

**00.01 Thursday 15<sup>th</sup> October**

**Charity warns children being used as spies by the police continue to be put in danger, despite Home Office guidance overhaul**

The charity Just for Kids Law has warned that children who are used as spies by the police in criminal investigations remain at great risk despite the Home Office changing its guidance so children are only used in 'exceptional circumstances'.

Just for Kids Law, working with barristers Caoilfhionn Gallagher QC, Sam Jacobs and Mary-Rachel McCabe from Doughty Street Chambers brought a legal challenge last year against the Home Office over its policy of allowing children to be used as spies and was due to continue its legal battle in the Court of Appeal this week.

Just for Kids Law welcomes the Home Office's overhaul of its Covert Human Intelligence Sources (CHIS) Code of Practice which makes clear that children can only be used in exceptional circumstances, and improves the regulations around their use, as the charity had sought in their legal action. The Home Office's significant changes to the Code of Practice means that the legal action has now been settled.

However, the charity is today warning that children could still be put in extremely dangerous situations as child spies under the revised Code of Practice, leading to them being abused and exploited.

Through the course of its legal campaign, Just for Kids Law has uncovered shocking insight into the practice of using children and young people as spies, with the Investigatory Powers Commissioner confirming that child spies can be in violent gangs or victims of child sexual abuse who are trying to escape.

The charity believes that no child should be put in such a frightening and unacceptable situation and has been very concerned about the distinct lack of meaningful safeguards to protect children's welfare and interests.

**Enver Solomon, Chief Executive Officer at Just for Kids Law, said:**

"We certainly welcome the new safeguards introduced in the revised code of practice which will help prevent children from being placed in extremely dangerous situations as child spies. However, we question whether it is ever in a child's best interest to be used in these circumstances.

"We know children are put at great risk which can leave them traumatised and scarred for life. We want the Home Office to go further and amend the regulations to ensure that no child is ever placed in harms' way by the police."

**- ENDS -**

**For further information or to request an interview with Just for Kids Law CEO Enver Solomon or the lawyers working on this legal challenge, please contact:**

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## Notes to editors:

1. Just for Kids Law (JfKL) is a UK charity that works with and for children and young people to hold those with power to account and fight for wider reform by providing legal representation and advice, direct advocacy and support, and campaigning to ensure children and young people in the UK have their legal rights and entitlements respected and promoted and their voices heard and valued.
2. An appeal was due to be heard before the Court of Appeal this week, on Wednesday 14 October 2020, but given significant concessions by the Home Office in the new draft Code of Practice this has been settled. Just for Kids Law is represented by Jennifer Twite, Head of Strategic Litigation, Just for Kids Law, Caoilfhionn Gallagher QC, Sam Jacobs and Mary-Rachel McCabe, Doughty Street Chambers.
3. In September 2018, Just for Kids Law issued judicial review proceedings against the Home Office over its policy of allowing children to be used as spies. The charity launched a crowdfund to cover legal costs, and thanks to the support of over 100 people donating well over £5000, it took the government to court in June 2019. See <https://www.crowdjustice.com/case/children-as-spies/>
4. The draft code of practice proposes the introduction of the following essential changes, all of which had been sought by Just for Kids Law in their legal action:
  - First, it makes it clear that children should only be used in “exceptional circumstances”;
  - Second, that public authority must consider the best interests of the child as a primary consideration when deciding whether to authorise the use of children and during the course of the operation;
  - Third, that a public authority must consider using appropriate adults for 16- and 17-year olds.
5. Other newly added safeguards include the acknowledgement that an appropriate adult must be independent to the investigating authority and that the public authorities should aim to seek external expertise and advice (e.g. social workers or trained health professionals) when assessing the risk of recruiting a child.
6. The draft Code will undergo a consultation process before being finalised and the Home Office has this week agreed to consult with Just for Kids Law and the Children’s Commissioner for England.
7. Evidence from the Investigatory Powers Commissioner confirming that child spies can be in violent gangs or victims of child sexual abuse who are trying to escape was revealed in the House of Lords debate by Baroness Williams of Trafford. Full transcript: <https://www.theyworkforyou.com/lords/?id=2018-10-16b.435.1#g445.1>
8. The case of the 17-year-old girl who was recruited to spy on the man who was sexually exploiting her was also revealed in a House of Lords debate by Baroness Hamwee. Full transcript: <https://www.theyworkforyou.com/lords/?id=2018-10-16b.435.1>
9. Government figures indicate that 17 children in 11 different local authorities have been recruited as spies since January 2015 (as of March 2019), one of them aged just 15. This was revealed in a letter from the Investigatory Powers Commissioner to Harriet Harman MP, chair of the Joint Committee on Human Rights: [https://www.parliament.uk/documents/joint-committees/human-rights/correspondence/2017-19/190308\\_IPCO\\_to\\_Chair\\_re\\_Child\\_Spies.pdf](https://www.parliament.uk/documents/joint-committees/human-rights/correspondence/2017-19/190308_IPCO_to_Chair_re_Child_Spies.pdf)

10. It has been revealed by whistle-blowers that some police forces have been setting targets for increased use of children as spies, as reported to the House of Lords by Baroness Jones. Full transcript <https://www.theyworkforyou.com/lords/?id=2019-03-18c.1277.0>