

Regulatory Impact Assessment

1 A coordinated strategy for prostitution

2 Purpose and intended effect

- **Objective**

2.1 The coordinated strategy for prostitution will:

- challenge the view that street prostitution is inevitable and here to stay
- achieve an overall reduction in street prostitution
- improve the safety and quality of life of communities affected by prostitution, including those individuals directly involved in street sex markets
- reduce all forms of commercial sexual exploitation.

- **Background**

2.2 Prostitution is most commonly defined as the exchange of sexual services for some form of payment, usually money or drugs. This can take place on the street, in brothels (including those licensed as massage parlours or saunas), in private residences or through escort agencies. Services are displayed through public advertisements, the internet, or by word of mouth, including direct approaches in pubs, clubs and hotels. For the purpose of this document the definition does not include activities where no physical or intimate contact takes place (as is the case, for example, with telephone sex).

2.3 Prostitution is most associated with women and young girls but there is also a thriving sex market for men and young boys. So much is hidden from view that it is difficult to be precise about the scale of prostitution. However, evidence from the police and social services, and from published consumer guides to prostitution, suggests that it exists in most towns and cities. It has been estimated that:

- up to 5,000 young people (under 18) may be involved in prostitution at any one time¹
- as many as 80,000 individuals could be involved, both on and off street, throughout the UK²
- the National Survey of Sexual Attitudes and Lifestyles found that 8.9% of men in London aged 16-44 reported having paid for sex in the past 5 years. The number across Britain is lower at 4.3%.³

¹ Swann & Balding (2000)

² Taylor Browne (2002)

³ Johnson et al (2001)

2.4 It is increasingly recognised that those involved in street prostitution exercise little choice. The conclusion that prostitution is more of a survival activity is based on research⁴ that shows that the common characteristics of those involved include:

- **abuse** – as many as 85% report having experienced physical abuse in the family, with 45% reporting familial sexual abuse. As many as 75% of women in prostitution were under 18 when they were originally coerced into prostitution. Models of grooming and coercion into prostitution have been well researched and documented by the children’s charities (notably Barnardo’s). Where children and young people under 18 are involved in prostitution, this is considered to be child abuse
- **difficult lives** – many reported poor school attendance, as many as 70% spent time in care, and many reported running away from home or suffering periods of homelessness
- **problematic drug misuse** - as many as 95% use prostitution to support their own (and often a partner’s) problematic drug use.

2.5 Many of these factors will have been at the root of an individual becoming involved in prostitution. Equally, these factors make it very difficult for an individual to leave prostitution. Many are trapped by poor education, the need to fund a serious drug habit, the violence and coercion of pimp/partners, and by very low esteem which makes it difficult to contemplate any other life choice.

2.6 Prostitution is not illegal in England and Wales but there are a number of offences which specifically address the nuisance associated with street prostitution. These include:

- **loitering or soliciting in a public place for the purpose of prostitution** (Street Offences Act 1959)

This offence means that an individual may be prosecuted for loitering or soliciting in the street or a public place if she is considered to be a ‘common prostitute.’ This archaic terminology is widely considered to be offensive. A further difficulty is that, as the offence is low level, a fine is currently the only penalty option that sentencers consider. Consequently the law on loitering or soliciting is widely considered to have little or no deterrent or rehabilitative value. Rather, it has a perverse incentive in that the imposition of a fine requires the offender to be involved in further prostitution in order to pay

- **kerb crawling** (Sexual Offences Act 1985)

⁴ These figures are drawn from a number of small scale studies, as set out in Annex C of Paying the Price

This is widely regarded by the enforcement agencies as effective, both in terms of enforceability and deterrence. Since 2004 courts have increasingly included the option of disqualification from driving alongside fines. In areas where there is routine policing of kerb crawlers a range of deterrent measures are used – warning letters, re-education schemes as an alternative to prosecution, prosecution, naming and shaming – anecdotally, each element has a significant deterrent effect. However, not all areas focus on this element of the street sex market and, of those that do, most do so as part of sporadic sweeps

- **the placing of advertisements relating to prostitution on or in the vicinity of telephone boxes**
(Criminal Justice and Police Act 2001)

