon the analysis against the two research questions, namely the construction of children's sexual subjectivities and the problematization of attrition in contemporary CSE discourses. It contends that children's experiences of sexual exploitation emerge into a discursive space enclosed by three axes, namely the fields of knowledge on CSE, the modes by which subjectivities are formed and the processes of normalisation. It examines the nature of these axes and the sites at which they intersect producing the conditions

of possibility for attrition. Drawing on the work of scholars like Mossman from her critique of legal method i.e. in reifying the power of the legal professional and the myth of law's neutrality; and Smart (1992; 2002) from her work on the power of legal discourse in disqualifying other forms of knowledge through law's claim to truth, this chapter draws attention to children's encounter with the legal system as one of the sites at which the three axes enclosing the discursive space intersect producing the conditions in which attrition becomes possible.

Finally, **Chapter 8** concludes the thesis drawing together the key arguments made in this thesis. It examines the findings of this thesis against the research questions that it set out to answer. It reflects on the key messages and concludes with a note emphasising that the conditions making attrition possible are discursively produced and hence could be transformed.

CHAPTER 2
CHILDHOOD, CHILD SEXUAL EXPLOITATION AND ATTRITION IN SEXUAL OFFENCES:
PERSPECTIVES FROM RESEARCH

“The child’s toys and the old man’s reasons [a]re the fruits of the two seasons”

William Blake¹²

INTRODUCTION

My concern in this thesis is with current criminal justice responses to the phenomena of CSE in England. This thesis aims, as outlined in Chapter 1, to interrogate the process of attrition in cases involving crimes of CSE. Three specific questions drive this interrogation, namely: the effects of the specific ways sexually exploited children come to be constructed within CSE discourses; the forms in which the problem of attrition is thought about; and the conditions in which attrition becomes possible. This chapter reviews studies that examine attrition in sexual offences cases; studies exploring the construction of childhood as well as studies examining sexual abuse of children in general and CSE in particular. This review aims to locate the thesis within the broader literature and show how the literature(s) inform the research questions and the analysis.

The couplet with which I began this chapter is taken from William Blake writing in the 18 Century Romantic Movement. It encapsulates a particular way of thinking about children, that is, the child is same as, but different to an adult, and yet the child is an adult to be. In juxtaposing toys and reasons, the couplet symbolically places innocence and maturity as characteristics of specific stages of life. The metaphoric reference of toys and reasons to fruits of time signifies the relevance of time in understanding the difference between children and adults. From this

¹²¹² Couplet from William Blake’s poem *Auguries of Innocence* published in *Poets of the English Language*, Viking Press: 1950 accessed on 16 July 2017 from <https://www.poetryfoundation.org/poems/43650/auguries-of-innocence>

romantic perspective, we can conceive of childhood as a temporal location on a continuum of life. How else was or can childhood be conceived? I will start this chapter by addressing this question. In Section 1 below, I will explore, albeit briefly, studies that examine the conceptualisation of childhood. This section aims to identify key themes informing contemporary theorizing of childhood and child subjectivity thus paving the foundation for an examination of the construction of children's sexual subjectivities within CSE discourses which is the first research question that this thesis sets out to address. The focus in Section 2 is on literature relating to sexual abuse of children in general and CSE in particular. In this section I sketch out the specific themes that underpin thinking on sexual abuse and exploitation of children. Section 3 outlines existing literature on attrition in sexual offence cases, exploring if and how attrition in CSE cases is addressed in this body of literature. And finally in section 4, I reflect on my thesis, situating its scope and relevance within the literature considered in this chapter.

1. SHIFTING MEANINGS OF THE IDEA OF THE CHILD AND OF CHILDHOOD

In modern times any reference to the term 'child' or 'children' invokes a specific meaning and designates a category of people who are young in age, are yet to be adults, are in a state of development, and are in need of care. The modern conception of childhood, particularly the twentieth century formulation, has been dominated by the biological models of development. As will become evident from the literature I examine in this section, the contradictory themes of innocence and corruption, ignorance and knowledge, savagery and rationality have been mediating discourses on childhood at different times. The notions of the child and of childhood are social constructs whose meanings have shifted across historical and cultural milieus (Aries, 1962; Hendrick, 1997; James and Prout, 1997). Also, the manner in which children have been posited and re-presented have altered through the passage of time (Jenks, 2005). Childhood subjectivity is discursively constructed into existence and an examination of child subjectivity ought to take into consideration the historical context, the social and discursive processes through which they are

brought into discourse. This section, therefore, examines the shifting meanings and constructions of children and their subjectivity.

The concept of childhood as we know it, premised on age and physical maturity, was neither known to antiquity up until the Middle Ages nor was antiquity obsessed with the physical, psychological and sexual problems of childhood (Aries, 1962). In an examination of the medieval art and the portrayal of children in art in the French society, Aries (1962) notes that children occupied and shared the communal space along with adults and thus childhood was not recognised as a distinct phase of human existence in medieval society. He notes a general lack of reserve of those societies in sexual matters relating to children, highlighting the casualness of conversations about matters of sex that were openly had in front of children. Matters of sex were perceived to be of no significance to children due to the belief in children's sexual innocence. Aries attributes the reasons for the lack of the significance of childhood as a category, within the pre-modern French society, to high rates of child mortality. He notes that parents in pre-modern societies refused to develop emotional attachments with children or to consider their children as special and unique owing to high rates of child mortality (1962). Aries attributes the developing interest in children during the sixteenth century to the decline in child mortality (1962). At around the same time, Aries identifies a developing concern with children's sexual innocence being in danger of corruption and the subsequent quarantining and subjection of children to disciplinary schooling, surveillance and control. He highlights that the development of the education system brought into existence the divide between children and adults primarily through constructing separate spaces for children in the form of schools, and training barracks. Aries propounds that the developing recognition of children as a distinct category of human existence and the emergence of the family as an institution in the late seventeenth century, followed by the designation of the family as the private sphere, set into motion the modern conception of childhood.

Jenks (2005) too marks the model of the modern child as emerging from the recognition of children as a distinct category requiring correction or training to

address its frailties. It is a recognition that has, he argues, continued throughout the Enlightenment period and resulted in the subsequent institutionalisation of concern with children's physical health, wellbeing and moral welfare (Jenks, 2005). Jenks alludes to two mythological images of children- an innocent, angelic child untainted by the world (the Apollonian child¹³) and a weak, impish and corrupt child (the Dionysian child¹⁴) – that have continued to give force to modern day discourses on the child. The Dionysian image resulted from Christian and Puritanical movements advancing the need for effective child-rearing and harsh training techniques to ensure children who are inherently evil did not stray. The Apollonian image on the other hand drew on Rousseau's work which portrayed children as having an innate and immanent capacity to reason. Children are posited in the Apollonian image as inherently good, possessing unique potential different from adults and thus deserving special treatment and care (Jenks, 2005).

In his study of British Childhood since the 1800s, Hendrick writes that by 1917 the ambiguity surrounding the conception of childhood disappeared and a "recognizably 'modern' notion of childhood was in place: it was legally, legislatively, socially, medically, psychologically, educationally and politically institutionalized" (1997, p.34). Hendrick notes that the reformist campaigns which opposed child labour and the physical, moral dangers it brought on children claimed protection for all children, thus introducing the notion of the universality of childhood. Hendrick further states that the evolution of the concept of juvenile delinquency and legislative changes dealing with the delinquent child not only affirmed that childhood is a temporal space, they reified the child as 'different' and 'not a free agent' (Hendrick, 1997, p. 42). The legislative reforms such as the *Youthful*

¹³Apollo is the god of sunshine, light and a symbol of beauty. Jenks's image of the Apollonian child refers to the innocence and angel like qualities of children.

¹⁴ Dionysian is the prince of wine, revelry and nature. In the Dionysian image of the Dionysian child assumes an initial evil and refers to corruption inherent in the child. Children in the Dionysian image are perceived to harbour the potential for evil and that they will go astray if not subjected to appropriate guidance.

Offenders Act, 1854 and subsequently the *Education Acts* of the 1870s and 1880s led to the definition of the child based on the criterion of age and created a strong edifice for biology or 'nature' as an attribute in the construction of childhood. Mass education of children made possible the scientific study of children as subjects for psychology, further affirming the specificity of children and the need to address their development needs (Hendrick, 1997). Hendrick writes: "the reconstruction of the 'factory child' through the prism of dependency and ignorance" was the precursor to mass education leading to a shift in children's identity from wage-earner to school-pupil (Hendrick, 1997, p.44). The dependency of children and the need to fulfil their needs to ensure a healthy future of the society led to growing state and bureaucratic intervention into children's lives. State intervention, legitimised through principles of protection, welfare and rights, further constituted childhood as the opposite of adulthood and marked its universality, vulnerability and coherence (Hendrick, 1997).

The predominance of psychological explanations of child development and its key themes of 'rationality', 'naturalness' and 'universality' in theorizing childhood in the twentieth century is underscored in much of the literature on childhood (Scraton, 2005; James and Prout, 1997; Prout, 2005; Jenks, 2005; Woodiwiss, 2009). These explanations were founded on ideas of natural growth and development, on childhood as a biologically determined, pre-social period, thus constituting it as different from adulthood. Premised on an evolutionary model these twentieth century perspectives have deemed childhood as a universal experience and as representing progression from immaturity to maturity, paralleling childhood to a savage state and adulthood to a civilised state of existence (James and Prout, 1997).

The discourse of development continued to dominate the construction of childhood in late twentieth Century. However, Hendrick (1997) draws attention to the impact of social and political changes- such as the erosion of the welfare state, the academic discourse re-positing the child as a person, the new rights movement- on the construction of children. Other scholars examining the construction of childhood in post-modern societies caution us that contemporary discourses on

childhood are threatening the very idea of childhood and that childhood has met a strange death precipitated by the media representation of children who are outside the norm of childhood innocence (e.g. media depiction of the murder of Jamie Bulger by two 10 year old boys), the impact of television on children's behaviour and the sexualisation of children through varied means (Hendrick, 1997; Jenks, 2005; Kitzinger, 1997). Other scholars examining contemporary constructions argue that childhood has become the most intensely governed period of personal existence and that the social, political, educational and legal regulation of children constitutes them as powerless and dependent (Rose 1999; Robinson, 2013).

In critiquing the psychological, sociological and phenomenological approaches to studying childhood, Jenks (2005) reiterates that childhood is a social-cultural construct appearing differently in different cultures. Childhood has been constructed "in relation to structural variables such as rates of mortality and life expectancy, organizations of family life and structure, kinship patterns, and different ideologies of care and philosophies of need and dependency" (Jenks, 2005, p.61). Jenks goes on to say that competing discourses from parents, teachers, psychologists and the media often lead to and also draw from an idea of a normal child (2005). Emphasising the importance of discourse in structuring the social relationships, Jenks writes:

"the child is part of a social structure and thus functional within a network of relations, a matrix of partial interests and a complex of forms of professional knowledge that are beyond the physical experience of being a child" (Jenks, 2005, p.61).

The role of social structures and forms of professional knowledge in the conceptualisation of childhood, emphasised by Jenks (2005) is particularly useful in the examination of sexual subjectivities of children in CSE discourses. It indicates that our understanding of child subjectivity thus cannot be limited to the physical experience of being a child. Instead, child subjectivity should be broadly conceived as being constituted through a network of social relations. The study of childhood or of issues affecting children should therefore be able to account for the historic

context in which children are located, the social and discursive structures that determine how they should be viewed, and the competing forms of knowledge that produce specific ways of thinking about children.

This discussion of some key studies examining the development of the idea of childhood in this section suggest that the concept of childhood was not only absent at specific historic moments, but also that it is a social construct with shifting meanings across the historical and cultural milieus. Although the modern conception of childhood, particularly within the twentieth century, was dominated by biological models of development, contradictory ideas of innocence and corruption, ignorance and knowledge, savagery and rationality were mediating discourses on childhood. This section also highlighted that studies involving childhood or of issues affecting children should pay attention to the historical location of children as well as to the social and discursive conditions of their existence. In the section below, I will turn my attention to research examining child sexual abuse and exploitation.

2. CHILD SEXUAL ABUSE AND EXPLOITATION - PERSPECTIVES FROM RESEARCH

This thesis is concerned with attrition in cases involving crimes of CSE. The hidden nature of CSE and prevailing disagreements on the boundaries of the problem make understanding of sexual exploitation difficult (Phoenix, 2002; Phoenix and Oerton, 2005; Scott and Harper, 2006). Although CSE is acknowledged as a form of child sexual abuse (Department for Children, Schools and Families, 2009; Child Exploitation Online Protection, 2011), the ways in which CSE is problematised in discourse constitutes CSE as a specific form of abuse. The concept of CSE is predominantly understood as grooming of children by perpetrators outside the family and refers to sexual activities involving children in return for something such as money, accommodation or food. In contrast, child sexual abuse is used as an umbrella term to refer to all forms of sexual abuse of children including intra-familial abuse, historical child sexual abuse and abuse by those in positions of trust. My aim in presenting CSE as a separate category of abuse is to underline the

particularity of its form and the specific responses it has called for in the last twenty years.

2.1. CHILD SEXUAL ABUSE

Child sexual abuse has come to be recognised as a significant social problem in modern societies (Jenks, 2005). Such an upsurge in the recognition of child abuse is mainly “because of the changing patterns of personal, political and moral control in social life more generally which have, in turn, affected our vision of childhood” (Jenks, 2005, p.92). Jenks notes that vital shifts in attitudes do not occur at random, but rather through the will of the people and through discourses that are capable of politicising and transforming given cultural configurations. Two groups active in politicising child abuse were the women’s movement and the child protection movement, although each posited child sexual abuse from different perspectives: the child protection movement emphasising family dysfunction and the women’s movement focussing on patriarchal violence (Jenks, 2005). Feminist arguments, that sexual exploitation in general and of girls in particular is endemic to patriarchal societies, shape current understandings of child sexual abuse (Reavey and Warner, 2003).

Jenks argues that the increase in the recognition of child abuse is our collective response to late modern conditions of existence such as the changes in the traditional modes and relations of production as well as in the systems of social stratification (2005). Jenks explains that the way adults relate to children, the social spaces they occupy, the character and pace of those spaces, the conception of time and expectations of life have altered significantly in late modernity. These changes occurring in post-modern societies have completely changed the way we relate to each other. The traditional forms of relating to others such as marriage, partnership, friendship, class solidarity have been disappearing and as a result, post-modern societies are recognising the child as the sole symbol of love, friendship and trust. The child, who has thus become the site for the relocation of

discourses around stability, social bond and the symbol of society as a collective, is being jealously guarded (Jenks, 2005).

Burman (2003) examines the political subjectivities produced through discourse in the context of child sexual abuse from a Foucauldian theoretical perspective. She deploys critical perspectives from the concept of development understood both as constitutive of childhood and as global economic development. Noting the hierarchy that is “explicitly structured in the lexicon of age and life-stages”, she draws attention to other social and spatial differences in the construction of political subjectivities (Burman, 2003, p.37). Stating that discourses based on nature obscure culture, she notes that claims to special protection of children were founded on concepts and practices such as nature, biology, life stages, innocence, rights, and vulnerability. She notes that such special protections paradoxically correspond with the denial of children’s agency. She also problematises the treatment of children as a gender neutral category in the context of sexual abuse. She further argues that the figure of the natural, docile and vulnerable child requiring protection and education is destabilised by children who present themselves as not so innocent. Consequently, protection becomes conditional upon being innocent and being devoid of the qualities of an adult.

Burman calls for analyses that focus on the “interface between different groups of actors that surround caring as well as abusive relationships, and work to document the varying and contested accounts of what particular professional interventions mean, and what they achieve”(2003, p.49). Burman’s emphasis on the importance of analysing the interface between different groups of actors involved in caring or abusive relationships is important for this thesis. A focus on the interface between children and others involved in their abuse and care so as to understand how these relationships work to constitute and re-constitute children’s subjectivities is vital to illustrate the social and discursive networks in the process of constitution. Burman’s analysis of the forms into which children’s subjectivities are constituted and the consequences of such constructions on their access to protection are also of

relevance to this thesis, particularly in the context of the first research question on sexual subjectivities of children in CSE discourses.

O'Dell undertakes a discourse analysis of her discussions with professionals working with children and adults who have identified themselves as adult 'survivors' of child sexual abuse (2003). O'Dell describes that the harm of child sexual abuse is 'storied' into discourses through the biological/development lens, thus positioning sexually abused children as qualitatively different from non-abused 'normal' children (2003). The abused children become the damaged children who have lost the opportunity of experiencing normal childhood. Consequently the "storying of loss of innocence and childhood feeds into a broader cultural understanding of children as developmentally immature and the conflation of innocence (produced through the lens of the 'developing' child) and sexual naiveté" (O'Dell, 2003, p.138). She notes that harmfulness is storied as a universal phenomenon experienced by all children and stories into discourse a "symptomology of sexual abuse", consequently individualising, pathologising, othering abused children and reifying what is considered normal. She reiterates that universal and totalising representations of harm render some fragments of children's experience invisible, such as those intersecting with sexuality, race, or gender, and shifts the focus away from issues of power inherent in the problem of child sexual abuse. O'Dell's examination of the discursive effects in the construction of children's subjectivities is informative for this thesis. Childhood sexuality or perceptions about children's sexual subjectivity is one of the themes that this thesis engages in. O'Dell's emphasis on the impact of the notion of harm in reifying sexual naivety of children as the norm provokes questions around the role of sexual experience, sexual knowledge and sexual innocence in the construction of children's subjectivities within CSE discourses.

In another study Kitzinger (1997) draws upon media coverage, leaflets, education videos, books, academic articles and survivors' personal testimonies to explore the construction of childhood in contemporary debates and their impact on how child sexual exploitation is problematised. She notes that debates around child sexual abuse draw on multiple discourses, including those on childhood, family, sexuality,

race and gender. Child sexual abuse in the main is considered as a crime against childhood, which corresponds with O'Dell's explication of sexual abuse as the loss of the opportunity for experiencing normal childhood. Kitzinger (1997) challenges the discourses of childhood innocence, passivity and innate vulnerability within those constructions. She also critiques the discourse of empowerment deployed as an alternative to vulnerability and notes that the discourse of empowerment fails to challenge children's oppression. She argues that it is necessary to assert that abuse is never a child's fault to challenge the long tradition of victim blaming, nevertheless, heavy emphasis on 'innocence' or 'fetishising innocence' is problematic in three ways: first, it creates and reinforces children's desirability as sexual objects. Second, deployment of innocence becomes double-edged in the fight against sexual abuse because it stigmatizes the 'knowing' child and excludes those who do not conform to the ideal notion of 'asexual', 'pre-sexual personhood' (Kitzinger, 1997, p.164). Third, innocence acts as an ideology to deny children access to the knowledge and power required to reduce their vulnerability to abuse. The notion of the child as a passive victim thus complements the problematic use of innocence in constructing child sexual abuse.

Kitzinger denotes several acts of resistance that children engage when resisting their abusers. She notes that refusal within discourses on child sexual abuse to acknowledge the acts of children's resistance, however small they may appear, obscures relations between children and the importance of their alliances as a "resource against adult violence" (1997, p.169). As opposed to being recognised for the positive value that children's activities and attempts to cope and resist abuse have for children, they are located in the catalogue of symptoms or consequences of abuse. Kitzinger argues excessive focus on "children's innate vulnerability (as a biological fact unmediated by the world they live in) is an ideology of control which diverts attention away from the socially constructed oppression of young people" (Kitzinger, 1997, p.170). Many innovative programmes developed at the grassroots aim to challenge the dominant images of abused children as victims and work to empower children; to promote and celebrate children's resistance through enhancing their ability to assert; to express feelings; and to take control of their

bodies. The process of empowering however, argues Kitzinger, is endowed with many limitations. Firstly, emphasis on teaching children how to 'say no' can potentially make them feel responsible for their own victimization, particularly in circumstances where they fail to verbalise their feelings. Secondly, Kitzinger notes rightly that focussing on the individual's ability to say no, i.e. on 'personal power', locates the need for change within the individual and distracts attention from social structural issues. It fragments common experiences of oppression, powerlessness and erases the "need for collective, political action" (Kitzinger, 1997, p.175). Kitzinger advocates for education or prevention programmes that identify children's ways of resisting and give them the language to name their oppression.

In a recent exposition of childhood sexuality, Robinson (2013) highlights that contemporary childhood has become a period of extreme surveillance and regulation in the name of protection, often framed as being in the best interests of children, thus constituting children as powerless and dependent in relation to adults. Robinson argues that competing and contradictory discourses namely: "children are asexual and innocent"; 'children's sexuality is dangerous to society and needs to be regulated'; 'children's sexuality is normal and critical for the development of a creative and vibrant society'; 'sexuality is dangerous to the moral development of the child'; and 'children are vulnerable to abuses and exploitation by adult sexuality and need to be protected'" constitute the children's sexual subjectivities in contemporary Western society (2013, p.6). She critiques the absence of a voice for children and young people, the dismissal of children's agency as sexual subjects, and the inadequate analysis of the broader discursive relationships between childhood and sexuality that significantly influence the ways in which discussions around sex occur. She notes that the censorship and policing of children's environments emanating from fear and anxiety about their sexual agency is "*counter-productive* to the protection of children" (Robinson 2013, p. 7 Emphasis in original). Robinson further emphasises that developing the critical competencies of children, their knowledge and agency will foster their wellbeing and health (Robinson, 2013).

This section thus far reviewed key studies which examined the discourses on child sexual abuse in general and the construction of children and childhood in those discourses. It is evident from the works of Kitzinger (1997), Burman (2003) and O'Dell (2003) that the constructions of children as innocent, vulnerable and asexual based on child developmental and psychological models of harm, feeds broader cultural understandings of children as developmentally immature. Such constructions also individualise the problem shifting the focus away from social structural issues. In contrast, Robinson (2013) argues that competing and contradictory discourses around innocence, knowledge, sexuality and vulnerability underpin the contemporary construction of children's subjectivities. The following discussion turns attention to studies that specifically examine the conceptualisation of CSE and its victims.

2.2. CHILD SEXUAL EXPLOITATION

The issue of CSE has been the focus of a large body of literature over the last two decades. This section reviews studies examining the conceptualisation of CSE and its victims drawing attention to key themes animating the contemporary debates and discussion on CSE. The 'grooming model' of sexual exploitation has continued to remain the dominant frame of reference in contemporary understanding of CSE (Jago et al., 2011; Melrose, 2013; Hallet, 2013; 2017). The concept of 'grooming' as a process where children and young people are targeted, befriended, dazzled (with gifts, attention, affection) only to be ensnared later and controlled for sexual purposes has been highlighted in several studies over the years, often predicated on the patterns of abuse and modes of operation of perpetrators (CROP, 2005; Scott and Skidmore, 2006; Kosaraju, 2008; Jago and Pearce, 2008; Barnardo's, 2011). Craven and others (2007) note that the term 'grooming' is increasingly used to refer to a range of behaviours, settings and circumstances. Craven and others define grooming as:

“a process by which a person prepares a child, significant adults and the environment for the abuse of this child. Specific goals include gaining access to the child, gaining the child's compliance and maintaining the child's

secrecy to avoid disclosure. This process serves to strengthen the offender's abusive pattern, as it may be used as a means of justifying or denying their actions" (Craven et al., 2007, p.63).

In their recent work, Mooney and Ost (2013) examine the 'group localised grooming (GLG)' using critical victimology approaches and draw attention to grooming patterns involving organised groups and informal networks.¹⁵The explosion of reports¹⁶ that examined 'grooming' in recent times are a further testament to this. The increased use of specific terminology, such as 'boyfriend or grooming model' (Melrose, 2010) 'localised grooming' (Child Exploitation Online Protection, 2011; House of Commons Home Affairs Committee, 2013) 'on street grooming'¹⁷ in media, departmental reports and by victim support organisations, to signify sexual exploitation of children suggests that grooming has remained a dominant frame of reference for CSE.

In the introductory chapter I have briefly considered some studies that examined the conceptualisation of CSE and the dominant discourses of childhood, vulnerability and choice informing the conceptualisation of CSE (Phoenix and Oerton, 2005; Melrose, 2013a; Hallet, 2017). Scott and Harper (2006) have held that description of children's experiences as 'abuse through prostitution' limits the successful identification of children who are at risk of abuse through other forms.

¹⁵ The authors use the term *localised* grooming as opposed to *street* grooming to convey the fact that the grooming occurs in public settings local to victims and does not always occur on the street. They draw on the definition of the group developed in research carried out by the Office of the Children's Commissioner's as "[two] or more people of any age, connected through formal or informal associations or networks, including, but not exclusive to, friendship groups" (Berelowitz et al, 2013, p.426).

¹⁶ See reports and assessments from the House of Commons Home Affairs Select Committee, Child Exploitation and Online Protection, Office of the Children's Commissioner, All Party Parliamentary Group for Runaway and Missing Children.

¹⁷ The Times, *Action on the gangs who groom girls for sex* (21 November 2011).

On the contrary, Melrose has problematised the shift in the language from ‘abuse through prostitution’ to ‘child sexual exploitation’. In a paper drawing on data collected from 11 practitioner interviews, as part of a wider study of Local Safeguarding Children Boards’ (LSCBs)¹⁸ responses to CSE, Melrose (2013) writes that the parameters for understanding CSE have been shifting. She notes that campaign efforts, aimed at separating issues of children’s involvement in prostitution from that of adults and attempts to acknowledge children as victims of predatory adults, led to gradual changes in how adult-child sexual matters are conceptualised. She contends that the ‘pimping and grooming model’ or the ‘prostitution triangle’ model propagated by Barnardo’s, where a young man grooms a young woman and pimps her out to an abusive adult, has dominated policy and practice for over a decade. This dominant discourse, she says, has resulted in the “development of an abstract ‘model’ which fails to account adequately for the concrete conditions in which that abuse occurs” (2013b, p.156).

Stating that prostitution is an institution involving abuse of power based on historical, social, sexual, political, and economic differentials, Melrose argues that by not being able to talk about children abused through prostitution, the discursive formulation deprives us of “an understanding of the institutional basis of their exploitation in commercial sexual markets” (Melrose, 2013b, p.159). She notes that the “uncoupling of the term ‘commercial’” from the phrase ‘commercial sexual exploitation of children’ witnessed in the Department for Children Schools and Families guidance in 2009 and the introduction of the “new semantics of ‘sexual exploitation’” have rendered the concept of CSE abstract and meaningless. She contends that the ‘individualising character’ of the contemporary discourse presents the child as an ‘abstracted’ entity devoid of its material circumstances and as the “pitiful personification of a corrupted and defiled ideal of Western childhood” (Melrose, 2013a, p.10). Arguing that the historically changing norms of

¹⁸The main responsibilities of the LSCBs are set out in section 14 of the *Children Act 2004*. LSCBs co-ordinate and quality assure activities of agencies responsible for safeguarding children in their respective local authorities.

sexuality ought to be taken into account, Melrose calls for a more 'fluid', rather than a 'rigid' understanding of sexual exploitation. Similarly, Moore (2006) critiques the victim-focussed dominant discourse of child sexual abuse and writes:

“[T]o collapse the distinction between child sexual abuse and prostitution is to rob those involved in the sex industry of the very agency that has enabled them to feel they had asserted some control over their lives, in contradiction to earlier life experiences where they may have felt even more abused and vulnerable” (Moore, 2006, p.85)

In her recent research, Dodsworth reiterates that the mainstream discourse on CSE locates children as victims “negating or at least restricting” their agency (2014, p.186). Pitts (2013) notes that the ideological contradiction in depicting young men’s involvement in gangs as a consequence of economic and social polarisation (i.e. those who challenge the demonisation of young men in gangs) and their role in victimising other disadvantaged (i.e. those who seek to criminalise young men offending against young girls) pose challenges to thinking and practice in this area. The contemporary discourse of CSE, for Pitts, reflects this contradiction in the sense that sexual victimisation in a gang context is built on a model of a “coercive dyad” in which perpetrators “wilfully transgress the normative and legal prohibitions” and the victim remains a passive subject of deceit, exploitation and abuse. (Pitts, 2013, p.25).

Hallet (2013) concurs with Melrose and argues that the narrow focus on grooming as the dominant frame for understanding CSE within policy and practice effectively silences those young people whose experience is not within the bounds of the grooming construct (Hallet, 2017). Drawing on the works of Melrose (2013), Hallet stresses further that the current conceptualisation of CSE accounts neither for children’s agency in sexual encounters nor for the material circumstances of their involvement in the exchange of sex (2015; 2017). Hallet suggests that an understanding of CSE “through the activity of exchanging sex” is far more inclusive conceptually and demographically (2017, p.152).

In contrast to these expositions, Scott and Harper (2006) in their exploratory study examining the extent of and responses to the service needs of young people at risk of sexual exploitation in London area, argued that perceptions about what constituted CSE varied amongst practitioners. Scott and Harper adopt the systems approach¹⁹ to examine “the sexual exploitation of young people in the context of the quality of care provided to them, the social systems responsible for their care and protection, and the wider context of violence towards young people, and in particular young women” (Scott and Harper, 2006, p.28). They argue that practitioner perspectives represented a “spectrum” of sexually exploitative experiences as well as a “spectrum” of coercive behaviours. They express concern that while practitioners acknowledged the constrained choices that children made in the context of “economic, social and emotional vulnerability”, there is a danger of these children being seen as making a “free choice” and hence not being offered appropriate responses (Scott and Harper, 2006a, p. 319). Pearce and others (2002) in their study, titled the *Choice and Opportunity Project*, using a case study analysis and observation of group work at drop-in centres, with 55 young women exploited through prostitution, develop a risk-oriented categorisation of young people i.e. those who are ‘at risk’, those ‘swapping sex’ and those ‘selling sex’ (Pearce et al, 2002, p.26). They stress that young women’s experiences of exploitation moved “intermittently backwards and forwards between those categories” (2002, p.27). They refer to it as the “snakes and ladders sequence of movement” (2002, p.28) and note that children’s sexual experiences cannot be compartmentalised into neat categorisations.

McAlinden’s (2014) critical analysis unpacks the identities and hierarchies of blame of victims and offenders in the context of sexual offences against children. McAlinden examines how identities of victims and offenders of child sexual abuse are constructed and reproduced in a context of ‘risk-centric’ discourses. She

¹⁹ Systems approach developed by Goldson in his work on looked-after children in secure penal settings, refers to a commitment to acknowledge and subject to analysis the impact of the quality of care on the outcomes for children.

contends that the dichotomous discourse of blame and innocence constructs the victim as the 'binary opposite' of the offender and forms a 'hierarchy of blame'. She also engages in an analysis of the consequences of the blame-innocence dichotomy which results in either 'overresponsibility' or 'underresponsibility' of the victim and offender respectively. Considering the impact of an oversimplified binary view of victims on their reliability, particularly for those young people with a degree of culpability, for example cases where children are groomed for purposes of sexual exploitation and also encouraged to draw in other young people, McAlinden recommends the need for a nuanced approach that appreciates the degrees of blame as well as the tension between victim agency and coercion (McAlinden, 2014). Similarly, Mooney and Ost (2013) argue that the socially constructed notions of ideal and 'non ideal' victims act to the detriment of children who are caught up in the grooming process. The impact of such dichotomous understandings of CSE where children are construed as either victims or perpetrators is most apparent in the criminalisation of sexually exploited children. In a study carried out for Penal Reform International, Phoenix (2012) empirically evidences such effects. Phoenix notes that CSE victims are 2.5 times more likely than average to have a criminal record. Phoenix's study highlight that those children whose experience of exploitation does not fit the coercive models of CSE fall on to the periphery of child protection agencies, while remaining within the core of law enforcement and youth justice organisations.

Roesch-March's (2014) empirical study strengthens the theoretical analysis offered by McAlinden. In her work on the role and power of gender discourses on risk-assessments of a local authority's secure service, Roesch-March demonstrates how victimisation continues to be "culturally feminized" and "offending is masculinised" further reaffirming the binary discourses and reproducing institutional practices that concur with these discourses. This study used a case study design and a mixed methodological approach. It included a survey of the 110 referrals received by the secure service in the previous year, interviews and focus groups with a total of 34 professionals and input from eight young people and observations of 15 case discussions.

The centrality of the notion of consent in the conceptualisation of CSE has been the focus of some studies. Pearce (2013) critiques the medical models of consent developed through the Gillick/Fraser guidelines and offers a typology of consent in CSE contexts (Pearce, 2013). She identifies four categories of consent that occur both independently and interdependently: coerced consent (e.g. consent resulting from grooming); normalised consent (e.g. consent given in a cultural context of normalised sexual violence and promiscuity); survival consent (e.g. consent as a consequence of structural factors such as economic need/survival); and condoned consent (e.g. consent assumed to be given by a professional) (Pearce, 2013). In what appears like a spectrum of consent (Hunter and Cowan, 2007), Pearce's arguments make a plea for taking into account the complex contexts within which consent is given or taken to be given and calls for nuanced understanding of consent in the context of CSE.

Other scholars have also examined consent in the context of CSE and called for a dynamic understanding of consent. Pitts (2013) states, in the gang related CSE context, that most sexual behaviours of young people could not be characterised as either fitting the 'coercive dyad' model or the 'free choice' model. In saying that young people "occupy a plurality of moral spheres" he argues that the socio-cultural context and the existential conditions that enable or disable children and young people in making choices ought to be considered (Pitts, 2013, p.31). On similar lines, Firmin problematises the dichotomous presentation of children as either victims or exploiters within the traditional conceptualisation of CSE. In her examination of peer-on-peer abuse, using Connell's theory of 'hegemonic masculinity' and Bourdieu's concepts of 'habitus' and 'social fields', Firmin claims that the conceptualisation and operationalisation of CSE in current policy and practice fails to appropriately acknowledge the relationship between young people's agency, power and the social fields that they navigate. She argues that current definitions of CSE are predicated on power imbalance between the victim and perpetrator based on age or gender differentials and do not account for the power operating in wider social contexts. She draws attention to abuse perpetrated

by young men in gang related contexts where they occupy the position of both an exploiter (of young women) and a victim (of older men in the gang). She maintains that children affected by sexual exploitation should be viewed in the context of their social fields and through the 'multiple relational hierarchies' that constitute their position (Firmin, 2013, P. 49). She contends that children's position as victims and exploiters, as powerful and powerless keep shifting as they navigate different social fields.

This section, thus far explored studies examining child sexual abuse and exploitation. This exploration is neither exhaustive nor wholly reflective of the depth and breadth of the existing literature on child sexual abuse or exploitation. Nevertheless, it drew together some key themes emanating from this body of literature. In sum, it has noted an increasing recognition of child sexual abuse, partly owing to campaign efforts of women's and reformist movements and partly in response to the modern and late-modern conditions of existence. Perspectives on child sexual abuse/exploitation founded on discourses of nature, innocence and growth not only erode child's agency, but also obscure the influence of culture and render social, spatial differences invisible. The dominant discourse of harm within child sexual abuse discourses posits a normative structure of normal childhood and damaged, abnormal childhood and consequently excludes children whose experiences do not fit the normative prescriptions. Contemporary debates on child sexual abuse posit sexual abuse as a crime against childhood. Fetishising innocence has unintended consequences to the detriment of children. Children's voices and strategies for resistance are undervalued and effectively erased from discourses on child sexual abuse. Power is inherent to the problem of child sexual abuse and educational programmes aimed at supporting children and reducing the harm of sexual abuse should focus on an examination of power as a structuring agent, which organises social relationships and differences. Such programmes to be more effective could focus on developing children's language and capability to identify and name their oppression rather than on 'personal power' which only individualises the problem of child sexual abuse and the response to tackle the same. This section has also drawn attention, albeit briefly, to contemporary

concerns over the impact of media, information and communication technologies as well as the sexualisation of culture on children's experiences and concerns raised in research about the increasing censorship and regulation of children's lives.

The review of specific studies on CSE highlighted that the concept of CSE is predominantly understood as the grooming of children by predatory adults. The grooming paradigm, is noted as constructing children as passive, innocent victims devoid of any agency. Studies examined in this chapter highlighted that the dominant construction of CSE as grooming fails to recognise the experiences of children who do not fit the grooming paradigm. These studies indicate that, children's agency and the constrained circumstances in which they exercise that agency are central in discussions on CSE. Specific studies critiquing the dominant construction of children as innocent and vulnerable posit children as free and autonomous whose capacity for exercising the autonomy is constrained. These critiques are founded on a liberal framework of agency perpetuating a legalistic understanding of agency. This thesis argues that attempting to develop a critical understanding of CSE and agency through a liberal and positivist legal framework is problematic in two respects. Firstly, it continues to focus attention on the individual and tends to ignore effects produced discursively through, the operation of the technologies of power such as normalisation in producing the 'self-watching governable subjects' (Drakopoulou, 2007, p.30). Secondly, critiques founded on the liberal and juridical understandings of 'agency' are also unhelpful owing to their unintended consequences (Drakopoulou, 2007). In the context of CSE, notion of agency can potentially result in cases being dropped from the criminal justice process. Perception of agency or consent (condoned consent described by Pearce (2013) where a professional assumes that the child had consented) can become a tool for contestation and can open up the scope for the defence teams to undermine children's accounts in the courtroom. Against this background, this thesis adopts a poststructuralist theoretical framework to ask how children's sexual subjectivities are constructed in CSE discourses and with what effects on the process of attrition. Through such interrogation, it hopes to bring to the fore the productive nature of discourses and knowledge practices. Drawing attention to the

'relational hierarchies' prevalent between children, their exploiters and the social context, studies reviewed above call for a nuanced understanding of power differential between children and the context within which exploitation takes place. These studies draw upon analysis of power as domination or as a resource that adult perpetrators possess to the detriment of children. This thesis draws attention to relational hierarchies not only between children as victims, their exploiters and the social context of their abuse, but also between children as service users and the institutions, services, agencies, and professionals they come to engage with. In doing so, the analysis will consider power in all its forms, sites and operations. Drawing upon Foucauldian feminist theorisation of power as relational and productive this thesis draws attention to the role and power of legal, policy discourse and professional practices in constituting children's subjectivities. Having examined some key studies examining child sexual abuse and exploitation and the themes that pervade the discourses on CSE, the following section turns its attention to the issue of attrition and examines research relevant to attrition in sexual offences cases.

3. ATTRITION IN SEXUAL OFFENCES – A REVIEW OF RESEARCH

This section reviews literature relevant to attrition in sexual offences cases. Most attrition studies (Lees and Gregory, 1996; Kelly et al, 2005; Lea et al, 2003; McMillan, 2010) in the UK are focussed on rape and sexual assault cases. Although these studies do not focus on CSE per se, the offence of rape or sexual assault occurs frequently in the context of CSE, hence the value of their contribution to this thesis. These attrition studies are primarily empirical in nature, have studied similar data, and attempted to quantify attrition rates in sexual offences against adults, with the exception of a few studies (see Gallagher, 1999; Bunting, 2008; Allnock, 2015; Voogt and Klettke, 2017) which focussed on attrition in sexual offences/assaults against children. These studies draw attention to the operation of myths, lack of belief experienced by victims, evidentiary considerations, and professional attitudes in the prosecution of sexual offences against children. The findings from these studies are of particular relevance to this thesis in its

examination of CSE specific discourses to explore the process of attrition in these cases.

Daly and Bouhours (2010) conducted a comprehensive analysis of attrition rates and the factors associated with conviction and attrition, drawing on data sets (of secondary data) from 75 studies from across England and Wales, Scotland, US, Canada and Australia. They identify the overall conviction rate for all sexual offences as 15 percent. They note that the operation of the 'real rape' construct in the decision making of criminal justice practitioners was more evident in England and Wales than in other countries and one explanation of lower conviction rates is the increase in reporting of rapes which do not fit the real rape construct (Daly and Bouhours, 2010, p.568). McMillan (2010) on the other hand states that police officers think in terms of 'good cases' (outcome focussed) rather than the stereotypical 'real rapes' and that the notion of 'good cases' are a more complex concept involving subtypes of good/bad victims and good/bad incidents.

Using a multidimensional scaling analysis, an entirely distinct approach, Brown and others explored the extent to which 'prejudicial attitudes and legal logic' influenced police and prosecutor thinking, and consequently the processing of cases (2007, p.355). In a quantitative analysis of case files and accounts from interviews, the authors explain professional belief in false allegations, through the concept of 'counterfactual thinking'. "Counterfactual thinking occurs if factors exist which lead the observer to be able to say 'if she had not done X then she would not have been raped'" (Brown et al, 2007, p.357). They write that use of 'counterfactual alternatives' occur frequently in rape trials as a means of influencing juror judgements and discrediting the victim's account by fostering scepticism. They also suggest that prosecutors and police may use a 'downstream orientation,' to anticipate how a judge or juror would interpret the case and thus predict the potential outcome of the case should it proceed further in the legal system. They argue that the threshold to proceed with a case is limited to whether the case is sufficiently persuasive to secure a conviction or not.

Brown and Barrett (2002) offer an overview of child prostitution particularly examining the 'origins of the negative presumptions and judgements made about children' involved in prostitution. Building on Foucault's notion of the 'pedagogisation of children's sexuality', the authors examined the broader sociological discourses within which children and their sexuality came to be perceived as dangerous. The authors claim, relying mainly on secondary sources of the late 19th Century, that the Victorian era is 'formative in constructing' the negative representation of 'child prostitution' in the 20th century. Brown (2004) contends in her examination of children's sexuality that the historic construction of children and their subsequent stigmatisation had made the detection and prosecution of child abuse cases challenging (See also Melrose et al, 1999; Melrose and Barrett, 2004).

Contradictory findings emerge from attrition studies in relation to child victims of sexual assault. Kelly and others (2005) suggest that constructions of real, genuine, aggravated rape stereotypes did not apply to children. They state that the "most recent studies in England, Wales and Scotland concur that cases involving children are more likely than not to be prosecuted and to result in convictions" (Kelly et al, 2005, p.31). In contrast, Daly and Bouhours (2010) contend that across three decades, the overall conviction rates for sexual offences against children (18.5 percent), though were slightly higher than those for adults (12 percent), have decreased over the years.

In another analysis exploring sexual offences recorded by the Police Service for Northern Ireland (PSNI) over a 5-year period, Bunting compares the characteristics and outcomes of recorded sexual offences against children and adults (2008). Her work addresses a vital gap in knowledge on attrition in child sexual abuse cases. Though based on a relatively small sample of only recorded crimes which did not include the 'no crime' category, her work reveals that sexual offences involving children were more likely than those involving adults to be detected by the police (52 percent vs. 45 percent). Also, that a significant relationship existed between a children's age, type of offence, reporting delay, victim/offender relationship and

the detection outcome. Bunting too challenges the argument made by Kelly and others (2005) that sexual offences against children are more likely to be prosecuted. She argues that despite higher detection rates, similar proportions of child and adult cases were dealt with by a formal sanction (42 percent vs. 40 percent), with only one in five of all recorded child sexual abuse cases resulting in this outcome. Bunting further argues that the police stage was a significant point of attrition and suggests that professional decisions to discontinue cases may be more of an issue in cases involving children than those of adults. The factors that are likely to influence decisions to discontinue include: victim and/or professional perceptions that sexual assault by intimates does not fit a stereotypical view of CSA/rape; that such cases are 'difficult' to prosecute; victim's fear of court processes; or intimidation from the alleged offender or their family. Bunting also notes that the proportion of child victims declining to prosecute increased with age (Bunting, 2008).

It is evident that most attrition studies are empirical in nature and often address attrition in rape and sexual assault cases. There are contradictory findings between studies focussing on children and those focussing on adults. Only a handful of studies discuss the process of attrition in CSE cases. Hester and Westmarland (2004) note, in their study of projects tackling prostitution that few prosecutions resulted from known cases of child sexual exploitation (Quoted in CEOP, 2011, p.24). Stating that "prosecuting perpetrators was the exception rather than the norm", Scott and Harper write that prosecutions of those perpetrating child sexual exploitation are extremely low (Scott and Harper, 2006, p.56). They have identified two prosecutions during the two year research period. In another study reviewing the LSCBs, Jago and others (2011) have highlighted that prosecution of CSE perpetrators is rare. They have stressed that of the 89 interviews carried out with practitioners, interviewees in 24 percent of the interviews reported that an abuser had been prosecuted within the last year; in 48 percent of the interviews, interviewees reported a police operation having taken place within the last year; and in 73 percent of the interviews, practitioners reported that the police were involved in disruption (2011, p.82). Jago and others state: "The most striking

statistic was the low number of cases with convictions, reflecting the rarity of sexual exploitation cases reaching court” (2011, p.4). They also describe the experience of those whose cases went through to court as intolerable (2011). They highlighted that children were not offered the required support during the court process; felt the court experience intrusive, and the system failed to instil the confidence in them that their abusers will be convicted or “prevented from re-abusing them post-sentencing” (2011, p.4).

The challenges to prosecuting crimes of CSE were explored in a few studies. These challenges include: victim’s lack of a perception of abuse, belief that the suspect is their ‘boyfriend’, self-blame, trauma of reliving the experience during the investigative and prosecutorial process, intimidation by suspects or their associates, lack of corroboration, victim’s sense of loyalty to the accused, fear of the criminal justice process, pressure, and the victim’s sense of not being believed (Scott and Harper, 2006; CROP, 2007; Jago et al, 2011; Child Exploitation Online Protection, 2011). Highlighting the problematic nature of the identification of CSE, CEOP points out that CSE probably suffers from “chronic underreporting by victims and inconsistent recording in the criminal justice process” (Child Exploitation Online Protection, 2013, p.5). Also, a survey conducted by Barnardo’s raised concern that a large number of CSE cases are being withdrawn (2011). As mentioned in Chapter 1, Beckett and Warrington (2015) examined the experiences of sexually exploited children with the criminal justice system. They have stressed that children felt that professionals had over-simplistic ideas about their vulnerability and that they felt judged. Young people sensed a loss of control over decisions to engage with the criminal justice system. More recently, Allnock’s briefing paper for National Policing Lead for Child Protection and Abuse Investigation highlighted the lack of focussed research examining the process of attrition in sexual offences against children and that literature on attrition is partial and dated (2015). Drawing on academic literature, Allnock notes that clear definitions of child sexual abuse for all police forces is critical to tackling CSE. She draws attention to the challenges involved in getting disclosures from sexually abused/exploited children and identifies areas of

practice that require further scrutiny and improvement when tackling sexual offences against children.

In light of the crucial gap in existing literature, my interrogation into the conditions of possibility for attrition from an empirical and critical constructionist paradigm makes a useful contribution to knowledge specific to CSE. In addition, many policy changes have occurred since the publication of these studies, which makes this thesis timely and relevant. For example, the Director of Public Prosecution (DPP) issued new guidelines in October 2013 setting out a new approach to prosecuting child abuse cases. The new approach stresses: early consultation between the police and prosecution, the role of Child Sexual Abuse (CSA) leads within the RASSO (Rape and Serious Sexual Assault Offences) Units across the country, more nuanced understanding of the circumstances of abuse and barriers to reporting, prominence of the credibility of the allegation as opposed to the credibility of the child, the role of registered intermediaries in the statement taking process, understanding that contradictory statements of children are symptomatic of abuse and not of unreliability, increased efforts to use third party evidence, consideration of links to other ongoing allegations, contextualising the complainant's offending behaviour, proactive attempt to identify patterns of abuse and readiness to challenge myths during the court process. This long list of positive guidelines no doubt appears progressive. However, there are also areas within the new guidelines that indicate contradiction in the way sexually exploited children are expected to present themselves. We get this sense if we closely examine paragraph 36 of the guidelines:

“36. Practical matters to consider when visually recording a victim's interview include ensuring that there is a close shot of the head and shoulders of the witness, even if slightly side on, rather than from a distance where facial characteristics are too remote. Consideration should also be given, if possible, to a second camera showing the witness's more general body language” (DPP, 2013, p.12).