The problem of prostitutes' cards in telephone boxes only occurs in a few areas but, in those areas, causes considerable nuisance in terms of offence, litter etc. In Westminster, where the problem is most acute, both the local authority and BT consider that enforcement of the criminal law will only ever be part of the solution to this problem. There has been sustained pressure from both for the introduction of a call barring scheme as a disruptive measure. This would mean that the telephone service providing the number shown on the card would bar in-coming calls if the number was persistently displayed following a warning. However, while the voluntary call barring scheme operated by BT has shown that it can have a disruptive effect where landlines are used, the use of mobile phones would reduce the impact of such a scheme. The portability of mobile numbers is quick and relatively inexpensive, and it is not possible to identify the subscribers with Pay As You Go tariffs. Concerns have been raised by Ofcom and the Mobile Broadband Group about the effectiveness of such a scheme in the light of advancing technologies. It has also been noted that Sussex Police report that enforcement of the offence, together with follow-up visits to those brothels using prostitutes' cards, has been sufficient to remove the problem

- **'pimping' offences, including controlling prostitution**
(Sexual Offences Acts 1956 and 2003)

Prior to the 2003 Acts pimps were prosecuted for 'living on the earnings of prostitution.' The 2003 Act repealed this offence and introduced new offences of 'causing or inciting prostitution for gain' and 'controlling prostitution for gain' with penalties of up to 7 years imprisonment.

- **civil measures, including Acceptable Behaviour Contracts (ABCs) and anti-social behaviour orders (ASBOs)**

These measures are also used to protect communities from the harassment, alarm and distress caused by those involved in prostitution and by kerb crawlers. There are widely divergent views on their effectiveness with respect to women in prostitution (although their

suitability as measures to deter kerb crawling are more widely promoted). There has been no formal review of their effectiveness in dealing with street prostitution.

2.7 Criminal statistics show a decline in the number of cautions and prosecutions for street offences.⁵ There is no evidence to suggest that this is due to a reduction in the extent of prostitution activity but it is certainly the case that most forces have disbanded their dedicated vice units in recent years, indicating that it has ceased to be a policing priority.

2.8 In terms of loitering or soliciting, there is an additional factor to take into account. In 2000 guidance was issued that stated that those under 18 should be treated primarily as victims of abuse and that the criminal law should only be used as a last resort if young people 'persistently and voluntarily' return to the streets. This has significantly reduced the number of prosecutions of those under 18 (to only 3 in 2004) and the police are also now more likely to consider adult women in prostitution in need of support rather than prosecution. This is evidenced by the increasing liaison and cooperation between the police and voluntary sector support projects.

2.9 Under current arrangements enforcement tends to be conducted by way of temporary sweeps on limited areas. The evaluation of the 11 projects on What Works in tackling prostitution, some of which focussed specifically on policing, found that short-term enforcement sweeps resulted in short-term temporal or geographic displacement, or in those involved in prostitution seeking alternative means to fund their drug misuse (usually street crime). Once the operation finished, punters and prostitutes would return to the area. It has also been noted that, where enforcement is sustained in one area, unless it is matched by a similar approach elsewhere, the market will again be displaced, often to a neighbouring town with a more relaxed approach to street prostitution.

2.10 In terms of off street prostitution, the legal framework is focused on reducing exploitation. It is difficult to judge its effectiveness at this stage as the new framework was introduced in 2004 and many of the prosecutions depend on lengthy investigations. Although there have been some highly successful prosecutions, numbers are inevitably low at present. A stock take of the effectiveness of the new offences is currently being carried out. They include:

- keeping or managing a brothel (Sexual Offences Act 2003)
- causing or inciting prostitution (Sexual Offences Act 2003)
- trafficking for sexual exploitation (Sexual Offences Act 2003).

2.11 Dedicated support services for those involved in prostitution are generally in the voluntary sector. Traditionally they have offered outreach and sometimes also drop-in services, and are available in some, but not all, areas where there is a significant level of street prostitution. Many began as harm

⁵ see Annex A

minimisation projects, offering sexual health and drugs advice including the supply of condoms and needle exchange. Some remain strictly supportive although they may have extended their services to offer advice on wider health and safety issues.