If the new CPS guidelines hail an end to the 'days of a model victim' as claimed by the Chief Crown Prosecutor²⁰ what is the paragraph quoted above telling us. Why is a child's body language relevant in the process of her narrating her truth? Are the guidelines merely reinforcing the myth of an ideal passive victim? Or is it intended to prove useful for enabling the jury to gauge the impact on the victim? Asking questions of this sort to policy texts offers vital insights into the ways policies think about and respond to the problem of CSE. McAlinden (2014) rightly notes that the 'inherent/ structural' and 'experiential components of vulnerability' such as age and gender, act to legitimise or delegitimise victim's experiences. She argues that these politics of legitimacy are also apparent in the decision making processes of legal professionals and that those children who do not fit the bill of an 'ideal victim' are not afforded the protection of the law. On similar lines, Mooney and Ost (2013) highlight the implications of the construction of young girls as 'non-ideal' victims to their protection and to the prosecution of perpetrators. In addition to examining the effects of the specific construction of children's subjectivities on the prosecution of CSE cases, this thesis also interrogates the terms within which the problem of attrition is thought about in CSE discourses. It draws attention to the specific rationalities that underpin thinking about attrition in these cases and throws light on to the 'conditions of possibility' for attrition. The following section identifies the specific approach that this thesis adopts and outlines the key areas of its focus.

4. INTERROGATING ATTRITION IN CASES INVOLVING CRIMES OF CSE

This thesis examines CSE discourses and asks how children's sexual subjectivities are constructed within those discourses and what effects are produced through those constructions in the realm of prosecutions. This chapter has reviewed few key

²⁰ Chief Crown Prosecutor speaking at the launch of the new Guidelines on 17/10/2013 accessed from http://www.cps.gov.uk/news/latest_news/csa_guidelines_and_tpp/ on 24 June 2013.

studies examining the how children and their subjectivities are perceived in discourses on child sexual abuse in general and CSE in particular. It has noted that certain themes such as childhood innocence, knowledge, vulnerability, agency and sexuality continue to pervade the discourses on sexual abuse and exploitation. Literature specifically examining CSE discourses has focussed on dominant conceptualisations of CSE and addressed the inclusions and exclusions brought forth through those dominant constructions.

Studies that critiqued grooming of children by sexual predators as the dominant paradigm for understanding CSE highlight the limitations of those dominant conceptualisations in identifying children whose experiences do not fit the grooming models. Others draw attention to their effects noting that such dominant constructions view children as passive victims and fail to recognise children's agency and as well as the material circumstances of their involvement in commercial sexual markets. In contrast, some studies emphasise the economic, social and emotional vulnerabilities of children and refer to the constrained circumstances within which children make choices. They argue that adult-child sexual contact is characterised by an imbalance of power. A third cohort of studies highlighted the dichotomous construction of children either as innocent, asexual, vulnerable victims or as knowing, sexual and near adults who actively engage in exchange of sex. A significant gap that could be noted in this body of research is the absence of an analysis of power. Power is central to the study of sexual exploitation of children at multiple levels. First, there is the importance of analysing of the operation of power at the level of the individual. Many studies examined throughout this chapter emphasise the imbalance of power in adult-child sexual contact/relationships. Second, there is the need to analyse power at the level of structures, which again is addressed in the literature. Third, there is the importance of studying the operation of power and in its effects at level of the discourses and subjectivities i.e. the how and with what effects of power that Foucault invites us to attend to. This form of analysis is very much limited within the literature and literature examining the effects of power to constitute subject positions and in creating the conditions for attrition to occur in CSE cases is completely absent in

this body of literature. This thesis adopts a Foucauldian Feminist approach to theorising power and control. Power for Foucault,

“works not by a binary system, in which power’s efforts are concentrated on attempting to repress the illicit whilst the licit are ignored, but by a process of normalisation. Normalisation works not on the illicit side of a binary division but everywhere, by setting up a norm to which people must conform, and according to which people are judged and placed in an array of positions” (Bell, 1993, p.30)

This thesis aims to go beyond the binary construction of children as victims or complicit agents and hopes to analyse the techniques of normalisation that are at work in the processing of CSE cases. Power understood in a post-structural feminist perspective informed by Foucault’s theorisation offers significant potential to examine the productive effects of power and knowledge practices and their conjunction in constituting specific forms of truth. I elaborate these themes in the following chapter. By asking how power and knowledge work together through discourses to constitute specific subject positions, with effects in the area of criminal justice responses to the crimes of CSE, I interrogate the conditions of possibility for attrition.

The works of other scholars using different theoretical approaches such as Goldman (Scott and Harper’s use of systems approach), Connell (Firmin’s use of hegemonic masculinity) and Bourdieu (Firmin and Pitts’ analysis using concepts of ‘habitus’ and ‘social fields’) provide interesting insights into the contexts within which CSE occurs. While the contribution of this body of research is extremely valuable, their approaches do not adequately address two crucial aspects: first, the process through which the construction of children as victims or otherwise come to be constituted in and through discourses. Second, what effects do such constructions have on the process of attrition in cases involving crimes of CSE? With regards the first concern, research undertaken by Smart (1999; 2000), Brown and Barrett (2002) is particularly relevant. Research critically examining the construction of children in and through discourses such as O’Dell, Kitzinger, Burman, Reavey, Melrose,

McAlinden, Hallet, Pearce as well as Oerton and Phoenix act as a preface to this thesis.

In her research, Smart (1999) engages with Foucauldian notions of power and discourse and examines the discursive struggles from 1910 and 1935 over what constitutes child sexual abuse and how those discursive struggles have led to contemporary understanding of adult-child sexual contact as harmful. Smart's discourse analytical approach to understand how child sexual abuse came to be constructed is particularly instructive. Her reading of law as a dominant discourse in a position capable of exercising power also informs the approach adopted in this thesis (Smart, 2002; Bell, 1993). It is specifically valuable in examining the intersection of multiple discourses such as those of law, social care and practitioner discourses. In subjecting different discourses to critical scrutiny, I pay attention to the hegemonic discourses such as those of law as argued in the work of Smart, and also how discourses draw upon, appropriate, and reproduce each other.

CONCLUSION

This chapter has reviewed literature specific to the study of childhood, to child sexual abuse and CSE as well as attrition in sexual offence cases. It highlighted the dearth of research specifically examining the process of attrition in CSE cases. It has drawn attention to some key considerations and themes relevant to this thesis. It noted that the concept of childhood was not only absent at specific historic moments, but its meaning shifted across the historical and cultural milieu. It also stressed that the discourses on childhood were and continue to be mediated through contradictory themes of innocence and corruption, ignorance and knowledge, savagery and rationality. Studies exploring children's subjectivities in discourses on child sexual abuse, reviewed in this chapter stressed that the special protections offered to children on the basis of developmental perspectives i.e. nature, biology, life stages, innocence, rights, vulnerability, paradoxically deny children their agency. Such perspectives exclude children who do not fit the model of the innocent child. Their emphasis on harm (loss of innocence) as a universal

experience results in the abused child being constituted as damaged, and outside the bounds of normal childhood. Similarly studies examining the discursive conceptualisation of CSE and its victims also emphasised the exclusionary effects of such conceptualisations. The review of CSE specific literature has highlighted that the conceptualisation of CSE is underscored by debates on children's agency and consent. It has shown that critical perspectives examining CSE do indeed focus on power. However, their focus is often limited to consideration of power as domination or as a resource held by individual perpetrators over vulnerable children, but does not take into account ways in which power operates in discourses through its knowledge claims and technologies of power constituting effects at the level of subjectivities. This thesis aptly takes on board these varied manifestations of power drawing from a post-structural understanding of power. Using Foucault and feminist conceptualisations of power, sexuality, subjectivity and the nexus of power-knowledge-truth, this thesis will interrogate the 'conditions of possibility' for attrition in CSE cases. It adopts an assemblage of critical discourse analysis, feminist empiricism as well as Foucauldian power analytics as a methodology. To this end the next chapter sets out to clarify the rationale for using and the specific contribution that a Foucauldian feminist theory makes to understanding attrition in cases involving crimes of CSE.

CHAPTER 3

A FOUCAULDIAN FEMINIST THEORETICAL FRAMEWORK

INTRODUCTION

This chapter sets out the theoretical framework of this thesis. It discusses the Foucauldian feminist theoretical framework informing this thesis and highlights its value in interrogating attrition in cases involving crimes of CSE. It will specifically discuss concepts of power, subjectivity, sexuality, and the knowledge-truth-power nexus, as developed both within Foucault's writings and in feminist analyses. Use of Foucauldian insights in feminist analysis is not something new, and works of eminence have been undertaken by many feminist scholars (See works of Bartky, 1988; Bell 1993; Bordo, 1999; Butler, 1996; Cooper, 1995; Diamond, 1988, Drakopoulou, 2007; McNay, 1994; Martin, 1982, and Munro, 2003). Others such as Ashenden (2004), Smart (1999; 2000), Melrose (2013), Oerton and Phoenix (2005) use Foucauldian insights in their work on child sexual abuse/exploitation. In addition to elaborating the key concepts relevant this thesis, this chapter examines the contradiction and convergence²¹ between feminist and Foucauldian approaches and the suitability of a Foucauldian feminist theoretical framework for interrogating sexual exploitation of children and the process of attrition in cases involving these crimes. Throughout this thesis, my attempt is not to reduce Foucault's writings into a theory, but to draw on his conceptualisations as tools for analysis, which is how Foucault himself would have liked them to be used (Golder and Fitzpatrick, 2009). I also acknowledge that neither feminist theory nor its method is monolithic (Heckman, 1996; Scholz, 2013). I therefore refer to feminism(s) or 'feminist' analyses in their plurality, as this thesis is informed by many strands of feminist theorising and analyses. Whilst I approach this thesis from a post-structural feminist theoretical perspective I believe that diverse traditions of feminism: liberal, radical, Marxist, socialist, poststructuralist, post-colonial or queer owe each other a debt of episteme, of existence, and of a future. In light of this, I would consider it apt to

²¹ For more on convergences in Feminist and Foucauldian thought see Heckman 1996.

caution against any totalitarian reading of feminist theory in this thesis. This chapter is organised into 4 sections. Section 1 is an examination of the concept of power and how it is theorised within Foucault's and feminist analyses. It notes the conceptualisation of power as relational and as productive reiterated in Foucauldian theory as opposed to a conceptualisation of power as repression or dominance. Section 2 explicates the notion of subjectivity as produced in and through discourse. It engages with the contestation between Foucault and feminist conceptualisations of subjectivity. Section 3 discusses how sexuality is conceptualised and specifically engages with feminist theorisation of child sexuality. This section also considers the challenges to employing Foucault's theorisation of sexuality for examining the discursive construction of children's sexual subjectivities. Section 4 describes the nexus of operation between knowledge-truth-power, a central theme for understanding the value of Foucauldian feminist theoretical framework in this analysis.

1. POWER AS 'TIGHTLY KNIT GRID OF MATERIAL COERCIONS'²²

Power has been a central concept in feminist as well as Foucauldian analysis. Feminist positions and analyses are polyvalent and so are their conceptions of power. Power, in feminist theorising, is conceived as 'exploitation and control' (Lukes 1989 as quoted in Bell, 1993, P.28), as 'domination' 'resistance' and 'solidarity' (Allen, 1999; 2008; 2014), as a 'resource' to which men and women have differential access (Allen, 2014; Bordo, 1999; Cooper, 1995; Munro, 2003). In her critique of feminist conceptions of power Allen (1999) refers to three ways in which feminist theory conceptualised power, and these modalities of power are linked to the issues and concerns that feminists have been trying to address. I will briefly outline these modalities and Allen's critique of them. The first modality is the feminist conceptualisation of power as a 'resource', as a 'positive social good' to which women have no equal access. In this modality, feminist engagements aim to

²² Foucault, M *Two Lectures* in Gordon, C (ed) Brighton: Harvester Press 1980 at p.104

redistribute this power more equitably. The second conceptualisation of power addresses the relations of dominance between men and women i.e. male dominance and female subordination, and power is conceived as dominance. The third conception of power as empowerment deploys power as a capacity and an ability that grows specifically from feminine traits and practices. Allen argues that all three models of power (i.e. power as a resource, as domination and as a capacity) are incomplete and unsatisfactory as they each focus on one aspect of power and do not account for the multifarious power relations that operate in the social world. She goes on to develop a more nuanced understanding of power drawing on Foucault, Butler and Arendt. She argues that a feminist conception of power, able to address the issues of domination, resistance and solidarity which are central to the feminist political project, should be conceived as the “ability or capacity of an actor or set of actors to act” (Allen, 1999, p.127). The capacity that she describes is a capacity of the actor to exercise the ‘power over’ someone (e.g. the power of a husband over his wife), the ‘power to’ effect something (e.g. power to effect change) and the ‘power with’ others (e.g. power to act with other women in solidarity). She notes that feminist analysis of such power should take into account the individual and social context of the exercise of power, but also needs to study subject positions, cultural meanings, social practices, institutional and structural influences on the exercise of power. In her recent work Allen conceptualises power as both mobile and shifting force relations (2014). Allen’s poststructuralist conception of power as ‘force relations’ is informed partly by Foucault’s oeuvre (Allen, 2014). This thesis uses power as a tool of analysis in seeking to explore the process of attrition in cases involving crimes of CSE. It draws from Foucault’s and feminist conceptualisation of power discussed here in the works of Allen.

Foucault asserts that power is a ‘relation of force’ (Foucault, 1980, p.89). Power exists only when it is put into action and a relationship of power is a “mode of action which does not act directly and immediately on others. Instead it acts upon their actions: an action upon action, on existing actions, or on those which might arise in future” (Foucault, 1983, p.220). In his conception of power, Foucault

decentres the state or the sovereign and notes that societal change is predicated more on changes in those mechanisms of power that 'function outside, below and alongside the state apparatus' (Foucault, 1980, p.60). Foucault's analytics of power suggests that there are many sites and modes in which such 'micro-mechanisms' of power operate, a discussion to which we will return to in the following paragraphs. Reflecting on the nature of power as repressive, as developed by Marcuse, Foucault notes that power, rather than being repressive and so negative, is positive producing effects at the level of desire and knowledge (Foucault, 1980: 55-62). In asking us to stay away from analysing only narrow and skeletal perspectives of power as repression, for example power as law that prohibits, Foucault invites us to analyse power as productive of things, pleasures, discourses and forms of knowledge (Foucault, 1980, p.109- 133).

Foucault traces the development of this new form of power that is productive, economical in its deployment and disciplinary in its functioning, to the seventeenth and eighteenth centuries. Foucault notes that an analytic of power should not seek to find what this power is: whether it is a commodity, a possession, a quality, a status, or an occupation. It should instead attempt to ask: "what are these various contrivances of power, whose operations extend to such differing levels and sectors of society and are possessed of such manifold ramifications? What are their mechanisms, their effects and their relations?"(Foucault, 1980, p.88). A Foucauldian analytic of power begins with the assertion that power is neither given, exchanged, nor recovered, but exercised. It only exists in action and that it is irreducible either to maintenance or reproduction of economic relations, or to a notion of conflict, struggle or war. Such understanding of power refutes the feminist understandings of power as domination and as a resource to which I have referred above.

Foucault reiterates the omnipresence of power, in *The History of Sexuality Volume I*, "not because it has the privilege of consolidating everything under its invincible unity, but because it is produced from one moment to the next, at every point, or rather in every relation from one point to another. Power is everywhere; not because it embraces everything, but because it comes from everywhere" (Foucault,

1978, p.93). Power for Foucault is omnipresent, connected to social and others relations, and is able to organise itself into “coherent and unitary forms of strategy” (Foucault, 1980 p.142). He further stresses that resistance co-exists with power (Foucault, 1980). The very conceptualisation of power in Foucault’s writings significantly differs from its problematisation in feminist analysis of the first and second wave of feminisms up until the 1980s. It poses a challenge to feminist theorising of power as dominance and its relationship to subjectivity. However, two similarities can be noted between the two approaches. The first similarity relates to power’s interconnectedness with other relations, and its ability to organise into strategic forms and mechanisms is in conjunction with feminist perspectives on ‘intersectionality’²³. The second relates to the conception of power as the capacity to act, which Allen (1999) develops from her adaptation of Arendt’s conception that power is the capacity to act and to act in concert (Allen, 1999; 2008). The proposition that power and resistance co-exist, however, does not converge with feminist conceptualisations of power.

Foucault advances five methodological precautions for analysing power which further illuminate his notion of power. First, that power should be analysed “at its extremes, in its ultimate destinations, with those points where it becomes capillary, that is, in its more regional and local forms and institutions”, in places where it is “less legal” (Foucault, 1980, p.96-97). Second, that power should be studied in its “external visage” that is where it installs itself and produces its effects (Foucault, 1980, p.97). It indicates that the focus of analysis should be the object of power, the target of power and the area of its application (Foucault, 1980). Third, that power should not be analysed as a commodity that one holds, but as something that circulates and operates in “net-like organisation” (Foucault, 1980, p.98). Fourth, that analysis of power ought to be in ascending order starting at the lowest level, or what Foucault calls, at the “infinitesimal mechanisms” and then examine how “these mechanisms of power have been– and continue to be– invested, colonised, utilised, involuted, transformed, displaced, extended etc. by ever more general

²³ For more on intersectionality see Grabham E and others (2009)

mechanisms and by forms of global domination” (Foucault, 1980, p.99). Finally, Foucault cautions against analyses that focuses on power mechanisms which are accompanied by ideologies.

This thesis draws on the precautions advanced in Foucault’s discussion of power. This thesis examines contemporary discourses on child sexual exploitation including both discursive (such as textual sources) and non-discursive practices (such as tools and techniques of police investigation, child protection) asking specific questions around the construction of children’s sexual subjectivities, the forms in which the problem of attrition is thought about and their particular effects in constituting the conditions of possibility for attrition. In analysing these multiple sources, mechanisms and sites where power installs itself and produces its effects, this thesis will focus on the outputs of power be it the construction of specific identities, subject positions or responses. One such site, where power operates, is children’s disclosure of sexual abuse, which illustrates the operation of multiple force relations and “net-like operation” of power that Foucault refers to. Children’s disclosure of alleged sexual abuse is organised in a context of multiple force relations, such as the likely impact of their disclosure on their social image (often resulting in stigma); on their families; the physical space where the disclosure is made; or the person to whom disclosure is made. Their disclosures may also lead to a confrontation of the force relations with specific effects. For instance, a child who experiences a sense of disbelief from investigating officers may disengage from the criminal justice process. Another example of a site for the operation of power is the child protection case conference. In a child protection case conference professionals responsible for child protection, such as those from social care, health, school can form into clusters supporting each other, thus creating a chain-like operation of power, in apportioning the blame on the child or parents. Formation of such clusters may not be a result of the intention of an individual professional, but may emanate from the culture of social work practice, modelled on parental exclusion and consequently creating more general and structural issues such as the development of a safeguarding approach that is endemic of parent blaming.

Foucault further notes that we start our analysis of power at points of resistance. He stresses that an analysis of power requires certain points to be established, that is, what relations of differentiation are conditions for power to act; what are the objectives of those who act upon the actions of others; what are the means through which relations of power are brought to being; what are the forms through which power relations are institutionalised; and what rationalisations operate in bringing power into play (Foucault, 1983, p.222-223). Setting out to ask similar questions allows me to examine the 'relations of differentiation' that exist as conditions of power and the ways in which these relations vary and shift. In particular, this thesis will examine what differential relations of age, gender, race, social and economic status of the exploited and the exploiters in the context of sexual activity; the differential relations between the professional and the client in responses to CSE; and between the expert and the child as objects of analysis in the production of knowledge, exist as conditions for power to act. The notion of 'relations of differentiation' and the rationalisations that underpin the operation of power are useful not only in analysing power at the individual level, but at the level of discourses. As I have noted in Chapter 1 discourses and power operate hand in hand to establish claims to knowledge and truth. Drawing attention to rationalisations that discourses offer (for example, safeguarding response to CSE as implied within the social policy discourse) and examining the mechanisms through which dominant discourses claim their powerful status (for example, practitioner guides, multi-agency safeguarding teams) and subsequently undermine alternative knowledge(s), as convincingly argued by Smart, will open up spaces and sites that require critical scrutiny.

1.1. Power in Feminist and Foucauldian Theory – A note on the confluence

Having set out how power is conceptualised in Foucault's works, I will now turn to a discussion of the convergence and contestation in Foucault's and feminist theorising of power. Haber notes that one of the key contributions of Foucault to feminist analysis is that of a "framework for understanding the body as a site of

political struggle” (1996, p.138). Both feminism and Foucault, contends Sawicki (1996), have been successful in highlighting the operation of power outside the realms of politics and the state.

One aspect of feminist critique of Foucault’s theory of power is that Foucault created a false or unhelpful dichotomy between relations of power and domination (Allen, 1996; Deveaux, 1996). Foucault is often read as separating power as repression, oppression, domination from other modalities of power that he refers to, such as the disciplinary or discursive elements of power. Feminist critiques emphasize that such a dichotomous conceptualisation of power disengages from many forms of violence that feminism understands as constituting the situation of women. While feminist analyses ought to engage with power in all its forms, levels and spheres, the idea that Foucault created a false dichotomy of power and domination needs to be contested as Munroe (2003) right notes. Munro challenges the cogency of the argument that Foucault denied the existence of relations of domination (Munroe, 2003; See also Raffnsøe et al, 2016).

Foucault categorically states that relations of power, relations of communication and relations of domination are separate; but that they overlap, mutually support each other and use each other as a means to an end. These three dimensions interact differently in different situations, creating a space or a milieu of “capacity-communication-power” (Foucault, 1983, p.218). In a recent exploration of Foucault’s notion of ‘freedom as practice’, McWhorter (2013) examines the practices of freedom in post-liberal feminism and argues that Foucault’s theorisation of oppression maps onto accounts of feminists such as Marilyn Frye and Alison Young who note oppression as immobilising and often resulting from systemic networks of forces. McWhorter argues for a change in feminist rhetoric from oppression to ‘regimes of governmentality’ as a possible way forward in a neo-liberal climate where systemic causation is denied, resistances are either quenched or co-opted. McWhorter contends that without losing our faith in the need to address women’s oppression, the trick is to style “feminism as an ethical movement that cultivates and embodies transformative practices of freedom,

rather than as resistance to oppression” (McWhorter, 2013: 72-73). Whilst I see the value in McWhorter’s proposal, I am sceptical as to how we cultivate transformative practices of freedom without falling foul of the discourses of agency and individual responsibility. The arguments made by Kitzinger (1997) discussed in Chapter 2 offer a good illustration. Kitzinger (1997) notes that interventions proposed for developing children’s understanding of abuse and aimed at their empowerment can in fact have the unintended consequences of making them feel they are to blame for the abuse as they failed to say no to their abuser. The content and form of transformative practices such as those criticised by Kitzinger (1997) are often modelled around notions of agency, consent and freedom and therefore may fail to achieve its intended objectives. My scepticism about the ways by which transformative practices of freedom can be made possible leads me to the other aspect of contestation between feminist and Foucauldian theories of power.

This other area of contestation in feminist critique of Foucault is that Foucault’s analysis of power is lacking, as argued by Hartsock (1996), insofar as it rejects subjectivity/agency, negates the possibility of feminist knowledge and fails to account for systemic injustice experienced by women (See also Sawicki, 1996; Deveaux, 1996; Allen, 1999). Feminist analysis and activism have over the years successfully challenged androcentrism in scientific knowledge through engaging in the construction of feminist knowledge founded on women’s experience and identity. The notion of the female self and the woman as the knower in the production of feminist knowledge is central to feminist analysis and activism. Foucault’s alleged denial of agency thus strikes at the core of feminist analysis and knowledge production. So the question that needs to be addressed is whether Foucault deconstructed the subject as claimed in the feminist critique of his work? Did he deny the existence of a subject in toto? If so, how then do we grapple with the contradiction in feminist theorising of a “knowing subject” and the non-existence of a subject in Foucault’s theorisation, in order to develop a Foucauldian feminist theoretical framework for analysis? In the following section I will examine these challenges surrounding the notion of subjectivity.

2. SUBJECTIVITY: 'THE SELF AS A POSSIBILITY'²⁴

Feminist critique has emphasized, quite rightly, the implications of Foucault's analysis of power and his announcement of the 'death of the subject' for feminist analysis. This issue has been much discussed, but remains an important question. Much of the feminist critique of Foucault's early work has come to constitute a view that Foucault and postmodern feminists, in suggesting that subjects are discursively constructed, has altogether negated the subject, thus leading to the disappearance of agency as well as the scope for transformation of relations of domination, which has been the aim of feminist politics (Marshall, 2006). I would argue, siding with Sawicki and others such as Lloyd and Allen, that Foucault rejects the modern humanistic universal subject, but offers a new line of thinking for alternative ways of configuring subjectivity (Sawicki, 1996; Lloyd, 1996; Allen, 2008; Taylor, 2013) and that Foucault did not completely negate the subject, which is evident from his later works such as *The Subject and Power* and *The Ethics of the Concern of the Self as a Practice of Freedom* (See also Amigot and Pujal, 2009; McWhorter, 2013). Allen argues convincingly that Foucault's critique is directed at a particular conception of subjectivity, that is, the "transcendental phenomenological subject" and not subjectivity itself (Allen, 2008, p.46).

Foucault presents the view that subjects are products of power; discursively constructed; and historically produced (Fraser, 1996; Haber, 1996; Bell, 1993, Ramazanoglu, 1993). Hartsock (1996) contends that Foucault's negation of a stable subject and his failure to offer alternatives to an autonomous subject makes his theory problematic for feminist analysis and politics. She notes that feminists should treat Foucault's theory as one of many situated knowledges and that feminists should focus their energies on developing epistemologies of 'marked subjectivities' i.e. knowledge that grow out of experiences of domination. In a somewhat different perspective, Sawicki (1996) writes that even though Foucault's subjects are subjugated, he claims that power and resistance are simultaneous

²⁴ Lloyd, M (1996, p.247)

processes. In *The Subject and Power*, Foucault writes: "Power is exercised only over free subjects. And only so far as they are free. Freedom does not disappear wherever power is exercised. The relationship between power and freedom's refusal to submit therefore cannot be separated. At the heart of the power is the possibility for recalcitrance" (Foucault, 1983, p.221). This possibility for recalcitrance that Foucault alludes to is integral to power, localised and dispersed in multiple sites. Building on Foucault's view of 'freedom' as a 'practice of freedom' (Lloyd, 1996), I would view resistance as a freedom to practice freedom, freedom to disobey, which can help us to understand the subject as a possibility (to use Schmid's notion, quoted in Lloyd, 1996, p.247) or of 'self as a possibility'. This notion of subject is relational (Alcoff, 1996) and is neither universal, nor stable. Sawicki (1996) too notes that for Foucault freedom is a practice rather than a state of being. In a more recent analysis, Taylor (2013) refers to this practice as an exercise of rejecting who we are and exercising our critical, creative and disobedient capacities. This practice of freedom, writes Taylor,

"is characteristically disobedient and counter to normalization: it stands in a critical relationship to prevailing norms and values, on the one hand, and cultivates alternative modes of thinking and acting, and hence of relating to ourselves and the world, on the other" (Taylor, 2013, p.93).

What does this notion of the 'subject in the making' or the 'self as a possibility' mean for feminist politics? Understanding subjectivity as 'mobile' and 'shifting' (Walkerdine, 2002, p.10) allows a different form of thinking to emerge. It makes it possible to talk about victimhood without having either to totalize such status or to juxtapose victimhood against agency. I am thus inclined to agree with Lloyd, Butler and Allen in stating that Foucault's later work on ethics challenges and pushes feminists to reconfigure their politics and the relationship between the feminist subject and feminist politics (Lloyd, 1996; Butler, 1996; Allen, 2008). In her book titled *The Politics of Ourselves*, Allen attempts to detangle the relationship between autonomy and subjectivity, which is a key area of tension between feminist and Foucauldian perspectives. Allen develops a convincing analysis of the Foucauldian notion of autonomy that is consistent with his analysis of subjectivity as a product

of power. She argues that Foucault conceives of autonomy as both a 'capacity for critical reflection' and a 'capacity for deliberate self-transformation' (Allen, 2008, p. 47).

Deveaux (1996) examines the usefulness of Foucauldian insights on power and subjectivity for feminist analysis. Her critique of Foucault's agonistic model of power is pertinent to this discussion on subjectivity. Deveaux argues that simplistic explanations of power fail to account for women's specific experiences of power and to offer a "sustainable notion of agency" (1996, p.222). In the following paragraphs, I will review Deveaux's critique of Foucault's notion of power and its relationship to the notion of agency from my close reading of *The Subject and Power* and argue that in fact Foucault's notion of agency coupled with his analytics of power allows us to have a sustainable, if not a stable agency.

Foucault's explication of self-formation and self-knowledge has parallels with my understanding of the ethics of feminism at the grassroots, which further corresponds with ideas of 'situated knowledges' (Hartsock, 1996) and 'politics of location' (Hooks as quoted in Deveaux, 1996, p.233) developed in feminist analysis. In *The Subject and Power* Foucault asks us to begin our investigation from the point of resistances: resistances that are local, close to personal experiences; resistances that challenge those practices that individualise us; and resistances against the mystification of us, our experience and our knowledge (Foucault, 1983). Foucault's elaboration of the nature of power creating conditions for the milieu of 'capacity-communication-power' is a useful framework in the context of child sexual exploitation. In talking about power and in distinguishing relations of power from relations of communication Foucault writes: "the production and circulation of meanings can have as their objective or as their consequence certain results in the realm of power" (Foucault, 1983, p.217). For instance within CSE discourses, children's experiences and their stories relayed through different apparatuses (be it legal, socio-scientific, psycho-physical) can have diverse effects in the realms of power, and children can be inscribed both as subjects and as objects of analysis in the production of knowledge and scientific discourse. We have elicited in the

previous chapter that CSE is broadly understood as being predicated on a 'power imbalance' between children and those who exploit them (DCSF, 2009). This thesis aims to explore the relations of power at individual, professional and discursive levels that continue to operate and shape children's subjectivities as they embark on a journey through the criminal justice system.

Foucault notes that power is neither a 'function of consent' nor a 'renunciation of freedom'. This notion is central to understanding the value of drawing on Foucault's notion of power for feminist analysis. To illustrate it further, let us turn to the example of child sexual exploitation. When crimes of child sexual exploitation are adjudicated, the question of the child's consent and agency is often contested: Did she say 'yes' to sexual activity? Why did she not disclose to an adult? Why did she continue to be subjected to sexual exploitation? If the child knows that, she can say 'no' to a sexual act, or that she can tell an adult, but has not done so; it does not mean that she has exercised a choice or that she has power or that she has consented. As Foucault says, power exists only when it is put to action. "What defines a relationship of power is that it is a mode of action which does not act directly and immediately on others. Instead it acts upon their actions: an action upon action, on existing actions, or on those which might arise in future" (Dreyfus and Rabinow, 1983, p.220). In a relationship where grooming, fear, vulnerability and control subject the child to her exploitation, she may seemingly have power, but not be able to act upon the actions of her exploiters. On the contrary, it is her assailant, who exercises power: in the act of grooming and the subsequent involvement of the child in sexual activity, the perpetrator actively acts upon the actions of the child. When we ask this child to take responsibility, we fail to recognise that though she may possess power, she lacks the freedom to exercise that power. So how might a Foucauldian Feminist analysis assist in bringing these nuances to the fore?

Much of the analysis examining CSE posits sexually exploited children as passive agents whose choices and freedoms are constrained by their social, political, economic vulnerabilities when describing their subjection to acts of crimes, to

sexual abuse. Subsequent to being recognised as victims of abuse, they are posited as active agents when discussing their ability to complain and recover from their traumatic experience. This process of self-renunciation and self-reassertion as a characteristic of modern Western subjectivity is problematized by Taylor (2013). For one thing, constructions that posit children as passive and subordinate, feed the myth of an abstract exploited child as noted by scholars such as Melrose (2013), Hallet (2017) (See Chapter 2). Secondly, the constructions that posit children as active agents creates an expectation of a child who is capable of being a witness and capable of responding to the support interventions put in place for her recovery. Such abstractions will be reproduced in contexts of a network of power, discourse and knowledge production. In contrast, a Foucauldian approach will enable an analysis of the operation of power and its creation of 'subject positions' thus explaining children's compliance (Gavey, 2011) and helps to reinstate the 'subject of a possibility', and saves analysis from a dichotomous construction of children either as active or passive subjects.

Finally, it is argued that the concept of power relations is deployed in feminist analysis as a theory and empowerment as a strategy (Allen, 1999). Foucault instead applies the analytics of power as a strategy to peel off different layers of subjugation and subordination of a person in modern liberal democracies. As Sawicki rightly points out Foucault does not offer a "theory of power, but a critico-historical ethical practice ... for thinking and being otherwise" (Sawicki, 2013, p.77). "What Foucault is developing is a "situated 'analytics' of the operation of power in diverse social practices" (Fitzpatrick and Golder, 2009, p.3-4). Appropriating Foucault therefore enables feminist analyses to deploy analytics of power relations as a strategy, transforming feminism into a strategy or space for 'practicing freedom', making it double edged.

In *The Subject and Power*, Foucault makes a very interesting comment. He writes that between a relationship of power and a strategy of struggle there is a reciprocal appeal, a perpetual linking and a perpetual reversal. The way we decipher, make them intelligible may be different depending upon the points (either from the

relations of power or from the strategies of struggle) from where we engage in that decipherment. Whatever position we may take we have to use both frames (power and resistance) of the historical fabric. Foucault further asserts that it is precisely the disparities between the two readings which make visible those fundamental phenomena of 'domination' which are present in a large number of human societies (Foucault, 1983). Let me further illustrate this assertion in the context of this thesis. To be able to employ power as a theory of empowerment capable of transforming the power imbalance, I will have to first engage in an analysis of how power operates in constructing specific subject positions for children, what discourses it proposes as true discourses and what effects it instantiates in enabling our understanding of the experience of CSE, our articulation of that experience as CSE, our affirmation of who constitute as victims of CSE and our proposed responses to CSE. Power analytics as a strategy enables me to pose these questions and opens up the spaces and sites where resistance to problematic constructions of subjectivity and subjective experiences becomes possible. I will be returning to this discussion on the value of Foucauldian power analytics in Chapter 4. But first I will explore the conceptualisation of sexuality within the Foucauldian feminist theoretical framework.

3. SEXUALITY AS 'THE TRUTH OF OUR BEING'²⁵

In addition to power and subjectivity, the concept of sexuality is central to this thesis. This thesis examines the construction of children's sexual subjectivities in contemporary policy and practitioner discourses on CSE and the effects that specific constructions will have in the realm of prosecutions. As noted by Phoenix and Oerton, the nature of sex, manifested in its new guises and forms such as "date rape", "sex grooming", has become complex, ambiguous and contested (2005, p.9). The concept of sexual grooming has become the dominant paradigm of analysis in child sexual exploitation discourses (Hallet, 2017; McAlinden, 2013). Grooming of children for sexual exploitation has become a legitimate site for government

²⁵ Foucault, 1979 quoted in Weeks, 2010, p4

intervention, and rightly so, as is evident from various reports and consultations commissioned by the government and the guidance documents that have sprouted in the child protection and criminal justice policy arena. As I have noted in Chapter 2 in my review of literature, discourses on CSE with the grooming paradigm at its core predominantly frame children as asexual and innocent. However, children who occupy the periphery of the dominant understandings of CSE as grooming become the 'other': as those whose bodies and subject positions are inscribed as blameworthy and sexually knowledgeable. They become the irresponsible sexual citizenry marking the boundaries between acceptable and unacceptable sexual behaviour; autonomy and protection; power and powerlessness; sexuality and childhood; and between the normal and the deviant. This thesis will analyse the different forms and modes of subjectification produced and patterned through a nexus of knowledge practices and power technologies. It examines the construction of children and their sexual subjectivities. Sexuality is thus a key theme informing this interrogation and this section explores how sexuality is conceptualised generally and within the Foucauldian feminist theory.

Much of the literature on 'sexuality' does not engage in clearly deciphering the term 'sexuality'. Developed in the second half of the nineteenth century, the concept of sexuality can simply be referred to as "the personalized sexual feelings that distinguished one person from another" (Weeks, 2010, p.5). Mottier (2008) highlights that the linking of sexuality, i.e. how people understand their bodies, desires and pleasures, with that of their sexual identity has constituted the modern European understanding of sexuality. Here we can start to understand sexuality as a framework in which sexual desires, actions, practices, beliefs, norms, orientations and meanings intersect in the context of their historic, political and social relations (Aggleton and Parker, 1999).

There has been a proliferation of historical analyses of sexuality over the last few decades (Weeks, 2010). Within feminist analyses, sexuality has been theorised as an issue of power and gender. Radical feminist theory argues that male sexuality is a form of domination against powerless women and works as a patriarchal

instrument of control and subordination of women both sexually and otherwise (Dworkin, 1981; MacKinnon, 1982). On the one hand, male sexuality is deployed as active and aggressive and on the other female sexuality is deployed as passive, subordinate and as a vehicle responding to dominant male sexual desire (Angelides, 2004). Jackson and Scott classed feminist theorising of sexuality broadly into three bodies of theory: social structural analysis; analyses of culture and subjectivity; and analysis of everyday interactions. Locating their work in the third genre, they write that prior to 1970s sexuality was conceived as a natural and psychological given as opposed to being socially constructed (Jackson and Scott, 1999; 2010). In developing a sociological theory of sexuality they draw attention to the works of John Gagnon and William Simon who emphasised the social construction of sexuality in the 1970's. Individual acts, feelings and body parts, for Gagnon and Simon, become sexual through the "socio-cultural scripts that imbue them with sexual significance" (Jackson and Scott, 2010, p.14). Jackson and Scot (2010) assert sexuality as a continuous and reflexively modifying phenomenon. They note that it is through social meanings and cultural codes that what is sexual becomes relevant to our being.

On similar lines and informed by constructivist perspectives, others too note sexuality as socially constructed (MacKinnon as quoted in Munro, 2003; Bell, 1993; Mottier, 2008; Robinson, 2012), historically and discursively constituted (Foucault, 1978; Henderson, 2007; Bidli, 1982; Monk, 2007) and as lacking a 'pre-discursive, foundational location' (Phoenix and Oerton, 2005, p.9). It is a "sign of particular organisation of the (personal and political) body" (Phelan, 1990, p.426). Weeks avows that the "'invention of sexuality' is a continuing process in which we are simultaneously acted upon and actors, objects of change, and its subjects. We are made by, and make sexual history and the forms of power that enmesh it" (Weeks, 2010, p.45).

Feminist theorising of child sexuality has been subjected to criticism from within and without. Despite the centrality of sexuality and gender in feminist theorising, the definitions of these concepts and their interrelationship remain contested

(Jackson and Scott, 1996). Mottier (2008) contends that further to being shaped by social and political forces, sexuality connects in important ways to other axes of power including race, class and more importantly to gender. Others such as Angelides note that feminist deployment of child-adult sexual relations predominantly as coercive and abusive have resulted in the erasure of 'child sexuality' from the discourses of child-adult or inter-generational sexual relations (Angelides, 2004). Angelides critiques feminist theorising of adult-child sexual relations as anti-Foucauldian with its dominant framing of power as dominance of adult men over children. Reflecting on empirical work from the first half of the 20th century, Angelides notes that child sexuality prior to the 1980's, though poorly problematized, was accepted widely as normative (Angelides, 2004). Angelides notes 'asexual innocence' as the core of the dominant representation of children post -1980's theorising. References if any, that have been made to childhood sexuality were limited to the developmental pathway preceding adult sexuality and the discussion has revolved around sexual knowledge and sexual experimentation. Angelides contends that the desexualisation of childhood through feminist theorising has had serious consequences for both theory and practice, and reiterates the need to engage in a social discourse of child sexuality and for a nuanced examination of the question of power in theorising child sexuality. Phoenix and Oerton (2005) too argue that the 21st century regulatory framework governing adult-child sexual behaviour has focussed on legally separating sex and sexuality from the world of children. Contrary to these critiques Monk notes, in his study of teenage mothers and their construction within discourses around sex education in the UK, that girl children (teenagers specifically) are increasingly being reconstructed as quasi-adults, a move away from fixed notions of the non-sexual, i.e. the dominant construction of the Victorian innocent child.

Foucault's exposition of sexuality is of particular relevance to this thesis. As is evident from the quote below, Foucault conceptualises sexuality as a technology of power capable of producing controls and resistances. It is a tool deployed in inciting discourse and also in the formation of specific knowledges.

“Sexuality must not be thought of as a kind of natural given which power tries to hold in check, or as an obscure domain which knowledge tries gradually to uncover. It is the name that can be given to a historical construct; not a furtive reality that is difficult to grasp, but a great surface network in which the stimulation of bodies, the intensification of pleasures, the incitement to discourse, the formation of special knowledges, the strengthening of controls and resistances, are linked to one another, in accordance with a few major strategies of knowledge and power.” (Foucault, 1981, p.105)

Critiquing political analyses of power that engage with traditional views of power Foucault notes that modernity has not yet ‘cut off the king’s head’. Foucault emphasizes the materiality of power and notes that the social body in modern times is the effect of the materiality of power over the bodies of individuals. Sexuality for Foucault is an effect of these material effects of power (Foucault, 1980, p. 55-62).

In feminist theorising of child sexuality, CSE can be located at the intersections of discourses on childhood and sexuality; on predatory masculine heterosexuality and child precociousness. Foucault, in his *History of Sexuality Volume I* identifies four different strategies that have been vital in the deployment of sexuality, namely, the hysterisation of women’s bodies; a pedagogisation of children’s sex; a socialisation of procreative behaviour; and a psychiatrisation of perverse pleasure (Bell, 1999). Bell notes that while feminist theorising of sexuality focuses on exploring sexuality as a framework organised around the institution of heterosexuality, Foucauldian theorising of sexuality focuses on how sexuality constitutes individual subjectivity through the matrices of knowledge and power (1999). In the context of this thesis, both Foucauldian and feminist approaches to analysing sexuality are vital to capture both gender and sexuality as the organising principles that structure discourse and its claim to truth. A further axis of analysis that is pertinent to this thesis is age stratification. Children, and more specifically girl children, are at the thresholds of both gender and age. Their situation is affected by the myths around gender that

confront women generally in sexual crimes and also those of age that confront them as children. This thesis will explore the rationalities that underpin discussion and thinking around child sexuality and adult-child sexual relations. Foucault noted that sexuality has no existence outside the nexus of power and knowledge through which it is constituted and that sexuality is a product of history. This prompts me to ask how particular forms of child sexuality are constructed at specific historical moments i.e. in the postmodern era. In addition, as we have discussed above, the analytics of power as a tool will enable me to ask what are the 'micro-physics of power' in discourses on adult-child sexual relations as observed in its effects.

Foucault notes that 18th century discourses on child sexuality, though deployed to prevent children from having a sexuality, in effect constituted child sexuality as a problem of parental responsibility, as a problem of the child's relationship to his or her body, consequently sexualizing children's bodies, parent – child relationships, and the family. Sex and sexuality also demarcates childhood from adulthood. Many scholars such as Weeks, Stychin, Phoenix, Monk and Robinson to name a few have questioned the underlying assumptions that construct child and adult sexuality in opposition. The dominant narrative of child sexuality presupposes children as innocent and posits children as victims of abuse. Robinson (2012) further notes that the romantic notions of childhood lead to the precarious and differential relation to sexuality and sexual citizenship that children experience. Jackson and Scott (2010) further note that the interrelationship between sexuality and children exemplifies the contradictions in contemporary sexual culture. They note that 19th century Victorian morality coupled with its affirmation to protect the child from temptation carefully excluded the sexual from childhood. This thesis argues that specific constructions which posit children as innocent victims or otherwise creates a condition for specific sexual subjectivities to emerge, which may and may not equate with the expected dominant/legal/scientific discursive subjects. To illustrate further, children as asexual innocent beings creates an expectation for children to adorn, reflect and represent innocence and sexual naivety when they are subjected to investigative rigour and prosecutorial examination. In addition, where transgression of these normative constructs is identified, children are marked and

relegated to the purview of the 'other', i.e. children as corrupt, knowing 'near adults' or the 'proto-adults' that Phoenix and Oerton (2005) refer to.

Foucault's broader emphasis on power and sexuality as a product of discourse provide useful insights for this analysis. However they are not without limitations. Jackson and Scott for example argue that Foucault's emphasis on discourse does not adequately address "everyday interpersonal interactions and meanings negotiated within it" (2010, p.36). Alcoff (1996) too reiterates the significance of the bodily experience (phenomenology of embodiment) coupled with social context in making sexual acts meaningful. These critical reflections on the need to examine the day to day interpersonal interactions in producing specific meanings and the relevance of bodily experience in processes of meaning making brings to the fore a methodological issue: the role of experience in the production of knowledge. What is role of experience in the production of knowledge within a Foucauldian feminist theoretical framework? I will return to examine the importance and the scope of experience and materiality in Foucault's theory in the following chapter on methodology. But first, I will briefly examine some of the challenges to using Foucauldian conception of sexuality in this thesis.

There are specific challenges in using Foucauldian theory to study child sexuality and exploitation, as Foucault is criticised for his position or rather indifference to adult-child sexual relationships. Foucault's remarks about adult-child sexual relations as 'inconsequential', 'petty' 'bucolic' and about children as 'alert' and 'precocious' (Foucault, 1978; Foucault, 1988, p.271-286) have been the subject of heavy rebuttal (Alcoff, 1996; Taylor, 2013). His emphasis on power relations between law, medicine, sovereign and the violent and dangerous men and his obliviousness to power relations between men and women and to the effects of power on women and children, have been rightly critiqued by feminist scholars (Taylor, 2013).

Feminist critiques caution against bringing Foucault and feminism together, as Foucault's rhetoric neither reflects gender as a specific paradigm nor he

acknowledges feminist currents of thought in his writings. However, I do read his writings very much in line with many Foucauldian informed feminists such as Bell, Smart, Martin, Drakopoulou and Cooper whose work inspires the direction of this thesis. It is thus important to be vigilant about what we chose to see in the texts, discourses and practices. Philio notes in his editorial that Foucault expressly ‘grants’ children a sexuality, with its own logics and characteristics and portrays it as ‘a territory with its own geography’ and boundaries (Philio, 2011, p.124). Alcoff (1996) notes that the construction of adult-child sexual relations premised on the logic of an innocent child works to justify the practices of examining the sexual history of victims of sexual offences and the judgemental attitudes towards sexually active children and young people. Foucault’s emphasis on children as sexual beings therefore is of relevance to this interrogation. My concern in this thesis is not to give a normative account of children as sexual or as asexual, rather to interrogate the effects that these presuppositions underpinning the discourses of CSE have in the realm of prosecutions. In other words, this thesis is concerned with the power relations that operate (its various dimensions, forms and techniques); the truths that are promulgated and appropriated in and through those relations of power; and the effects that are constituted in consequence in the realm of prosecutions in cases involving crimes of CSE. In this section I have thus far explained the conceptualisation of sexuality in Foucault’s and feminist theory. The following section turns its attention to another key theme within the Foucauldian feminist theoretical framework that underpins this thesis, i.e. the nexus of power-knowledge-truth.