2.12 However, there are some good examples of schemes which now offer a range of dedicated support services to link individuals into mainstream services and work towards the development of routes out of prostitution. These projects provide help and advice on a whole range of issues, including the provision of drug treatment, access to healthcare (including sexual health care), supported housing, debt counselling, education and employment. However, not every area has yet recognised the need to deliver such holistic services.

Streetreach

Streetreach provides support to those involved in prostitution in Doncaster. The project opens during the day in order to be able to link their clients with mainstream services, and offers, fast track into sexual health services, access to a detox programme (with weekend support and aftercare to maximise its effectiveness), a distance learning package for those unable to return to school, and training and employment opportunities through a partnership with the Reed Employment Group. The project also has an extensive schools prevention programme.

- **Rationale for government intervention**

2.13 Prostitution itself is not an illegal activity in England and Wales although, as set out above, a range of offences can be committed in association with prostitution. Nevertheless, prostitution is of serious concern as it can involve anti-social behaviour, serious drug abuse, violence and exploitation and organised crime, including people trafficking.

2.14 Evidence shows that there are many examples of good practice in terms of preventative measures, enforcement and support but that few areas offer a comprehensive package of measures to effectively disrupt local sex markets. The current policy vacuum has resulted in confusion about whether prostitution should be controlled or managed and, in some areas, this has resulted in inactivity.

2.15 It is considered crucial that there should be a multi-stranded approach since, for example, a local focus on enforcement only would only result in the displacement of women involved in prostitution as it would not address the reasons that keep them on the streets. That displacement may be to other areas or may be into other activities to fund serious drug misuse, including street crime.

2.16 Equally, a local approach focused entirely on support would be seen to fail local residents concerned about the nuisance associated with kerb

crawling and other activities associated with street prostitution. For these reasons it was considered necessary to use the evidence emerging from the review to develop a coordinated strategy for prostitution.

3. Consultation

- **Within government**

3.1 A consultation exercise was led from within the Home Office involving policy officials from across Government. The initial scoping study involved discussions across Whitehall on child protection, health, housing, education, neighbourhood renewal and a range of other issues.

- **Public consultation**

3.2 In July 2004 a public consultation paper, *Paying the Price*, was published in order to seek views on how to address the issues associated with prostitution. This was the first time that there has been a thorough examination of the wider issues. The intention was to provide an opportunity to consider a holistic approach to prostitution based on the best evidence of what works in terms of prevention, enforcement and the development of support services to offer effective routes out of prostitution.

3.4 The paper was published in July 2004 and the consultation period ran for 4 months. During that time strenuous efforts were made to reach those groups with particularly relevant experience to offer, including those with experience in prostitution and residents living in areas affected by prostitution. Over 850 written responses were received from a wide range of organisations and individuals, including a significant number from the two groups specifically targeted.

3.5 Following the review, the views of respondents were disseminated to relevant policy leads as a basis for discussion on the development of a coordinated strategy. This has been developed as a cross-Government strategy.

4. Options

Option A Do nothing

4.1 Given the differing approaches to enforcement and the patchy availability of dedicated services focussing on developing routes out, it was not considered appropriate to do nothing. The risk with this option is that prostitution will continue to impact adversely on local communities, and that those directly involved in prostitution will continue to be at serious risk of increasing social exclusion, exploitation, violence – including domestic violence – and problematic drug use.

4.2 The problems associated with off-street prostitution, including child abuse and the exploitation of trafficked women, will continue to take place, largely unchecked, and could worsen. Current costs are low in respect of day-to-day policing but high in terms of the damage to children, trafficked women and on the services required to support them once they come to light.

Option B A coordinated strategy for prostitution

4.3 Following the review, it was concluded that the introduction of a coordinated strategy for prostitution would reduce the risks associated with prostitution and would also reduce many of the costs currently associated with prostitution. The implementation of a prostitution strategy will ensure that, in every area where prostitution is an issue, a coherent and holistic response will be available to reduce the numbers of individuals becoming involved in prostitution and the numbers creating the demand for a sex market; and to provide routes out to support those already involved in prostitution. Enforcement without support is not only ineffective in the longer term but can place those in prostitution in even greater danger. The market becomes more risky as ‘punters’ attempt to evade the attention of the police. It is crucial that enforcement agencies work with local projects to ensure that women are given the support they need to move out of prostitution.

4.4 The strategy will:

- increase preventative measures

This will involve a more systematic provision of general information to raise awareness of the dangers of prostitution and the ways in which young people can be ‘groomed’ into it. It will also mean more specific early intervention with those at particular risk, for example safeguarding those in care/leaving care who are frequently the targets of groomers and runaways who place themselves in significant danger of sexual exploitation.

Risks - there are no particular risks with this as it will build on current best practice initiatives.

Costs - the costs need not be significant. Local preventative strategies are already being developed in all top-tier/unitary authority areas for children and

young people at risk of social exclusion. The risk factors for coercion into prostitution are similar to those for a wide range of poor outcomes. This initiative will simply ensure that the strategies are focussed on the potential for sexual exploitation, where appropriate.

However, the training of professionals to spot the warning signs, and to understand how to respond to them, will have resource implications. There may also be more significant costs attached to meet the needs of children and young people in terms of refuge and other supported accommodation; health care, including adolescent mental health care; and other services required to prevent them from becoming vulnerable to coercion into prostitution. These are services that respondents frequently reported to be lacking for those at risk of, or involved in, sexual exploitation.

Benefits - Given the clear evidence of serious long-term health and other needs of those involved in prostitution, and risks of an extended career of criminality and anti-social behaviour, diverting young people away from prostitution should have significant benefits in the long term. This suggests that early intervention is likely to be cost-effective, although preventative measures should be seen as a long-term intervention, unlikely to generate immediate significant reductions.

- tackle demand

There will be an increased focus on those who create the demand for a sex market through more regular and consistent enforcement of the law on kerb crawling. Guidance to the police will advise that sustained operations can have significant deterrent effect on potential kerb crawlers. This will include advice on the provision of re-education programmes, offered as an alternative to prosecution, which describe the exploitative nature of the trade and addressing the practical implications, including sexual health issues, criminal sanctions and publicity. Where these programmes are already in existence, strong anecdotal evidence suggests that there are few incidences of re-offending in that area.

Risks - the potential risk with increasing enforcement is that it could place those involved in prostitution at greater danger. There is also evidence that enforcement measures alone will often result only in displacement. To avoid both potential risks, it will be necessary to ensure that both enforcement and support options are taken forward together, and across the country.

Costs - the taxpayer could face higher costs in the form of increased police spending. As we have seen, current estimates suggest the police spend around £176m on controlling prostitution, which gives some sense of the scale of spending which might be involved in increasing enforcement. However, we can also expect spending to fall back again over time if tougher enforcement proves to be an effective deterrent and prostitution becomes less of a problem. In other words, more effective enforcement should prove, in the longer term, to be a cost-effective way of reducing prostitution policing costs.

Benefits - improvements to the way in which street prostitution is policed will bring significant benefits to local communities, including local business communities as increased enforcement will reduce the numbers involved in prostitution and so the levels of anti-social behaviour which accompanies prostitution and which impose costs on communities as well as the taxpayer.

Greater presence of police on the streets and in patrols should also have knock-on effects on levels of criminality generally in the communities concerned, with associated benefits for community members, potential victims, businesses and the tax payer.

- reform the law on loitering or soliciting

There are a range of ways in which we can increase the diversion of women involved in prostitution away from the criminal justice system and into the support and treatment needed. This includes effective partnership between the police and local projects to support voluntary referrals and other, more formal arrangements, including conditional cautioning and court diversion schemes.

However, given the inevitably slow progress out of prostitution for those living particularly chaotic lives, a number of those involved in prostitution will ultimately face prostitution. The law on loitering or soliciting will also be reformed to make it more effective in deterrent and rehabilitative terms. The intention will be to provide a penalty specifically tailored to the needs of those involved in prostitution so that the courts can order an appropriate package of interventions to address the causes of the offending behaviour where that behaviour is persistent, or is so serious as to amount to behaviour likely to cause harassment, alarm or distress.