4. OPERATION OF THE NEXUS OF KNOWLEDGE-TRUTH-POWER IN DISCOURSE

Foucault notes that power produces things, desires, forms of knowledge and discourse (Foucault, 2000, p.120). Truth for Foucault is very much within power. He writes that truth is a “system of ordered procedures for the production, regulation, distribution, circulation and operation of statements” (Foucault, 2000, p.133). Foucault further notes in one of his interviews:

“Each society has its regime of truth, its ‘general politics of truth’: that is the type of discourse which it accepts and makes function as true: the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true” (Foucault, 2000, p.131).

He further avows that there is no power without an *alethurgy* or manifestation of truth (Foucault, 2014). Truth and power share a circular relationship affirming, reaffirming and extending each other. The political economy of truth in modern societies is characterised by the centrality of scientific discourses and institutions; by its constant incitement and diffusion; by its controlled production through political and economic apparatuses; and by its place in the social and political struggles (Foucault, 2000, p.130). Smart (1990) further elaborates by saying that the exercise of power is in fact, manifested in the claim to be a science, because in claiming scientificity other knowledges are accorded a lesser value and are in turn subjugated and disqualified. Smart argues that law too makes a claim to be scientific. Law has its own method, its own testing ground, its own specialised language and system of results. Law claims that a given method gives rise to a correct interpretation or even a direct access to truth. As Smart says, rather than a quest for the Truth, Foucault is interested in the rules according to which the true and the false are separated. He is interested in how certain discourses claim to speak the truth and thereby exercise power in a society that values this notion of truth (1990).

The Foucauldian conception of knowledge-truth-power matrix poses specific challenges to feminist theorising and its modalities of knowledge construction. If knowledge itself is construed as a socio-political construct (Tanesini, 1999), from what positions then can feminists construct a new body of knowledge, asks Gunew, that is not permeated by patriarchy? She notes that feminist consciousness and collective experience was for the first time seen as a basis for new feminist knowledge by second wave feminists (Gunew, 1990). As Hartsock (1996) notes, the

idea of knowledge as a socio-political construct, negates the possibility of feminist knowledge, firstly, by denying the knowing subject and secondly through claiming that the subject does not pre-exist discourse. Phelan too notes the critiques of Taylor and Habermas that truth as only an effect of the rules of discourse has problematic consequences and as a proposition is difficult to incorporate into analytical logic (Phelan, 1990).

Foucault calls upon the need to detach the power of truth from forms of social, economic and cultural hegemony (Foucault, 2000: 133). This prescription from Foucault to separate the power of truth from other hegemonic practices is particularly relevant to this thesis. Within the CSE discourses a number of myths operate as truths through their misappropriation into dominant discourses on child sexual exploitation. To illustrate further, the myths such as: 'sexually exploited children come from broken or otherwise dysfunctional families'; 'children keep going back to alleged perpetrators and so it can't be that bad' work to consolidate stereotypical understandings of children subjected to sexual exploitation as socially and economically vulnerable or as willing participants in their own abuse. Such constructions may further result in the hegemonic operation of social care professionals, police and others working with children. Foucault writes that it is through the re-emergence of subjugated /local /differential knowledges that are disqualified, considered inadequate, located low in the hierarchy of knowledges, beneath the level of cognition and scientificity that "criticism performs its work" (Foucault, 1980, p.82). This thesis will examine discourses both dominant and local to understand how contemporary discourses define and set limits to how practitioners understand, make sense of and respond to the issues confronting them. The conceptualisation of power-knowledge-truth nexus within Foucauldian theory provides a useful framework for interrogating the process of normalisation operating within CSE discourses through a nexus of operation between knowledge practices and power technologies. It also makes visible truth claims made in and through those discourses.

CONCLUSION

This chapter examined the Foucauldian and feminist theoretical framework informing this thesis. It has explored in detail the concepts of power, subjectivity, sexuality and the nexus between knowledge-truth-power. The discussion has also focussed on feminist critiques of these concepts deployed in a Foucauldian theoretical framework. It has explored the value of integrating perspectives from these two bodies of theory for interrogating attrition in cases involving crimes of child sexual exploitation in England. It discussed Foucauldian feminist understanding of power as productive and capable of organising itself into coherent strategies. Analysis of power and the effects it produces at the level of subjectivities is particularly useful in addressing the first research question on the construction of children's sexual subjectivities within CSE discourses. Examining the ways in which power is exercised, the targets of its operation and how it conjures up with knowledge practices and regimes of truth, provides the scope for this thesis to make visible the relations of hierarchy, the power differential that operate in CSE context.

As discussed in Chapter 2 this thesis hopes to make visible relations of power not only between the exploiters and the exploited, but also between professionals and children as their service users or clientele. Drawing on Foucault's theorisation of subjectivity as a product of discourse, and power as integral to the operation of power, this chapter underscored the value of the notion of a subject as a possibility for the feminist projects of transformation. This form of understanding subjects as both a product of power and as a site for resistance is vital for a critical analysis of discourses. It offers the potential to view subjects beyond the narrow conception of autonomy and agency. The theorisation of sexuality as a technology of power producing discourses, identities and specialist knowledges prompts me to ask specific questions around the role of children's sexuality and their sexual knowledge in the discursive construction of their subjectivities.

Finally, the nexus of power-knowledge-truth discussed in the last section of this chapter draws attention to the operation of the technologies of power and practices of knowledge in producing a regime of truths, norms against which sexually exploited children's experiences can be assessed, judged and classified. This thesis examines how the problem of attrition is thought about in CSE discourses and draws attention to specific rationalities underpinning those specific ways of thinking about the problem of attrition. Foucauldian theorisation of the nexus of power and knowledge in producing discourses and associated rationalisations that make specific ways of thinking possible is particularly useful in examining the problematization of attrition in CSE discourses. The following chapter draws upon these theoretical orientations and provides an overview of its methodology.

CHAPTER 4

THE DOING OF DISCOURSE ANALYSIS - A REFLECTION ON METHODOLOGY

INTRODUCTION

The preceding chapter examined the key theoretical concepts of the Foucauldian feminist theoretical framework underpinning this thesis. This chapter builds on those concepts and explores the methodologies adopted in this thesis outlining their value in addressing the research questions. Methodology can be understood as a blueprint that helps the researcher in her choices of techniques, tools, parameters of analysis underpinned by the philosophical traditions that inform the research project. It is described as “a theory and analysis of how research does and should proceed” (Harding 1987 p.3, quoted in Sprague and Zimmerman, 2004). This thesis is firmly grounded in an interdisciplinary context. Banakar and Travers note that interdisciplinarity offers a “‘space of encounter’ at the cross-section of disciplines”, thereby providing relief from strict adherence to established disciplinary ways of undertaking research (2005, p.5). The methodology I employ in this thesis seeks to combine critical constructivist paradigms with empirical work. A critical constructivist paradigm denies the “knowing subject” (Prior, 2004, p. 317), highlights the notion of subject-in-relation and “makes relationships as the locus of knowledge” (Gergen, 1994 as quoted in Kvale and Brinkmann, 2009, p.53). Accordingly, I do not consider either myself or others involved in this project as the ‘knowing subjects’, instead deem this thesis as a practice of producing knowledge in an inter-subjective, collaborative exercise.

Broadly described as discourse analysis, the methodology I employ in this thesis is an assemblage of critical discourse analysis, feminist empiricism and Foucauldian power analytics. I use the term assemblage in its literal sense to refer to a collection or joining together of critical and empirical elements to form a robust methodology to examine the ‘conditions of possibility’ for attrition in CSE discourses. The title of this chapter “The doing of discourse analysis” is inspired by works of Graham (2011) as well as Wood and Kroger (2000). I use this phrase to

indicate that discourse analysis is more than a method of analysis. It is a perspective on the nature of language and its relationship to knowledge. Considering there is no prescribed way of undertaking discourse analysis informed by Foucauldian feminist theory, I open up for critical scrutiny my approach to undertaking this thesis. My aim in this chapter is to reflect on the methodology I chose for this thesis. Methodology occupies the space between method and epistemology (Jaggar, 2016). I hope to, by the end of this chapter, indicate that space where I stand in terms of my methodological and epistemological orientation. This chapter is developed in four sections. Section 1 clarifies the meaning of the term 'discourse' and the basic tenets of a discourse analysis. Section 2 provides an overview of critical discourse analysis, Foucauldian power analytics and feminist empiricism, explaining the rationale for assembling these three elements together. Section 3 explains the methods chosen and specific tools used for gathering data. Section 4 is a reflection on the process of gathering and analysing data, finally concluding with a brief note on the challenges experienced in operationalising this thesis.

1. DISCOURSE ANALYSIS AS AN EXAMINATION OF "THE LIMITS OF WHAT CAN BE SAID AND BY WHOM"

This section explicates the meaning of the term 'discourse' and the basics of discourse analysis. The term 'discourse' carries different meanings in different disciplinary contexts. It is understood as social knowledge; as language in context which includes the way we think, talk, act or textualise in relation to the specific social context in which we are in, about a certain object or practice (Hyatt, 2013). Discourses can also be understood as "bodies of knowledge" (McHoul and Grace, 1993, p.26; Bacchi, 2000, p.48) that "define the terrain" of action (Allan et al, 2009, p.5) and as "sites where social meanings can be made and contested" (Allan, 2009, p.13). Discourses are invested with power and thus go beyond language, signifying and designating the things of which they speak (Allan, 2009). Drawing on Foucault's perspective on discourse, Jager and Maier refer to discourses as "practices that systematically form the objects of which they speak; they do not identify objects, they constitute them and in the practice of doing so conceal their own invention"

(2014, p.40). Discourses can be understood as “statements (*énoncés*) of ‘things said’. Statements are events of certain kinds at once tied to an historical context and capable of repetition” (Olssen et al, 2004, p. 45). As opposed to being mere propositions, statements “do things, bring about effects” (McHoul and Grace, 2002, p.37). Discourses in the Foucauldian sense are not singular or continuous; they overlap and are subject to constant change (McHoul and Grace, 2002). In this thesis the term ‘discourse’ is understood broadly and is not limited to a linguistic understanding in terms of spoken language or grammar. The term discourse refers to overlapping bodies of knowledge with power to constitute effects: discursive and material. It refers to texts, talk, practices as well as meanings attached to statements and practices. In this thesis I consider the policy and practitioners’ discourses as significant in constituting the body of knowledge relevant to CSE and subject these discourses to a critical analysis. As I have elucidated in my review of existing literature in Chapter 2 the conceptualisation of adult-child sexual contact has been the subject of constant change over time (for example, from an understanding of children abused through prostitution to child sexual exploitation). In the introductory chapter I drew attention to the 2015 legislative amendments which resulted in the redefinition of child prostitution and pornography offences into offences of child sexual exploitation within the *Sexual Offences Act 2003*. I have also examined the reconceptualisation of CSE primarily as the offer of sexual service by a child under 18 in exchange for something in return (Department for Education, 2017). These reconceptualisations noted in the legislation and in the government guidance are one instance where legal and policy discourses overlap and draw upon each other, thereby constituting shifting meanings of the concept of CSE. This thesis analyses policy and practitioners discourses as bodies of knowledge with power to constitute meanings and subject positions. Subjectivity in this thesis is understood as discursively produced and as an effect of the operation of power (See Chapter 3 for more).

Discourse generally implies that language is made up of certain patterns which influence people’s utterances (Jorgensen and Philips, 2002). Discourse analysis is the analysis of those patterns underpinning people’s utterances (Jorgensen and

Philips, 2002). Taylor offers a loose definition of discourse analysis as “the study of language in use” (Taylor, 2001, p.5). Discourse analysis refers both to a theory of language or to a method of analysing language (Griffin, 2007, p.9). There is a clear lack of consensus on how discourses should be understood or analysed and the approaches to analysing discourses are multiple (Jorgensen and Philips, 2002; Wodak and Meyer, 2009). Contemporary approaches to discourse analysis developed since the 1960s include structuralist or formalist approaches that focus on discourse as text and are primarily adopted by sociolinguists as well as in cognitive psychological approaches that examine “mental processes of text comprehension” (Van Dijk, 1993, p.96). There are also empirical approaches such as conversation analysis which examine how things are said (Bhatia *et al*, 2008; Tannen *et al*, 2015). Contrary to these approaches, Foucault’s approach to discourse analysis aims to examine the limits that certain rules in discourse set i.e. the limits of “what can be said” (McHoul and Grace, 2002, p. 31) or who can say what with what effect (Foucault, 1981). A comprehensive exploration of all these approaches is beyond the scope of this chapter and thus my focus in this chapter is limited to the methodology I use in this thesis which is elucidated further in the section below.

2. AN ASSEMBLAGE OF CRITICAL DISCOURSE ANALYSIS, FEMINIST EMPIRICISM AND FOUCAULDIAN POWER ANALYTICS

The methodology I use in this thesis is a collection, an assemblage of or rather a *‘bricolage’*²⁶ of three different methodological elements, namely critical discourse analysis, feminist empiricism and Foucauldian power analytics. In this section I expand on these specific elements and outline the value of assembling these for this thesis.

²⁶ *Bricolage* is a French term which means ‘tinkering’, ‘fiddling’ or ‘do it yourself’ where the researcher will just pick up tools and resources that happen to be at hand (Jager and Maier, 2014, p.45).

2.1. CRITICAL DISCOURSE ANALYSIS

Critical discourse analysis (CDA) is one variant of discourse analysis that works with written and spoken language and integrates linguistic and critical approaches. While CDA may have many similarities in terms of what is studied with critical linguistics, it differs in that CDA focuses on complex social phenomena using interdisciplinary and multi-methodological approaches (Wodak and Meyer, 2009). CDA sees discourse, both in spoken language and in writing, as a form of social practice (Fairclough and Wodak, 1997 as quoted in Wodak and Meyer 2009). CDA attempts to underscore the “ideological, institutional and social perspectives” in its analysis of discourses (Lee and Petersen, 2011, p.141). Wodak and Meyer note that CDA allows the researcher to ask different questions from that of other discourse analysts and that at times CDA researchers “play advocacy roles for socially discriminated groups” through engaging in an analysis of the operation of power (2009, p.19). Two key characteristics of CDA that are significant to this thesis are its interest in “demystifying ideologies and power” and its scope for self-reflexivity in the research process (Wodak and Meyer 2009, p.3). The value of CDA as an element of the *bricolage* can be deduced from these two characteristic features. The first is its ability to open up for scrutiny ideologies and the operation of power in discourses. I have indicated in Chapter 3 that this thesis is interested in exposing the operation of power-knowledge-truth nexus within CSE discourses. It identifies specific knowledge statements that pervade CSE discourse with power to constitute certain effects. It also brings to light the knowledge statements that constitute certain truths as immanent, particularly when the statements are deployed through mechanisms of power. CDA thus is a useful tool in the toolbox for addressing the discursive ‘conditions of possibility’ for attrition. Secondly, it offers the scope to reflect on my position as a researcher i.e. the influence of my previous work, my assumptions and pre-learned conceptions on the choices I make throughout this journey. I worked for 7 years with PACE, a national charity supporting parents and carers of children who are sexually exploited, in a role involving research and advocacy for policy reforms to tackle child sexual exploitation more effectively. My experience of working with families at PACE formed the crucial part of my

perspective on how I understand CSE and what I believe to be appropriate responses to CSE. Referring to Gadamer's notion of 'horizon' Minkinen notes that "when we confront a given text, we approach it within a particular situatedness" (Minkinen, 2013, p.133). My understanding of the issue that originates from the perspectives of parents/carers and the feminist ethos that I have acquired over the years will undoubtedly be the horizon from where I will be confronting the texts, the talk, the discourses and the thesis. In his forthcoming work Manderson notes that "the whole strategy of ideology is to cultivate a blind spot of our own subject position in relation to others" and suggests that a critical reading illuminates those blind spots and its implications vis-à-vis our subject position and instils a sense of responsibility (Manderson, 2014²⁷). Both Minkinen and Manderson reiterate the need for an approach similar to what Foucault calls a 'critical attitude', the 'voluntary insubordination', or the process of 'desubjugation' (Foucault, 1997, p.43-47). Lazar too highlights the critical focus on reflexivity as a key aspect of critical feminist discourse analysis (Lazar, 2007). As Minkinen rightly notes, critical legal research is not just about rejecting traditional approaches to the study of law and accepting alternative critical approaches or methods, but also about adopting a critical approach to one's own work (2013). It is with the hope of inculcating such a critical attitude warranting self-reflexivity i.e. the ability to acknowledge, question and put to test my own perspectives and blind spots that I draw upon CDA.

A critical discourse analysis informed by Foucault and feminist theorisation aims to interrogate discourse as a body of knowledge in terms of its claims to knowledge and truth; emphasises the productive nature of power; elucidates the nexus of operation between power-knowledge-truth; decentres the fixed and coherent subjects of humanism and interrogates the construction of subject positions and its effects on the lived experiences of individuals (See Chapter 3; Also Allan et al, 2009; Bacchi, 2000). Adopting a critical discourse analytical approach in this tradition thus brings power analytics into the assemblage. Discourses for Foucault are "practices

²⁷ Unpublished paper shared by the author during his talk at the PG Research Study Group, Kent University.

that systematically form the objects of which they speak” (Foucault in *Archaeology of Knowledge* as quoted in Jager and Maier, 2014, p.40). Foucault further notes that “it is in discourse that power and knowledge are joined together (Foucault, 1978, p.100 quoted in Allan et al, 2009, p.17). Foucauldian CDA aims to identify the knowledges contained in discourses; to interrogate the ways through which the knowledges and the technologies of power join forces; to examine the position of subjects who constitute and are constituted by the discourse; and most importantly to examine critically the material and discursive effects of those discourses. Jürgen Link, whose analysis of discourses is informed by Foucault’s theory, describes discourses as “an institutionalised way of talking that regulates and reinforces action and thereby exerts power” (quoted in Jager and Maier, 2014, p.35). I note that each discourse has certain mediators that transfer meanings and understandings from one discursive domain to the other. For example, the legal norms of rights, consent or agency in the legal discourse and the notions of harm, wellbeing, and risk within the social policy discourse act as mediators capable of being deployed as concepts with specific meaning in other discourses such as practitioners’ discourse, medical discourse. Examining how these mediators operate individually and in conjunction with other mediators both within and outside of the discourses of their ‘origin’ is vital in the examination of the nexus of knowledge-power-truth in the construction of subjects. In examining the construction of children’s sexual subjectivities in and through multiple discourses, I hope to reveal the interaction of these mediators and how certain constructions come to be constituted inter-discursively.

Discourse analysis in general (Hardy and Thomas, 2015) and Foucault’s account of discourse is criticised as limited (see Chapter 3) and as failing to “address everyday interpersonal interactions and meanings negotiated” within them (Jackson and Scott, 2010, p.36). This question whether Foucauldian approach takes into account experience or material reality, has been central to feminist critiques (Oksala, 2004). Jager and Meier propose an understanding of discourse as the interplay between discursive practices, non-discursive practices and materialisations and refer to it as dispositive analysis (Jager and Maier, 2014). Thomas and Hardy (2015) note that

discourse forms and functions at the interface of language and materiality. They convincingly argue that Foucauldian discourse analysis takes into account both discursive and material processes including bodies, objects, spaces and practices. They further note that examining the “co-constitutive” nature of discourse and materiality is vital to examining the relations of power (Thomas and Hardy, 2015, p.3), an objective that this thesis aims to achieve. Thomas and Hardy (2015) note that examining the production, distribution and consumption of discourses can be an effective way of identifying the material effects of discourses. Discourses can produce effects both positive and negative, for example through fixing certain meanings and excluding alternative ways of thinking about the issue and responding to it (Bacchi, 2005; Lange, 2011). This thesis takes into account the discursive, non-discursive and material aspects of discourse in its analysis and examines their inter-relationship, as well as the operation of relations of power in the construction of the fields of knowledge relating to CSE. It is to this objective of drawing from non-discursive and material aspects of discourses that this methodology draws on feminist empiricism.

2.2. FEMINIST EMPIRICISM

This thesis draws from the empirical research paradigm for two reasons. First, it acknowledges the social constructivist perspective that reality is produced through discourse. However, I align myself with Foucault in understanding that reality exists, although its articulation and meaning making is produced through discourse. Social constructivist approaches emphasise that our knowledge of reality is not an objective truth, but a product of discourse that is historically, culturally specific and contingent (Jorgensen and Philips, 2002). In this thesis I understand the relationship between reality (subjective experience) and discourse as circular in nature. As I have already noted in the introductory chapter, subjective experience is both a product of discourse and can produce discourse. Drawing on Foucault’s theorisation of the relationship between subject and power I note that discourse constitutes subjective experience through power. Discourse creates the scope for and sets limits to the articulation, validation and re-production of subjective experience. Yet,

subjective experience cannot be completely determined by discourse (MacNaughton et al., 2010). Subjective experience has the potential to change the terms of discourse, re-constitute its boundaries or even transform the entire discourse. The second reason for drawing on the empirical paradigm is the emphasis, referred to above and also in Chapter 3, on power effects that are produced in and through discourse but are material in nature. I engage with the practices of investigating, prosecuting CSE cases by criminal justice practitioners and also the practice of agencies involved in supporting children and young people affected by their sexual exploitation.

Empiricism refers to the doctrine that all knowledge derives from sensory experience and is premised on the idea that knowledge exists outside social contexts and can be measured objectively and validated as true (Hesse-Biber, 2013). The questions around what knowledge can be known through what means is often determined by the epistemological approach adopted in the research (McHugh, 2014). The epistemological approach I adopt in this research is antithetical to the positivist orientation of empiricism. Feminist research is extremely conscious of the “complex interrelationship” between the inequalities or power imbalances that prevail in social life based on people’s social location on the one hand and knowledge production on the other (Jaggar, 2016, p.xii; See also Leavy, 2014). Attention to these complex relationships of power and knowledge production is central to the epistemic approach I have adopted. Feminist empiricism offers the potential to recognise the relations of power in the production of knowledge (Leavy, 2014). Developed from a critique of the androcentric bias of scientific empiricism, the feminist empirical approach to research emphasises the diverse ways of knowing in producing knowledge and the role of the situated knower and situated knowledge. Feminist empiricists draw on the notion of ‘strong objectivity’ and a reflexive attitude to research (Hesse-Biber, 2013, p.19). Critiquing the positivist notions of objectivity Harding calls for a strong objectivity, which is “neither classical objectivity nor what is often taken for its opposite, relativity.” (2013, p.19). Strong objectivity recognises the politics of knowledge production and notes that greater attention to the social location of

those involved in the production of knowledge is likely to result in ethical and transparent results in research (2013, p.19).

Feminist empiricism is indeed valuable in demystifying the power relations in research itself. However, the question as how subjective experience is conceived within feminist research generally and in feminist empiricism remains unclear. Let me now consider this question briefly. Experience has been and continues to be central in feminist empirical research. Sprague and Zimmerman note that the post-modern turn has made feminist empiricism redundant (2004) and “generated suspicion of empirical data” (Hunter, 2008, p.122). It therefore remains unclear whether feminists should understand experience as a discursive effect, as Scott (1991) reiterates, and accordingly discard experience as evidence in feminist research or whether feminists should acknowledge the significance of embodied experiences such as pain for feminist analysis? (Oksala, 2014). Oksala notes that in Foucault’s work “the experiential body materialises in power/knowledge networks, but the limits of its experiences can never be firmly set because they can never be fully defined or articulated” (Oksala, 2004, p.114). Oksala argues that the feminist project of political transformation must take into account first-person experience critically to contest dominant norms and identities and should “question the constitutive conditions of one’s experience” (Oksala, 2014, p.399). Oksala’s explications are of significance for the approach that I adopt here. I deploy experience as significant for my analysis here, but adopt a critical stance in relation to experience, so as to refrain from constituting either experience or analyses derived from experience as a means to a claim to an absolute truth.

Hunter (2008) scrutinises the claim that the divide between policy-oriented empirical legal research and critical theory is complex and difficult to negotiate. She notes the possibility of moving beyond the policy/politics and empirical/critical dichotomies. Conaghan too critiques the impact of post-structural and post-modern theories in displacing materialist analysis and overly emphasising textuality in feminist legal theory. She highlights the need for developing approaches that are neither entirely materialist nor discursive and neither modern nor post-modern, as

they are but “two sides of an intellectually contrived divide” (Conaghan, 2013, p.47). The theoretical framework of this thesis underscores the importance of examining knowledge in discursive practices, non-discursive practices and materialisations (Jager and Maier, 2014). It is thus important to gather data about non-discursive practices and materialisations. In critiquing Potter and Whetherall’s as well as Parker’s approach to discourse analysis, Hook notes that a true Foucauldian discourse analysis favours “a latitude of diverse data forms” and “does not prioritise textual forms of data at the cost of material forms” (Hook, 2001, p.526). Hook proposes four methodological injunctions for undertaking a Foucault-informed critical discourse analysis (Hook, 2001, p.539). One, that the analyst should attempt to destabilise discourses through tracing the discontinuities in its history. Two, not to attempt to seek and present subjugated discourses as truths. Three, to blur the distinction between the discursive and the non-discursive practices. And four, to seek to establish a ‘double epistemology’ substantiating textual findings with extra-textual dimensions, like those of space, time or practice (Hook, 2001, p.539). It is in this context that this methodology adopts and yet diverges from an empirical research paradigm. I do not treat the empirical data as generated from an essentialist experience, as is considered in the positivist tradition of empirical approaches to research. Instead, I draw on post-structural feminist empiricism which negates any essential experience and denotes experience as constituted by various discourses available in social, political and cultural context. Furthermore, I draw on a Foucauldian informed understanding that experience is both constituted and constitutive of discourses. Analysis based on such understanding of experience treats the accounts of those we research as discursive productions and re-productions, but not representations of their ‘true’ experience (Gavey, 1997). Such an analysis also offers the scope for a nuanced account of the contradictions and complexities that underpin individual’s experience of the world (Gavey, 2011). In this section, I have thus far examined the rationale for and value in drawing from feminist empirical paradigm into my methodological assemblage. I will now turn my attention in the next sub-section to the third element of this assemblage: Foucauldian power analytics.

2.3. FOUCAULDIAN POWER ANALYTICS

Foucauldian power analytics are an integral aspect of this methodology. I have examined the Foucauldian notion of power in the previous chapter and noted that the analyses of power should not be focussed on traditional notions power as repressive, as authority and as juridical. Instead, analyses should account for the lowest denominations of power, 'power in its extremities'. Power can be perceived, as Raffnsøe and others note, "*in effect* and as *having a certain effect* – just as its mode of operation can be articulated in the form of a *merely provisional analytics of power*" (Raffnsøe et al, 2016, p.65 emphasis in original). Drawing from this understanding of power as multiple, as shifting relations of force and as being everywhere, I employ Foucauldian power analytics as a specific element of my methodology. Borch notes that the concept of power analytics refers to "the multiple analytical grids of power as opposed one frame of analysis such as discipline as power" (2015, p.3). As a concept it identifies the manifold ways that power can be exercised in any specific historical context (2015). Whilst analysis of power is central to many sociological approaches including feminist research, I specifically employ Foucauldian power analytics for its emphasis on *how* power operates and with *what* effects. When we engage in these two questions we come to identify that power produces effects at the level of the subject through processes of subjugation and subjectivisation (see Chapter 3). Whilst analysis and acknowledgement of power can be noted both in the conceptualisation of CSE and in critical engagements with discourses on CSE, emphasis on the productive effects of power is absent. Let me expand further to clarify this claim. The definition of CSE as explained in the DCSF 2009 and the 2015 practice guidance as well as the recent amendments to the *Sexual Offences Act 2003* (as noted in Chapter 1) refer to 'power imbalance' in defining CSE. Previous research engaging with the concept of CSE also emphasised the imbalance of power between children and their alleged perpetrators by virtue of age, intellect, access to economic and other forms of power (See Chapter 2). Although such analysis is important, it focuses on power as repression, as "violence" or as a "state of domination" (Raffnsøe et al, 2016, p.63). These analyses lack an engagement with the productive effects of power at the

level of subjectivity thus limiting the focus of these conceptualisations and critiques to that of choice, agency, responsibility and empowerment. Those critiques consequently fail to acknowledge the role of discourse in constituting conditions of ineffective responses to CSE. In contrast to existing research in the field of CSE, I examine the discursive formulation of the sexual subjectivities of children and its effects on the process of attrition, by drawing on Foucauldian power analytics.

A critical approach to discourse analysis should avoid the tendency to focus on exposing positions of power occupied by different groups as producers or as users, inadvertently constituting the users as disempowered (Bacchi 2000). Bacchi calls for an approach that strikes a balance between exposing the lived experiences and material effects of discourse on those who may be powerless and their scope for resistance (2000). She highlights the importance of enunciating, in any analysis of policy as discourse, the power of the subjugated to reformulate these constitutive discourses and its problematizations, thus facilitating change. This specific prescription reiterates Foucault's explication of power as not without resistance and thus the potential for transformation, as discussed in Chapter 3. This thesis thus endeavours to adopt a balanced approach to the analysis of the uses and effects of discourse. To illustrate further, I note the importance of exposing the power occupied by certain groups such as the media or the professionals in presenting certain statements about children as truths and the impact of those truth claims on the experiences of children. But I also acknowledge that it is vital simultaneously to underscore the significance of children's potential in validating, undermining and subverting the claims to truth deployed in and through those discourses. I do hope that through asking the questions about power and subjectivity, this thesis is able to identify those spaces where children's subjective experiences could potentially transform discourse.

In this section, I have thus far examined the rationale for adopting an assemblage of CDA, feminist empiricism and Foucauldian power analytics as a methodology, and explicated the value of such methodology in addressing the research questions that

this thesis sets out to answer. What follows this is an elucidation of the methods used for gathering relevant data.

3. RESEARCH METHODS

In this section I will outline the methods used for gathering the data. Methods are techniques of data collection and the choice of methods is itself a political process and closely relates to the epistemological orientation of the research. As I have made clear in the section above, I understand discourses as knowledge embodied in texts, talk and practices. I use three distinct methods for data collection namely: text reading, interviewing and focus group discussion. The following sub-sections will elaborate on these methods.

3.1. READING TEXTS

Texts can be understood as the material realization of intangible forms of knowledge (Weiss and Wodak, 2003). Texts form part of the unobtrusive methods of data collection and arguably add authenticity to the research process due to their “independent existence and non-interactive nature” (Hesse- Biber and Leavy, 2004, p.303). Texts both reflect the social world and constitute social reality, thus becoming important “sites of empirical study for qualitative analysis” (Prior 1997 as quoted in Hesse- Biber and Leavy, 2004, p.306). This thesis is influenced by a Foucauldian understanding of the subject as discursively constructed through power knowledge relations and analysis of texts provides the scope to understand the construction of knowledge as a social process. If “textually ordered knowledge packages and stabilizes the order of things as they appear within a wider realm of discourse”, as Prior notes (quoted in Hesse- Biber and Leavy, 2004, p.321), this thesis ought to locate those ordered knowledges and identify the networks of power that can affect children’s experience of attrition and practitioners’ decisions to take cases forward. Through a close reading and re-reading of the texts such as policy guidance documents and statutory instruments, identifying the “rules of revision”, inclusions and exclusions, I aim to critically examine how the very concept

of CSE and children affected by it gets constructed and reconstructed (Hesse- Biber and Leavy, 2004, p.324). Analysis of texts focussing on “rules concerning what can and cannot be thought, the ways in which knowledge can be represented, the nature of the grid by means of which thought is expressed or classified, and the rules concerning who is and who is not entitled to pronounce on the nature of a given phenomenon” is a valuable means to examine the construction of children in discourse and the effects of those constructions (Prior in Hesse- Biber and Leavy, 2004, p. 331).

Adopting textual analysis means that there are documents out there without having to be produced for the purpose of the research. However, the process of undertaking textual analysis is not without challenges. It is time consuming, calls for rigour in analysis, an awareness of researcher’s own subject positions, involvement in sceptical reading, and willingness to increase the size and variability of the texts. A sceptical reading of text and talk allows the researcher break open the ways in which the real is constructed, for example through binary categorisations, through habituated, unchecked repetitions and through particular repeated images, storylines and modes of explanation (Piper, 2004). Some focal elements of analysis include: the intended audience and outcomes, ideological underpinnings, applied logics, the context and the specific historic moment in which specific discourses are produced, the modes and mechanisms through which they are deployed, distributed and consumed, and more importantly the specific effects those discourses produced (Piper, 2004).

3.1.1. Selection of texts

Bauer and Aarts propose ‘corpus construction’, a principle derived from the field of linguistics, as a far more suitable technique for selecting data as opposed to the sampling techniques. They argue that the ‘corpus construction’ technique ‘typifies unknown attributes, while statistical random sampling describes the already known attributes in the social space’ (2000, p.20). Corpus refers to a “collection of materials” that the researcher determines prior to engaging in analysis (Bauer and

Aarts, 2000, p. 23). Corpus construction is a 'cyclical' process involving preliminary selection, analysis and subsequent selection until no additional variety in themes, opinions, attitudes, behaviours or world views are seen (Bauer and Aarts, 2000). A few principles that guide this selection are relevance (i.e. a focussed selection based for example on thematic relevance), homogeneity (i.e. treating data arising from written texts and data from interviews as materially different and thus separating them into two different corpora) and synchronicity (i.e. choosing corpus from within one natural cycle). There are vast amounts of textual sources available both from policy and legal arenas on child sexual exploitation. I have thus identified and analysed thematically relevant official documents (i.e. documents produced by the State and its associated bodies). These documents reflect data emanating from multiple sources co-constituted varied discourses on CSE and are vital to examining variable perspectives, complexities, contradictions and convergences. The official documents include acts of legislation, government action plans, statutory and non-statutory guidance, parliamentary inquiries, public consultations, parliamentary select committee reports and inquiries by quasi-official bodies such as the Office for Standards in Education, Children's Services and Skills (Ofsted), Office of the Children's Commissioner for England (OCC), Her Majesty's Inspectorate of Constabulary (HMIC), and the National Crime Agency (NCA). The non-official documents include reports produced by non-governmental organisations, biographies, true stories etc. published by those affected by CSE.

The material that falls in the category of personal narratives from victims and families is a significant segment of the corpus. Personal experiences in the form of narratives and case studies often appear in the discourses on CSE either directly or indirectly: directly through evidence given to committees/teams examining specific issues relevant to CSE. A typical example being: the inclusion of the narratives of Emma Jackson, a survivor of child sexual exploitation, when she gave evidence to a Select Committee (House of Commons Home Affairs Select Committee, 2013). Victim experiences and narratives also form a significant part of literature developed by academia and non-governmental advocacy groups. These narratives do influence the shaping of the discourses and subsequently policy direction. A

sceptical reading of these narratives developed by third parties and those developed by survivors themselves is likely to indicate the contradictory constructions and problematizations of CSE. However, as I have explained in Chapter 1, I have limited my analysis to texts emanating from official and quasi-official sources.

The texts selected spanned the period from 1996-2016. The reason for limiting the selection of documents to this era is that this thesis is concerned with examining the construction of children and their sexualities in contemporary discourses on CSE. I noted in Chapters 1 and 2 that following a decade's campaigning by organisations such as Barnardo's, policy development since 2003 marked a discursive shift in how adult-child sexual contact is conceptualised (Melrose, 2013; Hallet, 2017). The enactment of the *Sexual Offences Act 2003* and the introduction of the DCSF guidance on *Safeguarding Children from Sexual Exploitation* in 2009 are identified as key milestones consolidating the discursive shifts (See Chapter 2). The selection of documents is purposive and synchronous spanning the 20 year period constituting the contemporary discursive moment. The specific texts that I examine in this thesis are policy texts published from years preceding these significant events because they offer vital insights into how CSE, children's sexuality and attrition in CSE cases are problematised in contemporary discourses.

The term 'policy' can be understood in common parlance as a statement of intent by those making the policy, be it the state, an institution or a group. Allan and others define public policy as a statement of how a political system operates to solve its problems (Allen et al., 2010, p.4). Policy is further described as a set of politically, socially and historically contextualised practices (Olssen et al, 2004, p.3). Olssen and others describe a policy document as the "discursive embodiment" of the dynamic interconnections that undergird social structures at any given moment of history (Olssen et al, 2004, p.2). Grounded in an understanding that meanings of texts are to be located in the relationship between texts and social structures (Olssen et al, 2004, p.3), this thesis views policy formulation as a 'political' (Bacchi, 2000, p.50) and social process, as value-laden (Allan, 2009) with real effects on

social practices and identity productions. This thesis acknowledges that texts can portray different ideologies depending on the source from which they emanate. However, the aim of this thesis is not to enquire into the intent and ideology underpinning the texts. Its focus is to understand the operation of the nexus between power-knowledge-truth within and through these texts, the claims to truth made in these texts and the effects certain truth claims will have on children's subjective experiences and consequently on the process of attrition. The following sub-section is a discussion about the specific texts selected for analysis in this thesis.

3.1.2. Corpus of texts

This sub-section provides an overview of the texts chosen for analysis using the technique of corpus construction and charts the chronology of the development of various texts. A complete list of texts subjected to analysis is provided in *Appendix 1*. This thesis examines policy texts relating to the issue of CSE. It also draws upon guidance documents relating to children who go missing from home and care and also children who are trafficked for purposes of sexual exploitation. Texts relating to missing and trafficked children are relevant to this analysis, particularly owing to the vital links between CSE, children missing from home/care and trafficking in human beings for sexual exploitation highlighted in research, and also due to the overlapping arrangements in practice and policy.

One of the key texts published by the government during this period (1996-2016) is the cross departmental guide titled *Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children*²⁸ first published in 1999 and subsequently reviewed in 2006, 2010, 2012, 2013 and more recently in 2015. As the title suggests this guide sets out the need for and the ways

²⁸Department of Health, Home Office, Department for Education and Employment (1999) *Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children*. London.

to work together to safeguard and promote the welfare of children. It is the key policy document governing child protection in England and Wales. Following the 1999 cross-governmental guide to *Working Together*, the Department of Health published supplementary guidance titled *Safeguarding Children Involved in Prostitution* (SCIP) in 2000. The SCIP guidance aimed to safeguard children abused through prostitution and expressed the need for a child protection response to children involved in prostitution. It stressed that children involved in prostitution are victims of abuse, needing protection and welfare based responses to their needs. It noted the government's recognition that the majority of children do not enter prostitution voluntarily and that they either are coerced, enticed or utterly desperate. Vulnerability and low self-esteem are recognised as contributing factors that make children vulnerable to those who abuse them through prostitution. The SCIP guidance reiterated that children should not be treated as 'miniature adults' making informed decisions. The emphasis of the guidance was on prevention, protection and re-integration of children into 'positive and age appropriate lifestyles' (Department of Health, 2000, p. 9). Up until 2009, the SCIP 2000 guidance was the key policy text which underpinned practice responses to non-familial child sexual abuse and commercial sexual abuse of children.

The enactment of the *Sexual Offences Act 2003* criminalised the offences of grooming, sexual activity with children under 16, paying for sex with a child, production and distribution of pornographic images of children and trafficking for sexual exploitation, thus paving way for the development of further guidance on CSE. Responses to the government's consultation paper on *Prostitution Paying the Price* in July 2004 highlighted the need for an updated guidance to address the needs of children 'abused through prostitution'. In the year 2006 the government launched a public consultation on *Tackling Human Trafficking – Consultation on Proposals for a UK Action Plan* (Home Office, 2006). Responses to the *Tackling Human Trafficking Consultation* identified the need for recognising within the scope of the action plan the trafficking of children who are UK nationals for the purposes of sexual exploitation (Home Office, 2006, p.7 and 30). The consultation process led to the publication of the *UK Action Plan on Human Trafficking* launched by the

Home Office and the Scottish Government in June 2007 and the establishment of the *UK Human Trafficking Centre* (UKHTC) in October 2007, duly acknowledging the trafficking of children who are UK nationals for the purposes of sexual exploitation within its purview.

In the year 2008 the Department for Children, Schools and Families (DCSF) published draft guidance for public consultation with the aim of providing practitioners working in this field with necessary information to understand different forms of CSE and to assist with their duties to “safeguard children and young people who are at risk of sexual exploitation, or who are being sexually exploited” (Department for Children, Schools and Families, 2008, p.1). The consultation process led to the development of the new supplementary guidance to *Working Together to Safeguard Children* (HM Government, 2009). The supplementary guidance titled *Safeguarding Children from Sexual Exploitation* came into operation in 2009 replacing the SCIP (2000) guidance.

A plethora of CSE specific texts were published since 2009 by various government departments in response to the media and public concern over the way cases of CSE and allegations of historical child sexual abuse had been dealt with. The government published a series of action plans, guidance documents and parliamentary inquiries relating to the issue of child sexual exploitation. The formulation of CSE related policy is further intensified by a multitude of inspection reports and assessments carried out to examine the responses of local authority areas to the problem of CSE (See Chapter 1 for more on these reports). In addition, the Association of Chief Police Officers (ACPO) in 2011 developed a strategy for policing prostitution and sexual exploitation with the dual focus of safeguarding children and disrupting perpetrators.

In addition to these documents on prostitution, trafficking and child sexual exploitation, *Statutory guidance on children who run away and go missing from home or care* (2009) was developed and was further updated in 2014. The *Missing Children and Adults – A cross government strategy* (2011) as well as the statutory

guidance documents made specific references to the links between going missing and the harm of CSE. Published in October 2011, *Safeguarding children who may have been trafficked - Practice Guidance* replaced the 2007 trafficking guidance and developed new institutional arrangements such as the National Referral Mechanism for tackling trafficking. More recently in 2015 the Coalition Government launched the *Action Plan on Tackling Child Sexual Exploitation* introducing a new framework for responding to child sexual exploitation in the UK. The 2015 action plan follows a series of action plans formulated in 2011 and 2013. The main focus in these action plans was the safeguarding of children from sexual exploitation through multi-agency working to prevent sexual exploitation, protect children from harm and to prosecute perpetrators. All these texts were critically analysed with a view to identify knowledge statements about CSE and sexually exploited children as well as the strategies adopted and prioritised as effective responses to tackling the problem of CSE.

3.2. INTERVIEWS AND FOCUS GROUPS

The individual interview is another method of data collection that I have adopted particularly to collect data about practices of investigating, prosecuting CSE cases and supporting children and young people. To this end, I sought to engage with data from qualitative interviews of professionals engaged in tackling CSE. This data enabled me to examine the ‘tacit knowledges’ held by practitioners (i.e. police, prosecutors and support workers) and elicited through interviews.

Interview method is conceptualised as a partnership between the interviewer and the interviewee, as a “communicative performance and conversational journey” (Miller and Crabtree, 2004, p.187). It is a dialectic process involving both the interviewee and the interviewer in the production of knowledge (Gaskell, 2000; Kvale and Brinkmann, 2009). Schostak uses the hyphenated term ‘inter-view’ and explains that an interview is not a simple tool we can use to dig out information and describes it as a space where differing views, perspectives come to clash (2006). Schostak further notes that an ‘inter-view’ resonates with two key terms ‘inter-

subjectivity' and 'inter-textuality' and creates the foundation for "engagement with others, the openings for dialogue, the modes of drawing out views, the strategies for forming and framing questioning, the critical approaches to analysis, the strategies for representation politically, ethically and textually, and an approach to writing views" (Schostak, 2006, p.3-4). It is noted that "in-depth face-to-face interview has become the paradigmatic "feminist method"" (Kelly et al, 1994, as quoted in Bryman, 2012, p.491) because of the method's "malleability into a form that can support principles of feminism" (Bryman, 2012, p.493).

This thesis uses semi-structured interviews. Interviews can be structured, semi-structured or unstructured determined by the degree of structure and standardisation adopted by the researcher. The depth of the responses sought from the respondents often determines the type of interview method. As the name suggests, semi-structured interviews are relatively less structured offering some degree of structure and as well as flexibility, the two components needed for this thesis. Semi-structured interviews allow the scope for seeking clarifications and probing relevant new topics that arise in the interview process. I was guided by a topic guide/interview schedule (*See Appendix 2*) with key topics to be covered within the interview and the necessary prompts to ensure that the interview remained focussed on specific aspects that the thesis addresses (Bryman, 2012). This thesis requires some level of structure so areas of focus remain consistent across different participant groups, thus useful in making comparisons across multiple discourses, sites and organisations. On the other hand, a certain level of flexibility gives the scope for specificities to be taken on board and for follow-up questions to be asked.

Interview guides will consist mainly of 'grand tour' questions focussing on key themes of research, along with associated probes and prompts (Miller and Crabtree, 2004, p.191). Miller and Crabtree note that a "good grand tour question engages the respondent in the topic... must be broad, use clearly defined terms, provide necessary time and space perspectives, supply needed facts, stimulate memory, avoid jargon and emotionally loaded words, be easily and clearly

understandable, delimit the scope of the question, avoid suggesting an answer;” (2004, p.192). They further note that the ‘minitour’ questions in the form of clarifications and elaborations will add depth and vividness sought in individual qualitative interviews.

Houtkoop-Steenstra (2000) suggests that “interview results can only be understood as products of the contingencies of the interview situation and not, as usually assumed, unmediated expressions of respondents’ real opinions” (as quoted in Robson 2011, p.279). It is in this context that reflexivity, as an ethical consideration in feminist and postmodern scholarship becomes relevant. Accounting for the “context of discovery” is a critical component of reflexive practice (Harding quoted in Hesse- Biber and Leavy, 2004, p.310). The concept of reflexivity not only challenges the notion of value free and objective research, but actively seeks to account for subjectivity and aims to create knowledge incorporating an understanding of power relations in the research process (Burns and Chantler, 2011). Kvale and Brinkmann offer a quality checklist for interviews which includes the scope for rich, spontaneous and relevant answers, longer answers against shorter questions, a degree of follow-up, interpretation as a process within, and requiring no additional explanations (2009).

In addition to the interview method, this research has also used focus group discussion as a specific method for data gathering. A focus group is essentially a group interview involving several participants (Bryman 2012). Morgan notes that both individual interviews and focus groups yield qualitative data, and the choice of one against the other is context dependent (Morgan, 2004). Though similar to group interviews, focus groups differ in their conduct and outcomes. The interaction of several participants in a group setting and the role of the researcher as a moderator are two crucial elements that differentiate the method from individual interviews. Focus groups are groups specifically set up for data collection, facilitated by the researcher, and “locate[s] the interaction in a group’s discussion as the source of data” (Morgan, 2004, p.264). It is clear from published research on CSE that responses to child sexual exploitation in certain towns or local areas are

carried out in multi-agency partnerships or co-located teams (Jago et al, 2011; Palmer and Jenkins, 2014) where knowledge and experience of working with sexually exploited children and families may be collectively held. Focus group discussions with such teams are a useful means to understand and examine collectively held views, perceptions and experiences. There is more scope to elicit the dynamics of participants' understandings, perspectives and shifts in knowledge constituted inter-subjectively in a focus group as compared to individual interviews. The focus group discussions thus complement individual qualitative interviews. Focus groups are claimed to be a preferable method too in feminist research due to the perceived degree of control that participants have over their interactions (Morgan, 2004). While there is disagreement as to the size of groups, my preference is to undertake discussions in smaller rather than larger groups, considering the complexity and sensitivity of the topic of discussion. Morgan (2004) notes that small groups are more appropriate for high level participant involvement and particularly on topics that are emotionally charged. The ideal number for a focus group is said to be between 3 and 5 participants (Bryman, 2012, p.508). Accordingly I hoped keep the number of participants to a minimum of three and a maximum of six.

Focus groups have certain disadvantages: difficulty in getting elites together, participants not turning up, limited scope to pursue perspectives that fail to emerge in the discussion, and group dynamics as a barrier (Bauer and Gaskell, 2000). Ethical considerations such as informed consent, confidentiality, "openness to the not-yet known", comprehension of "mutual embeddedness in discourse and relations of power" (Davies and Gannon, 2011, p.314) are applicable to both individual interview method and focus group method due to its obtrusive nature and engagement with informants as 'humans-in-relation' (p.314).

3.2.1. Selection of participants for interview and focus groups

Participants for qualitative interviews and focus groups were chosen from four different local authority areas/police districts/Crown Prosecution Service areas in

England. The criteria for choosing these locations were determined by an initial review of literature and a media scan to enlist areas that are known to be either effective or ineffective in prosecuting crimes of child sexual exploitation. Participants were identified and approached using purposive sampling process, through known networks namely the National Working Group for Sexually Exploited Children (NWG), Association of Chief Police Officers (ACPO), Child Exploitation Online Protection (CEOP) Child Sexual Exploitation Task Group known to me from my previous experience of working in the field. Participants included practitioners who were, or are currently involved in the investigation and prosecution of child sexual exploitation cases or in supporting sexually exploited children.

This sub-section is a brief synopsis of the process of undertaking practitioner interviews and focus groups, its participants, and the gathering of the data and analysis. Of the 16 practitioner interviews conducted, 5 were with police officers involved in investigating crimes of child sexual exploitation, 4 were with social care workers who have been involved in safeguarding sexually exploited children, 6 were with young people's support workers from non-governmental organisations and 1 was with a former prosecutor from the Crown Prosecution Service. Despite having worked in the field for many years and also having significant number of contacts within the sector, obtaining access to individual interviewees has been a tedious and drawn out process. Access to CPS prosecutors proved to be particularly difficult. There were many gatekeepers who did not respond positively to requests for access to practitioners. Of the 16 individual interviews 5 were pilot interviews conducted with a police officer, a former prosecutor, a social care worker and two young people's workers. Data from pilot interviews was transcribed and analysed identifying the themes and patterns in the data generated. Analysis of data from pilot interviews helped to evaluate whether or not the interview questions generated relevant data to address the research questions that this thesis set out to address. Following the analysis the interview schedules were reviewed and amendments were made to the structure and order of questions within the interview schedule. The amendments added to the smooth flow and sequence of questions and responses.

The discussions in focus group were carried out in four different groups engaging a total of 55 practitioners. The groups were accessed through the National Working Group Network (NWG Network, as the name suggests, is a national network of organisations and practitioners working on CSE across England and Wales). The discussions were facilitated on the days the groups met as part of their quarterly meetings (practitioner's forum days) of the NWG network. The first focus group was with a group of 8 strategic CSE leads from different local authority areas. The second group consisted of police officers with a total of 13 officers. The third group facilitated at the NWG boys and young men's forum consisted of 15 practitioners. The fourth and final group was facilitated at the NWG CSE practitioner's forum and comprised of 19 practitioners. Three of these groups, except for the second group with 13 police officers, were mixed groups with participants from a range of agencies including police, health care, social care, non-governmental organisations, youth offending teams and representatives from local safeguarding children boards. The participants came from across the country representing various local authority areas and specialist teams. Their experience of working in the field of CSE ranged from weeks with some to decades of experience with others. Whilst individual interviews offered the depth of information, discussions in these focus groups provided the breadth of data allowing the researcher to develop insights that would not have been possible otherwise.

The interviewees as well as the participants in focus groups were invited to respond to questions or discussion points around a few key areas. These included: their understanding of the concept of CSE, shifts in their understanding of the concept, value and significance of prosecutions for practitioners and for children, challenges to the prosecution of cases involving crimes of CSE, relevance of 'consent' in understanding and responding to CSE, relevance of children's sexual knowledge and experience in the way CSE is conceptualised and responded to. In addition, interviewees were also asked to reflect on priorities for their teams and the values or ethos underpinning their work (*See interview schedule in Appendix 2*). The interviews were carried out mostly at the interviewee's place of work with an

exception of two where a public space convenient to both the interviewee and the researcher were chosen. The interviews lasted between 60 to 90 minutes and were audio recorded with consent from the interviewees. All participants were given the opportunity to look at the research information sheet and the consent form prior to the interview/group discussion (*See Appendix 3: Consent form*). Participants in the focus group discussions were invited to introduce themselves. They were then invited to share one word, image, phrase or thought that comes to their mind when they hear the phrase CSE. This exercise worked as an icebreaker and also as a starting point for beginning the discussion. The focus group discussions lasted between 90 minutes to 120 minutes and were also audio recorded with consent from the participants. Having reflected on the process of how I gathered the data, let me briefly explicate how I went about analysing the same.

4. DATA COLLECTION AND ANALYSIS

This thesis as mentioned above considers texts or data as ‘discursive embodiments’ (Olssen et al, 2004:3). Words, utterances, symbols and signs, statements within discourses are the starting and ending point for a discourse analysis informed by post-structuralist precepts (Graham, 2011). As a first step to analysing the texts and data from interviews and focus group discussions, I transcribed the audio recordings and broadly organised the data into topics and sub-topics. The analysis focussed on examining statements that constituted specific understandings of CSE, the classification and categorisation of sexually exploited children. It also interrogated the texts and data identifying the operation of the nexus of power, knowledge, truth as well as common sense understandings that circulated and re-emerged within the policy texts and practitioner’s discourses (Lazar, 2007). Statements or utterances within the texts that appeared frequently and worked to enunciate specific contents of knowledge were coded separately, noting the discursive relationships or entanglements that those statements had with other statements examining the discursive fragments that appear, reappear and circulate within a specific text or practice. These statements/ utterances were identified with

the objective of understanding what they do i.e. their political and constitutive effects.

Analysis further interrogated the specific forms in which attrition is thought about highlighting the rationalities underpinning the specific ways of thinking about attrition. The analysis explicated how children's subject positions emerged in and through discourses and ascertained the discursive events, if any, and the positions of those involved in their production. Questions informing analysis included: what are the discursive utterances that constitute the specific subjectivities of the children? Through what mechanisms of power do these statements of knowledge construct children's sexual subjectivities? What are the key themes and rhetorical devices that are deployed in the construction of sexual subjectivities and with what effects? To what rationalities/logics do different actors appeal to when they engage with the criminal justice system? What is central in those discourses? How is the problem of attrition thought about? What responses are proposed as a result of the ways in which attrition is thought about? And more importantly, how do constructions of children's sexualities vary or conform within and across discourses? What discourses appear to be dominant and what effects do such dominant discourses have? The emerging analysis is then organised into three groups presented across three chapters against the three questions that this thesis set out to address: the sexual subjectivities of children (presented in Chapter 5), 'problematization' of attrition (presented in Chapter 6) and finally the 'conditions of possibility' for attrition (presented in Chapter 7).

4.1. CHALLENGES AND LIMITATIONS

As I have indicated in Chapter 1 and in this chapter, I have made specific choices in carrying out this research. Firstly, the choice to examine contemporary CSE discourses through examining policy texts and data from practitioners excludes other sources and knowers who co-produce the body of knowledge on CSE. This thesis does not include amongst its participants children and others such as family members whose lives are affected by sexual exploitation. Secondly, the study is

specific in its geographical and temporal location to England and Wales and to examining contemporary discourses spanning the period from 1996-2016. Further, I have adopted an assemblage of CDA, feminist empiricism and Foucauldian power analytics. This kind of assemblage or ‘multiperspectival’ approach to seeking data and its analysis, as Jorgensen and Philips call it (2002, p. 15), may be criticised as eclectic. It is important, however, to emphasise that multiperspectival approach is different from “eclecticism based on a mishmash of disparate approaches without serious assessment of their relations with each other” (Jorgensen and Philips, 2002, p.15). Operationalising this assemblage has been a challenging exercise both in terms of time and in terms of the complexity of combining divergent methodologies with differing epistemological and ontological tenets.

Cousin aptly writes in her discussion of positionality that “the self is the research tool, and thus intimately connected to the methods we deploy”(2010, p.10). It is vital to reflect on my subjectivity and how it may have influenced, affected or contributed to the thesis at different stages. Some participants knew my background of working in CSE field and others found out as to how I came to be interested in this research. Others became aware of my previous connection with the sector through being introduced by those people through whom I made the contact. This has clearly influenced the way some of them responded to the interview questions. For instance, one interviewee constantly referred to ‘as you know very well’. A couple of interviewees on occasion felt that I understood what they are referring to and I had to probe the interviewee to expand on what they meant. The participants’ idea of who I am has also had a bearing on what is talked about. One example is that of a participant recalling personal experience of being a parent to a child going through a court case. While it was not necessary to disclose personal information, the practitioner perhaps felt that I could be trusted with such information. The sense of trust that the practitioner may have felt could be down to their perception of me as a campaigner for effective support to parents affected by the exploitation of their children.

There were also times when I should not have responded the way I had. In one of the group discussions one participant said that she is now part of a multi-agency team which is the only team working in that particular area. I responded stating that some years ago there were a few projects proactively working on CSE in that area. Upon reflection I felt that I should not have said as it was giving an impression that my experience of the field goes back in years. It was as though I am projecting my knowledge and experience which may have put off some participants or made them watchful about what to or what not to say.

With respect to the analysis of data, a significant limitation is what Widdowson calls pretext in the form of bias, social location, and partiality on the part of the analyst. Pretext, Widdowson writes, can motivate the discourse analyst to select some textual features to the exclusion of others (Widdowson, 2004). My work experience and engagement with people affected by issues of sexual violence has left a permanent impression on me and it would be wrong to assume that it has not had any influence on my interpretation of the data. Cooper notes that all researchers come with certain vantage points from which they come to interpret data and the vantage-points serve as a compass in eliciting the stance/position the researcher adopts in relation to the data (Cooper, 2009). The compass from which I am carrying out this research and writing up the thesis could be a mixed blessing. Whilst I have made every effort to ensure that the reading of texts and other data is impartial and self-critical, it is vital to recognise that this exercise is inter-active and that I am part of the co-production of data.

Another challenge was around practitioner' expectations of the research outcome. Many expressed that they are glad someone is exploring the issue of attrition and the lack of prosecutions in cases involving crimes of CSE. There is an expectation that the output of the research will contribute to CSE practice or knowledge around prosecuting CSE cases. The researcher had to clarify that the data collected is mainly to inform a PhD thesis and that the findings will be shared in the form of journal articles and conference papers. Practitioners also saw me and my research

as a medium to share perspectives that they consider are useful in developing good practice in this area of work.

In addition to these factors, gaining access to practitioners proved challenging despite having contacts in the field of CSE. Child sexual exploitation is discussed a lot in current political and media circles and it is a challenging time for agencies working to tackle the issue. Unhelpful media attention, and implications for communal harmony in areas where the issue disproportionately affect specific communities, pending court proceedings, were barriers to participants engaging in this research. Furthermore, in a climate where naming and shaming of safeguarding agencies has become the norm, practitioners were sceptical about engaging with the research. I am aware that practitioners are hard pressed for time with heavy caseloads, and that engaging in research often takes a back seat in their list of priorities. To overcome some of these barriers and to assure participants and those authorising their involvement in research, I have provided them with a brief description of research clearly stating its aims, explaining how the findings will be used. All the participants were offered the opportunity to discuss the project before being asked to read and sign a consent form, thus enabling them to make informed choices about their involvement in the research. I have taken appropriate precautions to ensure all information about participants and interview data is stored anonymously through coding identifiable data and through ensuring all electronic documents are password protected and all physical documents are stored in lockable cabinets. No information that is likely to compromise or identify personal/sensitive data, either of participants or others who may be affected such as children, family members, perpetrators, witnesses, is published. Data categorised as *sub judice* are also excluded from publication.

CONCLUSION

This chapter has provided an insight into the how I went about 'doing discourse analysis'. It has elaborated on the rationale for choosing an assemblage of CDA, feminist empiricism and Foucauldian power analytics and in doing so clarified the

epistemological and ontological positions that guide the conduct of this thesis. This chapter has explicated the methods adopted for collecting data and noted how the reading of texts, interviewing and discussion in focus groups with specialist CSE practitioners enabled the researcher to gather the data necessary to analyse both discursive and non-discursive practices. I have also reflected on my position as someone who has practised in the field of CSE and its impact on the choices made in the process of framing research questions, choosing methods, selecting participants, collecting and analysing data and on the interpretation of the research outputs. The following chapter presents the analysis of texts and data from practitioners examining how these data constructed children's sexual subjectivities. As alluded to above, the chapter identifies various discursive elements constituting knowledge statements about sexually exploited children and examines the operation of the technologies of power in constructing those subjectivities.

CHAPTER 5

SEXUAL SUBJECTIVITIES OF CHILDREN – A DISCURSIVE ANALYSIS

INTRODUCTION

The two preceding chapters laid out the theoretical and methodological precepts underpinning this thesis. This chapter examines policy and practitioner discourses on CSE. It critically analyses the ways sexually exploited children are talked about, the ways in which their subject positions are constructed in those discourses and the effects of those constructions on the prosecution of CSE crimes. As I have elaborated in Chapter 4 this thesis understands the term 'discourse' broadly and is not limited to a linguistic understanding in terms of spoken language or grammar. The analysis presented in this chapter primarily addresses the first research question: how are children's sexual subjectivities 'constructed' in contemporary discourses on CSE and what effects are produced through those constructions in the prosecution of crimes of CSE?

This chapter is organised into four sections. The first section briefly clarifies key terms used. It outlines the theory and methodology that undergird this analysis and provides an overview of the sources of data. The second section identifies key statements or discursive elements that come to constitute children's sexual subjectivities. Drawing from two sets of data (i.e. policy texts, data from interviews and focus group discussions), this section presents a number of discursive utterances clustered into three headings: utterances around the notion of risk, utterances around the notion of children as (un)knowing and utterances around children as (a)sexual beings. The third section of this chapter critically interrogates the operation of the power-knowledge-truth nexus within the discourses analysed and the effects that the nexus produces. It examines the interaction between statements of knowledge, such as the statements around risk, children as (un)knowing and as (a)sexual, and the technologies

of power such as the risk assessments, explicating how the nexus between key statements of knowledge and technologies of power renders some knowledge statements as truths. In the final section, it draws attention to the effects of the operation of the nexus between knowledge statements and technologies of power evidenced in the construction of children's sexual subjectivities. The section below clarifies, very briefly, the terminology, the sources of data and the approach to analysis.

1. A BRIEF NOTE ON TERMINOLOGY AND SOURCES OF DATA

The term 'policy' refers to a statement of intent by those making the policy. The formulation of policy is a political-social process and policies have real effects on identities and social practices. As I have detailed in Chapter 4 policy texts that this thesis analyses emanate primarily from the UK government departments and statutory bodies. This thesis acknowledges that texts can portray different ideologies depending on the source from which they emanate. However, the aim of this thesis is not to inquire into the intent or ideology underpinning the texts. Rather, it seeks to elucidate the operation of the nexus between power-knowledge-truth within these texts, the claims to truth made in them and the effects that certain truth claims will have on children's subjective experiences as well as on the prosecution of CSE crimes. How then does this thesis understand the concept of the 'subject' or 'subjectivity'? A detailed examination of the concept of subjectivity can be found in Chapter 3. The following paragraph briefly outlines its meaning.

With its origins in Latin, the term 'subject' can be understood as a "fundamental stratum upon which other qualities, such as predicates, accidents and other attributes may be based" (Loizidou, 2007: 61). This thesis engages with the concept of subjectivity in a Foucauldian sense, where subjectivity is produced in and through discourse as opposed to being grounded in an understanding of subjects as agents who actively seek to use

discourse or communicate ideas in a Schmidtian sense (Bacchi and Rönnblom, 2014). Discourse for Schmidt is a communicative exercise where ideas are communicated and deliberated. Agents involved in that communicative exercise are thinking and talking beings who can consciously articulate, and indulge in deliberation and negotiation (Bacchi and Rönnblom, 2014). Allen writes that Foucault's subjects are constituted through "complex, multiple, shifting relations of power in their social field" as well as enabled to take up specific positions through those very relations (2002, p.135). As discussed in Chapter 3, the Foucauldian subject is discursively produced emerging through historical practices of power, knowledge and truth. In the sections that follow, this chapter will examine these practices within policy and practitioners' discourses on CSE in their production of children's subjectivities. This thesis draws on concepts such as power, subjectivity, sexuality, knowledge and truth developed in Foucault's writing and in post-structural feminist theory (See Chapter 3).

The texts for analysis were chosen from a 20 year period between 1996 and 2016 using the technique of corpus construction²⁹. In addition to the corpus of texts, data were also gathered through face to face interviews and focus group discussions with practitioners who were and are involved in safeguarding sexually exploited children. A total of 16 interviews were carried out with practitioners. A total of 55 practitioners participated in the focus group discussions³⁰. Having briefly clarified the meanings of terms used and the sources of data analysed in this thesis, the following section identifies the discursive utterances within policy texts and practitioners' responses, with the objective of understanding what those utterances do, i.e. questioning the "constitutive or political effects of saying this instead of

²⁹ Chapter 4 provides more detail on the technique of corpus construction, and describes the texts chosen for analysis.

³⁰ Chapter 4 provides a detailed description of the research participants, the process of data collection and the tools used for data gathering.

that might be?” (Graham, 2011, p.667; Graham, 2005). In the discussion presented below, the discursive utterances with potential for constitutive effects are referred to as ‘knowledge statements’. The corpus of texts listed in *Appendix 1* and the responses of practitioners who were interviewed or took part in focus group discussions together constituted a body of knowledge, made up of discursive statements, practices and truth claims. Using Foucauldian theorisation of power-knowledge-truth nexus in the formation of subjects as the basis for analysis, I identify the discursive utterances in this body of knowledge under three clusters, namely, those around risk, around children as (un)knowing and around children as (a)sexual.

2. KNOWLEDGE STATEMENTS WITHIN POLICY TEXTS AND PRACTITIONERS’ RESPONSES

The starting point for this analysis is the identification of utterances, signs, statements or discursive elements within policy texts and the data from practitioner interviews/discussions. Throughout this thesis I use terms ‘utterances’, ‘discursive elements’ and ‘statements’ interchangeably to refer to the basic units of my analysis. This section draws attention to the existence of discursive elements dispersed across the policy texts and data generated through interviews/focus groups discussions that cluster together or relate to (a) the notion of risk, (b) to the notion of children as (un)knowing and finally (c) to the notion of children as (a)sexual beings.

2.1 KNOWLEDGE STATEMENTS ON THE NOTION OF RISK

The analysis of data indicated the presence of multiple statements around the notion of risk. Risk is noted as all pervasive i.e. any child may be at risk regardless of their family background, circumstances, sex or gender identity. Hallet (2017) too makes a similar observation in her analysis of policy discourses on CSE. The predominance of phrases such as ‘at risk’, ‘risk of

harm', 'risk assessments', 'risk factors', 'risk based responses' were noted both within policy texts and practitioners' responses. However, it is important to acknowledge that with regard to the interviews, practitioners were asked to discuss how they understand risk and were invited to talk about any tools, techniques they use in their day to day practice which often led to a discussion about risk assessments or risk matrices. Practitioners' discourse therefore cannot be said to be naturally saturated with statements of risk. Some practitioners talked about risk without being asked to comment specifically about risk, while others talked about risk only in response to questions around risk. Thus the presence of statements around risk within practitioners' responses is partly the result of the questions they were responding to. It is therefore important to underline my role as a researcher in generating the verbosity around the notion of risk.

The statements regarding risk appear at various locations and contexts within the data analysed. It was evident that the meaning of the term 'risk' varies when it is used in conjunction with different words or when deployed in varied contexts. First and foremost statements relating to risk were deployed in talking about the harm experienced by sexually exploited children. The following excerpts from policy texts indicate the emphasis accorded to the notion of risk of harm that children are likely to experience and the need to minimise the same. The Department for Children, Schools and Families guidance (2009) document on *Safeguarding Children and Young People from Sexual Exploitation* (hereafter DCSF 2009 guidance) is the supplementary guidance to *Working Together to Safeguard Children* (HM Government, 2015) and aims to support local agencies in identifying children at risk of sexual exploitation, to safeguard and promote their welfare, to take action against exploiters and to develop local strategies to prevent sexual exploitation. The DCSF 2009 guidance is the key document

informing practice responses to CSE up until 2017³¹. As reflected in the excerpts below, statements around risk appear frequently in the DCSF 2009 guidance.

*“Sexual exploitation results in children and young people **suffering harm, and causes significant damage** to their physical and mental health. Some young people may be supported to recover whilst others may **suffer serious life-long impairments** which may, on occasion, **lead to their death**, for example through suicide or murder.” (Department for Children, Schools and Families, 2009, p.10 emphasis added)*

*“The **earlier that sexual exploitation, or likelihood of it, can be identified**, the more opportunities there are to prevent or **minimise the harm suffered** by a child or young person.” (Department for Children, Schools and Families, 2009, p.42 emphasis added)*

*“All forms of sexual exploitation, including ‘localised grooming’, are harmful, resulting in a number of alterations to the victim’s behaviour. **The level of harm escalates according to the extent of the grooming** and sexual exploitation.” (Child Exploitation and Online Protection, 2011, p.22 emphasis added)*

“The CSEGG [Child Sexual Exploitation in Groups and Gangs] Inquiry reported that 85 per cent of the sexually exploited children who were

³¹Local agencies are expected to develop strategies and working practices in line with both the core guidance i.e. *Working Together to Safeguard Children* and supplementary guidance such as the *Safeguarding Children from Sexual Exploitation* issued by the Department for Children, Schools and Families in 2009. The Department of Education guidance on Child Sexual Exploitation (Department for Education, 2017) replaced the 2009 supplementary guidance.

interviewed had either self harmed or attempted suicide as a result of sexual exploitation.” (Health Working Group Report, 2014, p.17)

“Let’s be absolutely clear - a teenager at risk of child sexual exploitation is a child at risk of significant harm. Nothing should stand in the way of sharing information in relation to child sexual abuse, even where there are issues with consent.” (Government Communication, 2015, p.2 emphasis added)³²

As elucidated in the excerpts above, policy texts refer to harms caused by sexual exploitation to children’s physical, sexual, mental as well as social health. Being at risk of CSE is talked about as being at risk of significant harm. Children are either at risk of being exploited or already experiencing sexual exploitation. In both of these instances the risk needs to be prevented i.e. the risk of a child becoming a victim of sexual exploitation and the risk of further harm where they are already victimised. The policy texts mandate the agencies with statutory child protection responsibilities to take cognisance of the risk of harm and to respond to the safeguarding needs of children effectively, as is evident in expressions that early identification is key to harm minimisation or that ‘nothing should stand in the way of sharing information in relation to child sexual abuse’.

The discussion of risk indicators is another context in which statements around risk appear in policy and practitioner discourses. Risk indicators are a regular feature of most, if not all, the policy and guidance documents. The DCSF 2009 guidance document provided a list of indicators as a guide for assessing the young person’s needs and circumstances or as a means to prompt information sharing amongst professionals and agencies

³² Letter to the Chief Executives of local authorities, Directors of Children’s Services, Police and Crime Commissioners, Local Safeguarding Children’s Boards, Health and Wellbeing Boards and GPs dated 03 March 2015

(Department for Children, Schools and Families, 2009, p.43). The DCSF 2009 guidance document and other policy texts (see HM Government, 2015; Department for Education, 2011; Child Exploitation and Online Protection, 2011; Health Working Group, 2014) highlight some of the signs and behaviours indicating that a child is being exploited, such as missing from home or care, the presence of physical injuries, misuse of drugs or alcohol, involvement in offending, teenage pregnancies, sexually transmitted infections, absence from school, estrangement from family or other support networks, receiving gifts from unknown sources, poor mental health and self-harm. These signs, behaviours also referred to as 'warning signs' (Department for Children, Schools and Families, 2009, p.25, 56), 'risk identification checklists' (Health Working Group, 2014, p.21-22) are used as a guide to determine whether or not a child is being sexually exploited. Once a child has come to the attention of safeguarding agencies either through a disclosure of abuse made by the child, or through a concern raised by others about their welfare, these risk indicators provide the criteria against which the level of risk to the child is assessed. The following excerpts indicate the purpose and importance of risk indicators.

*“The **indicators are intended as a guide** which can be used during an assessment of the young person’s needs and circumstances. In effective practice the facts gathered **during an assessment** of each child should be considered carefully **when making decisions about how best to safeguard and promote their welfare.**” (Department for Children, Schools and Families, 2009, p. 42 Emphasis added)*

*“The Government believes that **robust and reliable risk assessments** by LSCBs [Local Safeguarding Children Boards] of the nature and extent of child sexual exploitation in each area **are fundamental to tackling the problem.**” (Department for Education, 2011a, p.11 Emphasis added)*

These two extracts suggests that the checklists or indicators are a useful guide for identifying children at risk of sexual exploitation and for assessing the level of risk they experience or may potentially experience. In addition to their importance in assessing risk at an individual level, they are a means for assessing risks at local area level, for developing problem profiles and local strategies as well as for managing the allocation of resources within the local areas. Risk assessments are therefore significant both as a guide to assess the risk to the child and as a strategy for managing local authority response to CSE. The report by the Office of the Children's Commissioner too affirms that risk assessments were used in some form or other by 84% of the local safeguarding children boards (Berelowitz et al, 2013, p.30-31). The report highlighted that there are no agreed indicators of CSE amongst agencies. The checklists and indicators are a subject of constant discussion and reform, as is evident from changes made to checklists in various texts overtime.

Practitioners too referred to risk indicators and risk assessments in the interviews and focus group discussions and highlighted the challenges associated with the lack of a shared understanding of indicators of sexual exploitation. They stressed that the lack of a shared understanding of indicators amongst agencies meant that assessment outcomes varied across agencies and subsequently affected decisions as to what responses should be made, when and by whom to safeguard children from sexual exploitation. Practitioners stated that risk assessments are generally completed by social care workers who are based either in specialist CSE teams or in the local area teams of children's social care. Others noted that the risk assessments are often multi-agency assessments where information about risks identified are fed into assessments by all professionals involved with the safeguarding of that specific child. Practitioners stated that professionals working in multi-agency teams work to a shared definition of CSE and objective of safeguarding children. However, some practitioners expressed concern that varying thresholds and priorities for intervention

among agencies remain a barrier in offering coordinated support to the young person. The following excerpts from practitioner interviews illustrate the challenges that the lack of a common and shared practice in risk assessments can bring:

*“(Y)ou may find **we will accept a young person who is at risk of being exploited and do direct one to one work. Whereas children’s social care will possibly [only] take them on only if they are experiencing exploitation....so there is evidence of it or at high risk of it. You tend to find that they are probably at crisis level or the family is at risk of breaking down. You know they are not going into education;**” (Young People’s Worker 03 Emphasis added)*

*“Professionals get very angry at children (...) for not protecting themselves. ‘Why do you go back? You are choosing to do this’. So the intolerant attitudes that society has towards teenagers in general is reflected in their intolerance towards teenagers and sexual exploitation. Surely you may have had this before...; **‘why are you choosing to do that?’** and you see that coming through people's responses. ‘Well we tried everything; **we tried to help you.** If you don’t want help...tough. **You are placing yourself at risk.**’ If you translate that to a different situation you know they wouldn't say that about an adult victim of something else. But towards a child, who is a teenager in particular, it is like... ‘Well you had the information. You have had the help. Why are you being difficult? Why are you not protecting yourself?’ It is that intolerance. The intolerance that exists normally towards young people in general translates to victims of abuse, violence, exploitation. **Because the child is not protecting themselves because they seem to be part of the process therefore you go back to be the undeserving... you know... victims. You have got the deserving victims:** the ones that it is quite clear that somebody targeted them; they are now in quite*

shock about what has happened; and you know... they are not known to social care. You will follow those and 'oh they are absolute victims who had terrible things that has happened to them'. You then have the children and young people that seem to have an active role in what's happening and surely they are to blame. And that is still coming through even in professionals that are linked to specialist teams. The attitudes are still there and that is my frustration."
(*Young People's Worker 05 Emphasis added*)

The above excerpt from the *Young People's Worker 03* suggests a lack of a shared understanding of the thresholds that needs to be met to trigger safeguarding responses to sexually exploited children. The thresholds for some agencies for accepting referrals are lower compared to others. As the *Young People's Worker* notes, referrals are accepted by their team which is developed by a children's charity, when a young person is assessed to be at risk of being sexually exploited. On the contrary, the social care teams may work to a higher threshold and may engage with a child only when there is clear evidence of exploitation affecting the child's engagement in education and their family life. The second excerpt from *Young People's Worker 05* highlights intolerant professional attitudes towards teenagers who do not readily engage with the offers of help and support. The excerpt indicates a hierarchy of victims: absolute victims and undeserving victims. Children who engage with the support offered to them, who show signs of shock, and who are not known to social care prior to being identified as victims of CSE are perceived as the absolute (deserving) victims. In contrast, children who do not readily accept offers of support or who go back to the perpetrators or do not attempt to protect themselves, are seen as the undeserving victims. The comment from the *Young People's Worker 05* draws attention to attitudes amongst professionals that constitute some children as partly responsible for their exploitation and consequently to be blamed. These problematic attitudes have been heavily criticised in both national and regional inquiries and reports, as I will explore later. The words of the *Young*

People's Worker 05 affirm that child blaming attitudes continue to persist, despite the powerful policy rhetoric that children should not be blamed for their abuse.

Furthermore, risk assessments were noted as lengthy, time consuming and not young people friendly by two young people's workers. Reflecting on the challenges to carrying out a risk assessment one practitioner noted:

*"Because of **the scoring system**, whilst that can be useful, it also, I think, you know... **people don't fit into boxes** as we would like them to. So sometimes a young person may, you know... it doesn't always fit with our young people. Someone might score low on lots of things but then on one thing they are scoring a 5. In reality you might want to give them a 20. But this form doesn't let you do that. So it doesn't always reflect the level of risk that we want it to. So it should be used with... **the scoring should be used with caution really.**" (Young People's Worker 02 Emphasis added)*

The challenges to assessments using the scoring system noted by the young people's worker in the excerpt above are important. The interviewee identifies that assessments based on rigid categories and numeric scores are not likely to capture the circumstances of children subjected to those assessments and consequently can result in safeguarding interventions that are not responsive to children's needs.

Lastly, another context in which statements of risk appear is in descriptions of sexually exploited children by professionals. I will first examine the statements from some policy texts before exploring practitioners' responses. The following excerpts from independent inquiries and reports identify child blaming attitudes among professionals involved in safeguarding:

*“Inquiry heard harrowing stories, from children themselves as well as professionals, of what happens when children go missing from care, including the physical and sexual abuse they encounter. This abuse is exacerbated by an attitude among some professionals that these **children are “troublesome”, “promiscuous” “criminals” or “slags who knew what they were getting themselves into”** – rather than extremely vulnerable young people in need of support. This means that **signs of abuse or exploitation can go undetected** – leaving children unprotected and abusers unpunished.” (All Party Parliamentary Group, 2012, p.7 Emphasis added)*

*“Evidence from a practitioner working with children and young people at risk of CSE who asked to be anonymised stated “The response from professionals towards young people at risk of CSE varies dramatically. On the whole dedication to help can be witnessed and the willingness to protect and safeguard can be observed. However, **there have been several occasions in which the young people report they feel victimised, problematised and ultimately not listened to.** One girl commented that she has been called ‘slag’ and ‘white trash’ by a beat-officer, another said she was one (sic) told after disclosing a sexual transgression ‘...what do you expect dressed like that, you’re looking for it...’” (All Party Parliamentary Group, 2012, p.45 Emphasis added)*

*“There has been a failure among care professionals to recognise the fact that some children are being exploited. Instead many **professionals referred to them as being ‘promiscuous’, engaging in ‘risky behaviour’ or having ‘consented’ to sexual activity.** The Office of the Children’s Commissioner interim report listed a number of references to such behaviour that were included in submissions to their inquiry: **the young person was “prostituting herself”, “risk-***

fuelled”, “sexually available” or even “asking for it”. (House of Commons Home Affairs Committee, 2013, p.12 emphasis added)

*“The attitude of professionals, such as police officers and social workers, towards a child who has been missing can have a big impact on how they will engage with subsequent investigations and protection planning. **However “streetwise” they may appear, they are children and may be extremely vulnerable to multiple risks.**” (Department for Education, 2014: 14 Emphasis added)*

The above excerpts from independent inquiries and reports highlight the problematic nature of professional attitudes that result in victim blaming. Professional attitudes that blamed children for putting themselves at risk were noted in reports as recently as 2015. The submissions made to the Home Affairs Select Committee inquiry identified professional descriptions of young people as “risk-fuelled”. Both the Office of the Children’s Commissioner’s inquiry and the Casey report highlighted that some professionals referred to children as putting themselves in risky situations (Berelowitz et al, 2013; Casey, 2015).

Practitioners who took part in the interviews and focus group discussions for this thesis also expressed that practitioners’ blaming a child is not a relic of the past. The words of the Young People’s Worker 05 quoted earlier exemplify professional attitudes that place the blame on children for the exploitation. Another interviewee from social care noted:

“There are words that you don’t want to hear amongst professionals even. You hear certain words being used that imply that the young person is promiscuous. We still get referrals that say this child was dressed provocatively. Just simple things like that put the blame directly on the young person.” (Social Care Worker 03).

“I still hear the term child prostitute used by professionals which for me is very worrying.” (Focus Group Discussion 03)

*“Well I have heard it said....’**why is it exploitation? They are old enough to consent’.***

*Yeah... **you get that quite often, especially if they are going off their own volition.** It is like the old fashioned rape scenario. Isn’t it? You can’t understand being raped by your boyfriend. It is exactly the same. It is not somebody grabbing them and pulling them into the car and I think that is a problem.” (Focus Group Discussion 04, Emphasis added)*

In addition to identifying professional descriptions of sexually exploited children as promiscuous, putting themselves at risk, a number of references to self-blame amongst children have been made by practitioners in one to one interviews and focus group discussions. They have noted that children often feel they are to blame for the abuse they endured. Children’s sense of self-blame is exacerbated by problematic professional attitudes and the lack of belief that children experience when they disclose abuse. Practitioners highlighted that children have to constantly justify their action during investigative and prosecutorial processes; when cases are dropped; or when perpetrators are acquitted. The professional attitudes identified both in the reports of independent public bodies as well as in practitioners’ responses are in stark contrast to the rhetoric of policy that child sexual exploitation is a form of child abuse requiring a child protection response and that sexually exploited children are victims of abuse. These attitudes are problematic in two respects. Firstly, such attitudes lead to professional conception of children as being responsible for the abuse and consequently not recognising children as victims. Secondly, they reproduce the sense of self-blame already experienced by children.

In this sub-section I have thus far examined discursive elements surrounding the notion of risk. It is evident that the notion of risk is deployed in varied contexts and locations within policy texts and practitioner responses. Discursive statements of risk were noted in talking about the risk of harm to sexually exploited children, in exposing problematic attitudes amongst professionals. Discursive statements of risk prevailed when discussing risk indicators, which are used as a guide to assess risks to children at an individual level and as a strategy in developing problem profiles and subsequent responses to CSE at local authority level. We have also noted the lack of a shared understanding of risk indicators and that challenges exist in the process of assessing risks. We will return to a discussion of how these discursive elements on the notion of risk contribute to the production of specific sexual subjectivities of children in the later part of this chapter. But before that I will examine other knowledge statements relevant to this discussion.

2.2. KNOWLEDGE STATEMENTS ABOUT CHILDREN AS (UN)KNOWING

This sub-section examines the discursive elements relating to the notion of sexually exploited children as both knowing and unknowing. I will begin with a particular statement, recurring both within policy texts and practitioner responses that sexually exploited children do not recognise themselves as victims. The following excerpts exemplify how the child's lack of recognition of abuse and of the manipulation perpetrated by their exploiters, is talked about:

*“A key difficulty in tackling child sexual exploitation is the fact that **all too often victims do not themselves recognise or acknowledge that they are being exploited**” (Department of Education, 2011, p.7 *Emphasis added*).*

*“Because of the grooming methods used by their abusers, **it is very common for children and young people who are sexually exploited not to recognise that they are being abused.** The needs of children and particularly of young people aged 16 and 17 years are likely to be overlooked for this reason. Although faced with limited choice, **they may believe themselves to be acting voluntarily.** It may take many weeks or months for practitioners who work with young people to build up their trust, help them to recognise that they are being sexually exploited by challenging their perceptions with factual information, and overcome their resistance to interventions.”*
(Department for Children, Schools and Families, 2009, p.21 Emphasis added)

*“Practitioners should also be aware that many children and young people who are **victims of sexual exploitation do not recognise themselves as such.**”* (Department for Education, 2012, p. 2 Emphasis added)

*“(P)rofessionals who are assessing the views of the children involved must be aware that **those who coerce and abuse them may have ‘groomed’ them and conditioned their responses and that, therefore, they are capable of denying their abuse and coercion.**”*
(Department of Health, 2000, p.21 Emphasis added)

The excerpts above identify the impact of grooming on children’s perception of themselves as well as the coercion, the abuse and the exploitation they are subjected to. They stress that children may believe themselves to be acting voluntarily despite the circumstances limiting their choices. Therefore, they may not acknowledge themselves to be victims of exploitation. Children may even deny the abuse and the coercion they may experience. The excerpts above stress the need for professionals working with young people to be aware of the impact of grooming on children’s

perception of themselves and also the conditioning of their responses that may result from the grooming process.

Practitioners too emphasised in interviewees and group discussions that children do not always recognise the process of grooming or the manipulation that the perpetrators subject them to and thus do not envision themselves as victims of exploitation. They highlighted that the grooming process makes it difficult for the young person to realise that they are being exploited and that young people can perceive the gifts, attention and affection they receive from perpetrators as rewards for being in a relationship. Practitioners also noted that children's perception is further compounded by their lack of understanding or experience of what constitutes a healthy relationship or informed consent. This enunciation of children as unknowing victims is recurrent in practitioner responses as is evidenced in the excerpts below:

*"The way it (grooming) is happening, the young people don't see the risk. **Young people we are working with don't consider themselves to be ...being exploited a majority of the time.** So that is where we focus our long term work." (Social Care Worker 03 Emphasis added)*

*"It is recognised anyway that **the biggest challenge** [to prosecuting CSE cases] **is with the victims, through either not recognising that they are victims** or for me from what I understand now from speaking with Jackson (a survivor) is recognising that they are a victim, but not being at that tipping point when they're ready to do anything about it." (Police Officer 01 Emphasis added)*

*"Now **in CSE cases a lot of the time the victims don't know they are victims** and if they do know they are victims, they still do not want to talk to us [police]." (Police Officer 05 Emphasis added)*

“Sexuality may be another one...males especially that they might have had an erection during the CSE or made to do things that obviously they didn’t want to do. But then, the confusion that comes with that, and the embarrassment and the shame of it. Actually...did I get it on myself? Did I enjoy it? Because I got an erection. Young people are ...there are lots of things like ‘boys don’t cry’...” (Young People’s Worker 02)

*“It is like... I always say when grooming is done well and when you see those ‘experts’ in it, those guys that know so well what they are doing. **When the exploitation takes place and it is well done, the child totally believes that she [the child] is the responsible one.** And that is pure exploitation where young person doesn't even question their responsibility in it. And when you got a child that doesn't question their responsibility, their role in it, a lot of professionals aren’t prepared to question that either.” (Young People’s Worker 05 Emphasis added)*

The excerpts noted above from practitioners’ responses stress that young people are either unaware of the abuse or that their understanding is marred by the sophisticated process of grooming deployed by the perpetrators. They further elucidate that self-blame resulting from sophisticated grooming can go unchallenged by professionals working with children, often resulting in failure to recognise children as victims of abuse. These excerpts also indicate that disclosures of abuse are not always willingly made by children to the police. The lack of willingness to disclose by the young people, delay in disclosures, the mode of disclosures which can often be partial, piecemeal or contradictory were noted as a significant challenge to carrying out effective investigations by most police officers who participated in the research. The reluctance to disclose on the part of the victim of sexual exploitation identified above, in the excerpts from the police interviewees, differentiates the cases of CSE from cases involving

other forms of child sexual abuse such as familial abuse. The police interviewee reflecting on how CSE differs from other forms of child sexual abuse noted that the point of departure for police investigation in familial child sexual abuse cases is a disclosure from a child that she has suffered abuse. In contrast to children affected by familial sexual abuse, children sexually exploited by people outside the family and are subjected to grooming do not recognise themselves to be victims and are supported to the point of disclosure.

The description of children as unknowing and as unwilling complainants is therefore observed both within policy texts and practitioner responses. The descriptions of children as unknowing are further supplemented with statements denoting that children are groomed to give consent.

*“It is important to recognise that **young people**, particularly girls, **may be physically and emotionally dependent on the coercer despite the violence endured**, for the sake of “love”. The fact that outsiders would consider this a delusion does not make it any less real for the individual concerned. **Although the young person may claim to be acting “voluntarily”, in reality this is not voluntary or consenting behaviour.** When working with young people, all agencies must recognise the strength of this attachment and the time and difficulty there may be in breaking it and helping the young person to attach to appropriate adults.” (Department of Health, 2000, p.16 Emphasis added)*

“(I)n the context of CSE ‘consent’ is a particularly toxic concept. Victims of entrenched and systematic abuse will have been ‘groomed’ by perpetrators, who will have ensured their total submission and so called ‘consent’ through early manipulation and later threats and intimidation.” (Department for Communities and Local Government, 2015, p.6)

“Child sexual exploitation is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them.” (HM Government, 2015, p.9 emphasis in original)

These discursive statements within policy texts contain an imperative that practitioners should view consent with a caveat that consent obtained through grooming is limited or constrained and not “true consent” (Department for Education, 2012, p.2). It emphasises the role of perpetrators who obtain consent through manipulation, threats and intimidation. Consent, in these specific texts quoted above, is considered as irrelevant even where the child believes s/he is involved in sexual activity voluntarily. The policy texts referred to above conceptualise consent as irrelevant in CSE cases. Recent changes in policy and legislation consolidate this form of conceptualisation of consent as non-existent in circumstances involving manipulation, coercion and grooming³³.

Practitioners were invited to comment on the role of consent on their understanding of CSE and on the decisions to take these cases forward. One police interview noted:

“...do we look at consent? Yes we do. Because quite often the child when it comes to the disclosure will cry rape...and then we have to look at what was the circumstance around that. Did you consent?”

³³ See Chapter 1 for more on recent amendments to the *Sexual Offences Act 2003* including a new definition of sexual exploitation.

*Was there some considered consent at that time? No there was not.
Do we look at that? And yes we do. (Police Officer 02)*

The excerpt above suggests that police officers investigating disclosures will examine, first whether consent existed and second whether that consent was a true consent. The officer in this context was reflecting on his duty to be objective in carrying out the investigation, which makes it imperative for the police officer to subject the child's action (behaviour, account and past history) to scrutiny. Other interviewees noted how perceived consent both on the part of the child and the professionals involved in responding to allegations of abuse renders the provision of child centred support problematic. It is apparent from practitioners' responses that professional perception of the presence of consent determines whether a child is deemed a victim of exploitation and whether appropriate responses are put into place. The following statements evince that professional perception of an exercise of consent on behalf of the young person becomes a justification for deeming that young person as a non-victim.

"Professionals will refuse to understand as the child is not yet in a position of understanding that they are being abused. They [children] may think they are consenting because they have been manipulated into believing so." (Social Care Worker 03)

*"Those challenging cases **where the young person has been abused for a long time** and that is all they know and they are resisting support from agencies, they are then saying 'once I am 16 you can't touch me because I am consenting'. That does not mean that they stop experiencing harm. But for everybody else it is an excuse... they are now consenting. **It is like giving them a life sentence.**" (Social Care Worker 04 Emphasis added)*

*“If there is a perception of consent from the child or **even a hint that the child may have in any way agreed to anything...** even at a very young age... **there is immediately a resistance to investigate.** Because they know they are not going to get a result [a conviction].” (Young People’s Worker 05 Emphasis added)*

*“It is how we as professionals define consensual relationship? **I think we too easily say that it is a consensual relationship and the case is closed;** And if a young person is being exploited through grooming they will think it is consensual and so it is for the professionals to dig a bit deeper.” (Young People’s Worker 03 Emphasis added)*

*“...It is the grooming, the process...that it is about the adult being in control. I think that is the element that sadly we are seeing it disappearing because **the whole debate of consent is coming in and the whole debate about the child being in control and choosing especially with all the teenagers;**” (Young People’s Worker 04 emphasis added)*

These comments from practitioners bring into focus the role of professional conceptualisations of consent in determining the responses to CSE. As can be gleaned from the comments above, consent is a key criterion in determining whether or not a child is in need of support. The perception of consent amongst professionals results in the de-escalation of criminal justice responses and reinforces the young person’s sense of self-blame. The sense of self-blame among young people is often associated with their understanding of consent as is elucidated in the excerpts below.

*“A lot of the **children think that consent is a simple fact of yes and no.** So if they have not verbalised ‘NO’ then they have consented. That is what my experience has been of working with young people. And they sort of don’t get...they don’t recognise the sort of ...again*

*there is that manipulation and coercion or even they have not been forced. 'Well I shouldn't have got drunk; I shouldn't have gone there; I shouldn't have done this...' again there is **a lot of that self-blame that happens.**'(Young People's Worker 06 Emphasis added)*

*"It was quite interesting when I started speaking to her (12 year old) about the issue of consent, because she kind of went along with it. She didn't kind of say no...and she wasn't forced to do it. I don't think she understood it. She was only 12 and it is that issue of ...I think it can get very blurred...consent for young person. **They think if they didn't say no then they have consented to it.** So in her case, she was like...I didn't really want to do it, but some of the others were doing it so I kind of went along with it." (Social Care Worker 02 Emphasis added)*

*"I think there is a fine line between what they understand as consent and what coercion is. They think if they have been intimidated or persuaded to have or perform sexual activity that they have consented. If they have had substances and they are under the influence... they don't have capacity to it. I don't think they are aware of that. They think that if they have consented once that is for all the time and that they can't say no. If they go a certain distance, so if they kiss or allow being touched that they can't say no because they have gone a certain distance. **It is that ability to say no. I don't think they are aware of that.**" (Young People's Worker 03 Emphasis added)*

Interviewees stressed that young people's understanding of consent is limited and often skewed. If young people did not articulate a verbal 'no' or experience an element of force, they are more likely to assume that they have consented to the sexual activity or have allowed it to happen. Young people understand consent without any regard for the circumstances where

they have been intoxicated; where they felt pressured; and where they have been manipulated into believing that they are consenting. Practitioners' responses highlighted that professionals can perceive the young person as consenting and as knowingly involved in sexual activities. Professional perceptions can be compounded by young people's refusal to accept support or engage with criminal justice agencies. Perceived consent thus becomes the means for justifying the lack of intervention.