Costs - additional costs are unlikely to accrue to enforcement agencies given that every effort will be made to divert women in prostitution from the criminal justice system. Proposed new powers for the courts to order drug treatment as a penalty for loitering or soliciting will have an impact but, as it is intended that referrals should be to dedicated prostitution services (who, in most cases, will already have begun to build a relationship of trust with the individual) the impact on NOMS will be minimal.

In terms of drug treatment services, where these are already available any additional costs should be minimal. General health service costs may rise as those admitted onto drug treatment programmes tend to require increased general care to tackle their deficit in health care needs. This can amount to around £115 per year for problem drug users who have been in treatment for less than one year.

There is the possible risk of displacement of prostitutes who are problematic drug users into other ways of funding their drug habits. Many problematic drug users commit crime to fund their drug habits to the extent that it is generally assumed that 50 per cent of all acquisitive crime (burglary, robbery, shoplifting etc) is committed by drug users. The additional victim costs of crime per

prostitute – who is a problematic drug user and not in treatment – displaced into crime would be roughly £30,827⁶ per year.

However, these costs will be mitigated by providing effective routes out of prostitution.

Benefits - if enforcement is coupled with arrest referral schemes additional benefits can be realised in terms of treating the very many involved in prostitution who are problematic drug users. These include benefits for the users from improvements in health. This clearly points to the need for a coordinated strategy which balances increased enforcement with the appropriate provision of support.

- develop routes out

There are already some good examples of innovative schemes that offer dedicated support services, and link individuals into mainstream services. The aim of the strategy will be to ensure that services which are clearly focussed on offering routes out of prostitution are available in all areas where they are needed. Commissioning guidance will be provided for local partnerships which will draw on the good practice points that emerged from the evaluation of recent Home Office funded projects to assess What Works in tackling prostitution.

Risks - offering support without stepping up enforcement would not necessarily respond to the fears and concerns of local communities where street prostitution takes place. However this risk can be overcome by ensuring that support programmes complement enhanced enforcement practices.

Costs - the taxpayer will face higher costs from a policy of increased provision of holistic support services for those involved in prostitution (relating to health, housing and other mainstream services). However, there are no identified additional costs to the public.

Benefits - there is evidence that increased availability of effective support brings significant benefits. Benefits will accrue to both the individuals involved in prostitution, such as improvements in health, and to external parties, such as the reduction in the spread of infectious diseases.

Support, by facilitating routes out of prostitution, is also likely to reduce the externalities involved with prostitution, such as social exclusion and violent crime.

- tackle off street prostitution

The focus on off street prostitution, and the capacity to police this side of the sex market, will be increased.

⁶ Godfrey, C et al (2002) *The economic and social cost of Class A drug use in England and Wales, 2000*. Home Office Research Study 249, London.

Risks - the risk with this option is that it continues to penalise and stigmatise the area of prostitution generally considered to be more 'acceptable.'

Costs - increasing enforcement will have significant investigative and prosecution costs for the police and the rest of the criminal justice system.

There is also the possibility that prostitutes currently working in brothels and flats might be transferred onto the streets, where they are at greater risk of victimisation, and where the scope for generating greater levels of criminality and anti-social behaviour is much more significant. To mitigate this it is important that there should be compensating policies focussed on street prostitution to address this potential.

Benefits - the benefits of increasing enforcement against off street prostitution could be a reduction in the amount of off street prostitution activities. Identification of those working in prostitution could permit more treatment for drug problems to be offered, and opportunities to exit the industry.

With child prostitution mostly located off-street, increased enforcement should have the benefit of rescuing children who are being abused in this way, and identifying those who are facilitating and perpetrating their abuse.

Brothels are where women are to be found who have been trafficked into the UK and are working under duress. Increased enforcement should identify these individuals and help them to escape their situation. In other cases, women will be discovered in brothels who are staying and working illegally in the UK. Increased policing of off street prostitution can be seen as an important support to measures to enforce regulations governing illegal working and migration.

Brothels are often likely to be controlled by organised crime groups who are responsible for people trafficking for the purposes of prostitution, as well as other crimes including drug smuggling and supply. Increased measures to investigate brothels should therefore help to disrupt the activities of these groups and their funding streams. It should also provide important new intelligence on the groups' mode of operation, providing important support to interventions to counter organised crime.