The interviewees were asked to reflect on the differences in tackling cases involving crimes of child sexual exploitation and other forms of child sexual abuse. In response, a couple of practitioners highlighted that in CSE cases there is no willing victim: a victim who discloses the abuse, co-operates readily with the professionals, identifies her assailant and articulates the suffering and injury suffered when called upon to do so by the police in ABE interviews, by the prosecution in the courtroom and perhaps by the media on public platforms. The following excerpts from practitioners signify that a non-willing victim poses a challenge to providing effective criminal justice responses to CSE.

*“You know my colleagues that work in the **child abuse department generally have a willing victim**. They generally have a willing victim so they have a victim that comes to them or via a third party and says this form of abuse has happened and on the whole they are willing to tell the police about it. So we may get some suspicion that abuse is taking place from third party or we may find a young person in somebody's address or even in bed with somebody and we get to speak to them and try and get the disclosure from them. So it is generally a forced scenario where **we don't have that willingness from that victim**.” (Police Officer 03 Emphasis added)*

“I think the young person has got loyalties. It is not as black and white as may be with other forms of abuse and the young people

*don't recognise or see themselves as victims. **They are not necessarily knocking on police doors and saying to them, this has happened to me. I want some help with this.** I think it makes it more difficult to investigate."* (Young People's Worker 06 Emphasis added)

In this sub-section we have thus far examined a number of discursive elements which form knowledge statements about children as both unknowing and knowing. The policy texts refer to children as lacking the knowledge and awareness of abuse. The notion of children as unknowing is further supplemented through emphasising the irrelevance of consent in cases involving manipulation and grooming. However, practitioners' views highlight the role of consent in determining how children understood themselves and how they were perceived by professionals. Practitioners' responses note that police officers investigating sexual crimes are obliged within the law to consider the presence or absence of consent to ensure objectivity in investigation. Consent therefore becomes the tool to evaluate the child's responsibility in the sexual encounter consequently determining the nature of responses to sexually exploited children. Those children who are perceived as responsible and willing participants consenting to the sexual encounter come to be understood as the knowing children. It is evident that sexually exploited children are understood in policy and practitioner discourses as both knowing and unknowing³⁴. What effect does this contradictory understanding of children produce in the context of attrition in CSE cases? I will be returning to this discussion a little later, but will first discuss another cluster of discursive elements relating to children's sexuality.

³⁴ It is precisely to reflect this contradiction that I have used the parenthesis in '(un)knowing' and am inspired by such expression in the work of Phoenix (2005). Phoenix (2005) too highlights the contradictory construction of children in her analysis of the regulatory framework on child sexual abuse. See Chapter 2 for more discussion on this.

2.3. KNOWLEDGE STATEMENTS ABOUT CHILDREN AS (A)SEXUAL

This sub-section draws attention to discursive elements relating to children's sexuality within the policy texts and practitioner responses. Discursive elements relating to children as sexual beings are very much limited in policy texts. Direct reference to children's sexuality has been made in two contexts: first in contexts promoting equality of treatment and second in promoting safeguarding practices that proactively respond to the needs of children who may be experimenting with their sexuality. As is evident from the following excerpts, sexuality is described as a demographic category used to promote equal and non-discriminatory treatment of children who come to the attention of safeguarding agencies.

"In essence, all statutory agencies and professionals are expected to work together to safeguard and promote the welfare of the child. Local authorities must treat each child as an individual and take account of the child's race, religion, culture, language, gender, sexuality and disability." (Department of Health, 2000, p.11)

"Individual needs of the child in relation to all their personal characteristics, including ethnicity, culture, gender and sexuality, are particularly significant where child sexual exploitation is present. Professionals need to be able to consider all of these factors, the interplay of risk and protective elements on the current risk to the child." (Ofsted, 2016, p.16)

"Any young person regardless of their age, gender, ethnicity and sexuality can be at risk of being sexually exploited." (College of Policing, 2013)

The pervasiveness of CSE is indicated in the above excerpt which notes that any child can be at risk of sexual exploitation regardless of their age, gender,

ethnicity or sexuality. Other two excerpts emphasise the need to consider the individual needs of children taking into account their personal characteristics such as gender, ethnicity and sexuality. Whilst these prescriptions are important from the perspective of equality and non-discrimination, a few texts talk about sexuality of children and young people generally. Some texts highlighted issues of gender and the lack of awareness amongst professionals of the prevalence of sexual abuse of boys and attempted to dispel the myths that constitute professional understanding such as the assumption that only girls are subjected to sexual assaults and grooming (Berelowitz et al, 2012; 2013). The Independent Inquiry into Child Sexual Exploitation in 1997-2013 carried out by Professor Alexis Jay noted the inconsistency of responses to boys and girls subjected to sexual exploitation. The report highlighted the dangers of children exploring their sexuality in exploitative relationships particularly in the absence of safer ways of doing so. It stressed the need to support children to explore their sexuality in safe ways through appropriate referral pathways (Jay, 2015).

Another context in which children and their sexuality is discoursed into is in talking about the sexualisation of contemporary culture. Interestingly one policy text explicitly states that young people's sexual behaviour is a private matter and clarifies that the government does not intend to control young people's sexual behaviour.

“The Government has made clear that this legislation is not intended to over-regulate the behaviour of children and young people. Nor, by the same token, is this guidance aimed at controlling young people. Young people's sexual behaviour is primarily a matter for them, guided and informed by parents and carers and by information from a variety of sources.” (Department for Children, Schools and Families, 2009, p.14)

The excerpt above clarifies the policy intention that children's sexual behaviour is a private matter. However, emphasis in subsequent texts from the Department for Education underlines the risks that growing children face in the current cultural milieu and emphasises that children need to be "helped to learn to understand the dangers and to take sensible decisions, not least in respect of friendship groups and first relationships, as they grow to become more independent and parents or carers have less control over them" (Department for Education, 2011, p.11). The sexualised culture in which children grow up was identified as a problem in some specific texts. An independent review of the commercialisation and sexualisation of childhood highlighted that children are under pressure to grow up too quickly. It also set out actions that can be taken both at the level of the industry, broadcasters and the government to tackle the sexualisation of childhood in the UK and to ensure children are protected from the sexualised 'wallpaper' that surrounded their lives (Department for Education, 2011, p.9).

"Some parents are concerned that increased pressure on children to become consumers and the sexualised world they grow up in may lead children to be more susceptible to the dangers of sexual exploitation." (Department for Education, 2011, p.13)

Other references to children's sexuality in policy texts are limited to contexts discussing the notion of childhood or teenage as a specific temporal and spatial phase which is characterised by a movement from childhood to adulthood, from immaturity to maturity, and from asexuality to sexuality.

"CSE embodies issues which are incredibly difficult to deal with. First, serious sexual violence. Second, victims who may reject help. The grooming involved is a form of brainwashing, which means that even though the victims are being abused emotionally, physically and

*sexually, they can be loyal to their abuser, rather than their family or social worker. Third, the age of the victims involved. **Teenage sexuality is a confusing issue for adults and adolescents alike. Many of these girls are on the cusp of adulthood and want to behave like adults but do not yet have the emotional capacity to do so. Abusers exploit this uncertainty.*** (Department for Communities and Local Government, 2015, p.16 emphasis added)

“There has been significant debate about how to describe children and young people displaying sexualised behaviour without labelling them as sex offenders. Difficulties in defining such behaviour are compounded by a general lack of knowledge of childhood sexuality and what constitutes normal sexual development.” (National Institute for Health and Care Excellence, 2016, p.24)

The National Institute for Health and Care Excellence (NICE) guideline on children who exhibit sexually harmful behaviour talks of sexually harmful behaviour as acts inappropriate for child’s age or stage of development and are likely to cause harm either to themselves or to others. These behaviours exist on a continuum ranging from developmentally appropriate or the ‘normal’ behaviours to violent or abnormal acts and behaviours. The excerpt from the NICE guideline quoted above notes that the lack of knowledge of childhood sexuality and what constitutes normal sexual development of children adds to the difficulty of describing children who display sexualised behaviour. Children’s sexual behaviour is classified as either appropriate or inappropriate against the normal course of child’s sexual development. The excerpt below clearly shows that practice is being developed to enable professionals to differentiate between what is and is not considered normal.

*“Working in partnership is crucial to tackling child sexual exploitation. **All professionals working with young people should have a shared understanding of the risks they face, including a***

shared language and view of the boundaries of normal behaviour.
Brook, for example, is, with Department for Education funding, developing an evidence-based resource for professionals to use to assess sexual behaviour which is outside acceptable boundaries.”
(Department for Education, 2011, p.17 Emphasis added)

The impact of language use such as appropriate or inappropriate sexual behaviours on professional attitudes can be noted in the following excerpt:

“One [care professional] described a girl, 13, as ‘sexualised and dangerous’. The care worker, at an Oxfordshire County Council children’s home, said that the child was ‘glowing with hormones’ and ‘very confident about her body’s power and movement’. She ‘played the game well’ and was, he claimed, a danger ‘to male members of staff’. He was describing a girl who was 11 when she fell victim to men who for three years subjected her to relentless sexual barbarity.” (House of Commons Home Affairs Committee, 2013, p.13)

The excerpts above are indicative of the social and cultural imaginings to which I have referred to in chapter 2, that appropriate development of sexuality amongst children will and should remain within the bounds of normal child development models. Children’s sexual behaviour which deviates from or contradicts what is expected to be normal, leads to their description as ‘sexualised and dangerous’. The description by the care worker alluded to in the Home Affairs committee report confirms that child sexuality and their victimhood are, metaphorically speaking, two swords that do not fit in the same scabbard.

This sub-section thus far explored references to children’s sexuality in policy texts. In the rest of the sub-section, it will explore references to children’s sexuality made in practitioner’s responses. During the interviews, practitioners were specifically asked to reflect on the impact of children’s

sexuality, sexual knowledge and sexual experience on professional perceptions of sexually exploited children and their conceptualisation of CSE. Some practitioners talked of children as being naïve and limited in their knowledge of sex and sexual abuse. Others noted that a child's previous sexual experience both as pleasure and as abuse affected not just their understanding, but also how they spoke about their experience.

"They are naive; their knowledge of sex and sexual abuse is limited. A 13 year old girl performing oral sex ...to similar age boys... she does not link to sex and she just thinks it is 'doing something to the boys'. When you ask her what she is doing she has no idea what the actual physicality of a sexual intercourse is. That leaves her vulnerable especially if she starts communicating with older people." (Focus Group Discussion 03)

*"If they have experienced sexual abuse historically, that can also leave them to be more vulnerable. **I have one young person (13 years old) who does not believe that you can have a relationship without having sex.** So for her to think that if she has got a boyfriend then she has to perform sex. So what is a healthy relationship for her? So there is no dating. It is straight sexualising and so she is going at a base of sex and not recognising what a healthy relationship is;" (Social Care Worker 03 Emphasis added)*

"If a young person has had sexual intercourse before but has not said in an ABE that they had intercourse before because perhaps mum or dad might be made aware of it and they don't want them [parents] to think any less of them. We might go to CPS and explain the reasons as to why they might have come with those answers;" (Police Officer, 04)

Practitioners highlighted that previous sexual experience of children that is non-abusive can have an impact on professionals' judgements about children. Practitioner responses clearly identified that sexual knowledge of children does become the gauge through which children's experiences of abuse get measured.

"(Children's) sexual knowledge wouldn't have any bearing on the case from an investigation point of view. But from the CPS point of view it can have an effect... that is part of the third party disclosures; We don't ask, as if we ask about the offender, the offender will ask about the child. "Kids lie...don't they? It is written in every school record of every person that had been to school. Kids lie, kids tell untruths, kids do naughty things and that is part of growing up; kids are sexual; some of them learn sexual things far too early and have sex far too early. But... does that mean you can't be abused. (Police Officer 02)

"If they had sex before ...or they enjoy sex in another situation or context or relationship, it should be assessed on a case by case as it does not mean that they cannot be exploited. But at times that clouds people's judgement; What was the offender's behaviour? What was the young person like? I think these things have bearing on decisions made... definitely." (Young People's Worker, 03)

Reflecting on adult's perception of a child's knowledge of sex, one practitioner stated:

"The adult's perception of the child's knowledge because the child's knowledge is not always what the adults perceive it to be ...does have an impact. If the adults perceive the child to be knowledgeable...it goes back to the idea of ...are you part of it or not? Are you enjoying it or not? Are you playing an active role in your

own exploitation? In which case it is no longer exploitation rather than understanding the depth...we see this in a lot of the children. For example, **children may have developed highly sexualised language that does not mean they understand and have a great knowledge of sex and relationships in general.** That might be the product of grooming or the result of environment- so the friends, peers, the group who are exploited who develop common language. **But that can come across to professionals as 'oh these are kids who know it all'.** They are sexually active. They know it. They have got very advanced sexual knowledge for their age'." (Young People's Worker 05 emphasis added)

"I think you get...I think people can get confused that because the young person is in a relationship that they are being exploited. And you get this thing about promiscuity (that is not the right word)... being promiscuous or are they being exploited? I think people can get a bit confused and mixed up by that. And again **I think if a young person is being seen as promiscuous they are not necessarily seen as a victim.** So it is ...well if they are choosing to have sex, then they are choosing to have sex. Just because they are choosing to have sex with one doesn't mean that they are choosing to have sex with them all. And actually sex being seen as a bad thing. That they shouldn't be doing it. They shouldn't be having active sex lives...Again I think professionals struggle with that and I think people generally struggle with that." (Social Care Worker 02, emphasis added)

The two excerpts quoted above bring to the fore important considerations in terms of the relationship between professional perceptions of child's sexual experience or knowledge on the one hand and their understanding of children as victims of abuse on the other. Sex and sexuality among children is considered as 'bad'. Children with sexual knowledge or previous sexual

experience are seen as sexually 'promiscuous' and therefore are not likely to be perceived as victims.

Practitioners' responses further highlighted that sexuality plays a significant role in how children understand their abusive situation and how professionals assess the risk of harm. Practitioners recalled instances where professionals viewed exploitation of boys and same-sex relationships as non-abusive (Focus Group Discussion 02). Reflecting on how children's gender influenced professional practice, practitioners highlighted that boys are often seen as invulnerable, as being groomed for criminal activity as opposed to being subjected to sexual exploitation. Another participant noted that stereotypical understanding that children are experimenting with their sexuality may be prevalent more in relation to boy children. As one participant highlighted:

“...when it is a male who is missing or a male who is hanging around with inappropriate peers or adults, there is less investigation and probing into. There is less professional emphasis on looking at the scenario than if it was a girl. I don't really feel that that is changing. I know that from our perspective, we have a lot of young males that are missing regularly, but we really struggle to make other professionals and agencies to see that actually that this case is far more concerning than this female case. Then again it comes back to 'he is male, he is 17, he is hanging around with his mates'. Well! who are these males? is that appropriate? And for me that is an ongoing struggle.” (Focus Group Discussion 03 Emphasis added)

The excerpt above expresses the concern that the grooming of boys and the inappropriate sexual relationships that perpetrators develop with boys may go unnoticed. It affirms that gendered and heterosexual stereotypes (such as boys cannot be abused or that boys are capable of looking after

themselves) can result in failure to recognise boys and young men as victims of exploitation. Practitioners particularly those working with sexually exploited boys and young men noted that there is a significant gap in professional's understanding of abuse of boys and young men. Boys are often perceived as youth offenders. Their abuse is minimised and attributed to issues of sexuality. One practitioner noted that sexually exploited boys come to the attention of police officers due to involvement in petty crime, but their abuse and exploitation can go unchallenged due to police being fearful of reprisals for homophobic attitudes. Many practitioners noted that boys are predominantly viewed as offenders despite evidence indicating that they are being subjected to sexual grooming and abuse. In contrast to this concern about the impact of gendered assumptions on professional recognition of the exploitation of boys, one young people's worker (Young People's Worker 02) reflected on her experience of working with a case involving two boys aged 17 and 15. The young people's worker noted that professionals in that case were too quick to label the same-sex relationship as abusive, which in her perspective would not have been the case if it was a heterosexual relationship.

This sub-section, has thus far examined the discursive elements relating to children's sexuality in policy texts and practitioners' accounts. It is apparent that references to sexuality in policy texts were limited to contexts setting out the need for non-discriminatory practice and the need for proactive responses to the needs of boys and young men who may be subjected to sexual exploitation. Policy texts also highlighted that sexualisation of contemporary culture poses significant risks to children's sexual development. In contrast, practitioners' responses highlighted that professionals' perception of children as either naive, innocent or as sexually experienced, knowledgeable play a significant role in how professionals understand sexually exploited children and respond to their specific needs.

3. ANALYSIS OF THE NEXUS BETWEEN KNOWLEDGE STATEMENTS AND TECHNOLOGIES OF POWER

This chapter thus far has identified within policy texts and practitioner responses the discursive statements around the notion of risk, children as (un)knowing and children as (a)sexual beings. This section interrogates the operation of knowledge statements noted above particularly exploring their interaction with certain technologies of power such as risk assessments. Through this interrogation, this section aims to explicate how the nexus between knowledge statements and technologies of power renders certain knowledge statements as truths. In short, it analyses the operation of the knowledge-truth-power nexus within discourses on CSE.

The deployment of statements of risk within policy texts and practitioner responses in varied contexts indicate the multiple meanings that can be made in and through these statements. The discursive statements on risk in the context of children's vulnerabilities respond to the question of who is at risk of sexual exploitation. In another context, statements of risk address the nature of risk that children are exposed to i.e. the harm of CSE. It is thus apparent that the meaning of the term 'risk' varies as its deployment shifts from one context to another. To clarify further, statements of risk in the context of risk indicators or checklists is understood as a means to an end. As I have elaborated in section 1, risk indicators act as a guide to assess the risk of harm to children or as a strategy to deploy responses to CSE at the local authority level. Yet, when statements of risk are deployed in professional descriptions of young people, they relate to the notion of blame and responsibility. The meanings and the function of these knowledge statements therefore vary depending upon the context of their deployment. It is not my intention in this thesis to inquire into the shifting meanings of these discursive statements. On the contrary my aim is to interrogate how these statements operate to produce certain truths about CSE and about sexually exploited children, asking specific questions: how are

sexually exploited children understood and through what kind of techniques are these understandings forged and what are the consequences of those understandings?³⁵ These set of questions in turn enable me to examine the construction of children's sexual subjectivities in CSE discourses i.e. the first research question that this thesis set out to address (See Chapter 1).

Before setting out to examine how children are understood in and through these knowledge statements, it is important to note that the notion of harm appears as central in utterances on risk. Children are conceived as being at risk of harm from sexual offenders or perpetrators who sexually abuse and exploit. On the one hand, these deployments work to legitimise the interventions of the safeguarding agencies (Phoenix and Oerton, 2005) and on the other, they work to enunciate that children are at risk from something external i.e. sexual offenders/offending which needs to be tackled. Risk in this context becomes both the 'target and legitimisation of criminal justice' as noted by Hudson in her risk society thesis (Hudson, 2003, p.43). Statements of risk in contexts highlighting the vulnerability of children and the harm caused by sexual exploitation locate children as vulnerable innocent victims devoid of agency and in need of protection from harm. In contrast to these contexts, risk related statements in contexts reflecting professional attitudes towards children, such as those highlighted by practitioners in their responses as well as the House of Commons Home Affairs Committee report or the OCC report identify risk as emanating from within the child. For example, descriptions of children as 'risk-fuelled' 'putting themselves at risk' locate the child as the source of risk. Contradictory understandings of children, as innocent vulnerable victims and as responsible children placing themselves at risk of harm, thus emerge in and through the deployment of these knowledge statements around risk. Phoenix and Oerton (2005) and McAlinden (2014) also highlighted the

³⁵ I draw on the work of Rose (1989, p.xvii) to posit these questions.

prevalence of a dichotomous construction of children as innocent victims or responsible agents in discourses of sexual grooming and exploitation.

We noted in Section 2 above that long lists of CSE indicators are a key feature of many policy texts. Often these indicators are interchangeably referred to as risk indicators, vulnerability factors, tell-tale signs, warning signs or risk identification checklists (RICs). For instance, the 2009 DCSF guidance provided a list of indicators to be used as a guide in assessing young people's needs. The indicators are organised in the guidance document according to the domains and dimensions of the *Framework for the Assessment of Children in Need and their Families* (Department of Health, 2000). The domains into which the indicators of possible sexual exploitation are categorised include: the child or young person's developmental needs; parental capacity; family and environmental factors. The categorisation of different indicators into these domains, conflates vulnerability factors (e.g. learning disabilities), warning signs (e.g. frequent episodes of missing) and consequences of being subjected to sexual grooming or exploitation (e.g. teenage pregnancy or a sexually transmitted infection). The conflation of individual attributes and environmental factors can also be noted within the guidance document which renders the utility of the checklists problematic. The very framing of risk either as an individual attribute, a societal, institutional or environmental issue, or a pedagogical issue becomes critical to the responses proposed to the problem (Swadener, 1995). To illustrate further, empirical evidence has identified factors such as going missing, misuse of alcohol/drugs as both a cause and consequence of sexual grooming and exploitation. Clustering several indicators into domains without critical reflection of the empirical realities can result either in apportioning blame to children or in responses that are not responsive to children's needs. For example, when substance misuse is perceived as a factor leading to sexual exploitation, it leaves open the possibility for those children who consume alcohol to be blamed and considered responsible for the harm they experience. Location of children as the source of blame

results in responses aimed at individual children as opposed seeking to transform structural issues perpetuating abuse of children, be it the power of older men over young girls who ply them with alcohol; the sexualisation of culture; or the lack of prosecution of the crimes of child sexual exploitation. Focus on individual attributes and relative silence on the power imbalances result in a process of individualisation. As O' Malley argues risk societies are increasingly individualising risk management and calling upon individuals to actively engage in risk taking and risk avoidance (O'Malley, 2000), a process that Rose refers to as the 'death of the social' (Hudson, 2003, p.54). This orientation towards individualised risk management is evident in proposed responses to CSE i.e. raising children's awareness of risks and dangers through sex and relationships education so as to enable children to make safe and rational choices.

The dichotomous construction of children as innocent victims or responsible agents, noted above, is made possible not merely through the use of statements of risk in multiple sites within discourses. An examination of the relationship between these discursive statements of risk (as contents of knowledge) and the use of risk assessments or risk matrices (as mechanisms of power) elucidates the process through which the deployment of the language of risk produces its effects. The risk assessments, which are formal procedures/tools used for assessing the level of risk for the child and for determining appropriate intervention become the means and the location where judgements about children are made by professionals working with those children. These assessment tools and processes are more than mere mechanical tasks and become the technology of power or 'technical assembly of means of judgement' (Rose, 1989, p.xi) in the hands of authorities and experts who have the power, the duty, the wherewithal and more importantly the 'expertise' to make judgements about children and their circumstances. The risk assessments are not mere mechanical exercises, they involve acts of describing characteristics, making judgements and installing certain statements as truths or facts. CSE risk assessment

practices also establish the criterion for classifying children into varying categories such as children in need of protection, children at risk of significant harm, in conjunction with sections 17 and 49 of the Children's Act 1989. The risk assessments therefore entail a process of description and installation.

The processes of assessing the level of risk to the child and determining the mode of intervention to safeguard them from harm involves assessments and evaluations made by multi-agency professionals working with the child. As noted in Section 2 above, both policy texts and practitioner responses underlined that there is a lack of shared understanding of indicators and thresholds for assessing the risk of CSE. To illustrate further, a model of Sexual Exploitation Risk Assessment presented in the guidance on safeguarding children and young people from sexual exploitation (Department for Children, Schools and Families, 2009, p.79-80) identifies sexualised risk taking behaviour, going missing and running away from home, problem alcohol and drug use, 'swapping sex', going to places of concern etc. as some of the risk factors that could assist in assessing the level of risk. As is evident from these indicators, statements of risk are not simply about risk of harm or assessment of risk/vulnerability, but they are evaluations of children's behaviours, actions and ultimately their sexual lives. The models and matrices of assessments thus become the spaces for describing children's behaviour either as appropriate or inappropriate. Douglas argues that social institutions including law and criminal justice systems correspond in considerable measure not only to the risks that the society sees as important to manage and control, but also to the society's explanations of the sources of these risks and to its attribution of responsibility for those risks (Douglas 1992 quoted in Hudson, 2003, p.51). Similarly, a professional who understands sexualised risk taking behaviour as a consequence of grooming constitutes the child as blameless in the process of assessment. In contrast, a professional who sees sexualised risk taking behaviour as causing exploitation constitutes a responsible child. The

specific way in which a professional perceives a child and her experience of abuse directly influences the intervention proposed.

In her review of the child protection system in England and Wales, Munroe highlighted that uncertainty is inherent in child protection work and that risk assessments which are prone to error cannot eradicate risk of harm (Department for Education, 2011b). Practitioners' responses too highlighted the barriers to making assessments that closely reflected the circumstances of the child. The report from the independent inquiry into Rotherham local authority responses to CSE also underscored the need for making real-time risk assessments and approaching the numeric based risk assessment with caution (Jay, 2015). Risk assessments thus should not be construed as objective mechanisms capable of installing objective truths about children, but as malleable tools whose effective operation is contingent upon the discourses available for professionals, their knowledge of the circumstances of the child and their willingness to challenge their own and other's assumptions.

Nowhere in CSE discourses is the nexus of power, knowledge and subjectivity more visible than in the way children as unknowing are talked about. Policy texts and practitioners' responses referred to in Section 2 labour over the notion of coercion, manipulation by the exploiter and the child's lack of recognition of the abuse. Policy texts relating to CSE since 2009 acknowledge self-blame among children as well as the power of manipulation and grooming by perpetrators in limiting the choices of sexually exploited children. I will examine the knowledge statements which portrayed children as unknowing as emphasised in policy texts and practitioner responses. For example, the Department of Education's *Tackling Child Sexual Exploitation Action Plan* notes that children all too often do not recognise the exploitation (Department of Education, 2011, p.7). My intention in examining this knowledge statement, that children do not know they are victims of abuse, is not to emphasise a contrary

perspective that these children may know what is being done to them, although such perspectives feature in CSE discourses, but to focus on the effects such knowledge statements may produce. My aim is to scrutinise the potential for these statements to perform a process of 'description' and 'classification' (Graham, 2011). The following few paragraphs explicate the potential of these knowledge statements to establish a regime of truth or a normative framework against which children and their experiences are evaluated, classified and reproduced in contemporary discourses on CSE.

The vitality of this statement: children as (un)knowing, I argue, is in the effects it produces rather than in the regularity or constancy of its appearance. Firstly, these knowledge statements constitute a truth about sexually exploited children thus constituting certain subjectivities. Secondly, they stipulate the approaches that can be adopted when responding to CSE. I will explore these two claims in the following paragraphs. These knowledge statements make possible a certain way of thinking: that the challenges to tackling crimes of sexual exploitation lie with the child, thus shifting the focus from ineffective institutional practices on to individual children. The following excerpt from the practitioner interview aptly elucidates my argument. It evidences that a child's lack of awareness is underlined as the problem and thus the solution lies in raising her awareness and enabling her to keep herself safe.

"Most of my time is spent talking to sort of usually teenage girls anywhere from 13 to 17 around... well around just that... around the risk they are placing themselves when they engage with adults either online (which is often the case) or in person. I spend a lot of the time trying to get them to understand about the motives of adult men and trying to get them to...spend a lot of time going over...use lots of media like videos, clips on TV and try to get them to be able to see just how the grooming process works and hopefully try and get them to realise that they are in that process or on the path towards it. I

spend a lot of time trying to talk about risk. You know ... What they can do to decrease it and what increases it (Social Care Worker 01)."

Phoenix and Oerton (2005) highlight the dichotomous construction of children within the regulatory framework on sexual offending in England and Wales (See Chapter 2). They note that the duality in constructions of children and young people as 'proto-adults' or as 'other-than adults' reaffirms children as 'knowledgeable' or 'truly innocent' respectively (2005, p.66-67). Construction of children as other than adults not only separates them from the realm of sex and sexuality, but also forecloses the scope for agency amongst children as was also highlighted in Chapter 2. In contrast, older children, by virtue of their maturity end up being constituted as agents, capable of consenting to sexual activities and thus blameworthy and may even be constituted as a danger or threat to others (Phoenix and Oerton, 2005).

Building from Phoenix and Oerton's (2005) arguments we can say that two readings, of these discursive statements of children as (un)knowing within the CSE discourses, become possible. One reading is that these statements construct children as innocent and consequently lacking sexual knowledge. Egan and Hawkes argue, in their examination of policy reform narratives in twentieth Century Australia, that the fundamental assumptions about child sexuality underlying the reform narratives is that childhood sexuality results from 'an outside or deviant stimulus' (2009, p.391). They further note that such an assumption forecloses the recognition of children as sexual beings and the possibility of their sexual agency. Melrose (2013) too notes that dominant constructions of CSE within the boyfriend model or grooming model deny children's agency, which exists, albeit in limited circumstances. The second reading is that statements of children as (un)knowing establish as truth that children's understanding of their circumstances is distorted and that their sense of self is misplaced. As O'Dell notes childhood is constructed as an immature status in which they lack the ability to comprehend and

make sense of their experiences (O'Dell, 2003). Discursive statements of children as (un)knowing within policy discourse draw on broader social and cultural meanings about children as immature. As the discussion above noted these discursive statements, around children as (un)knowing and as (a)sexual, deny children's knowledge of their circumstances as abusive, rather than their sexual knowledge. The discursive statements of children as unknowing enunciate that sexually exploited children do not recognise the abuse and coercion perpetrated by their abusers. However, children who present as having sexual knowledge and sexual experience are seen as transgressing the boundary of asexual childhood and thus becoming the "proto-adults" (Phoenix and Oerton, 2005 p. 66). These children understood as 'proto-adults' do not meet the thresholds of being a child in need or a child at risk of significant harm and consequently fall off the radar of child protection agencies including the police. The conceptualisation of children as 'proto-adult' and denial of their experience as exploitation constitute one of the conditions in which attrition in CSE cases occurs. Attrition in these cases may occur at the initial stages of the criminal justice system i.e. at report stage.

One may argue the knowledge statement that 'sexually exploited children do not recognise the abuse' is an attempt to reject the victim dichotomies that emanate from presumed consent or "consent-dependent dichotomies" as Munro (2008, p. 243) puts it in her analysis of discourses on sex trafficking. Professionals who sign-up to the knowledge statement, that children do not recognise the manipulation and exploitation, acknowledge that work with sexually exploited children calls for a different approach and engages in building trusting relationships over long term with a view to raise the child's understanding about healthy and abusive relationships, about grooming and about exploitation. Through building caring and trusting relationships and through offering the relevant information as well as the space that enables the children to be self-reflexive about their situation and critical of the actions of others, the professional can further the

development of a self-creating capability amongst children thus enabling them to name their abuse and identify their abuser. However, adopting such an approach can be challenging where professionals fail to endorse the knowledge statement that children do not recognise the abusive element of their experience and instead identify children as subjects of reason, making choices. Professional assumptions about children's subjectivity can be further compounded by their perception of a child's understanding of risk and consent. Professional perception of how a child understands risk and consent plays a vital role in what practice responses are offered to meet the needs of children. To cite an example, interviewees highlighted that children's understanding of risk is different from that of adults, noting that a child's brain processes risk and consequences of risk differently from that of an adult often owing to differences in age and experience. However, a child's ability for rationalisation is gauged at the level of an adult and she is consequently blamed for putting herself at risk (*Young People's Worker 03; Young People's Worker 05; Focus Group Discussion 01*).

The divergence in how children understand risk and the professional's perception of how a child understands risk creates a condition which does not let the particular circumstances of the child to come to the fore (See Hallet, 2017). In such a context, the 'foundational stratum' (Loizidou, 2007, p.61) over which the attributes of choice, consent, risk taking are thrown is that of a universal rational free adult subject. Professional understanding of children as rational subjects making choices leads to their classification as agents complicit in their own exploitation and consequently recognised as non-victims. Practices involving the identification of risks to children, raising of children's awareness about healthy relationships, safe sex practices, and importance of risk avoidance indicate that children are seen as rational choice making subjects. These practices coupled with professional judgements about children condition the relationship that children, particularly girls (as 95% of the children referred to most services are identified as girls), develop with their body and their sense of self. Kitzinger

(1997) too affirms that consciousness raising activities can have unintended consequences for children. These practices can result in children feeling that they were not believed, blamed or that they are undeserving. Children in these discursive conditions may be unwilling to disclose the exploitative experiences, may withdraw their complaints and may disengage from the criminal justice processes resulting in attrition.

Another technology of power that works to establish truths about sexually exploited children is the rhetoric of consent. In Section 2 we have identified contradictory statements that children do not know they are victims of abuse on the one hand and that one needs to look at the circumstances to ascertain consent on the other. These knowledge statements are Janus-faced and constitute logics that are antithetical to each other. The description of children as unknowing suggest a commitment to see children as abused victims in response to enhanced disciplinary understanding of the concept of child sexual exploitation and policy commitment to treat sexually exploited children as victims. By contrast, the mandate to ascertain consent or the lack thereof appeals to a different normative logic, namely, the need for an objective assessment of truth. It is this space of disjuncture that becomes problematic and potentially manifests the conditions in which attrition occurs through its impact on practice. Consent, understood from a legal perspective, thus becomes a rhetorical technology through the processes involved in ascertaining consent and through being intimately connected to the rhetoric of choice and agency. Examining the impact of neoliberal appropriation of the notion of agency Bay-Cheng argues that girls and young women have to not only ward off accusations of promiscuity, but also guard their position as agents (Bay-Cheng, 2015). Sexually exploited children also incur this fate where their experiences of abuse and exploitation have to pass through the litmus test of consent, choice and agency. To illustrate further, where a police officer responds to a complaint or handles a disclosure in a manner that subjects the child's behaviour or action to scrutiny, the child is more likely to refuse to cooperate with the

process of investigation. Practitioner responses are replete with references to instances where children felt they were not believed, blamed and expected to justify their actions at every step of their journey through the criminal justice system often resulting in their decisions to disengage from the criminal justice processes.

Statements of children's lack of knowledge of abuse coupled with the expert's power to establish the truth of that knowledge, through risk assessments and the deployment of the consent as a rhetorical/discursive technology are central to the process of marking and classifying children as victims of exploitation or as complicit agents seeking risky sexual pleasure. These classifications create dichotomies of innocence-responsibility, victim-agent and thrust children into an either-or position. The description of a child as someone putting herself at risk or as innocent victim constitutes two opposing identities: rational risk-avoiding children versus irrational 'risk-fuelling' children, the latter being infused with other attributes such as getting drunk, getting into men's cars, accepting drugs, streetwise, and indulging in sexually inappropriate behaviours. The docile and risk-avoiding children become the norm against which other children are 'compared and differentiated and deemed to conform' (Carabine, 2001, p.293). Descriptions of children, through the assessment processes, thus become the means through which normative prescriptions are reified and children with certain attributes such as a lack of will to protect themselves, resistance to offers of help (identified above in the excerpt from Young People's Worker 05) are demarcated into a differential position from the norm. As is noted by Carabine in her post-structuralist analysis of the intersection between sexuality and social policy, normalisation refers to the process whereby certain sexuality is constituted as acceptable and appropriate (2001, p.293). Children whose experience is outside the acceptable parameters are constituted as the opposite (other) of the innocent, docile and risk avoiding victims, i.e. as the non-victims. The differential positioning of these children serves to relegate them to the

realm of discipline and punishment, and they can further become points of reference for the normalisation of the other children, both exploited and non-exploited. These contradictory positions of children as subjects are constituted in relation to each other or 'stand in a relation of mutual constitution' (Burman, 2003, p.35).

Whether children are perceived as free rational subjects managing their own risks as O'Malley puts it (1996, 2001) or as unknowing developing subjects produced in relation to power, it becomes necessary for children to avow their self as an exploited child, in order to be recognised as subjects within the law, to be marked as an injured party and for the process of prosecution to be set into motion. Avowal as Foucault notes is a "verbal act through which the subject affirms who he is, binds himself to this truth, places himself in a relationship of dependence with regard another, and modifies at the same time his relationship to himself." (Foucault, 2014, p.17). As I referred to above in section 2, there is an expectation for sexually exploited children to affirm their victimisation (through willing disclosures), assume the identity prescribed in law and criminal justice procedure and be ready to speak the truth. Children who avow their victimhood and respond to these callings of law and criminal justice constitute themselves as victims and thus as legitimate subjects of law with all its entitlements and guarantees. In contrast, those children who disavow the exploitation are differentiated from the realm of the victim and are relegated to the status of non-victims. This process of avowal becomes yet another 'strategy of power' with its effects in the constitution of the 'truth of being' an exploited child.

The differentiation between the victim (one who avows) and non-victim (one who disavows) act as the regime of truth operating as a 'grid of classification' against which children's experiences are assessed and marked. In this nexus of avowal as a strategy of power and of the regimes of truth, children come to avow and interweave the truth of their being

exploited. They constitute themselves into that identity, consequently qualifying as the 'true victims'. This process through which children's experiences of exploitation are transposed into categories that constitute children into absolute or undeserving victims affirms what Rose notes. Drawing on Rose Hudson writes that two types of strategies could be found in modern societies i.e. those that control risk and those that manage risk. These two correspond with the "dichotomies of inclusion and exclusion" (Rose, 2000, p.324). Rose notes that contemporary control strategies broadly fall into "those that seek to regulate conduct of individuals by enmeshing individuals into circuits of inclusion and those that seek to act upon pathologies through managing a different set of circuits, circuits of exclusion" (Rose, 2000, p.324; See also Hudson, 2003, Rose, 2007). So what inclusions, exclusions and even more what effects are produced through the nexus of operation of the knowledge statements around risk, children as unknowing and as asexual, and power technologies such as risk assessments, the rhetoric of consent and the process of avowal? I examine this question of the productive effects of the nexus between knowledge statements, power technologies and truth claims in the following section.

4. RESERVED VICTIMS, UNRESERVED VICTIMS AND NON-VICTIMS: POLYHEDRAL SUBJECTIVITIES OF CHILDREN IN CSE DISCOURSES

This section explores the effects produced through the nexus of the knowledge statements, technologies of power and regimes of truth within CSE discourses. Firstly, the contradiction and mutual constitution of the subject positions that children come to occupy elicited above (in the operation of assessment of risk, deployment of the rhetoric of consent and the process of normalisation) creates ambiguity in practice. Additionally, the acts of description and normalisation result in material consequences for sexually exploited children. One such effect is rightly noted by the OCC report as being the invisibility of the exploited child, through not being heard and believed (Berelowitz et al, 2013). Invisibility is the way certain

identities, objects and subject positions are recognised and supported, whilst others are excluded from recognition and rendered marginal (Carabine, 2001; Rose, 2000).

The effects of avowal as a strategy of power, discussed in the section above, can be observed in the constitution of sexually exploited children into three different but fluid categories of victims i.e. unreserved victims, reserved victims and non-victims. Children's avowal becomes a strategy of power with its effects in the process of their subjectification constituting those who avow their victimhood as unreserved victims, i.e. with no conditions attached to their recognition as victims. In contrast, those who both disavow their victimhood and disengage from services are constituted as non-victims, and those who disavow their victimhood but continue to engage with the practitioners as reserved victims. Children constituted as reserved victims are victims *in posse* with potential to be produced as either victims with no reservations or as non-victims. A major part of the work done by youth workers with those young people who fail to reach the thresholds of criminal justice agencies due to their unwillingness to complain or the thresholds of social care due to being assessed as making irrational/ignorant choices, tends to be with the group of children classed as reserved victims or victims *in posse*. This group of children who are classified as victims *in posse* have the potential to be recognised within the regulatory framework as victims if and when they recognise that what they are experiencing is abuse and are willing to claim the truth of their being sexually exploited.

These subject positions that sexually exploited children come to occupy cannot thus be described as dichotomous as emphasised in existing literature (See Chapter 2). As I have discussed, there are at least three different positions that children come to occupy. There are unreserved victims whose status as a victim is not subject to challenge and there are non-victims whose status is clearly not that of a victim. These two categories

of victims take prominence in public and media discourses. However, the third category of reserved victims, i.e. those victims who can potentially become victims or non-victims, form the majority and are yet under-discoursed in media and public platforms. Sexually exploited children prior to being risk assessed and marked as victims of exploitation occupy this category.

The multiple subject positions available for children are polyhedral in nature. 'Polyhedron' is a geometric term and comes from classical Greek meaning 'many' (poly) 'bases' (hedron). Polyhedron is characterised by many faces or surfaces connected at the edges. Polyhedrality can be understood as a space bounded by many faces that are connected at the edges. Within the context of CSE discourses, the spaces or subject positions that children come to occupy are produced through a network of operations creating a bounded space. A child's being in CSE discourses becomes polyhedral with many connected angles. But the bounded nature of their production becomes invisible. Just as we only notice one dimension or face of a polyhedron from the location we are in, we may notice, acknowledge and consider as significant only one angle of a child's experience even though their experience and sense of self is bounded through a network of verges. The knowledge statements, rhetorical devices, technologies of power and regimes of truth work together in a net-like operation producing a bounded space. The processes of classification and normalisation render only certain angles/faces as visible and hence recognisable at a given time and space. The practices of assessment, classification, normalisation and individualisation become the practices through which children are constituted or self-constitute themselves in relation to the wider discourses of risk, harm, safety, rights and responsibilities. These practices have the potential to lead to self-constitution of children either as self-blaming victims or as subjects with an ethic of the care of the self. There is however, scope for developing a critical self-reflection for young people in one-to-one

support work undertaken by young people's workers and thus the potential for a different kind of subjectivity to emerge.

The constitution of children into specific categories, such as reserved, unreserved and non- victims, can have significant effects on how children's experience of sexual exploitation is acknowledged and responded to by safeguarding and criminal justice agencies. Failure to recognise the experience of some children as exploitation by professionals responding to crimes of sexual exploitation constitutes the first condition of possibility of attrition in CSE cases. Children whose experience of exploitation is acknowledged as such come to be regarded as unreserved victims. It is important to note here that those children who come to occupy the position of unreserved victims do so in relation to the discourses made available to them, the conditions and limits imposed on what can or cannot be said. The limits imposed, in the discursive construction of their subjectivities, constitute yet another condition of possibility for attrition in CSE cases. To elucidate this argument further, I wish to recall my discussion about the spectre of an avowing and unknowing child of sexual exploitation raised in and through CSE discourses. The child who is constituted as such has to live up to the stereotype of an innocent, asexual, truthful and even more an 'absolute' victim. In this process her experience will remain within the bounds instantiated by the discourses. The third category of victims i.e. the reserved victims or victims in *posse* will be subjected to a continuous process of surveillance, evaluation and re-production through work of agencies involved in assessing, supporting them and in investigating, adjudicating the allegations of their abuse.

CONCLUSION

This chapter has analysed policy texts and data generated through interviews and focus group discussions primarily with the aim of addressing one of the research questions: how are children's sexual subjectivities

constructed in CSE discourses and what effects do those constructions have on the prosecution of crimes of CSE? It has examined various discursive utterances/knowledge statements clustered around the concept of risk, of children as (un)knowing and children as (a)sexual. It has interrogated the operation of these knowledge statements in conjunction with power technologies such as risk assessment processes, the deployment of the legal rhetoric of consent to produce a regime of truth about children as unknowing and yet avowing their victimhood. Finally, this chapter argued that children come to occupy multiple subject positions constituted through the nexus of knowledge-power-truth within CSE discourses. This chapter drew attention to the discursive conditions into which children's experience of sexual exploitation emerge. It showed how, as a result of the nexus between the knowledge statements, technologies of power and regimes of truth, sexually exploited children come to occupy specific subject positions with differing potential to be recognised as legitimate victims within the criminal justice system and within social care. It stressed that the discursive production of children into unreserved, reserved and non-victims constitute the conditions in which attrition in CSE cases occur. The following chapter explores the issue of attrition in more detail (Chapter 6). It examines the terms in which the problem of attrition is talked about within policy texts and practitioners' responses. It identifies the rationalities underpinning specific ways of thinking about attrition in CSE cases and the strategies adopted for tackling the crimes of CSE.

CHAPTER 6
PROBLEMATIZATION OF ATTRITION IN DISCOURSES ON CHILD SEXUAL
EXPLOITATION

INTRODUCTION

In Chapter 5 I have identified, within CSE discourses in England, a nexus of knowledge statements (such as those around risk, around children as (un)knowing and (a)sexual), technologies of power (such as risk assessments, the rhetoric of consent) and regimes of truth (such as the child as unknowing and yet avowing) which together constitute a normative framework, against which sexually exploited children's experiences are evaluated. The chapter has shown how, as a result of the nexus between the knowledge statements, technologies of power and regimes of truth, sexually exploited children come to occupy specific subject positions with differing potential to be recognised as legitimate victims within the criminal justice system and within social care. I argued that the first cohort of cases dropped from the investigative and prosecutorial processes are cases involving the exploitation of children who fail to meet the thresholds to be recognised as legitimate victims. In this chapter, I turn my attention to the problem of attrition, the process of cases being dropped at different stages of the criminal justice system.

The aim of this thesis is to explore the process of attrition in cases involving crimes of CSE. This chapter therefore examines the terms within which the problem of attrition is thought about within CSE discourses. I interrogate the varied rationalities underpinning knowledge statements relevant to the process of attrition within CSE discourses and underscore the effects that the deployment of those specific rationalities have. My analysis of policy texts and data from practitioner interviews and focus groups shows that diverse solutions to the problem of attrition are offered, including the use of disruption tactics, prioritisation of the safeguarding of children, and emphasis on raising children's awareness to prevent the crimes of CSE. I argue that the general form of the problematization of attrition that makes these diverse solutions possible can be

located in the rationalities underpinning the ways attrition is thought about. Within CSE discourses the question of how, what and why attrition is caused is closely linked to the way the process of CSE case investigations and prosecutions are thought about. In this analysis, I demonstrate that the process of investigating and prosecuting CSE cases is thought of as challenging, difficult and not in the best interests of children. In sum, I show that this specific way of thinking about CSE case investigations and prosecutions creates the conditions in which other non-prosecutorial responses to the crimes of CSE, such as use of disruption tactics, prioritisation of the safeguarding of children, and emphasis on raising children's awareness to prevent the crimes of CSE, become possible.

This chapter particularly addresses the research question: how is attrition, in cases involving crimes of CSE, 'problematized' within contemporary CSE discourses in England? To address this question, I analyse policy texts relevant to CSE as well as the data generated through interviews and focus group discussions with practitioners working to tackle CSE in England. The analysis is underpinned by a specific understanding of the concept of 'problematization'. It thus becomes necessary to clarify the concept before engaging with the analysis of CSE discourses. The following section, therefore, is an exposition of the concept of problematization as is understood in the works of Foucault and its use within this thesis. Following the exposition, I examine in Section 2 the specific forms of the problematization of attrition in practitioners' discourses. In Section 3 I interrogate the policy discourses to examine the strategies deployed for tackling the crimes of sexual exploitation. Finally in Section 4, I engage with the effects of the specific forms of the problematization of attrition within policy and practitioner discourses.

1. PROBLEMATIZATION

'Problematization' is a 'barbaric' term, as Foucault himself has noted in one of his interviews, for the term does not convey what exactly it means (Foucault, 1981). Problematization, for Foucault, is the development of a given into a question or the transformation of a group of difficulties into problems to which a variety of solutions are proposed in response (Foucault, 1984). In one of his lectures on *Parrhesia* Foucault noted that a problematization analysis involves exploring "how and why certain things (behaviour, phenomena, processes) became a problem" (Foucault, 2001, p.171). In his exploration of the problematization of *parrhesia*³⁶ within Graeco-Roman antiquity between the fifth Century B.C. and the fifth Century AD, Foucault explicates how the problem of *parrhesia* i.e. the problem of truth telling moves from being one of access to *parrhesia*, to that of who is capable of engaging in truth telling, about what can the truth be told, with what consequences, and with what relation to power (Foucault, 2001)³⁷. He notes that the development of democracy as a form of polity (and the allied principle of free speech) enabled all citizens (without any discrimination on the basis of birth, position or ethical comportment) to freely speak their mind especially within the political realm. Consequently, a new set of questions emerged in relation to *parrhesia*. To illustrate further, since all citizens enjoyed equal access to free speech, the problem of *parrhesia* revolved around the question of who is capable of practising the *parrhesiastic* activity, for example, those with good education, social status and ethical standing. Foucault's analysis of historic material noted that the

³⁶*Parrhesia* is a Greek term translated into plain English as truth telling.

³⁷ Foucault also underlines notable shifts in parrhesiastic practices across historic moments. The shifting practices of *parrhesia* are not of relevance to our discussion here and thus I abstain from engaging with those practices. However, it is important to note that through examining the problematization of truth telling Foucault conducts a genealogy of the critical attitude within Western philosophy and notes that the roots of two traditions in Western philosophy can be outlined within the problematization of *parrhesia*. First, the analytics of truth as a tradition of philosophy emerged from a set of questions such as how do we determine if a statement is true or false? Second, the concern with the question of the importance of telling the truth, knowing who is able to tell the truth, and knowing why we should tell the truth, outlined the development of the "critical" tradition.

problematization of *parrhesia* thus rendered problematic those ‘unproblematic relations between freedom, power, democracy, education, and truth in Athens at the end of the Fifth Century’ (Foucault, 2001, p.73).

Foucault’s work on *parrhesia* evidences that looking at problematizations is not merely examining why certain phenomena or behaviour is a problem as opposed to others. It is a process of opening up for examination a specific way of looking at the phenomena, its interaction with institutional practices (such as the interaction of the act of telling the truth with the practice of ‘free speech’ in the city of Athens), forms of knowledge (such as the prescriptions of what constitutes a good *parrhesia*) and technologies of power (such as the *parrhesiastic contract* and the techniques of a *parrhesiastic game*) (Foucault, 2001).

A plurality of interpretations of the concept of problematization can be identified. In contemporary social science, problematization is understood either as a ‘genealogy of problems’ or as a method of analysis that challenges the commonsense understandings (Barnett, 2015). The first form of understanding problematization (i.e. as a genealogy of problems) is associated with the process of framing analysis, where problems are defined through drawing together different stakeholders, perspectives and shaping pathways to action, whilst the second form of understanding problematization (i.e. as a method involved in challenging commonsense understandings) is associated with critique. In contrast to these two ways of understanding i.e. problematization as an object of analysis and/or as a style of critical inquiry, Foucauldian problematizations are understood “as the ‘element’ through which the trace of ‘thought’ is made available for analysis” (Barnett, 2015). It is a history of the way problems are thought about or a method that accounts for the way in which ‘the world or being discloses itself as something that must be thought.’ (Raffnsøe et al., 2016, p.61). Problematization allows us to do a history of thought, not one of ideas or mentalities (Foucault, 1984). The history of ideas examines the system of representations i.e. it attempts to identify when a certain idea or concept has come into existence and then traces its development. The history of mentalities on the other hand focuses on attitudes and actions of

people. In contrast to these two ways of analysis, a work of a history of thought focuses on the way people begin to take care of, or become concerned about something. Foucauldian problematization thus is “a mode of descriptive analysis that helps to draw into view the significance of the difficulties and concerns that already animate people’s actions” (Barnett, 2015).

Problematization analysis is neither about representation of a pre-existing object nor is it about arguing that the object is created in discourse (Castel, 1994). Rather, problematization is the ensemble or a totality of ‘discursive and non-discursive practices’ that not only brings something into the ‘play of truth or falsehood’, but also draws it into the realm of our thinking (Castel, 1994, p. 237 -238; Rabinow and Rose, 2003, p.12). Foucault describes thinking as an activity or a practice that is beyond mental, cognitive and linguistic spheres and his work links forms of thinking to ways of experiencing reality (Frederiksen et al., 2015). An analysis of thought involves an exploration of “the ways in which we try and have tried to conceive, address and relate to problems presented to us” (Raffnsøe et al., 2016, p.79). Differentiating his work from historical idealism, Foucault avows that problematization of a phenomenon is not a way of denying its real existence (Foucault, 2001; See also Borch, 2015). In contrast, it is an analysis of how different aspects of the real are conceived as a problem. “For I think there is a relation between the thing which is problematized and the process of problematization. The “problematization is an “answer” to a concrete situation which is real” (Foucault, 2001, p.172).

Problematization analysis can be distilled into five key elements (Borch, 2015; Bacchi, 2012). First, it is a caveat to refrain from understanding or equating problematization analysis to seeing or saying that something is problematic. For example, asserting that attrition in CSE cases is problematic. Second, problematization analysis examines the relationships between power and truth and between ‘forms of knowledge and games of truth’ (See also Bacchi, 2012). Third, problematization analysis attends to the difficulties that are constituted as a problem as well as the proposed responses to the same. As Foucault himself puts it

eloquently in his lectures on *parrhesia*, problematization analysis can be understood as 'the history of an answer' to a given situation (Foucault, 2001, p. 173). Fourth, problematization analysis aims to investigate the relationship between truth and reality, and does not deny a reality (Foucault, 2001; Borch, 2015). Fifth, problematization analysis begins with a focus on 'practices', which are construed as the 'intelligible background' for actions i.e. thought which governs one's way of perceiving, judging or acting (Bacchi, 2012, p. 3).

In this thesis, I acknowledge attrition in cases involving crimes CSE as a material reality for sexually exploited children, as is evident from first-hand accounts of child survivors of sexual exploitation, despite the absence of reliable estimates of attrition in cases involving crimes of CSE. It is also evident that significant barriers exist to bringing cases involving crimes of CSE to court. This thesis could have taken various routes in its analysis of the phenomena of attrition. One way of examining attrition in CSE is to undertake a thematic analysis of policy texts and empirical data to highlight the causes and effects of attrition. Other approaches may involve quantitative analyses, comparative historical analysis or narrative analysis of children's experiences with the criminal justice system, so as to identify areas where attrition may occur and the effects of the process of attrition. Contrary to those approaches, this thesis draws from its theoretical underpinnings in Foucauldian and feminist theory and examines the problematization of attrition in CSE crimes. It employs problematization both as a theoretical construct and as a tool that enables a certain set of questions to be asked of the discourses on CSE. Accordingly, I do not deny the reality of the phenomenon of attrition and the difficulties facing children and the practitioners in bringing CSE cases to court. Rather, I ask how various challenges confronting children and practitioners are grouped to constitute a mode of thinking about attrition. I examine how the problem of attrition is thought about in a certain way and the rationalities underpinning that specific form of thinking. Such an examination offers a nuanced understanding of the ways in which the problem of attrition is thought about and offers a critical scrutiny of the solutions that are proposed to tackle the crimes of CSE.

Studying problematizations make politics visible through challenging taken-for-granted objects and examining how objects come to be constituted through relations of power (Bacchi, 2012). Foucault notes that he approaches political questions through studying problematizations and to be more precise the “order of ‘problematization’” (Foucault, 1984), that is the process through which certain acts, practices and thoughts pose a problem for politics. He further notes that examining problematizations is about asking politics what it had to say about the problems with which it was confronted (Foucault, 1984). He further elaborates that looking at how a problem is problematized is also about examining the position that politics takes and the reasons it gives for the position it takes (Foucault, 1984). Feminists have found Foucault’s problematization approach useful in critiquing truths proposed about gender relations, as the approach attempts to perpetually question all that is ‘postulated as self-evident’ so as to shake of mental habits (Bell, 1993, p.48). In this chapter I engage with discourses on CSE with a view to exploring the position the discourses take vis-a-vis the problem of attrition and the reasons that the discourses offer for the said positions.

In examining the problematization of attrition, I hope to make visible the conditions that come to constitute attrition in a certain way and thus present those forms of problematization as objects of thought for all those, including myself as a researcher, who make it their business to protect children, namely police, prosecutors, social workers, young people’s worker, judges and policy makers. My intention in examining the problematization of attrition in CSE discourses is not to confirm whether the current problematization of attrition is good or bad, but to open up for discussion how these problematizations enter the realms of truth. At issue for me are the effects produced by specific problematization of attrition in conjunction with techniques of power. Neither is this analysis an attempt to attribute blame to a policy drafts person who writes a guidance document, nor to practitioners who themselves come to think of attrition in a certain way. I refrain from attributing blame to individual actors, as I concur with Bacchi’s exposition that we all are located within these problematizations that shape us and it becomes

difficult to distance ourselves and think about them (Bacchi, 2012). My aim is simply to expose the terms in which attrition in CSE cases is thought about in contemporary CSE discourses and the effects that specific ways of thinking about attrition may have. As a first step, I identify the general form of problematization, followed by an examination of the responses to the general form of problematization of attrition, and finally an evaluation of the effects of such problematization. The following section (section 1) identifies the general form of problematization of attrition in contemporary CSE discourses and its specific rationalities.

2. PROBLEMATISATION OF ATTRITION IN PRACTITIONERS' DISCOURSES: FORMS AND RATIONALITIES

This section examines the forms of the problematization of attrition within contemporary CSE discourses. To examine the forms of problematization of the process of attrition in cases involving crimes of CSE, we need to interrogate how the problem of attrition is thought about, discussed and responded to. Discourses on CSE consider the problem of attrition in relation to the reporting, investigation and prosecution of these crimes and also in relation to the victim's journey through the criminal justice system. The starting point to examine the problematization of attrition thus is to locate knowledge statements relating to the process of attrition and the rationalities underpinning those statements within contemporary practice. As Foucault notes, problematization is the history of the answers, and the first step to do a history of answers is to start with a diagnosis of the present. I thus turn my attention to current CSE practice. I examine practitioners' responses to undertake a diagnosis of the present i.e. forms of the problematization of attrition in contemporary CSE discourses. I explore the interface between the daily practices of CSE practitioners as members of specialist teams/organisations working on CSE and their thinking about the process of attrition in CSE cases.

Practitioners were asked to respond to or discuss the challenges they experience in investigating, prosecuting CSE cases and in supporting children through the criminal

justice process. They were also invited to reflect on the value and significance of prosecutions of CSE crimes for the victims and for professionals. It is important to note that practitioners were not invited to consider whether attrition in CSE cases is an issue for them in their respective work areas. This thesis started from the assumption that attrition is an issue, considering the vast underreporting of sexual offences in general (House of Commons Home Affairs Committee, 2013) and offences of sexual nature against children in particular (Cawson et al., 2000).

Although robust estimates of attrition rates in cases involving crimes of CSE are unavailable, many studies identify high attrition in these cases at different stages of the criminal justice system (Jago et al., 2011; Child Exploitation and Online Protection, 2011, Barnardo's, 2012; House of Commons Home Affairs Committee, 2013; Jay, 2014; Beckett and Warrington, 2015; Beckett et al., 2017). Considering attrition as a reality, I chose to focus the interview/discussion on practitioners' experience of dealing with disclosures by children of abusive experiences (i.e. reporting of offences from a criminal justice perspective), the process of investigation, the decision to charge and prosecute the alleged offences. Analyses of data from practitioner interviews and discussions indicate four specific ways of thinking about the process of attrition. Their ways of thinking about attrition relate to the prosecution process, the nature of CSE case investigations, children's experiences vis-a-vis the criminal justice process and finally practitioner's knowledge of the concept of CSE. In the sub-section below, I will look at practitioners' thoughts on the prosecution process, particularly examining how they construed the value of prosecution outcomes and their impact on children. The contradictory constructions of the value of prosecutions among practitioners, suggest a specific way of thinking about attrition.

2.1 CONTRADICTIONARY UNDERSTANDINGS OF THE VALUE OF PROSECUTIONS AMONG PRACTITIONERS

Practitioners were invited to reflect on the value and significance of prosecutions for themselves and for the children they work with. Their responses varied and

noted that the value children accorded to prosecutions differed depending upon the child's personality, experience and circumstances. First and foremost it is important to underline that prosecutions resulting in conviction were regarded as successful prosecutions by practitioners. They noted that as a general rule a prosecution resulting in the conviction of the offender makes the child feel that it is not her/his fault and that s/he was right in coming forward to participate in the criminal justice process. The excerpts below from practitioners underline the significance of convictions:

*“They feel very **empowered** from it [a guilty verdict] and **believed**, which is very important for these victims. **You get a not guilty verdict from it and it can be like I say shattering.** It can really unsettle them. I mean...prosecution is one thing...guilty or not guilty is basically the crux of it”. (Police Officer 03 emphasis added)*

*“If the child is engaged [in the criminal justice process] that [a prosecution] **gives them closure** or starts to give them closure I would say rather. If they are not engaged it can turn against them even more. Because they see it as putting their boyfriend in prison or giving them whatever sentence they get. There is also... a prosecution creates a **lot of anxiety** in the children as well. **Lot of fear** about going to court. And ...it is really important that we ensure that there is proper support for these children. Not only to get them to the court... that it is important, **but to make sure the court process doesn't damage them or cause them any more trauma than perhaps they have already been through.** So, that support is important.” (Police Officer, 05 emphasis added)*

Practitioners who participated in the interviews and group discussions iterated, in no particular order, that successful prosecutions give children a sense of justice, of closure, of being believed, of self-worth and validate children's experiences of abuse as wrong. They also reflected on experiences that undermined the value of convictions, such as experiences of bullying, backlash from associates of the

defendants or insensitive handling of the post-prosecution process by professionals or media (Young People's Worker 06; Focus Group Discussion 03). Practitioners highlighted instances where children experienced trauma and strong sense of guilt owing to the relationship they had developed with the perpetrator, as is highlighted in the excerpt above. One practitioner reflected on a case where the children who disclosed abuse ended up blaming themselves as the accused committed suicide after pleading guilty.

Contrary to the reflections noted above, one social care practitioner noted that prosecutions do not always have positive value for children. Referring to a specific operation involving a number of girl children the practitioner noted:

*"The main victim we had in operation X [name of operation], although she was part of the court process, there was for me a sense that she wasn't... she didn't really consider herself as a victim and she didn't really want any action taken. **So I haven't come across a victim who has felt in any way that they needed it for some sort of closure or to kind of get justice for themselves,** while I am aware that obviously that is often the feeling that some have (Social Care Worker 01 emphasis added)."*

The excerpt above indicates that where children do not perceive themselves as victims, they are unwilling to take action against the alleged offenders and may also exhibit a sense of indifference to the process of prosecution and its outcome. Reflecting on another case where the outcome was an acquittal, one interviewee noted that despite the defendant being found not guilty, the victim felt a degree of closure in having had the opportunity to tell her story, having been believed by the police officer investigating the offences, by the crown prosecutor who charged the case, by the witness service or the people who were looking after her (Prosecutor 01). Similar expositions from other practitioners indicate that the opportunity that becomes available during the prosecution process for children to speak of their experiences, to verbalise what had occurred or to tell their truth, is of value in itself, besides the outcome of the prosecution process.

Talking about the impact of cases being dropped from the criminal justice system on children who report the abuse, practitioners noted that children find the decisions to drop cases ‘devastating’ (Focus Group Discussion 02, Focus Group Discussion 04). They stressed that a specific sense of self, i.e. ‘I am not worth it’, often arises either when the CPS decides to take no further action (NFA) or when cases are dropped during the trial. Beckett and Warrington (2015) too highlight that repeated NFA decisions contribute to self-blame amongst sexually exploited children. Young people’s workers further noted in the interviews that recovery work with young people, who consider themselves as guilty, blameworthy and hence undeserving of justice following NFA decisions, often takes years. Practitioners stated that the disbelief children experience from their peers, family and others within their immediate environment (such as teachers) is further affirmed by the outcome of criminal justice processes resulting in children’s perception of themselves as unworthy and undeserving. Young people’s workers noted that they themselves experience powerlessness when the impact of cases being dropped takes the children back to where they were: self-blaming individuals. As the young people’s workers note:

*“I remember hearing this conversation between two young people... when one of them started saying ‘oh and then my case was NFAed’. NFA is No Further Action. But it has just become a common term. The other went...’was yours NFAed? Mine was also NFAed. Actually mine are always NFAed. They never do anything about it’. **It was this NFAed is like this common expression that they recognised amongst themselves.** So the common experience was ‘no further action’ to the point that they had this NFAed as the common language that they both recognise; **common language of defeat.**” (Young People’s Worker 05 emphasis added)*

*“It is **disheartening** for the young person when cases are NFAed. It can come down to lack of evidence, age. It can come down to many things. Yet the child will ultimately believe **they were not believed...’they were a liar’.** Even*

though we believe them, police believe them...they still feel they were not being believed.” (Young People’s Worker 03 emphasis added)

*“Some young people don’t recover from that. Don’t recover from... the fact that actually **it must have been my fault or I must have asked for it and I am not worth...you know people don’t believe me...** And that is when you got repeat victimisation as well. They stop complaining and they stop saying ‘no’.” (Young People’s Worker 05 emphasis added)*

The young people’s worker’s words in the excerpt above highlight the psychological impact and long term consequences for children when cases are dropped. It underlines the experience of re-victimisation as a consequence of children’s self-worth being undermined. Practitioners noted processes where children do not feel believed can have damaging consequences to their mental health. One practitioner recalled a case of a young person who gave evidence in court and the accused were convicted on all, but two charges. However, the accused was convicted on those charges from the testimonies of other young people involved in the same trial. Despite the convictions on most charges, the young person still felt that he was not believed and that his testimony was unimportant (Focus Group Discussion 01). Madden Dempsey writes about the values that can be realised through “prosecutorial pursuit and non-pursuit actions” and draws attention to the “expressive” and “constitutive” value of prosecutorial actions (2009, p.60-74). Expressive value, according to Madden Dempsey, is evident in both prosecutorial pursuit actions such as charging and in non-pursuit actions such as the discontinuation of a case. The value of the prosecutorial actions is intrinsic and is identified in the denunciation of the wrongdoer or in the exoneration of the innocent (Madden Dempsey, 2009). She further argues that habituated prosecutorial actions have constitutive value. She illustrates further, where prosecutors routinely plea-bargain with white defendants and not with non-white defendants, their habitual actions thereby constitute the prosecution team as racist. Madden Dempsey’s work on the expressive and constitute value of

prosecutorial actions is useful for my analysis of practitioner responses relating to the value of prosecutions.

Recurring reference to no further action (NFA) decisions in CSE cases within children's discussions were identified by the practitioner in the above excerpt. The discussion alluded to in the excerpt indicates that children perceive prosecutorial responses as ineffective, indifferent and unhelpful. The statement that 'they never do anything about it' in the young person's account referred to by the young people's worker above underscores as a characteristic trait of the ineffective response on the part of criminal justice responders. The actions of criminal justice agencies in CSE cases, however, have material consequences which are farther than the expressive and constitutive values identified by Madden Dempsey. I argue that in the act of validation (of children's experiences) that occurs in a successful prosecution as well as in the act of denunciation (of children's experiences) that occurs when cases are dropped, there is a performative value. The processes through which children's experiences of abuse and exploitation are either validated or denounced, kick into action specific truth claims (e.g. a prototype of an abused child) and consequently a self-constituting subject is born. These practices of validation and denunciation are performative and bring into being the objects they name. This performative value is particularly relevant to this thesis for two reasons. Firstly, it exemplifies the productive nature of discursive practices. To illustrate further, children who are encased in a position of liminality up until the charging stage in the criminal justice process, come to self-constitute themselves as legitimate victims through practices of exoneration and validation in a successful prosecution (resulting in a conviction) or as self-blaming individuals unworthy of becoming legitimate victims, when cases are dropped from the prosecution process or result in the acquittal of the alleged perpetrator. Secondly, the performative value of the prosecution process in constituting children's subject positions, through acts of validation and denunciation, elucidates the power of juridical practices. I will elaborate on the power of juridical practices in Chapter 7.

The reflections of practitioners noted above indicate that they consider the value of prosecutions for children in contradictory terms. Both positive value (such as a sense of justice, sense of being believed) and negative value (such as sense of guilt, post-trial backlash) are attributed to the prosecutions which resulted in a conviction. In a similar guise positive and negative value is attributed to prosecutions which resulted in an acquittal i.e. a sense of being heard as a positive value despite a not guilty verdict and self-blame as well as the experience of re-victimisation as a negative value of acquittals. These contradictory terms, in which the impact of prosecution outcomes is thought of, destabilise the very notion of prosecution as a rational response to offences of CSE. This form of thinking brings into question the very value and usefulness in pursuing the prosecution of CSE cases, thereby affecting the decisions to drop cases, by the professionals involved and by the children themselves. It constitutes effects at the level of subjectivities for children through practices of validation and denunciation. It also results in the destabilisation of prosecution as a rational response to CSE.

2.2. COMPLEX NATURE OF CSE CRIMES AND ITS IMPACT ON THEIR INVESTIGATION AND PROSECUTION

The second form of thinking about the problem of attrition in these cases relates to the complex nature of CSE crimes and its impact on the investigation and prosecution of CSE cases. Practitioners identified multiple challenges to investigating and prosecuting CSE cases. They underlined the nature of CSE crimes as complex with some investigations involving large groups of children, networks of perpetrators and covering vast geographical areas. They noted that investigations are often intelligence led and lack direct disclosure or evidence from the child. As noted in Chapter 5, the lack of disclosures from children is identified as a significant barrier to investigating CSE cases. Police noted further that as children do not recognise themselves as victims, investigations require long term police involvement causing delays and loss of forensic evidence. Children's lack of recognition of abuse and exploitation is coupled with the explicit reference to perpetrators as their boyfriends, thus complicating the investigation further.

Information about grooming and sexual activity/behaviour is intelligence based and children do not hint at being groomed or divulge any other information about what is going on, making it difficult for the police to convert intelligence into evidence that can be presented at court. Practitioners stressed that the covert nature of CSE offending makes it difficult to evidence and subsequently achieve convictions. Lack of successful prosecutions for sexual offences against children is primarily associated with the lack of victim's compliance and evidence as opposed to police's lack of action (Police Officer, 04). Reflecting on a current investigation involving the rape of a 13 year old girl, one police interviewee noted:

"[T]he following day she sent him text messages saying 'I really love you and I want to be with you'. Now that undermines....on the face of it that undermines what she said. However, the lawyer we have got at the complex case unit is very open at the moment. He has not quite charged this one yet. But he is very open to the argument that that is the manifestation of the grooming process...that she is in care, she feels that she is now loved and she needs attention and she is willing to go through this abuse because to her that is worth what he is giving her back and that is along with other evidence like he has done it to another three girls." (Police Officer 04)

*"Whilst **they are not easy investigations by any stretch of the imagination**, they are doable. You give a team of detectives and they get on with what they are dealing with. They put a job together, they go to court and they get a conviction. **For me the challenge is when these 14 year olds are in the clutches of somebody**. How do you get them out of that? And then without having to stand by and watch them suffer and then two years later pick up the pieces and go back and lock him up. To me that is where the challenge lies." (Police Officer 04 emphasis added)*

*"Evidentially I suppose... I mean... **in these cases 9 times out of 10 is one word against the other**. And 9 times out of 10 there might not be forensic evidence available. It's literally who the jury is going to believe at the end of*

*the day. So evidentially we always have got that hurdle to overcome. But realistically **what we can do about that. That is the nature of those sorts of cases***" (Prosecutor 01 emphasis added).

As noted in the excerpts above the nature of the crimes of CSE complicates the investigation and the prosecution of these cases. To illustrate further, children subjected to sexual grooming relate to the perpetrators as their 'boyfriends' or may perceive exploitative sexual relationships as a normal part of their relationship. In instances where the perpetrator manipulates the emotional needs of children by showering them with gifts, attention and affection, children may not speak of their experiences as abusive, a discursive utterance relevant in the constitution of children's sexual subjectivities discussed in chapter 5. They may continue to return to the perpetrators even after being subjected to acts of rape or other forms of sexual violence. This element of grooming involved in the crimes of CSE produces a child whose situation contradicts a dominant stereotype of an unknowing and avowing victim. In addition, obtaining forensic evidence becomes a barrier due to delay in reporting/ disclosures by children as well as due to their unwillingness to engage with the criminal investigation.

Practitioners identified a number of challenges in investigating CSE cases. These include high retraction rate amongst victims, difficulty of obtaining evidence due to the nature of the offence, young people's distrust of police and perception of the police as adversaries. They also noted technical problems in carrying out Achieving Best Evidence (ABE) interviews. Ineffective practices in conducting ABE interviews identified by practitioners included the choice of time and place for conducting ABE interviews, insensitive questioning and repeat interviews. Practitioners noted that children are often fearful of the reprisals of cooperating with the investigative process. The following excerpt from a young people's worker reflects the lack of empathy and insensitivity to the experiences and feelings of children:

"ABEs turn out in appalling ways... technical problems... 'Tape was not recording can we do it again from the beginning...' There is no sense of how

serious this is and difficult for the child. Treating it as one off incident and therefore not looking at the whole process.” (Young People’s Worker 05 Emphasis added)

The process of engaging the victims and ensuring their participation in the criminal justice process was identified as a significant challenge by all the police interviewees and some police interviewees elaborated the robust mechanisms that are required to be put in place to ensure victim engagement. Reflecting on how CSE case investigations differ from cases involving other forms of child abuse a police interviewee stated:

“It is the challenges as I said, about the victim, the engagement, the fact that the victim may still be at risk from the perpetrator. The risk management is greater and more complex. Evidentially we might struggle to go back to the prosecution without the victim’s evidence.” (Police Officer 05 Emphasis added)

One police interviewee stated that repeat meetings with the victims, multiple accounts of victims over a period of few years as well as contradictory statements between two or more victims involved in the same investigation often brings the reliability of the victims’ accounts into question. Another police interviewee stressed that the presentation and reliability of the victims is dependent on the team’s interaction with the victims and its ability to instil confidence in their victims. They noted that repeat meetings are generally shunned as bad practice that undermines the validity of the investigations. The need for multiple meetings with children as a means of engaging them with the criminal justice process on the one hand and the potential of repeat meetings being seen as compromising the validity of the investigation on the other, poses challenges to effective, empathetic practice in investigating these cases.

High thresholds of evidentiary requirements from the CPS, managing expectations of children and others as to what police can realistically do, the lack of a shared

understanding of risk to children between police and the CPS were identified as challenges to CSE case investigations. Police interviewees noted that when children report abuse, they assume the perpetrators will be immediately apprehended and remanded to police custody. However, police feel that their hands are tied and that CPS may allow bail applications with least resistance owing to a lack of shared understanding about the risks to children posed by the accused.

Another challenge repeatedly identified by most practitioners is CPS insistence on the need for third party material. The excerpts from police interviewees highlight the emphasis that CPS places on third party material.

*“I also feel we need to accept the victims for what they are on that day. Because if the child wasn’t vulnerable they (sic) probably wouldn’t have been offended against. And just because they have told lies in a care home about somebody, does that mean they are lying about this abuse. **While I understand that it is undermining material, I don’t think...I think the weight that is attached to it needs to be viewed around their numbers and an understanding of what CSE is.**” (Police Officer 05 emphasis added)*

*“**It is always the third party material.** Why do they want to know children’s social care records, education records and doctor’s records for a child and never for the offender, for example. **It is a fishing expedition to see if they are any good as a witness.** It is a defence fishing expedition that we do for them. It is ridiculous.” (Police Officer 02)*

Police interviewees stressed that the requirement for a thorough sifting of third party material becomes a means to raise issues around the credibility of the victims. Building a case file with all the third party material causes unnecessary delay and distress for the victim. The lack of specialist knowledge amongst the jury members was identified as a significant challenge. Language barriers, families’ reluctance to engage with police and the insularity of some communities were also identified as challenges to investigating and prosecuting these cases (Police Officer 01). For

instance, young people and their families from some communities were fearful of the police and the judicial system. They were reluctant to engage and the reluctance is quite 'immovable' in certain cases (Police Officer 01).

A closer examination of the challenges noted above, identified by the practitioners, indicates that few of these challenges do relate to the nature of crime whilst the root of other challenges lies either in practitioner assumptions, institutional practices or societal attitudes. To illustrate further, the evidentiary thresholds of the CPS and the requirement to examine third party material prior to the charging stage has been underscored as an institutional practice deterring the cases from moving forward. One police interviewee (Police Officer 02 quoted above) described the CPS requirement for third party material as a fishing expedition for discrediting the victims. Some of these challenges relate to the institutional practices (e.g. disclosure of third party material), whilst others relate to organisational culture (e.g. prioritisation of risk management) or to attitudes of those involved in the investigations (e.g. conduct of ABE interviews). Whilst these challenges are real, what renders them problematic is the way in which they are grouped together to constitute the rationality that CSE investigations and prosecutions are difficult and challenging. These difficulties with their origins in different sites within practice are intertwined in discourse to constitute a common-sense understanding that CSE investigations and prosecutions are by their very nature difficult and challenging. Such common-sense understandings foreclose the need to subject these specific challenges to critical scrutiny and address the challenges at their roots. As a consequence, the resources required for carrying out the robust investigation of CSE crimes such as the time, skill, money, professional attitudes, and cultural shifts take a back seat in the discussions.

2.3. PROSECUTION PROCESS AS A CHALLENGE TO THE BEST INTERESTS OF CHILDREN

Another form of problematization of attrition in CSE cases relates to practitioners conception of children's best interests. The thinking that prosecutions may not be

in the best interests of children in certain circumstances is recurrent in practitioners' responses. Three factors were emphasized as determining the decisions not to take the case forward, namely the nature of the crime (cases where young people share sexualised images), the ability of the victim to go through with the rigorous process of prosecution (lack of capacity due to mental health) and the re-victimisation of children (traumatising nature of the prosecution process). To clarify further one police interviewee noted that their force took a force wide decision not to prosecute cases where children share sexualised images unless there is abuse element involved. The interviewee expressed that a lot of children share sexualised images on digital media and that only a few of those incidences are characterised by abuse. Therefore, it is neither practical nor in public interest to prosecute all those incidences.

Other interviewees highlighted that their decisions to NFA cases are also determined by children's mental health and disability. Practitioners alluded to many instances of children with diagnosed and undiagnosed mental health issues or developmental disorders such as autism spectrum disorder (ASD), asperger syndrome (AS). One practitioner noted that children affected by neurodevelopmental disorders do not receive appropriate responses when disclosing abuse. The case of a child who could only provide a partial account of the crime in the initial testimony did not proceed further as she was considered unreliable as she provided a fuller account on a different occasion. In contrast, another 15 year old girl on autistic spectrum could 'reel off information' about incidents from when she was 9 years old. She was not believed and was discredited, as it was assumed that no child could remember and recall information in such detail. Other practitioners expressed concern that children with other undiagnosed mental health issues such as low IQ are unable to articulate their experiences of their abuse and that such cases may not come to the attention of police. Others noted that abuse experienced by children with mental health issues can go unrecognised as indicators such as children going missing, absconding from care placements or the lack of restraint is put down to their mental health as is evident from the excerpt below:

“So their missing episodes will be...they didn’t take their medication that day so they are really erratic so that is why they are missing or this person is suffering from depression, but they have not been diagnosed yet and that is why they went missing for three days’. Again there is no looking into that situation that they were missing for three days with X number of potential perpetrators. Again they are not really identified as victims. So again there is no win situation.” (Focus Group Discussion 04)

Another practitioner noted that children with mental health issues could benefit from intermediaries. However, the limited availability of registered intermediaries means that some children may have to wait for a long time to have an intermediary when they do their video recorded interview (VRI). The police for obvious reasons prefer to have the interviews at the earliest opportunity and may carry out the interview without an intermediary. When the child comes to give evidence in court the CPS may appoint an intermediary with whom the child may not be familiar and may feel that they have to give evidence with a complete stranger sat next to them further adding to the trauma they experience. The practitioner stated that sometimes she advocates for children not to give evidence because it is not in their interest considering their mental health is more important than actually gaining a conviction.

Practitioners also reflected on their experiences where their thinking about the prosecution process as traumatising and children as vulnerable constituted the conditions in which NFA decisions were made. They noted that children feel anxious about attending court and their experiences of defence barristers can be traumatising. The following excerpts from practitioners suggest how this form of thinking that prosecution may not be in the child’s best interest, underpin decisions to drop cases.

“We start from what is in the best interests of the child as the starting point. So I will put on the file for advice that whilst it is in public interest and

have evidence that this happened, however a prosecution might harm the child. And in another I had...I might put a recommendation in there that we really want to prosecute because this is really a bad man..." (Police Officer 02 emphasis added)

*"**We can put all special measures in place**, but the expectation is that the victim still has to be able go to court and be cross-examined if necessary which is you know can be quite daunting. So there is a lot of consideration that goes into whether the case does go to court. It is not a decision that is made ...you know... routinely. There is a lot of rationale that goes round it. And in some cases they are very very difficult to prove. Then do we put a very vulnerable 14-year-old girl in a court situation and a Crown court situation where it boils down to one word against the other? Probably not. Because it's a lot to ask that 14-year-old and it is a very difficult decision that a jury would have to make. Who do they believe? If we have no corroborating evidence it can be extraordinarily hard. **At the end of the day we should not lose focus from who our victims are. They are very vulnerable children. We are not doing them I think the best service by just plunking them in court a room to just see how it goes...** you know we will give it a go. We have to give a lot of very serious thought to what is best for them." (Police Officer 03 emphasis added)*

*"I am still to this day convinced that she was so damaged that she was so confused as to what had happened to her, that the defence would have been able to discredit her to such a degree and give her such a hard time in court. **Would it really be in her best interest to put her through that process?** Knowing that we had no realistic prospect of a conviction...It would have been extremely traumatic for her." (Prosecutor 01 emphasis added)"*

The excerpts above from both the police and CPS interviewees reflecting on their experience highlight that decisions to drop cases from being prosecuted is dependent both on factors such as evidential problems as well as on pre-emptive

assumptions about the damage or trauma the child may experience during the trial. My intention here is not to elicit whether putting a child through the sort of experiences described above are actually in the best interests of children or not, instead, it is an attempt to untangle the discursive effects of this form of thinking. The best interest principle underpinning generic child protection work and specific CSE work (See Beckett and Warrington, 2015) calls for approaches that uphold the rights of children, enable their participation in decision making, provision of independent specialist advocacy, holistic assessments and response to their needs as well as ensuring access to support at all levels of the criminal justice system. I am not questioning the value of the concept of children's best interests which is often foregrounded as a principle that ought to be upheld in responding to child abuse, within policy and research (See Department for Children, Schools and Families, 2009; Department for Education, 2011b; Patron, 2011; Berelowitz et al, 2013; HM Government, 2015; Beckett and Warrington, 2015). Rather, I am highlighting the effects of this form of thinking on decisions not to take cases forward. I argue that this form of thinking forecloses the scope for asking a certain set of questions namely, the nature and sources of trauma experienced by children, what harms are experienced by children during the prosecution process and why. The conflation of multiple challenges to investigating and prosecuting CSE with their origins in varied sites of practice that I have discussed in the sub-section 2.2 above elucidates this further.

In the excerpts above we can examine references to the trauma resulting from a sexually abusive experience (i.e. *she was so damaged that she was so confused as to what had happened to her*); to the child's state of being (i.e. *at the end of the day we should not lose focus from who our victims are. They are very vulnerable children*); to the lack of sufficient evidence (i.e. *if we have no corroborating evidence it can be extraordinarily hard*); to the codes of practice (i.e. *knowing that we had no realistic prospect of a conviction*); and to the processes of arriving at the truth (i.e. *it boils down to one word against the other; or it is a very difficult decision that a jury would have to make. Who do they believe?*). Conflation of these varied elements into trauma stops us from asking what can and should be done to deal

with the specific challenges. This form of problematization limits our thinking and our questions to the exclusion of others. The questions that dominate the discourse will then be: is it worth it? Is it fair to put a child through those experiences? Is it in their best interests to do so? In the process what gets occluded from our thinking is the question as to what is the purpose of the criminal justice system? and what is it that the children are seeking in knocking on the doors of criminal justice?

2.4. LACK OF A SHARED UNDERSTANDING ABOUT CSE AND ITS VICTIMS

Another form of the problematization of attrition evident in practitioner responses and discussions relates to practitioners' understanding of CSE. CSE is understood as the process of involving children under the age of 18 in sexually exploitative relationships, contexts and situations and is characterised by violence, manipulation, coercion and imbalance of power (See Chapter 1 and 2). The power imbalance, manipulation, coercion and grooming as characteristic of CSE were also emphasised by practitioners as well as in policy texts (See chapter 5). When asked to explain how they understood CSE, they noted:

*"I suppose there is an element of coercion [in exploitation]. In my experience, the perpetrator tends to see the vulnerability in a child or young person and taps into that in quite a manipulative way. And that could be often in [the form of] gifts. For me a majority of the time it is affection and attention which the child is lacking in the home environment. The grooming process is such that, **it is really difficult for that young person to realise that they are being exploited. They are getting some reward from them...in their eyes for being in a relationship or being in contact with that person.** So it is the coercive element and the brainwashing that come in from someone who recognises the vulnerability in them." (Social Care Worker 03 emphasis added)*

"CSE obviously it is a form of sexual abuse. How it differs from sexual abuse is that it is generally the threat outside home. So it is generally non-familial

*and the threat is generally outside of home. **There is exercise of control and power and coercion.** So young people are generally (even they might not realise it) coerced into either performing sexual acts or doing something online and it can be in return for something. There might not be an immediate reward.” (Social Care Worker 02 Emphasis added)*

“Sexual exploitation is people who build (sic) relationships with young people for the purposes of exploiting them sexually. And they could do that for lots of reasons, whether it is their own sexual gratification whether it is passing round to other people, it could be peer on peer. It could be commercial... or financial gain.” (Young people’s Worker 06)

“Sexual exploitation is manipulation of what being a child means; It is manipulating what you want and your needs for me to get what I enjoy... the financial reward. So it is manipulating what you [the child] need or want and so that I [the perpetrator] can get either sexual pleasure, sexual gratification or monetary gratification. So it is that element of manipulating what being a child is and whatever may have made you more accessible;” (Young People’s Worker 04)

“It is sexual offending of which CSE is a part. I think sexual offending is about control, the power as much as it is about sex. That the victims are controlled.” (Police officer 04)

“It is very complex...Child sexual exploitation and I think there are a lot of myths about it. CSE isn’t an offence. I am sure you know that. It is way of committing child sex offences or child abuse offences. And I think that is the first sort of thing that people have to understand. And a lot of the members of the public don’t understand that.” (Police Officer 05)

The excerpts above highlight practitioners understanding of CSE as an abuse of power. The process involved in the sexual exploitation of children is described as

predatory where perpetrators manipulate the vulnerabilities of children and gain control over them. Practitioners further stressed CSE as systematic abuse involving process of grooming the child to develop trusting relationships, isolating them from their support systems including their peers and family and normalisation of the sexual encounters to achieve compliance and control (Focus Group Discussion 01; 03). A key characteristic that differentiated CSE from other forms of child sexual abuse is the element of exchange. Practitioners noted that the exchange of sex for love, goods, attention or status, as the key element specific to CSE. Professional understanding of CSE and its victims varied considerably owing to the influence of media, problematic professional attitudes, changing patterns of exploitation in their specific local areas and the lack of appropriate training to recognise CSE.

Practitioners stressed that the lack of a shared understanding of CSE and its impact on victims among professionals is a significant barrier in the identification of sexually exploited children as victims of abuse as well as in the effective investigation and prosecution of CSE cases. One police interviewee referred to problematic attitudes amongst police officers responding to regular missing children, who misconstrued the children as troublesome, promiscuous, streetwise and as making life style choices. Participants at the focus group discussion further reaffirmed that often professionals focus on the behaviour of the young person and attempt to address the behaviours (Focus Group Discussion 01). Others too referred to many instances where children were blamed, criminalised and effectively disengaged as is evident from excerpts below:

“We don’t listen to behaviours. We just point at behaviours and label youngsters as bad, off the rail, losing it, disinterested. We don’t actually listen to those behaviours and what they are actually telling us.” (Focus Group Discussion 01)

“[T]hen you don’t get the links between the exploitative situation that a boy for example is going through when he is recruited into a situation where a gang is wanting to provide drugs or whatever and trafficked and put into

position of plugging drugs up his anus and having other people to take and remove them... you know the whole situation, the whole exploitative situation he goes through... they say that he is a bad boy, he is a little shit, he is off and they criminalise him. And I find it frustrating that we cannot even get to that very basic position of saying this boy has been exploited.”
(Focus Group Discussion 02)

Over emphasis in media on the grooming of children by Asian males, gang associated exploitation led to professionals failing to identify cases that do not fit those dominant models (Focus Group Discussion 04). Practitioners also noted that challenges exist around how peer on peer exploitation is understood as there is reluctance to prosecute children due to their age (Young People’s Worker 03; Social Care Worker 03). Practitioners expressed concern that the reluctance to prosecute perpetrators who are themselves children emanated from not wishing to criminalise children. The approach taken towards young people as practitioners noted above was further affirmed by a police interviewee, as is evidenced from the excerpt below:

“We find a few with child suspects that we do. That is another area where you get... social media where it is more than sexting. Because we got a policy about sexting. Peer-to-peer as it were now...can always be CSE. That will always be looked at to see if there is any coercion, any sort of imbalance of power. If it is not... then it is about educating children and we are not in the business of criminalising children for what unfortunately seems to have been normal behaviour.... not normal behaviour but almost normal behaviour. We will divert them to schools, school officers.” (Police Officer 04)

Practitioners expressed that attempts not to criminalise young people as a standard can pose difficulties in cases where serious sexual offending may be occurring despite the age of the perpetrator(s). One interviewee shared her experience of a case where a group of young boys from year 10 and 11 were intimidating year 7 and 8 girls, sending images and videos of themselves masturbating and the girls

were asked to send videos back in an intimidating and bullying manner which later progressed into exploitative sexual activity in the absence of any deterring intervention.

Practitioners highlighted that another significant challenge to prosecuting CSE cases is the approach taken by the prosecutors and their perceptions about the credibility of the young person. Interviewees have highlighted often that the prosecutors 'write off' CSE cases too quickly owing to inconsistencies in children's statements and to references in third party material that undermine children's credibility. Third party material from a number of sources, principally social care, education and health are sought by the prosecutors prior to taking the decision to charge. Practitioners are critical of this approach as they view this as an attempt to undermine the victim. Interviewees, particularly police and young people's workers, attributed this approach to the prosecutor's lack of knowledge and understanding of CSE and its impact on victims.

"And ...if they just look at the evidence and just for one moment put the victim to one side make good... she will appear before the jury I think we get far more easy charges...and more. They write them off based on the fact that she doesn't look right good on her ABE. She doesn't come across well and that is madness." (Police Officer 02)

"Because I think the CJS isn't great. I think the police can only do what they can do. They can only put the evidence into court. If the CPS then decides there is not enough evidence, if they decide that the witness isn't going to be seen reliable or whatever reason, they then make their decision.." (Young People's Worker 06)

The following excerpt from a practitioner, reflecting on her experience of working with a young person she supported, evidences the significance of professional perceptions of the credibility of the young person:

"I have had a young girl where she was raped. There was plenty of medical evidence to suggest that she was raped. But within the case... there were two people who she has had sex with and she didn't say about the first person because she felt that she chose to have sex with him and he is linked to someone else she didn't want to find out. When she was first interviewed she didn't say that she had sex with the other one. And then that came out later. So the Crown Prosecution Service basically said because she could not say the truth about the first one, they could not say she is telling the truth about the second one." (Young People's Worker 06)

The practitioners highlighted that the presentation of the victim at court where the child may have a very chaotic life, dysfunctional family and mistrust with authority figures can be challenging. As is reflected in the words of the practitioners:

"I think there is the issue of jury's understanding of CSE. Well. If this young person is going to see... is going back and back, then they are making a choice to keep going back to this person (the perpetrator). So jury's understanding of CSE can have a big impact." (Young People's Worker 06)

"My experience is that social workers, youth workers, police officers in CSE will do a lot of work in terms investigating, supporting young people, disclosure all that kind of stuff, but when it comes to CPS it doesn't get any further. I don't know if CPS has got a different view of what exploitation is" (Social Care Worker 02)

Practitioner responses described above point to a rationality that the lack of a shared understanding amongst practitioners as to what constitutes exploitation and how the grooming process affects the victim is a constitutive condition of CSE practice. Practitioner's responses affirm that the lack of understanding of the power imbalance and the processes of grooming amongst some practitioners coupled with assumptions about the behaviour and characteristics of a victim form the grid through which children's experiences of abuse pass through before being identified

as victims. The recognition of children as victims, the cognizance of their complaints, and the pursuit of their cases for prosecution is conditioned by the various challenges identified above. This form of thinking suggests that attrition occurs as a consequence of the lack of a shared understanding and not by the specific challenges which do not relate to practitioners understanding of the issue of CSE.

To sum up this section, I have thus far identified the forms in which attrition in CSE cases is problematized by practitioners. Four ways of thinking constitute the specific form of problematization of attrition in CSE cases: the contradictory construction of the value of prosecutions; the understanding that CSE as a crime by its very nature makes their investigation and prosecution difficult and challenging; the notion that the prosecution process undermines children's best interests; and that a lack of shared understanding of CSE amongst professionals is a constitutive condition of CSE practice. I have thus far explicated these forms of the problematization of attrition in CSE discourses as reflected in the responses of practitioners currently involved in CSE related work. I will now turn my attention to policy texts analysing the strategies and priorities that are pursued within policy discourses. I argue that prosecution as a rational response is accorded less priority and underscore the significance accorded, in policy discourses, to the safeguarding of children through young people's support work and to the disruption of perpetrators through civil orders.

3. PROBLEMATIZATION OF ATTRITION WITHIN THE POLICY DISCOURSE ON CSE

In the section above, I have interrogated the problematization of attrition in practitioners' discourse by analysing data elicited through interviews and focus group discussions. The task in this section is to interrogate the policy texts from 1996 to 2016 examining the policy objectives, how they may have shifted, if at all. The analysis will focus particularly on proposed criminal justice responses within policy texts and the strategies deployed for tackling the crimes of CSE. Through examining the policy objectives and priorities, the analyses presented in the

following sub-sections will reveal how the problem of attrition is thought about, in and through CSE policy discourse.

3.1. CRIMINAL JUSTICE RESPONSE TO CSE - ANALYSIS OF THE SHIFTING POLICY PRIORITIES

Policy texts analysed (See *Appendix 1* for the corpus of texts examined) in this thesis indicate a gradual shift in policy priorities since 2000 as will be evident from the discussion below. Prosecution of offenders perpetuating crimes of sexual exploitation against children remained a significant policy objective, if not a priority until 2015. The Safeguarding Children Involved in Prostitution (SCIP) guidance for example notes its dual aim of safeguarding children and encouraging the investigation and prosecution of criminal activities by those who coerce children into and abuse them through prostitution (Department of Health, 2000, p.8). Dual emphasis in this text could also be observed in the discussions on the need to prosecute child sexual abusers and coercers as well as responding to children who may be persistently returning to prostitution (2000, p.15, 28, 33).

The DCSF 2009 (Department for Children, Schools and Families 2009) guidance on safeguarding children from sexual exploitation adopted a three pronged approach focussing on prevention of abuse, protection of children and a “proactive approach to the prosecution of offenders” (p.11). It also notes that partner agencies should work with the police “to ensure that no information is lost that may be critical to a prosecution case, and so that a disruption plan can be put in place (see paragraph 7.4) for the perpetrator” (p. 31). The guidance focuses on the identification of individual perpetrators as well on the ways of tackling organised criminal networks of perpetrators. The DCSF 2009 guidance introduced the disruption of perpetrators as a specific strategy for tackling crimes of CSE in addition to the prosecution of alleged crimes. The need for proactive investigations aimed at successful prosecutions is emphasised while at the same time asserting the value of disrupting perpetrator behaviour. The DCSF guidance document states:

“Disrupting perpetrator behaviours should be viewed as an important part of local work to tackle child sexual exploitation. Whilst there should always be a proactive investigation aiming for successful prosecutions, a disruption plan targeting suspected perpetrators can be extremely beneficial. A disruption plan might involve a number of activities, ranging from simple observation of an individual’s activities, to the use of a range of civil orders, including sexual offences prevention orders and risk of sexual harm orders, depending on the type of behaviour and evidence available. Other types of legislation, such as anti-social behaviour orders, restraining orders or child abduction notices (see below) can be used to disrupt incidences of sexual exploitation while other measures to safeguard children and young people or gather evidence are taking place.” (Department for Children, Schools and Families, 2009, p.64-65)

Disruption is a process where police use civil orders or injunctions such as abduction and harbouring notices (under Section 2 *Child Abduction Act 1984* and Section 49 *Children Act 1989*) against individuals and/or premises or the new Sexual Risk Orders under the *Anti-social Behaviour, Crime and Policing Act 2014*. In cases where evidence is unavailable; victims aren’t willing to engage; victims don’t see themselves as a victim; are within the grooming stages; there are no direct offences yet taking place; then disruption is a preferred response as opposed to prosecution. Instead of relying on victim evidence to bring charges against alleged perpetrators, the police look at other forms of criminality, in which alleged perpetrators may be involved such as dealing drugs, driving disqualifications, for which they can be prosecuted, and work to remove them from the threat, risk and harm to a child. The tools of disruption may include: child abduction notices; monitoring of the areas considered to be hotspots, making sure police are visible, which acts as a deterrent; or enforcement of licensing regulations as a means to disrupt, for example takeaways which are located at hotspots for sexual grooming of children. Other examples of disruption include visits to hotels, bed and breakfast facilities, and taxi firms to raise awareness.

The emphasis on ‘prevention, detection and securing robust prosecutions’ as a policy objective continued through to 2011. The CSE Action Plan launched by the Department for Education in 2011 (hereafter the Action Plan) stressed the importance of securing robust prosecutions as well as safeguarding children from harm (See Chapter 5 for more on Safeguarding from harm). Referring to research from the University of Bedfordshire, which critiqued the local safeguarding children boards (LSCB) for the lack of proactive responses, the Action Plan noted that ‘disruption techniques’ should form a key part of local strategies. The Action Plan stressed that disruption plans should be developed by LSCBs. The Action Plan for the first time talks about prosecutions under the heading of ‘getting justice for victims and families’ (p.22). The significance of robust investigative and prosecutorial responses to CSE accorded in the Action Plan can be elucidated from the directive it had set for the CPS. In cases where children make statements to police, but are frightened to give evidence in the court, the Action Plan mandates that “prosecutors must make applications to the court to admit the evidence under hearsay rules” (p.21). This policy directive is aimed at redressing the difficulties children experience in giving evidence and emphasises even more the importance of pursuing prosecutions despite the child’s unwillingness to give evidence in the trial. The significance of prosecutions as a policy objective can also be gleaned from the Action Plan’s thrust on support for victims such as pre-trial therapy, witness and intermediary support and special measures. It also calls upon judges to be active in management of cases involving children and vulnerable witnesses. The action plan lists a number of actions and sets out that:

“The Home Office will work to ensure that the police continue their efforts to secure prosecutions and maximise opportunities to disrupt child sexual exploitation locally – supported nationally by strategic threat assessments, the National Crime Agency (when operational), and the continued role of CEOP.” (Department for Education, 2011, p.27 *emphasis in original text*)

The above excerpt from the Action Plan demonstrates that the pursuit of prosecutions and disruption of criminal behaviour have become two important

strategies deployed in tackling the crimes of CSE. The analysis presented in this section thus far examined the policy texts since 2000 and noted a gradual shifting focus from prosecution of perpetrators to a duality of focus on prosecution and disruption by 2011. The emphasis on prosecutions and disruptions as strategies continued within policy discourse as will become clear in the discussion that follows. In 2012 the government published a progress report of the Tackling Child Sexual Exploitation Action Plan which stated:

“The action plan recognised the vital importance of disrupting child sexual exploitation locally and securing robust prosecutions when the perpetrators of child sexual exploitation are identified. It also considered in particular the need to minimise the difficulties faced by young victims within the criminal justice system. The words of a young victim quoted in the action plan - “Going to court was worse than the abuse” -are a clear reminder of what the objective should be. “(Department for Education, 2012, p.13).

The excerpt above acknowledges that the process of the trial can be traumatising for children and draws its imperative to act from the need to minimise the difficulties faced by children. The report highlighted that CSE “as an organised crime type is now included in the remit of the relevant national level Threat Reduction Board”³⁸ which will ensure national capability and local policing of the threat of CSE (Department for Education, 2012, p.13 *emphasis in original text*). The progress report refers to a toolkit for investigators developed by the Association of Chief Police Officers (ACPO) for England and Wales “to help them adopt successful disruption tactics and secure prosecutions” (Department for Education, 2012, p.11).

³⁸ The UK Government’s Organised Crime Strategy established Threat Reduction Boards to provide focus for law enforcement partners including HMIC, SOCA and UKBA. These boards are responsible for assessing operational and intelligence activity against the themes set out in the Organised Crime Strategy and the Ministerial structure and senior officials will have oversight of the boards (Hansard, 2012).

It is therefore clear that the need for securing prosecutions and the importance of disruption as two strategies continued to be the focus of the 2012 progress report.

In stark contrast to these two strategies for tackling the perpetration of CSE proposed in policy texts up until 2012, the *Tackling Child Sexual Exploitation 2015* (here after Tackling CSE report), a HM Government report in response to the inadequate responses from local authorities, following two inquiries by Professor Alexis Jay in August 2014 and Louise Casey in February 2015, lacks any mention of prosecutions (HM Government, 2015). The Tackling CSE report underlines failure in ‘identification’ of CSE and in ‘information sharing’ as problematic. In the section titled ‘stopping offenders’ it emphasises the recognition of CSE as a strategic threat, the importance of dealing with this organised crime and proposes new powers for the police to tackle the same. The Tackling CSE report did not contain any action whatsoever around the prosecution and the role of courts or the CPS. This complete absence of any action points in relation to prosecution of CSE crimes is disconcerting, particularly in the light of evidence presented to the Parliament by an independent inquiry highlighting children’s experiences of the criminal justice system (Barnardo’s, 2015). In addition to strengthening the use of Child Abduction Warning Notices, the inquiry recommended the need to use appropriate offences when charging perpetrators, specialist CSE training for judiciary and advocates, education of jurors about the potential impact of CSE on victims, and prioritisation of video recorded cross-examinations. These recommendations were not the subject of the Tackling CSE report, although it addresses the importance of the use of Child Abduction Warning Notices. The strategies proposed within the policy texts since 2015 can be elicited through examining the constitution of the crimes of CSE as a new national threat and the development of a new regime of power to disrupt perpetrators of CSE within the Tackling CSE report (HM Government, 2015).

3.2. CONSTITUTION OF CSE AS A NATIONAL THREAT

The 2015 HM Government’s Tackling CSE report describes CSE as a ‘national threat’ (HM Government, 2015, p.1). Child sexual abuse and exploitation is given the

'status of a national threat in the strategic planning requirement' to help tackle offenders and to ensure CSE receives the priority from police forces (HM Government, 2015, p.1). References to the language of CSE as national threat can be found in the 2013 Serious and Organised Crime Strategy, which coincides with the launching of the National Crime Agency. The 2013 Crime Strategy and subsequently the National Crime Agency Threat Assessment in 2014 recognise 'child sexual exploitation and abuse' as serious crimes affecting the UK and its interests and sets out an approach to its reduction (HM Government 2013, p.7; National Crime Agency, 2014). The emergence of these statements of CSE as a national threat can also be traced to the policy texts developed to tackle trafficking in human beings. The policy texts relating to trafficking in human beings developed since 2006 have been crucial not just in keeping the issue of CSE on the national agenda, but in highlighting CSE as a form of organised crime requiring attention of specialist operational experts. In 2009 Child Exploitation and Online Protection Centre's *Strategic Threat Assessment of Child Trafficking in the UK* (Child Exploitation Online Protection, 2009) recognised the act of transporting children from town to town within the UK for the purposes of sexual exploitation by the perpetrators, as the offence of trafficking. This marked a shift in official recognition of trafficking of UK nationals for sexual exploitation. This recognition coupled with the development of institutions as well as technologies such the national referral mechanism (NRM), a tool created to identify victims of trafficking, and prosecutions resulting in the conviction of groups of perpetrators operating as networks, successfully led to the recognition of CSE as form of organised crime in policy discourses. It also constituted the problem as national in scale, cross-border in its operation and its construction as an emerging issue around which there is a general lack of awareness.

The depiction of CSE as a national threat in policy documents since 2015 gives the impression that the government is taking strategic and serious action to tackle CSE. CSE has become part of national threat assessments, thus becoming a high profiled crime equivalent to other organised crimes such as drug trafficking, human trafficking, financial crimes and cybercrime. The tactics proposed to be deployed

are also similar to those deployed for other serious and organised crimes (National Crime Agency, 2014; HM Government, 2013). However, a closer examination of these texts shows that CSE in all its forms is not recognised as organised crime, as is clearly stated in the two strategy documents on serious and organised crime i.e. the 2013 *Serious and Organised Crime Strategy* and the 2014 *National Crime Agency Threat Assessment*. These documents note that CSE deserves a national response, even though it may not always be an 'organised' crime. The sense that CSE is 'organised' only in a minority of cases is further echoed in the Child Exploitation and Online Protection Centre report (2013):

"...both online and offline, child sexual exploitation and abuse (CSEA) remains a largely solitary crime, albeit one often exacerbated by the effects of group dynamics. Often where true group offending does occur, this shares few of the characteristics traditionally associated with organised crime. CSEA offending is, however, often extremely serious and complex in both its execution and impact. The key threats identified in this document represent the most serious and complex areas of CSEA, including those in which organised crime is sometimes a feature." (Child Exploitation and Online Protection, 2013, p.9)

These statements in the excerpt above underscore a certain reluctance by the CEOP centre and the NCA within these texts to delineate CSE in all forms as an organised crime. Additionally, the focus within the crime strategy remains on the development of policing capabilities in reducing child sexual abuse and exploitation in the context of cybercrime and in the context of street gangs. Two key aspects of the way the strategy documents talk about CSE are worth reiterating. First, the use of the term 'child sexual exploitation and abuse' indicates a discursive separation between sexual exploitation and sexual abuse. Second, there is an attempt to limit the scope of CSE to organised crime, to contexts involving cybercrime or gangs/groups of perpetrators. These strategic responses exclude from their scope a large majority of cases that do not fit the definition of organised crime. The discursive separation between sexual exploitation and sexual abuse as well as the

deployment of CSE as a national threat to include only specific forms and contexts of crime creates conditions in which talking about sexual exploitation as abuse becomes challenging. The limited scope of the strategy documents also creates conditions whereby experiences of exploited children that do not meet the thresholds for being classified as an organised crime can be excluded from effective criminal justice responses.

We have thus far examined the constitution of CSE as a new national threat within the policy discourse and critically examined the impact of the new form of thinking about CSE and the allied strategies on processing of CSE cases by the criminal justice respondents. The following section examines other policy developments brought through the 2015 Tackling CSE report and scrutinises the impact of these on the processing of CSE cases.

3.3. NEW REGIME OF POWER FOR DISRUPTING PERPETRATORS OF CSE

The deployment of CSE as a national threat is heralding the development of a specific institutional framework. A new institutional framework around the notion of 'threat' is being developed, for example, a new network of regional police coordinators and analysts, located in Regional Organised Crime Units to identify and respond to organised child sexual abuse across force borders. In addition, the 2015 Tackling CSE report expresses a sensibility to 'not tolerate failure at any level to prevent harm, support victims and bring offenders to justice' (HM Government, 2015, p.1). Government claims these actions to be a 'step change' in responses to CSE (2015, p.1). The Tackling CSE report proposes the development of a new 'whistle blowing national portal for child abuse related reports', a 'national taskforce' whose role would be to support those police areas that are struggling (2015, p.1). The government also proposes to consult on extending the offence of 'wilful neglect' to children's social care, education and to elected members such as councillors and policing and crime commissioners (2015, p.3)³⁹. Through the

extension of the offence of wilful neglect coupled with a national portal for whistle blowers, the government hopes to eradicate a culture of denial prevalent in local authorities. The offences of ill-treatment and wilful neglect by care staff were indeed introduced under sections 20 -25 of the *Criminal Justice and Courts Act, 2015*⁴⁰. However, the act excludes certain children's settings and services which are already subject to existing legislative and regulatory safeguards. The exclusion applies to children's social care, schools and children's homes.

In addition, in its heading under 'Stopping Offenders', the 2015 Tackling CSE report identifies a new regime of powers to disrupt and prevent offending such as the power to apply for a Sexual Harm Prevention Order (SHPO) or Sexual Risk Order (SRO) on any individual who poses a risk of sexual harm in the UK or abroad, even if they have never been convicted (2015, p.8). The action plan expresses hope that these powers will help the police to intervene where there is a risk to the child and to close down an establishment which might be being used for sexual activity with a child. The identification of the civil orders in the form of SROs and SHPOs under the new regime of powers signifies what Edleman very eloquently notes about policy problems as being "rarely solved, except in the sense that they are occasionally purged from common discourse or discussed in changed legal, social or political terms as though they were different problems' (Bacchi, 2000, p.48). To explicate further, the power of police to use civil orders is not a new policy development. Such powers existed under the *Sexual Offences Act 2003*, but remained under-utilised as a tool to tackle perpetrators of CSE. This reinstatement of existing power with few modifications as something new appears to be reinstalling an old logic i.e. the use of disruption tactics by the police (used in cases where prosecution is not possible) as something new.

This reinstallation followed by legislative amendments such as the *Anti-social Behaviour, Crime and Policing Act 2014* makes it possible for disruption to be prioritised in practice over prosecution of crimes of CSE. In sum, the construction of

⁴⁰ The Act came into force on 20 March 2015.

CSE as a national threat as well as the new regime of powers serves the purpose of deploying older logics and older unresolved problems as new and emerging. This way of deploying CSE as a national threat frames the problem as one of specialism, requiring specialist knowledge, expertise and apparatuses, thus dissociating it from one of power, gender and sexuality. To explicate further, the context in which sexual interaction or activity between adults (men) and (girl) children occur is such that children often negotiate their choices and power relations in social contexts in which differentials of power, gender, age or sexual knowledge are deeply embedded. The separation of CSE from issues of violence, power, gender and sexuality constitutes the problem of CSE as a mere infraction that can be responded to using measures that are auxiliary to criminal prosecutions. Such an approach masks the conditions of oppression experienced by exploited children and consolidates the power of professionals and experts to legitimise the experiences of exploited children as I have elicited in Chapter 5.

4. EFFECTS OF THE SPECIFIC PROBLEMATIZATION OF ATTRITION

This chapter thus far examined policy texts and data collected from practitioners to bring to the fore specific strategies and rationalities animating the thinking about the problem of attrition in policy and practitioner discourse respectively. It noted that rationalities such as 1) contradictory construction of the value of prosecution; 2) Complex nature of CSE crimes and its impact on their investigation and prosecution; 3) Prosecution process as a challenge to the best interests of children; and 4) lack of a shared understanding of CSE and its victims as constitutive of CSE practice underpin the problematization of attrition in practitioners' discourse. In section 2, this chapter scrutinised the strategies adopted with CSE related policy highlighting the shifting policy priorities since 2000. It elucidated that prosecution, safeguarding and prevention remained key policy objectives in policy discourse. It noted that since the introduction of disruption as a criminal justice strategy in the 2009 DCSF guidance document, both prosecution and disruption continued to be the key strategies proposed to tackle CSE. A significant shift in the proposed strategies was noted with the introduction of the 2015 Tackling CSE report which

constituted CSE as a new national threat and introduced a new regime of powers for disrupting perpetrators of CSE. This section draws from the analysis presented above and argues that these specific forms in which the investigation and prosecutions of CSE cases and subsequently the problem of attrition is thought about produces certain effects.

Foucault notes that forms of problematization 'induce a whole series of effects in the real' and consolidate into institutions, inform the behaviour of individuals, act as 'grids for the perception and evaluation of things' (Foucault, 1991, p.81). I have noted in section 2 above that disruption as a technology has become significant strategy in criminal justice responses to CSE. It is also evident that prosecutions are prioritised as secondary to disruption tactics and other strategic priorities such as safeguarding. Practitioners also ascertained that priority is placed on safeguarding. The prevention of CSE through raising awareness of children also has come to be a strategic priority. This hierarchy of priorities i.e. safeguarding, prosecution and prevention, within both policy and practitioner discourses is problematic. Jago and others noted a particular tension between "safeguarding as a guiding principle" in CSE work and prosecution of alleged perpetrators as means to ensure children and young people are safe (2011, p.83). Their survey of LSCBs highlighted that less than a quarter of the LSCBs in England and Wales were able to demonstrate local area strategies that focussed both on the protection of children and on the prosecution of offenders (2011). They go on to note that the tension between these two elements of CSE practice was particularly evident in the processes of gathering evidence through techniques such as covert surveillance. They drew attention to ethical dilemmas experienced by CSE practitioners in knowingly exposing children to further risk of harm with the ulterior motive of gathering evidence (2011). Practitioners often feel that safeguarding children from risk of harm is a top priority and hence exposing a child (through covert operations) to potential harm was unacceptable. The hierarchy of priorities, therefore, potentially constructs prosecutions and safeguarding as two opposing objectives and suggests that prioritising one objective necessitates a compromise of the other objective. It not only offers simplistic explanations for the lack of prosecutions (for example,

safeguarding of children is of the utmost importance), but also makes critiquing the current practice of de-prioritising prosecutions impossible without being subjected to ethical scorn. The hierarchisation of priorities and their constitution in opposition forecloses the scope for practitioners to be creative and reflective in their practice such as the covert surveillance of suspects. The oppositional construction of prosecution of perpetrators and safeguarding of children erases the thinking that prosecution is a means to safeguarding children. Such prescriptive effects are aptly captured in an insight offered by an interviewee who noted that the police who join CSE specialist teams with experience of working in the police public protection units or safeguarding units understand the need to emphasise safeguarding, whilst others who come from different remits will have to re-adjust their priorities and accept that even though they are investigating crimes with a view to prosecuting, their main aim is safeguarding.

In addition to the hierarchisation of priorities in policy discourse, the forms of the problematization of attrition in practitioners' discourse have created the conditions for disruptions to become a legitimate response to the problem of CSE offending. As we have noted in section 2 disruption tactics emerged as a vital technology in controlling criminal behaviour and in taking away the risk that perpetrators may pose for young people. Jago and others (2011) highlighted that police involvement in disruption is noted in 73 per cent of their interviews. In contrast, only 24 per cent of the interviews reported to have been involved in prosecutions in the previous year (2011, p.82). The need for prosecutions has become auxiliary to disruption of perpetrators.

Research stressed that those engaging in making decisions to withdraw cases utilise both 'legal rationales' and 'downstream possibilities' (Frohmann, 1998; Pattavina et al., 2016) to determine the course of action. The notion of 'downstream possibilities' imply that police and prosecutorial decisions could be influenced by predictions of what may happen down the line as the case moves further along in the process (Frohmann, 1997; Holleran et al., 2010). Legal rationales such as the lack of sufficient evidence, the defence of consent where children are over 16, and

downstream possibilities in the form of defence strategies, jury interpretations, questions of credibility, anticipated witness trauma are deployed in deciding the criminal justice course of a case. These processes of applying legal rationalities and downstream possibilities work to both shape the choices of the victims and consolidate the power of the professional (Frohmann, 1998).

We have discussed many examples drawn from the day to day practice of practitioners noted in section 1, which can be classed as legal rationalities or downstream possibilities. For instance, the perceived lack of prospects for a conviction combined with the effect of putting a victim through the rigor of the prosecution process (noted in section 1) leads to cases being NFAed or reduced to less serious charges. Lea and others make similar observations in their research examining the attrition of rape cases as they progress through the criminal justice system over a five-year period within a Constabulary in the South West of England (Lea et al, 2003). They highlight that whilst it is important to protect the victim, the processes where cases are dropped despite strong evidence raises questions about the functioning of the criminal justice system.

The day to day practices, decisions and strategies of practitioners embody the discursive responses to the problem of CSE. Confronted with a form of thinking about attrition where CSE investigation and prosecutions are thought of as challenging and not in children's best interests, where the very thinking about the value of prosecutions in meeting justice for victims is destabilised together with a lack of shared understanding of CSE and its impact on decisions to drop cases at various stages of the criminal justice process, practitioners will potentially find non-prosecutorial responses as viable alternatives. This was also affirmed by practitioners in their responses as noted below. Prosecution of CSE cases has become less significant despite identifying convictions as a key criterion in local area strategies for judging the effectiveness of local area responses to CSE.

“I think ...most areas have a plan around prevention, protection and pursue or prosecution. My experience would be the one that gets least attention is the pursuit and prosecution...” (Focus Group Discussion 01)

“Disruption is easier. Prosecutions are so difficult, even when the police feel they have everything to prosecute, the CPS may not consider so and that can be demoralising. So they can use the civil orders...” (Young People’s Worker 04)

“I could point to our strategy. It has the word prosecution in it. So it is there. But actually how it is thought about...and I am sure police partners sitting around the table will be thinking about it differently and I wonder whether actually the emphasis that we are trying to place on disruption in some way has a relationship with this. That actually perhaps in some parts it is easier to think about strategies around disruption that move the problem away rather than grabbing hold of it. .. I don’t want to say too much into it as I don’t have evidence of it. But I do think there is a relationship between the two positions. And that is why some of the partners kind of feel that they can be more assertive in those kind of situations.” (Focus Group Discussion 01)

As reflected in the excerpts above prosecution is and may potentially be downgraded in a hierarchy of priorities. In areas where there are few or no prosecutions, practitioners may find the issue elusive or as “something so hard to achieve that it is not part of their thinking and it can’t be part of their thinking because they wouldn’t know how to do it anyway.” (Focus Group Discussion 01). These words of the practitioners in the excerpts above and taken in conjunction with what others said about prosecutions being seen as ‘too difficult’ indicate that disruption has been deployed as a legitimate and operable alternative to prosecutions.

CONCLUSION

To conclude, this chapter examined the forms of the problematization of attrition in CSE cases in England. The chapter began with an exposition of the concept of problematization in Foucault's oeuvre and how the concept is employed in analysing policy texts and data from practitioner interviews and focus group discussions. The chapter explored statements from practitioners as a means to understand the contemporary forms of the problematization of attrition in practitioners' discourse and noted four specific rationalities underpinning those forms of thinking. The contradictory construction of the value of prosecution outcomes for children; a commonsense understanding that the very nature of CSE as a crime complicates its investigation and prosecution; the prosecution process as undermining children's best interests; and finally that a lack of shared understanding of CSE and its impact on victims among practitioners were noted as the rationalities animating the thinking about the problem of attrition. The chapter then exposed the shifting policy priorities examining how prosecution and disruption emerged as key strategies in criminal justice responses to CSE. It drew attention to the constitution of CSE as a new national threat and the introduction of a new regime of powers to disrupt perpetrators. The chapter critically examined the discursive constitution of CSE as a national threat and the allied strategies to deal with the threat. It argued that the construction of CSE as a new national threat effectively excluded some children from being recognised as victims and reified the power of professionals in classifying who and what experience will constitute the threat. It further stressed that the new regime of power introduced in and through policy discourses (followed by legislative changes) constituted disruptions as a legitimate response to CSE. Finally, the chapter argued that ways in which attrition is problematised in practitioners' discourse and the prioritization of disruption strategies in policy discourse together produce real effects through constituting prosecutions as a non-rational response to the problem of CSE. Practitioner's statements presented in the last section of this chapter affirmed the argument that the effects produced by the specific ways of the problematization of attrition were indeed real. The next chapter explores further the conditions of possibility for attrition in CSE cases and draws from the arguments put forth in this chapter and in chapter 5.

CHAPTER 7

THE CONDITIONS OF POSSIBILITY FOR ATTRITION

INTRODUCTION

This chapter draws on the arguments developed thus far in Part II of this thesis around the construction of children's sexual subjectivities (Chapter 5) and the problematization of attrition in CSE discourses (Chapter 6) in order to examine the discursive 'conditions of possibility' for attrition in crimes of CSE. An examination of the conditions of possibility differs from a causal analysis that tends to be grounded on principles of unitary origin (i.e. analyses pointing to a cause in pyramidal fashion), of necessity (i.e. analyses where causal value is recognised in the unavailability and the certainty) and of totality (i.e. analyses where causal explanations are targeted at a final authority or agency) (Foucault, 1997). This thesis does not engage in such causal analysis of attrition. Instead, this analysis interrogates attrition as an effect of a 'complex and tight causal network' (Foucault, 1997, p.63) and seeks to explore the 'multiplicity of relationships', differentiating between 'different types of relationships', and examining the circular relationships and interactions within the causal network (Foucault, 1997, p.64). The task in this chapter therefore is to untangle the many different relationships constituting the discursive conditions of attrition in CSE cases, draw attention to the complexity and circularity of their interaction(s) and consequently make visible their effects: the possibility of attrition.

To begin with, I argue that children's experiences of sexual exploitation emerge into a discursive space enclosed by three 'prismatic planes' (Oksala, 2004) namely: the discursive knowledge on sexual exploitation; the processes of description, normalisation, classification; and the modes of subjection and subjectivation (See diagram 1 for a graphic representation of the prismatic planes on p.275). This specific way of thinking about experience is influenced by the Foucauldian feminist theory underpinning this analysis; as well as by my reading of Oksala (2004, 2014) on feminism and experience, Lemke (2011) and Hoy (1986) on the constitution of

human experience, and Bauman's notion of the 'bounded speech event' (2005, p.146). I contend that within CSE discourses three axes or 'prismatic planes', namely, the fields of knowledge, the processes of normalisation and the modes of subject formation, create certain conditions in their intersection. Critical scrutiny of the nature of these three axes and the sites of their intersection will unravel the complex relationships that undergird the discursive space into which children's experience of exploitation emerge. It will also make visible the effects produced in that intersection. This chapter is organised into two sections, and will discuss in section one the nature of these three axes. It will argue that the first of these three axes i.e. CSE field of knowledge is interdiscursively constituted and will highlight the predominance of legal discourse in CSE field of knowledge. Secondly, it will contend that the modes of subject formation i.e. the second axis enclosing the CSE discursive space, is characterised by both autonomous and heteronomous processes of subject formation. Third, it will underline that the processes of normalisation, the third axis enclosing the CSE discursive space, are produced through the nexus of power-knowledge-truth and that there is a circular relationship between the processes of normalisation and the modes of subject formation. Section 2 examines the sites in which the three axes intersect producing the conditions of possibility for attrition.

1. NATURE OF THE THREE AXES ENCLOSING THE CSE DISCURSIVE SPACE

This section explores the nature of the three axes enclosing the CSE discursive space, namely: the forms of thinking about sexually exploited children, and the appropriate responses to their exploitation (i.e. 'fields of knowledge' which has been the focus in Chapter 5 and 6); the processes of description, classification that demarcate children into victims of exploitation or otherwise (i.e. processes of normalisation discussed in chapter 5) and the subject positions that sexually exploited children occupy (i.e. the modes of subject formation discussed in Chapter 5). The examination of the nature of these three axes is necessary to explore the intersection of these axes and the effects produced through their intersection. The

following sub-section examines the nature and characteristic features of the first axis: the CSE field of Knowledge.

1.1. AXIS ONE: THE CSE FIELD OF KNOWLEGDE

Chapter 5 drew attention to a number of knowledge statements around risk, around children as (un)knowing and (a)sexual and Chapter 6 highlighted the forms in which the problem of attrition is thought about in policy and practitioner discourses. This section draws on the analyses in chapters 5 and 6 and argues that the first axis enclosing the CSE discursive space, i.e. CSE field of knowledge, is interdiscursively produced. The term interdiscursivity needs to be clarified here. In order to understand what interdiscursivity means, it is useful to look the concept of intertextuality, as interdiscursivity is intertextuality and a bit more. Interdiscursivity is “a form of intertextuality” (Jorgensen and Philips, 2002, p.84). Intertextuality is the condition where communicative events depend and draw from earlier events (Jorgensen and Philips, 2002, p.84). Intertextuality refers to the interconnection between texts. In simple terms intertextuality refers to a condition where we cannot say something without using the words that have already been said before us. To give an example, I am using the term intertextuality and what has already been said about it to explain what I mean by the term interdiscursivity. This very thesis is an example of an intertextual exercise as it uses what has already been written or said about CSE to say something more about CSE. French literary theorist Julia Kristeva who coined the term writes: “any text is constructed as a mosaic of quotations; any text is the absorption and transformation of another” (Kristeva, 1980, p.66 cited in Hodges, 2015, p.44). Texts not only absorb elements of other texts, they can produce similar or new meanings and effects. Similarly discourses draw upon each other, reframe discussions, recontextualise existing discourses, exert, subsume or resist the power of one or more discourses.

I use the term interdiscursivity, instead of intertextuality, primarily owing to my theoretical and methodological orientation. Discourses in Foucauldian theory imply a mixture of texts, practices and contexts. From this vantage point, I have drawn my

analysis from policy texts and other sources such as data from practitioner interviews and focus group discussions. Examining the interdiscursivity allows me to account for the intersection both within and across texts and practices. The CSE field of knowledge draws upon multiple conceptualisations and discourses from different disciplines and practice areas, as indicated in Chapters 1 and 5. The dominance of certain discourses can be observed within the CSE field of knowledge. The discursive utterances around risk discussed in Chapter 5, for example, draw upon the discourse of risk of harm and safeguarding emanating in legal discourse and materialised in social care practice. Similarly the rhetoric of consent emanating from within the legal discourse plays a vital role in the contradictory conceptualisation of children as both knowing and unknowing constituting effects at the level of subjectivity. I have also drawn attention to the contradictory themes of innocence and corruption, ignorance and knowledge, savagery and rationality that have been mediating discourses on childhood at different times. I have noted the predominance of child development models in constituting childhood and children's subjectivities as immature, asexual and in need of protection. The predominance of legal discourse in the interdiscursive production of CSE field of knowledge is evident from the operation of knowledge statements around risk and the deployment of the rhetoric of consent as technology of power.

CSE field of knowledge draws upon, subsumes, appropriates or counters the discourses emanating in other disciplines such as Law and discourses function in complex ways setting limits to emerging practices of knowledge. Again Foucault's work on the order of discourse proves useful in examining the interdiscursive constitution of CSE fields of knowledge. In his inaugural lecture at College de France in 1970 on *The Order of Discourse*, Foucault identifies various exclusions that forge discourses. Some of the exclusions, he notes, that are external to discourses are the forbidden speech, the division of madness and the will to truth. In addition to these three external elements, Foucault identifies other elements internal to discourses, which control and delimit discourses. These elements of exclusion internal to discourses are: commentary, author and discipline. He further identifies a group of procedures that control discourses such as conditions of application, selection of

the speaking subject including the question of who can speak, as well as the rituals of speaking (Foucault, 1981). These discursive exclusions that Foucault refers to are useful in my examination of the interdiscursive constitution of CSE field of knowledge.

I contend that the legal discourse, exerts a dominant role in the constitution of CSE field of knowledge. My intention here is not to elevate the legal discourse into a hegemonic discourse, rather, to expose the constraints it imposes and explore the possibilities for the inversion of those constraints. Here, I draw upon the work of Mossman, Smart, Bartlett and underscore the ways in which law as a discourse defines and delimits the discursive space into which experiences of sexually exploited children emerge. The discourse of law sets limits to how children's experiences of sexual exploitation are perceived and responded to, through the creation of boundaries, the imposition of prohibitions, the conditions of its application and the methods of its operation. The delimiting power of the legal discourse can be observed in the effects it produces. I will return to an examination of the effects produced through operation of the power of legal discourse in section 2. But before that I will explore the nature of the second axis enclosing the CSE discursive space: the modes of subject formation.

1.2. AXIS TWO: THE MODES OF SUBJECT FORMATION

This sub-section examines the nature of the second axis enclosing the discursive space into which children's experience of abuse emerge i.e. the modes of subject formation. It argues that subjects within CSE discourses are formed auto-heteronomously. In chapter 5 I have stressed the significance of avowal- a verbal act through which children affirm their victimisation- in the construction of children's subjectivity. I argued that the process of avowal becomes the technology of power and acts as a grid of classification against which children's experiences are assessed. I have noted further that children constitute themselves in response to those technologies of power. It is important to stress here that when children engage in the discourse and constitute themselves in relation to the available

discourses they do not only use their individual experience of exploitation, but also use the “collective frames of perceptions” (Wodak and Meyer, 2009, p.25). Wodak and Meyer contend that these collective frames or the shared perspectives provide the necessary link between “the social system and the individual cognitive system and perform the translation, homogenization and coordination between external requirements and subjective experiences” (2009, p.25). Others also state that subjects do not exist prior to experience of social relationships and are the result of a dynamic interplay of self and the other: relationships, context, experience (Hudson, 2003).

In his lecture on *Truth and Subjectivity* at the University College Berkley Foucault talks about modes of subject formation. He refers to two techniques that work to form the modern subject: techniques of domination, where one individual exerts power over another and techniques of the self, which help the individual to effect change, to transform and to modify herself (Foucault, 1980). Foucault notes that understanding the points at which techniques of domination have recourse to the processes by which an individual acts upon the self and the points at which techniques of self integrate into structures of coercion are key to understanding the formation of subjectivities.

As I have stressed in Chapter 6, a specific form of relating to self either as victim of abuse or as a self-blaming individual emerge through the validation of children’s experiences that occurs in a successful prosecution and the denunciation of children’s experiences that results when cases are dropped. Children self-constitute themselves in response to the discourses emanating from practitioners. Practitioners and especially criminal justice practitioners, respond to the call of law for an “independent and autonomous subject” and not an interdependent emerging subject (Davies, 2008). It is in these points of intersection between children and the practices of the criminal justice system that the technologies of domination will have recourse to technologies of the self. When children engage with the criminal justice system, there is an expectation of a sovereign subject, who is autonomous and independent. It is possible that some children attempt to

occupy that place of autonomy through processes of avowal and disavowal. However, it is important to stress that they are always constituting themselves in relation to the other and not independently. Sexually exploited children constitute themselves in relation to the perceptions of professionals and the wider cultural, symbolic structures that underpin CSE discourses. What effects does this 'auto-heteronomous' (Basterra, 2015) form of children's subjectivity produce? I will return to this discussion in section 2. But first, I will examine the nature of the third axes enclosing the CSE discursive space: the processes of normalisation.

1.3. AXIS THREE: THE PROCESSES OF NORMALISATION

This sub-section discusses the nature of the third axis enclosing the CSE discursive space: the processes of normalisation. I have demonstrated (in Chapter 5) the operation of the nexus between power-knowledge-truth in producing certain truths about sexually exploited children. I argued that the construction of an absolute victim who is unknowing and yet avowing has come to be the norm against which experiences of other children are assessed and marked. I argue in this chapter that the processes of normalisation and the modes in which subjects are formed share a circular relationship with each other. Foucault notes in one of his lectures on 09 January 1980 on *The Government of the Living* that the art of government (i.e. exercise of power) and games of truth (processes through which truth is manifested) are not independent of each other. He asks –"[C]an there be an exercise of power without a ring of truth, without an alethurgic circle that turns around it and accompanies it" (Foucault, 2014, p.17). He notes that truth, power and knowledge work together relaying and supporting each other. I argue that the preservation of children as sovereign autonomous individuals capable of speaking the truth of their being and their experience is a necessary condition for the government of the very issue of CSE.

Children's avowal, their testimony and engagement is the source of knowledge produced in CSE discourses. The very knowledge produced through children is manifested into truth(s) against which they are judged and classified through the

operation of the technologies of power, be it risk assessments or the rhetoric of consent. To quote Foucault: “After all, we are judged, condemned, forced to perform tasks, and destined to live and die in certain ways by discourses that are true, and which bring with them specific power-effects. So: rules of right, mechanisms of power, truth-effects. Or: rules of power, and the power of true discourses” (Foucault, 2003, p.25). Power asks questions of children and encourages them to speak the truth and institutionalises that truth, limits the actors (such as professionals) who can speak the truth and lays down the rules of the discourse of truth against which experiences of children are judged. In asking what counts as knowledge, Davies notes that those with institutional power to influence the conditions of the production of knowledge will determine what counts as knowledge (Davies, 2008, p.333).

We have noted, in Chapter 5, how specific utterances cluster together to form knowledge statements (e.g. around risk and around children as (un)knowing, (a)sexual) and how these knowledge statements come to be operationalised through technologies of power, constituting specific sexual subjectivities of children. Children who occupy the subject position of unreserved victims namely, those who are visibly shocked by their experience, are able to avow their victimhood, and engage with social care or criminal justice agencies, become the norm against which experiences of other children are assessed. Children also adapt their sense of self in relation to the processes of normalisation. The processes of normalisation therefore share a circular relationship with the forms of subjectivity.

In this section, I have thus far discussed the nature of the three axes constituting CSE discursive space into which children’s experience of exploitation emerges. In examining the interdiscursive nature of CSE fields of knowledge, I noted that the dominance of legal discourse imposes constraints capable of delimiting and decontextualising children’s experiences of exploitation. In discussing the ‘auto-heteronomous’ modes of subject formation, I stressed that sexually exploited children always constitute themselves in relation to the other: professional perceptions, available discourses, social norms and structures of power. Finally, I

argued that the processes of normalisation, made possible through a nexus of knowledge-power-truth, share a circular relationship with the forms of subjectivity. Having clarified the nature of the three axes constituting CSE discursive space, the following section interrogates the intersection of these three axes. It will draw attention to the sites⁴¹ where these axes intersect producing the conditions of possibility for attrition.

2. INTERSECTION OF THE CSE FIELD OF KNOWLEDGE, PROCESSES OF NORMALISATION AND THE MODES OF SUBJECT FORMATION

The intersection of the three axes enclosing the CSE discursive space, namely the field of knowledge, forms of subjectivity and the processes of normalisation, can be observed at many sites. This section examines some of the sites at which the axes enclosing the CSE discursive space intersect thereby producing the conditions of possibility for attrition.

One site where the intersection of the three axes can be observed is the day to day practice of professionals. For example, when disclosure of abuse are made by children, professionals draw from the field of knowledge and use the available risk assessment tools to assess the level of harm the child may be experiencing. The risk assessments are not objective tools capable of representing children's circumstances as I have explicated in Chapter 5. Instead they operate as a technology asserting the power of the professional in describing and classifying children either as victims or otherwise. Professionals who lack the necessary knowledge and the skills required for engaging in a reflective practice fail to recognise children as victims, thus constituting the possibility for attrition even

⁴¹ The term site here is used to refer to an area of practice where something happens. For example, the interface between children disclosing experience of abuse and professionals who risk assess children is considered as a site (an area of practice) whereby children's experience of exploitation gets assessed and children are classified either as victims, non-victims or potential victims.

before the children engage with the criminal justice processes. In contrast, young people's workers interviewed for this thesis noted that the support work they undertake with children involves talking about healthy relationships, sexual health, mutual respect, consent, rights within sexual relationships and the power dynamics that are generally at play in relationships. This process of engaging with children nurtures healthy and trusting relationships between children and their support worker. It works to raise consciousness of children demystifying the myths that they have about themselves and others. The professionals play a vital role in the recognition children as victims of exploitation and in developing appropriate interventions to support the children. As a consequence of the support work children may potentially perceive the abusive and coercive elements of their experience, name their abuse as exploitation and engage with the criminal justice process.

Another site where the effects of the intersection of the three axes become visible is in the encounter of sexually exploited children with the legal system. The power effects of the legal system in the context of CSE are both productive and constrictive (prohibitive) in nature: productive in the sense that the legal system creates the conditions in and through discourses for specific subject positions to emerge, and constrictive in the sense that they constrain the emergence of certain discourses.

In their journey from a disclosure to giving evidence at a court in a criminal trial, children's experience can be attenuated. For a statement to be part of a discipline it has to make use of the concepts available within the discipline. Or as Foucault notes: "In order to be part of a discipline, a proposition has to be able to be inscribed on a certain type of theoretical horizon;" (Foucault 1981, p.60). For children's experience of exploitation to be recognised as a crime, their discourse should be the discourse of law utilising the legal categories available to them such as rape, sexual assault. They have to speak the language of the law and on its terms.

The legal process translates their experiences into legal relevances and affirms what Smart notes. Legal process “excludes a great deal that might be relevant to the parties, and it makes its judgement on the scripted or tailored account” (Smart 2002, p.11). Practitioners stressed that CSE is not recognised as a category of offence within the *Sexual Offences Act 2003*, which is the key framework of law tackling sexual offences in the UK. However, certain acts such as sexual grooming, rape, sexual activity with children under 13 or 16, paying for sex with a child, child pornography, administering a substance with intent to commit a sexual offence, and trafficking for purposes of sexual exploitation, are criminalised within the legislation governing sexual offences. One or more of these offences may be committed against children in the process of sexual exploitation. Sexually exploited children suffer many and repeated acts of violence ranging from incitement to post sexual images online, unwanted sexual touching to sexual assaults and rapes. The cases pursued by the CPS may not always reflect the serious nature of these crimes as is evident in the data from interviews and focus group discussions.

Practitioners noted that the most common charge used in CSE cases is sexual activity with a child, however those charges do not reflect the range and severity of offences committed against children. Even in cases where charges of serious nature such as rape are made, charges often address one instance of rape or sexual assault whilst the child may have experienced multiple instances of abuse. Charging decisions are determined by the availability of evidence and the realistic prospect of a conviction. The charges that address some but not all offences committed against a child constitute the conditions for attrition of the child’s experience i.e. only some elements of their experience come to be constituted as crime within the terms of law while the other elements are effectively silenced. The amendments to the *Sexual Offences Act 2003* (See Chapter 1) include a definition of sexual exploitation of children, which may address some of the concerns raised here. The legislative amendment substitutes the phrase “**child prostitution or pornography**” with “**sexual exploitation of a child**”, thus equating CSE with offences of child prostitution and pornography. The charges therefore are more likely to reflect the offences that were formerly categorized as child prostitution and pornography.

These legislative reforms may lead to increased charges in CSE cases, but the charges will continue to not reflect the severity of crimes committed against children.

We have thus far examined how the boundaries set by law and the prohibitions it imposes operate to set limits on children's experiences of sexual exploitation. I will now look at the law's methods and rituals of application. Law's methods are distinct, as Smart rightly argues, and it has "its own testing ground, its own specialized language and system of results" (2002, p.9). Law is about competing stories told, retold, submitted for critical judgements paying "particular attention to the rules of storytelling and the conformity of narratives to norms of telling and listening" (Brooks 1996, p.16; Gewirtz, 1996, p.135-161). Law's rules of storytelling prohibit children from speaking of their experience in all its complexity. Instead, children's experiences are filtered through a set of questions determining the validity of stories told against the text of law. Children's testimonies are governed by the applicability of legal categories or rules of evidence, thus minimising, repressing or negating their experience. In the process children's experiences may be pushed into the margins as MacKinnon notes, disembodiment and decontextualising their experiences (1996). As I have noted in Chapter 5 there is a requirement within CSE discourses for the child to avow her abuse and to speak the truth of her victimhood. However, that avowal and speakability has to happen within the bounds set by law.

Law's ways of telling and hearing stories are distinctive (Gewirtz, 1996). Children as witnesses and complainants do not tell their stories as "uninterrupted narratives", but as testimonies elicited through examination and cross examination, processes which are "governed by an elaborate system of rules" (Gewirtz, 1996, p.7). The conditions in which children have to be speaking subjects are characterised by, a content of law which lacks the necessary intelligibility (as noted above); a method deployed by law to arrive at the truth that is confrontational; and practices of hearing marred by an asymmetrical relationship of power between children as speaking subjects and those who organize the practices of giving testimonies. It is in

these conditions in which children have to be speaking subjects, but cannot become so, that the process of depletion or attrition of a child's experience begins. As Foucault rightly enunciates: "Within its own limits, each discipline recognises true and false propositions: but it pushes back a whole teratology of knowledge beyond its margins", law delimits children's experiences through processes of boundary setting and rule of application. Law thus orders not just acts of crime/criminal acts, but children's experiences and their relationship to the world (Davies 2008, p. 7).

The use of third party material identified by police interviewees as a significant barrier for moving CSE cases forward, as noted in Chapter 6, is another site where the limiting power of law can be explicated. The evidentiary thresholds of the CPS and the requirement to examine third party material i.e. material in the form of children's school records, social care records, police and medical records, prior to the charging stage was highlighted as an institutional practice which constitutes a barrier to cases moving forward. The use of third party material and the insistence of the CPS on the need to sift through third party material prior to charging decisions were described as a fishing expedition carried out by the prosecution on behalf of the defence. It affirms what Davies (2008) notes: What counts as proof in a trial does not appear self-evidently, but emerges as such by a play of rules, acts of interpretations and also socio-cultural norms as to who is a credible witness (Davies, 2008, p.333).

The set of questions that law engages in: what law has been infringed and who infringed it; and the boundaries it sets as to what can be said and by whom, ensures CSE remains a purely criminal and legal matter. The legal discourse becomes impervious to discourses that deploy CSE as an issue of power of adults over children and of men over girls and women. The pertinent political questions, which originate in other discourses such as the questions of power and control we have noted in Chapter 5 and 6, go unrecognized within the legal discourse, let alone being challenged. But the impact of legal discourse in demarcating children as victims and non-victims, its boundaries in setting limits as to what constitutes as a legitimate experience of exploitation, its methods of operation in letting social and

cultural norms to operate as truths not only shows the power of legal discourse in the interdiscursive constitution of CSE knowledge practices, but also elucidates its effects in producing the conditions of possibility for attrition.

The policy and practice interface is another site where certain elements of discourse act to produce common sense understandings. We have examined in Chapter 6 that disruption of perpetrators as a strategy for tackling CSE came to be seen as a rational response to CSE. The downstream rationality used by practitioners to determine the course of the criminal justice response to children's experience of exploitation is another useful illustration. I have stated in Chapter 6, that practitioners involved in making decisions about the continuation of CSE cases through to prosecution use 'legal rationales' and 'downstream possibilities' (Frohmann, 1998; Pattavina et al., 2016) to determine the progression of the case through the criminal justice system. Legal rationales in the form of the lack of sufficient evidence, the defence of consent where children are over 16, and downstream possibilities in the form of defence strategies, jury interpretations, questions of credibility, anticipated witness trauma become the strategies of power to police which case proceeds through the criminal justice process and for what reasons. Children do not have the power to challenge these decisions. The decisions about their cases are made without due consultation with them as was highlighted by Beckett and Warrington (2015). Practitioners also iterated that a child is not seen as someone capable of making decisions by the prosecution teams. They noted that decisions around guilty pleas, applications for special measures or about dropping charges can be made on behalf of children with little or no consultation. One practitioner noted that the "child is not seen as somebody who is able to instruct, somebody who has the right to instruct" (Young People's Worker 05).

In sum, this section has identified some of the sites at which the three axes, constituting the CSE discursive space into which children's experiences of exploitation emerge, intersect and in effect produce the conditions of possibility for attrition. Can these conditions of possibility for attrition be altered? "Change is created by drawing on existing discourses in new ways, but the possibilities for

change are limited by power relations which, among other things, determine the access of different actors to different discourses” (Jorgensen and Philips, 2002, p.74) Children’s access to discourses that can alter the possibility for attrition are marred by an asymmetry of power relations. In the current state of affairs the ‘discursive policing’ (Foucault, 1981, p.61) is done not just by the rules of a discipline as discussed above, but also by those involved in the practice of investigating, prosecuting CSE cases and in the practice of supporting sexually exploited children. It is important however, to stress that the conditions that constitute attrition are neither natural nor unchangeable. Instead, the multiplicity of relations that account for attrition are characterised by ‘perpetual mobility’ and ‘slippage’ (Foucault, 1997, p.65). They are produced in and through discursive practices, by the play of power and as such can be challenged and possibly transformed.

CONCLUSION

This chapter began stating that children’s experiences of sexual exploitation emerge into a discursive space constituted by three axes, namely the fields of knowledge on CSE, the forms of subjectivity and the processes of normalisation. It noted that CSE field of knowledge draws from many discourses and as such CSE knowledge practices are interdiscursively constituted. Further, the knowledge practices draw heavily from the legal discourse. It argued that the forms of subjectivity are both autonomous and relational produced through techniques of self and in response to the techniques of power. It also drew attention to the processes of normalisation developed through the nexus of power-knowledge-truth and noted the circularity of their relationship with forms of subjectivity. The chapter then went on to look at the sites at which the axes of CSE fields of knowledge, forms of subjectivity and the processes of normalisation intersect. It examined legal system’s encounter with sexually exploited children as one site at which the axes constituting the CSE discursive spaces intersect. The chapter highlighted the power of legal discourse in setting limits to the recognition of children’s experience of exploitation. The chapter drew attention to the conditions of possibility for attrition made possible in

the intersection of these three axes at other sites such as the day to day practice of professionals and processes involved in deciding whether to pursue a prosecution or not. Finally, this chapter concluded stating that these conditions are discursively produced and hence could be transformed.

CHAPTER 8

CONCLUSION

“Where sex is involved in a crime, the questioning is as much about establishing the victim’s innocence as it is the abuser’s guilt. Honest, she was asking for it, look at the way she was dressed, and she told me she was seventeen...I know this happened to me ten years ago, and people working with children at risk have got more aware, more sensitive, since then, but old attitudes haven’t gone away.”

(Emma Jackson, 2012, p.288)

Emma Jackson is the author of the book *Exploited*, a non-fictional narrative based on her life experience. Groomed and sexually abused at the age of 13, Jackson’s allegations against her abusers did not go to trial despite making a complaint on two occasions. She withdrew her complaint on one occasion and on another occasion the CPS did not think there was enough evidence to take the case forward. In the quote above, Jackson recalls her experience of being questioned by the police in a video recorded interview (VRI). She states that sexual offence investigations are not just about detection of crimes, they simultaneously are a search for a victim that is innocent and without blemish. It has been over a decade since Jackson reported her abuse. There have been a few prosecutions since 2010 of crimes of CSE. But attrition in these cases continues to be a significant issue as I have noted in the introductory chapter.

This thesis aims to understand the process of attrition in cases involving crimes of CSE. Attrition is the process of cases being dropped or lost from the time a crime has occurred to the point where those alleged to have committed the crime are penalised for their actions. Attrition occurs at various stages: through crimes not being reported, complaints not being investigated, suspects not being identified, charges being dropped, cases being dismissed and alleged offenders being

acquitted or convicted for some, but not all charges. Conventionally attrition studies have focussed on rates of attrition, the stages at which attrition occurred, the causes and consequences of attrition and often have taken empirical approaches involving quantitative, qualitative or mixed methodologies. In contrast to conventional approaches to the study of attrition, this thesis draws on empirical and critical constructivist approaches. As opposed to asking how much attrition is caused and for what reasons, this thesis has asked a different set of questions about the process of attrition in CSE cases. The point of departure for my thesis is an understanding that discourses on CSE in social, legal, policy, and political arenas constitute conditions that make attrition possible. This thesis is primarily about those conditions and set out to ask three specific questions:

1. How are children's sexual subjectivities 'constructed' in contemporary discourses on CSE and what effects are produced through those constructions in the prosecution of crimes of sexual exploitation?
2. How is attrition in crimes of sexual exploitation 'problematized' in contemporary CSE discourses?
3. What are the 'conditions of possibility' for attrition in crimes of sexual exploitation in contemporary CSE discourses?

A review of the existing literature in the area (Chapter 2) identified that although studies addressing attrition in rape and sexual assault of adult women are plenty, only a handful of studies have examined attrition in sexual offences against children. A dearth of research addressing attrition in CSE cases became apparent. This thesis set out to address this significant gap. More specifically I chose to examine contemporary CSE discourses to understand the conditions in which attrition occurs, drawing on a Foucauldian Feminist Framework of theory (Chapter 3) and in particular focussing on themes of power, subjectivity and sexuality. Recent scholarship on CSE has engaged with discourses on CSE and critiques the problematic conceptualisation of CSE and being attentive to power imbalance in such conceptualisation. However, as I have elucidated in Chapter 2 there is an absence of scholarship which engages with the operation of power and the

discursive limitations it imposes on children's experience of exploitation. To address this lacuna in existing literature I drew upon a Foucauldian feminist understanding of power as relational and as productive and the operation of the knowledge-truth-power nexus in constituting the discursive conditions of our being (See Chapter 3). I have examined policy texts relevant to CSE published during the 20 year period dating from 1996 to 2016, and the data from practitioner interviews and focus group discussions using critical discourse analysis as a methodology (See Chapter 4). The analysis of policy texts and data from practitioners' responses is presented in Chapters 5, 6 and 7. This concluding chapter is a synopsis of the key arguments made in these chapters and an overview of the answers to the research questions this thesis set out to answer.

CHILDREN'S SEXUAL SUBJECTIVITIES IN CSE DISCOURSES

Chapter 5 sets out identifying the existence of discursive utterances, dispersed across the policy texts as well as the data generated through interviews and focus group discussions, that relate to (a) the notion of risk; (b) the notion of children as (un)knowing; and (c) the notion of children as (a)sexual beings. It is evident that the notion of risk is deployed in varied contexts and locations. Utterances of risk were noted in talking about the risk of harm to sexually exploited children, in exposing problematic attitudes among professionals and also in talking about risk assessment processes. I have underlined practitioners' concern about the lack of a shared understanding of indicators of risk as well as the subsequent challenges to assessing risks and in offering coordinated support to the young person.

The discursive utterance that sexually exploited children do not recognise themselves as victims is noted as recurring both within policy texts and practitioners responses. Statements recognising the impact of the grooming and exploitation on children's perception of themselves underscored that children believe themselves to be acting voluntarily and do not envision themselves as victims of exploitation. This perception is further compounded by their lack of understanding or experience of what may constitute a healthy relationship or a

positive, affirmative consent. Consequently, disclosures of abuse are not always willingly made by children or that disclosures can be partial, and made over a long period of time. The analysis noted that references to sexuality in policy texts were limited to contexts setting out the need for non-discriminatory practice, that is, an emphasis on equality of access to services without being discriminated against based on gender, race, ethnicity or sexuality. Policy texts highlighted the need for proactive responses to the needs of boys and young men who may be subjected to sexual exploitation. References in policy texts to excessive sexualisation of contemporary culture and its associated risks to children's sexual development were noted too. Further, the analysis drew attention to the emphasis in practitioners' responses on the workings of perceptions about children as both naïve and innocent or as sexually experienced and knowledgeable on professionals' understanding of sexually exploited children. The description of children as unknowing and asexual identified in policy texts and practitioner responses were supplanted with statements that identified children as knowing and complicit in the alleged exploitative activity. Practitioners noted that the notion of consent and the ways in which consent is perceived both by the young people and the professionals has a lot of bearing on whether the child will be deemed a victim of exploitation or not. The thesis underscored the contradiction and ambivalence reflected in knowledge statements that children are (un)knowing and (a)sexual.

In drawing attention to the operation of the nexus between knowledge statements, power technologies and truth claims, the thesis argued that statements of risk are not simply about risk of harm or assessment of risk/vulnerability, but are evaluations of children's behaviours, actions and ultimately their sexual lives. It noted that the models and matrices of assessments used by professionals become the space for describing children's behaviour either as appropriate or inappropriate. These assessments allow the professionals the scope to describe the truth of the child's being. The analysis posited the assessments of children to be malleable and thus subject to be influenced in multiple ways owing to the discourses available to professionals, their knowledge of the circumstances of the child and their willingness to challenge their own and others' assumptions.

In addition to the professional's power to describe children through risk assessments, the thesis discussed the role of consent as a rhetorical/discursive technology in marking and classifying children as victims of exploitation/abuse or as voluntary agents seeking risky sexual pleasure. Descriptions of children, through the assessment processes, become the means through which normative prescriptions are reified and children with certain attributes such as a lack of will to protect themselves, or resistance to offers of help are demarcated to a differential position from the norm, as the non-victims. They are constituted as the opposite (other) of the innocent, docile and risk avoiding victim. It further stressed that the differential positioning of non-victim children becomes the point of reference for the normalisation of the other children, both exploited and non-exploited.

The analysis noted that within CSE discourses, there is an expectation for sexually exploited children to affirm their victimisation (through willing disclosures) and to assume the identity prescribed in law and be ready to speak the truth of their being constituted through the nexus of power, knowledge and regimes of truth. Children who assert their victimisation are constituted as victims and consequently as legitimate subjects with all the associated entitlements. In contrast, those children that deny the exploitation are differentiated from the realm of the victim and are relegated to the status of non-victims. The differentiation between the victim (one who avows) and non-victim (one who disavows) act as the regime of truth operating as a 'grid of classification' against which children's experiences are assessed and marked.

In sum, the thesis stressed that the contradiction and mutual constitution characteristic of the subject positions that children come to occupy creates ambiguity in practice. The acts of description and normalisation result in material consequences for sexually exploited children. Children's avowal becomes a strategy of power with its effects in the process of their subjectification constituting those who avow their victimhood as unreserved victims with no conditions attached to their recognition as victims. In contrast, those who both disavow their victimhood

and disengage from services are constituted as non-victims, and those who disavow their victimhood but continue to engage with the practitioners are constituted as reserved victims or victims *in posse*. The thesis contended that these subject positions that sexually exploited children come to occupy cannot be described as dichotomous. Instead, noted that there are at least three different positions and those positions are polyhedral in nature. It affirmed that children come to occupy the position of either unreserved victims, whose status as a victim is not subject to challenge, or non-victims whose status is clearly not that of a victim, or reserved victims who can potentially become victims or non-victims. Children who are at risk of sexual exploitation prior to being assessed and marked as victims of exploitation occupy the reserved category of victims. Finally, the thesis drew attention to the material consequences of these subject positions that children come to occupy, in the realm of prosecution of CSE cases and to the process of attrition. It stressed that the failure to recognise the experiences of some children as exploitation constitutes the first condition of possibility of attrition in CSE cases. The limits imposed, in the discursive construction of their subjectivities, constitute yet another condition of possibility for attrition in CSE cases. Children are either constituted or self-constitute their subject position against the dominant construction of an innocent, asexual, truthful and even more an 'absolute' victim. When this dominant construction of children enters the realm of law (i.e. the process of prosecution and adjudication), children's behaviour and actions will continue to be evaluated and judged against the discursive attributes of innocence, asexuality and truthfulness. In effect, children have to constantly justify their position as victims against attempts by defence teams to undermine these attributes of an absolute victim. Further, the thesis stressed that the third category of victims (i.e. reserved victims or victims *in posse*) will continue to be monitored and evaluated before being produced as victims or otherwise. This group constitute the majority of sexually exploited children. The potential for the experiences of this group of children to be recognised as abuse/exploitation and for their abusers to be prosecuted depends on the construction of the experiences of the 'other' children whose cases get adjudicated.

PROBLEMATIZATION OF ATTRITION IN CRIMES OF CSE

This thesis analysed both policy texts and practitioners' responses to examine the forms of the problematization of attrition in CSE cases. In Chapter 6, it has identified four specific rationalities underpinning the thinking about the problem of attrition within the practitioners' discourse. These rationalities are: the contradictory construction of the value of prosecution outcomes for children; the complex nature of CSE crimes and its impact on their investigation and prosecution; the prosecution process as a challenge to the best interests of children; and finally, the lack of a shared understanding among practitioners about CSE and its victims. The thesis argued that the contradictory terms in which the value of prosecution outcomes is construed destabilise the very notion of prosecution as a rational response to CSE offences. It drew attention to the effects on children's subjectivities, of the practices of validation and denunciation within the prosecution process. It noted that this form of thinking brings into question the very value and usefulness in pursuing the prosecution of CSE cases, thereby affecting the decisions to drop cases, by the professionals involved and by the children themselves.

The thesis critiqued the grouping together of different challenges emanating from varied sources within the discourse. It drew attention to varied challenges relating to the nature of the crimes of CSE, to institutional practices, to organisational culture and to professionals' attitudes. It stressed that grouping together of these varied challenges to bringing successful prosecutions underscores a specific rationality within CSE discourses that the investigation and prosecution of crimes of CSE is difficult and challenging due to the very nature of the crimes. The operation of that rationality, I asserted, not only offers simplistic explanations for the lack of prosecutions, but also hinders us from identifying what those challenges relate to and from dealing with those varied challenges at their source.

The other rationality identified within practitioners' discourse on which the forms of thinking about attrition is based, is the rationality that prosecutions may not be in the best interests of children. The analysis drew attention to the role of pre-

emptive assumptions about the damage or trauma the child may experience during the trial, which prevailed amongst practitioners, in decisions to drop cases from the prosecution process. It argued that the conflation, of various barriers that children face during the criminal justice process into the category of 'traumatic experiences' reifies rationality that prosecutions may not be in the best interests of children limits our thinking and the questions we ask. As a consequence, the questions that dominate the discourse will for example, be: is it worth and fair to put a child through those traumatic experiences? Is it in their best interests to do so? In the process the questions that gets occluded from the thinking are: what is the purpose of seeking or encouraging children to disclose and talk about their experiences? What do children seek from knocking on the doors of criminal justice? and in what ways could their needs be addressed?

The analysis also identified the lack of a shared understanding among practitioners about CSE and its impact on victim, as another rationality underpinning the problematization of attrition. It was evident that the lack of a shared understanding of the processes of grooming and the power imbalance inherent in the relationships between children and those exploiting them, coupled with assumptions about the behaviour and characteristics of a victim, formed the grid through which decisions whether to prosecute the cases will pass. The ways in which prosecutors understood the concept of CSE and its victims was noted as particularly problematic. Practitioner responses described above point to a rationality that the lack of a shared understanding amongst practitioners as to what constitutes exploitation and how the grooming process affects the victim is a constitutive condition of CSE practice. This form of thinking suggests that the recognition of children as victims, the cognizance of their complaints, and the pursuit of their cases for prosecution is conditioned by the lack of a shared understanding and not by the specific challenges which do not relate to practitioners understanding of the issue of CSE.

An interrogation of policy texts from 1996 to 2016 denoted a gradual shift in policy priorities since 2000 from prosecution of perpetrators as the only criminal justice

strategy to a duality of focus on prosecution and disruption by 2011. The thesis noted that In contrast to a duality of focus since 2015 with the publication of the Tackling Child Sexual Exploitation report in 2015 the strategies proposed to tackle CSE took a distinctive turn with the absence of any reference to the prosecution of perpetrators as a strategy for tackling CSE. Instead the policy discourse since 2015 constituted CSE as a new national threat and introduced a regime of powers for disrupting the perpetrators of CSE. CSE has become part of national threat assessments, thus becoming a high profiled crime equivalent to other organised crimes such as drug trafficking, human trafficking, financial crimes and cybercrime. The tactics proposed to be deployed are also similar to those deployed for other serious and organised crimes. However, a closer examination of policy texts shows that CSE in all its forms is not recognised as organised crime. There is a discursive separation between sexual exploitation and sexual abuse within these texts, therefore making it challenging to talk about sexual exploitation as abuse. In addition only specific forms and contexts of crime are included in the definition CSE as a national threat, thereby excluding the experiences of exploited children that do not meet the thresholds for being classified as an organised crime.

In addition, the 2015 *Tackling Child Sexual Exploitation* report identifies a new regime of powers to disrupt and prevent offending such as the power to apply for a Sexual Harm Prevention Order (SHPO) or Sexual Risk Order (SRO) on any individual who poses a risk of sexual harm in the UK or abroad, even if they have never been convicted. These prevention orders are a modified version of civil orders that were previously available under the heading of Risk of Sexual Harm Orders (RSHO) or Sexual Offences Prevention Orders (SOPO) under the *Sexual Offences Act 2003*. This reinstatement of existing power with few modifications as something new appears to be reinstalling an old logic i.e. the use of disruption tactics by the police (used in cases where prosecution is not possible) as something new. This reinstallation followed by legislative amendments such as the *Anti-social Behaviour, Crime and Policing Act 2014* makes it possible for disruption to be prioritised in practice over prosecution of crimes of CSE constituting a hierarchy of priorities.

The thesis argued that the hierarchy of priorities, potentially constructs the need to secure prosecutions and safeguarding children from harm as two opposing objectives and consequently, prioritising one objective necessitates a compromise of the other objective. It not only offers simplistic explanations for the lack of prosecutions (for example, safeguarding of children is of the utmost importance), but also makes critiquing the current practice of de-prioritising prosecutions impossible without being subjected ethical scorn. The hierarchisation of priorities and their constitution in opposition forecloses the scope for practitioners to be creative and reflective in their practice such as the use of covert surveillance practices for gathering evidence. The oppositional construction of prosecution of perpetrators and safeguarding of children erases the thinking that prosecution is a means to safeguarding children.

Finally, the chapter argued that ways in which attrition is problematised in practitioners' discourse and the prioritization of disruption strategies in policy discourse together produce real effects through constituting prosecutions as a non-rational response to the problem of CSE. Practitioner's statements presented in the last section of Chapter 5 affirms the argument that the effects produced by the specific ways of the problematization of attrition were indeed real.

THE DISCURSIVE CONDITIONS OF POSSIBILITY FOR ATTRITION

Chapter 7 draws on the arguments from Chapters 5 and 6 and examines the discursive 'conditions of possibility' for attrition in crimes of CSE. It notes that children's experiences of sexual exploitation emerge into a discursive space enclosed by three axes namely: the fields of knowledge, the processes of normalisation and the forms of subjectivity. In this chapter the thesis scrutinises the nature these three axes and the sites of their intersection unravelling the complex relationships that undergird the discursive space into which children's experience of exploitation emerge thus making visible the effects produced in that intersection.

The thesis notes that the first of the three axes i.e. CSE field of knowledge is interdiscursively constituted and highlights the predominance of legal discourse in CSE field of knowledge. It argues that dominance of legal discourse and the constraints it imposes delimits and decontextualises children's experiences of exploitation. It contends that the forms of subjectivity, the second axis constituting the CSE discursive space, is characterised by both an autonomous and a heteronomous process of subject formation. It stresses that sexually exploited children constitute themselves in relation to the other: professional perceptions, available discourses, social norms and structures of power. Finally, it underlines that the processes of normalisation, the third axis constituting CSE discursive space, are produced through the nexus of power-knowledge-truth and that there is a circular relationship between the processes of normalisation and the forms of subjectivity.

The chapter then went on to look at the sites at which these three axes of CSE fields of knowledge, forms of subjectivity and the processes of normalisation intersect. It examines sexually exploited children's encounter with the legal system as a key site where the three axes intersect and produce effects. It highlights the power of legal discourse in setting limits to the recognition of children's experience of exploitation and argues that the operation of law's boundaries limits the experience of exploitation to legal questions by asking what law has been violated or what acts of infringement have been committed. Drawing attention the requirement within CSE discourses for the child to avow her abuse and to speak the truth of her victimhood (as presented in Chapter 5), this chapter highlights that the avowal and the speakability happens within the bounds set by law. It notes that children as witnesses and complainants do not tell their stories as "uninterrupted narratives", but as testimonies elicited through examination and cross examination, processes which are governed by a complex system of rules and characterised by asymmetrical relationship of power between children as speaking subjects and those who organize the practices of giving testimonies. It argues that it is in those discursive conditions in which children have to be speaking subjects, but cannot become so, that the process of depletion or attrition of a child's experience begins.

The analysis draws attention to the conditions of possibility for attrition made possible in the intersection of the three axes constituting the CSE discursive space at other sites such as the day to day practice of professionals and including those involved in deciding whether to pursue a prosecution or not. Finally, this analysis directs attention very briefly to the fact that these conditions producing attrition in CSE cases are discursively constituted and hence could be transformed.

A WAY FORWARD

Where to go from these discursive conditions which make attrition possible? Do we have to accept the invisible hand of discourse as a necessary natural condition of our experience? My answer is not in the affirmative. In discussing a possible way forward, I will make a humble contribution on the ways we can attempt to transform or resist these conditions. The possibility for transformation and resistance, I suggest, should be found at the points where the axes of knowledge, power and subjectivity intersect identified in this thesis. As Foucault notes, “we are accustomed to see in an author’s fecundity, in the multiplicity of the commentaries, and in the development of a discipline, so many infinite resources for the creation of discourses. Perhaps so, but they are nonetheless principles of constraint; it is very likely impossible to account for their positive and multiplicatory role if we do not take into consideration their restrictive and constraining function” (Foucault, 1981, p.61). It is thus vital to dissect discourses, identify the organising principles, the constraints that certain discourses impose and the relationships we develop in response to those discourses. In doing so we will be able to account for the positive role discourses can play in transforming how we relate to and engage with them and thus our experience, be it the experience of exploitation or the experience of attrition in CSE cases.

In dissecting the contemporary discourses on CSE, this thesis has shown that children’s experiences of sexual exploitation emerge into a discursive space constituted by three axes, namely the knowledge practices (i.e. fields of knowledge) around CSE, the processes involved in delineating the truth of exploitation

(processes of normalisation) and the forms of subjectivities that are produced (forms of subjectivity). It highlighted that attrition is an effect of the conditions emerging from an intersection of these different axes at various sites within CSE discourses.

The thesis has stressed that when sexually exploited children's experience of abuse/exploitation enter the CSE discursive space, their experience comes to be subjected to processes of assessment, description and classification. It has shown that the assessment processes act as technologies in the hands of professionals with power to define children's experience as abuse subsequently setting the criminal justice course of action into motion. It has also drawn attention to the contradiction and ambivalence in the knowledge statements about children as (un)knowing brought into being through the deployment of the rhetoric of consent. The thesis also drew attention to the ambivalence in knowledge statements about children as (a)sexual and their role in constituting innocence, asexuality and speakability as characteristics of an 'absolute' victim of sexual exploitation. In light of these findings, it is vital that professionals involved in CSE practice are aware of the prevailing ambiguities and acknowledge their power as professionals in reifying problematic constructions. These arguments indicate the need for reflective practice when disclosures about CSE come to the attention of professionals and when they begin the processes of assessment and intervention. CSE reflective practice could be underpinned by questions such as: what assumptions and judgements are we making in this case and why? what is the function of CSE risk assessments and how could these assessments reflect the needs of young people and not their behaviours? what interventions are available and what is nature of those intervention? what changes do those interventions seek and in whom, by whom and through what means? Asking these sets of questions potentially addresses the power of discourse in constituting children's sexual subjectivities in problematic forms.

Furthermore, this thesis identified specific rationalities that underpin the thinking about the problem of attrition within practitioners' discourse and simultaneously

the deployment of certain strategies as rational responses to tackling CSE within policy discourse. It is vital to recognise that the rationalities underpinning the problematization of attrition produces commonsense understandings that attrition is a natural consequence and hence fails to acknowledge and address the challenges to taking prosecutions forward at their very source. In light of these arguments, this thesis calls for a critical scrutiny of cases that result in decisions not to pursue prosecution. It also calls upon practitioners to proactively engage with the discourse on disruption as an operable alternative to prosecutions in tackling crimes of CSE by asking critical questions around its usefulness, objective, operationalisation and finally its unintended consequences.

There are many challenges to developing critical and reflective practice in the context of CSE. One such challenge emanates from the predominance of legal discourse in constituting the conditions of possibility for attrition. How then could we delimit the power of law? This thesis has identified certain sites at which the fields of knowledge, process of normalisation and forms of subjectivity intersect to produce certain conditions of possibility for attrition. It has also stressed that CSE fields of knowledge are interdiscursively constituted. In examining the interdiscursive constitution of CSE knowledge practices, it has highlighted that CSE discourse draws heavily from legal discourse. This thesis has identified that legal discourse imposes limitation and constraints on children's experiences and on CSE practices. But this thesis has not discussed the mutual interdependence of discourses. I would like to stress that legal discourse not only imposes, but also draws from other discourses. A quick look at the recent amendments to the legislative framework governing CSE exemplifies this. Recent legislative reforms to the *Sexual Offences Act 2003* (see Chapter 1) attempt to address the ambiguity and contradiction in the conceptualisation of CSE through defining sexual exploitation. Under section 51 of the Act a person is deemed to be sexually exploited, if that person offers or provides sexual services to another person on at least one occasion in return for payment or a promise of payment either to themselves or to a third person, whether or not they are compelled to provide sexual services. The latest guide for practitioners on CSE issued by the Department for Education in 2017 takes

the legislative changes on board and redefines CSE. The conceptualisation of sexual exploitation as sexual activity in exchange for something is central to the new definition and is reflective of the legislative amendments. The new definition incorporated into the legislation and subsequently into the government guidance for practitioners underscores the irrelevance of consent in crimes of CSE which is a step in the right direction in light of the arguments made in this thesis. However, the scope of its application within the amended legislation is limited to cases that were formerly classified as child prostitution and pornography offences. Therefore, one of the challenges identified in this thesis around the need for charges to reflect the seriousness of crimes perpetrated against children remain unaddressed unless the practitioners, particularly those involved in the investigation and prosecution of crimes of CSE are prepared to use the legislation imaginatively.

So, any attempt to transform the conditions or resist the conditions will also have to be found at the points of where the axes of knowledge, power and subjectivity intersect. Let me turn to another practice example to further my discussion on the scope for transforming the discursive conditions in which attrition occurs. This thesis noted that children's engagement with the criminal justice system is characterised by an asymmetrical power relationship. Is there a possibility for altering the asymmetry of that power relationship? I would like to consider this question, even if briefly, in light of the arguments I have made in this thesis. I have noted the ways in which the legal method with its conditions of application and rituals of speaking forbid children speaking their truth. I would like to draw upon the reflections of the practitioners who participated in this research on the role of a prosecutor in presenting a child or in providing a context to the case.

Practitioners stressed that Crown prosecutors play a significant role in presenting the case as well as the child to the court and to the jury. So the question to grapple with here is: Could we promote the use of commentaries or opening statements of prosecutors to set the scene for the court and for the jury thus creating the conditions of intelligibility for children's experiences to be considered for what they are? I wonder if there is a place for supplementing children's testimonies within the

scope of commentaries of legal professionals, by which I mean the scope for legal professionals to supplement the discourse of a child who engages with the criminal justice system. If I proposed that prosecutors should be duty bound to supplement the discourse of the child as a way forward to disrupt the asymmetry constituting the child's relationship with the criminal justice system, the law might turn around and say 'your proposal is not acceptable as it undermines objectivity and neutrality.' The truths arrived through such process cannot be neutral, thus cannot be scientific, thus cannot be legitimate and thus cannot be legal. However, law's response to my proposition takes me to the early years of my life. As a child when I wanted to be a lawyer, I used to watch the nameplates of lawyers (Mr. So and So, Advocate, Mrs. So and so, Advocate) I used to watch those nameplates with great admiration. I wanted to be one of them, an advocate. I was told, to become an advocate I have to study and master the law. I entered the law school to become an advocate and left the law school as a lawyer, as someone who practices law and not as someone who advocates for those who encounters law. The same fate befalls many of our legal practitioners today. Altering lawyering into advocacy can be one of many conditions of possibility for altering the experiences of attrition in contemporary CSE discourses.

Am I right in proposing this way forward? Or should I not do so, as my proposal will only be reaffirming the power of the law and its experts. Instead, should I be challenging the validity of law itself in responding to the experiences of children? Do we ask the law to admit its limitations in responding to the experiences of children of abuse and exploitation or do we give children the choice to either fit law's description of them or to remain outside it? I do not have exact answers as to how these conditions can be transformed, and it was not my intention either in this thesis to search for those answers. Concluding a conclusion is nothing but laying the foundation for new beginning(s). Therefore, in undertaking this thesis if I have succeeded in exposing some of (if not all) the constraints operating in CSE discourses to create the conditions of possibility for attrition in cases involving the crimes of CSE in England, I would at least say I have stated the new beginning well.

Appendix 1: Corpus of texts analysed

- Louise Casey, Report of Inspection of Rotherham Metropolitan Borough Council (2015)
- Alexis Jay (2014) Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013)
- Ann Coffey, Real Voices: Child sexual exploitation in Greater Manchester - An independent report (2014)
- Ofsted, Child sexual exploitation: it couldn't happen here, could it? (2014)
- "If only someone had listened": Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups (children and young people's version) (2014)
- OCC "It's wrong... but you get used to it" A qualitative study of gang-associated sexual violence towards, and exploitation of, young people in England (2013)
- Report from the joint inquiry into children who go missing from care – The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012)
- Guidelines on Prosecuting Cases of Child Sexual Abuse, Directorate of Public Prosecutions (2013)
- Child sexual exploitation and the response to localised grooming, The government response to the second report from the Home Affairs Committee Session 2013-14 HS 68 (September 2013)
- Home Affairs Committee - Second Report - Child sexual exploitation and the response to localised grooming (June 2013)
- Tackling Sexual Exploitation Action Plan, Department for Education, Department for Education (2012)
- What to do if you suspect a child is being sexually exploited – step by step guide for frontline practitioners, Department for Education (2012)
- Missing children and adults strategy, Home Office (2011)

- Guidance on the Management, Recording and Investigation of Missing Children Reports, ACPO (2010)
- Working Together to Safeguard Children: A Guide To Inter-Agency Working To Safeguard and Promote the Welfare of Children, Department for Children, Schools and Families (2010)
- Safeguarding Children and Young People from Sexual Exploitation: Supplementary Guidance to 'Working Together to Safeguard Children', Department for Children, Schools and Families (2009)
- Department for Children, Schools and Families - Statutory Guidance on Children Who Run Away or Go Missing from Home or Care, Department for Children, Schools and Families (2009)
- Staying Safe: Action Plan, Department for Children, Schools and Families (2008)
- Protecting vulnerable people, Her Majesty's Inspectorate of Constabulary (2008)
- Saving Lives. Reducing Harm. Protecting the Public. An Action Plan for Tackling Violence 2008-11, Home Office (2008)
- UK Action Plan on Tackling Human Trafficking London: Home Office (2008)
- Achieving Best Evidence in Criminal Proceedings: guidance on interviewing victims and witnesses, and using special measures, Department for Children, Schools and Families, Department of Health, Home Office, Crown Prosecution Service, Ministry of Justice (2007)
- Guidance on Safeguarding Children who may have been trafficked, Department for Children, Schools and Families (2007)
- Children and Young People: CPS Policy on prosecuting criminal cases involving children and young people as victims and witnesses London: CPS (2006)
- A Coordinated Prostitution Strategy and a summary of responses to Paying the Price, Home Office (2006)

- Keeping Safe, Staying Safe. Thematic inspection of the investigation and prevention of child abuse, Her Majesty's Inspectorate of Constabulary (2005)
- Home Office - Paying the Price: a consultation paper on prostitution London: Home Office (2004)
- Policing Prostitution: ACPO's Policy, Strategy and Operational Guidelines for dealing with exploitation and abuse through prostitution (2004)
- Every Child Matters, Government Green Paper, Department for Education and Skills (2003)
- National Plan for Safeguarding Children from Commercial Exploitation, Department of Health/Home Office (2001)
- The Code for Crown Prosecutors London: CPS (2000)
- Safeguarding Children Involved in Prostitution: Supplementary guidance to working together to safeguard children, London (2000)
- Achieving Best Evidence in Criminal Proceedings: Guidance for vulnerable or intimidated witnesses including children London, Home Office (2000)
- Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children, Department of Health, Home Office, Department for Education and Employment (1999)
- Speaking Up for Justice Report of the Interdepartmental Working Group on the treatment of Vulnerable or Intimidated Witnesses in the Criminal Justice System London, Home Office (1998)

Appendix 2 Interview schedules

Interview Schedule – Police

No.	Theme	Questions and prompts
1.	About the practitioner	<p>Could you tell me about your involvement in Child Sexual Exploitation (CSE) related work</p> <ul style="list-style-type: none"> a. About your role b. About your team (Specific remit; constitution of team; How did the team come about?)
2.	Conceptualisation of CSE	<ul style="list-style-type: none"> a. Could you please tell me how you understand child sexual exploitation? b. Could you tell me how you understand the term the term 'exploitation'? c. Could you please tell me how has that understanding developed? d. Could you reflect on how your understanding of CSE changed (if at all)? e. Could you tell of any similarities or differences in your understanding of CSE and those of other agencies/practitioners you work with? f. Could you tell me how investigating CSE cases may differ (if at all) from other child sexual abuse cases?
3.	Your work with children/ Young people	<ul style="list-style-type: none"> a. Please tell me about your work with sexually exploited children. (Prompts: What does it involve and what are the key aspects of your work?) b. Could you tell me how you talk about 'exploitation' in your work with children? c. Could you tell me about any tools, forms, practices that you use in

		your work (Eg. Risk assessments/intel forms)?
4.	Risk or risk of harm	<p>a. Could you tell me how do you understand risk or risk of harm in the context of CSE?</p> <p>b. What is the relevance of the notion of risk in your practice?</p>
5.	Significance of prosecutions	a. Could you please comment on the value and importance of prosecutions for your team and for the children.
6.	Challenges to work	<p>a. Could you please tell me what areas of your work (in investigating and prosecuting these cases) do you find most challenging?</p> <p>b. Why do those challenges exist and how do you deal with them? (Prompts: Challenges relating to evidence; working with children; other professionals involved; the way the organisation works; or the nature of crime.)</p>
7.	Decision to withdraw a case	<p>Could you describe a time when you had to take a decision not to take an investigation or prosecution forward?</p> <p>a. Could you comment on how the decision was made</p> <p>b. What were the reasons for that decision?</p>
8.	CPS advice and action plan	<p>Please comment on the advice you receive from CPS following the case review.</p> <p>a. What is the advice about mostly;</p> <p>b. Gaps in the file/investigation</p>
9.	Impact of child's sexual knowledge, experience, attitudes on perceptions and on prosecutions	<p>a. Could you please talk me through what role, if at all, does children's sexual experience play in these cases?</p> <p>b. [Prompts: sexual knowledge ,</p>

		sexual experience]
10.	Consent :Understanding of and significance in the investigation/prosecution	<ul style="list-style-type: none"> a. Could you please comment on how you understand the notion of consent? b. How the children understand consent? c. What role does 'consent' play in these investigations and prosecutions?
11.	Values and principles that inform practice	<ul style="list-style-type: none"> a. Could you describe the ethos, values and principles that inform your work in responding to CSE?
12.	Good practice	<ul style="list-style-type: none"> a. What in your opinion is good practice for individual practitioners and teams in addressing child sexual exploitation (particularly CJS responses) ? b. What challenges exist to developing good practice?
13.	Anything else	We have covered a lot of ground, is there anything else that we have not covered or that you wish to share with me?

Interview Schedule – Young People’s Worker/Social Care Worker

No.	Theme	Questions and prompts
1.	About the practitioner	<p>Could you tell me about your involvement in Child Sexual Exploitation (CSE) related work</p> <ol style="list-style-type: none"> a. About your role b. About your team (Specific remit; constitution of team; How did the team come about?)
2.	Conceptualisation of CSE	<ol style="list-style-type: none"> a. Could you please tell me how you understand child sexual exploitation? b. Could you tell me how you understand the term the term ‘exploitation’? c. Could you please tell me how has that understanding developed? d. Could you reflect on how your understanding of CSE changed (if at all)? e. Could you tell of any similarities or differences in your understanding of CSE and those of other agencies/practitioners you work with? f. Could you tell me how investigating CSE cases may differ (if at all) from other child sexual abuse cases?
3.	Your work with children/ Young people	<p>Please tell me about your work with sexually exploited children. (Prompts: What does it involve and what are the key aspects of your work?)</p> <ol style="list-style-type: none"> a. Could you tell me how you talk about ‘exploitation’ in your work with children? b. Could you tell me about any tools, forms, practices that you use in your work (Eg. Risk assessments/intel forms)? c. What does prevention work with young people involve? d. What does advocacy work with young people involve? e. How do you find that work? What challenges exist? How do you assess impact?

4.	Risk or risk of harm	<p>a. Could you tell me how do you understand risk or risk of harm in the context of CSE?</p> <p>b. What is the relevance of the notion of risk in your practice?</p>
5.	Significance of prosecutions	<p>a. Could you please comment on the value and importance of prosecutions for your team and for the children.</p>
6.	Challenges to work	<p>a. Could you please tell me what areas of your work (in supporting young people in their involvement with criminal justice system at different stages eg. Reporting, investigation, charging, trial, post –trial) do you find most challenging?</p> <p>b. Why do those challenges exist and how do you and your team tend to deal with them?</p> <p>c. (Prompts: Challenges relating to evidence; working with children; other professionals involved; the way the organisation works; or the nature of crime.)</p>
7.	Decision to withdraw a case	<p>a. Could you describe the impact of decisions to drop the cases by the police/prosecutors on young people?</p>
8.	Impact of child’s sexual knowledge, experience, attitudes on perceptions and on prosecutions	<p>a. Could you tell me what role (if at all) does children’s sexual experience play in these cases? [Prompts: sexual knowledge , sexual experience]</p>
9.	Consent :Understanding of and significance in the investigation/prosecution	<p>a. Could you please comment on how you understand the notion of consent?</p> <p>b. How the children understand consent?</p> <p>c. What role does perceptions of ‘consent’ play in these investigations and prosecutions?</p>

10.	Values and principles that inform practice	a. Could you describe the ethos, values and principles that inform your work in responding to CSE?
11.	Good practice	<p>a. What in your opinion is good practice for individual practitioners and teams in addressing child sexual exploitation (particularly CJS responses) ?</p> <p>b. What challenges exist to developing good practice?</p>
12.	Anything else	We have covered a lot of ground, is there anything else that we have not covered or that you wish to share with me?

Interview Schedule - CPS

No.	Theme	Questions and prompts
1	About the practitioner	<p>Could you tell me about your involvement in Child Sexual Exploitation (CSE) related work</p> <ul style="list-style-type: none"> a. About your role b. About your team (Specific remit; constitution of team; How did the team come about?)
2	Conceptualisation of CSE	<ul style="list-style-type: none"> a. Could you please tell me how you understand child sexual exploitation? b. Could you tell me how you understand the term the term 'exploitation'? c. Could you please tell me how has that understanding developed? d. Could you reflect on how your understanding of CSE changed (if at all)? e. Could you tell of any similarities or differences in your understanding of CSE and those of other agencies/practitioners you work with? f. Could you tell me how investigating CSE cases may differ (if at all) from other child sexual abuse cases?
3	Your work with children/ Young people	<ul style="list-style-type: none"> a. Please tell me about your work with sexually exploited children. (Prompts: What does it involve and what are the key aspects of your work?) b. Could you tell me how you talk about 'exploitation' in your work with children?
4	Risk or risk of harm	<ul style="list-style-type: none"> a. Could you tell me how do you understand risk or risk of harm in the context of CSE? b. What is the relevance of the notion of risk in your practice?

5	Significance of prosecutions	a. Could you please comment on the value and importance of prosecutions for your team and for the children.
6	Challenges to work	<p>a. Could you please tell me what areas of your work in prosecuting these cases do you find most challenging?</p> <p>b. Could you tell me any challenges that you may face in taking these cases forward?</p> <p>- Challenges at different stages (file review, charging, trial)</p> <p>c. Why do those challenges exist and how do you deal with them?</p> <p>(Prompts: Challenges relating to evidence; working with children; other professionals involved; the way the organisation works; or the nature of crime.)</p>
7	Decision to withdraw a case	<p>Could you describe a time when you had to take a decision not to take an investigation or prosecution forward?</p> <p>a. Could you comment on on how the decision was made</p> <p>b. What were the reasons for that decision?</p>
8	CPS advice and action plan	<p>Could you please talk about the advice you may have given to the police when your reviewed the cases presented to you for charging decisions?</p> <p>(e.g. what does the advice contain? Any gaps/problems you identify in the file)</p>
9	Impact of child's sexual knowledge, experience, attitudes on perceptions and on prosecutions	<p>Could you please talk me through what role, if at all, does children's sexual experience play in these cases?</p> <p>[Prompts: sexual knowledge , sexual</p>

		experience]
10	Consent :Understanding of and significance in the investigation/prosecution	<ul style="list-style-type: none"> a. Could you please comment on how you understand the notion of consent? b. How the children understand consent? c. What role does 'consent' play in these investigations and prosecutions?
11	Values and principles that inform practice	<ul style="list-style-type: none"> a. Could you describe the ethos, values and principles that inform your work in responding to CSE?
12	Good practice	<ul style="list-style-type: none"> a. What in your opinion is good practice for individual practitioners and teams in addressing child sexual exploitation (particularly CJS responses) ? b. What challenges exist to developing good practice?
13	Anything else	We have covered a lot of ground, is there anything else that we have not covered or that you wish to share with me?

Topic guide

- I. Introduce yourself and tell us a bit more about your involvement in Child Sexual Exploitation (CSE) related work.
- II. Tell me the words/phrases/images/thoughts that come to your mind when you hear the term child sexual exploitation.
- III. Could you please discuss –
 1. How is child sexual exploitation (CSE) understood in your local area? Could you identify shifts (if any) over time?
 2. What are the strategic priorities for your local areas in responding to child sexual exploitation?
 3. What is the value and significance of prosecutions for your teams and for the children you work with.
 4. What are the challenges to prosecuting CSE cases and supporting exploited children in their involvement with the criminal justice system? What do those challenges relate to?
 5. Could you share any examples of cases being withdrawn from the criminal justice process
 6. How is children's sexual experience/sexual knowledge perceived in CSE cases?and what role do those perceptions play in criminal justice and safeguardingresponses?
 7. How is consent understood by children, practitioners and what role does consent play in the prosecution decisions?
 8. What in your opinion is good practice in addressing child sexual exploitation (particularly CJS responses)? What challenges exist to developing good practice?

Consent Form

Research Title: Attrition in cases involving crimes of child sexual exploitation in England

This interview/discussion is part of the study on prosecution of cases involving crimes of child sexual exploitation in England, specifically looking at how children and their sexualities are understood within the contemporary policy, legal and practitioner discourses on child sexual exploitation. It will examine the scope and effect that specific understanding of children have in the prosecution of these crimes. Its aim is to explore the process of attrition in cases involving crimes of child sexual exploitation. The research, and its results, form part of a PhD undertaken at Law School at the University of Kent, Canterbury. The results of the work may be used to publish articles in academic journals and books and may be presented at academic conferences.

1. I understand that my participation in this research is voluntary. I understand that if I feel uncomfortable in any way during the session, I have the right to withdraw without having to give any explanation.
2. I understand that the discussion will be anonymised in all reporting of research results and that the researcher will take all reasonable steps to ensure that I remain anonymous.
3. I understand that the discussion is recorded electronically, not for dissemination in this manner but for ease of reference when collating results. The electronic recordings will be transcribed for data analysis and publication purposes only.
4. I understand that data in anonymised form will be shared with the funding body, ESRC.
5. I understand that I will be provided with brief summary of the research findings by email once the research is completed, if I chose to receive the summary.
6. I have read and understood the explanation provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.

Signature

Printed Name & Date

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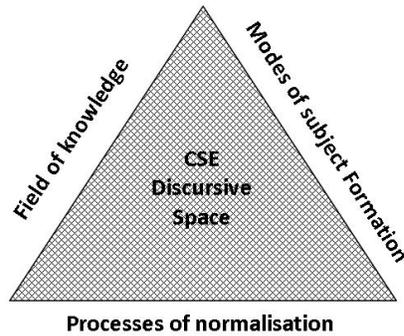
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Diagram 1: The three axes enclosing the CSE discursive space



As depicted in the diagram above children's experience of exploitation emerges into a discursive space enclosed by three axes or prismatic planes: field of knowledge, processes of normalisation and modes of subject formation. These axes set the limit to how their experience is understood and articulated by professionals working to safeguard children and tackle the perpetration of CSE. The three axes intersect (represented by the patterned lines) in multiple ways and at varied sites producing the conditions in which attrition becomes possible.

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