5. Costs and benefits

- **Sectors and groups affected**

5.1 The impact on those involved in prostitution includes:

- **exploitation** - as many as 75% of those involved were coerced into prostitution before they were 18
- **violence** - those involved in prostitution are at a high risk of violence from both clients and partners/pimps. One study found that 66% of women involved in street-based prostitution in three UK cities had experienced client violence. They most commonly reporting being slapped, kicked or punched, but 28% reported attempted rape
- **social exclusion** - the demographic markers of those involved in prostitution show classic socio-economic disadvantage and social exclusion. Research shows that large numbers of those involved in prostitution have spent time in care, many have reported running away from home or periods of homelessness
- **poor health** – research suggests that those involved in prostitution who also share injecting equipment are at high risk of HIV infection. There are also reported to be high rates of Chlamydia, gonorrhoea, abnormal cervical cytology, terminations, infertility and Hepatitis C among those involved in prostitution
- **drug misuse** – those providing outreach to those involved in street prostitution and those policing the streets, agree that as many as 95 per cent of those involved in street prostitution are there to fund problematic drug use. There are also strong links between street prostitution and local drug markets, with those controlling prostitution also involved in drug supply and dealing
- **neighbourhood nuisance** – there are significant risks to neighbourhood renewal and safe communities, through harassment, noise, prostitution and drug-related litter (including used condoms and dirty needles) and a decline in public order. The review confirmed the negative impact the existence of street prostitution can have on a local community
- **trafficking** - there is also growing evidence of women being trafficked into the UK for the purposes of sexual exploitation.
- **abuse of children** - with increasing numbers ‘groomed’ over the internet
- **organised crime** – with most police investigations into brothels revealing evidence of trafficking, drugs, money laundering and firearms

5.2 Off-street prostitution is sometimes considered to present less of a problem in terms of violence and exploitation and impact on local communities. However, it is far from problem-free and is the area of prostitution in which the involvement of children and trafficked women takes place.

5.3 Prostitution can also affect communities through increased traffic, noise and disruption, and neighbourhood reputation

- **Benefits**

5.4 There are no identified benefits associated with prostitution.

- **Costs**

5.5 There are a range of costs associated with prostitution, including:

- **to the police** - controlling prostitution is currently estimated to cost in the region of £176m
- **to the police and other agencies** – additional costs of responding to reports of anti-social behaviour linked to prostitution are estimated at around £42m⁷
- **to the tax payer (through the criminal justice system)** - those involved in prostitution are statistically more likely to be victims of violent and sexual crimes and this can have significant criminal justice and other costs. The Home Office has estimated that in 1999 the average recorded case of serious wounding resulted in over £8,000 in costs of health treatment, and almost £50k in criminal justice costs. A recorded common assault on average costs £360 in health costs and almost £4,500 in criminal justice costs. Sexual offences averaged £1,200 in treatment costs and over £13,000 in criminal justice costs. These figures illustrate the high costs to the taxpayer of the types of crimes perpetrated against those involved in prostitution

Costs to the courts in terms of proceedings against those involved in prostitution have not been calculated. Proceedings for sexual offences on average have been estimated at between £1,200 per case at a magistrates' court and £76,000 at a crown court. If similar costs could be assumed the costs of successful prosecutions for kerb crawling, loitering or soliciting and keeping a brothel would have been between £4.5m and £281m in 2002 but, given that cases involving serious sexual offences are often complex in evidential terms, this would seem to be a significant over-estimate

⁷ One Day Count of anti-social behaviour (2003)

- **to the victim** - the emotional and physical costs of a serious wounding have been estimated at almost £97,000,. The equivalent costs of a sexual assault are valued at £12,000
- **to those involved in prostitution and to residents of red light areas** - from the criminal activities often associated with prostitution, including pimping, kerb crawling, drug dealing and public disorder
- **to those involved in prostitution** - there are also additional intangible costs of £2,958 per year per prostitute in relation to their problematic drug use, plus additional health related costs of around £1,020 per year. If a prostitute injects drugs intravenously the costs can be even higher due to the increased risk of infection and disease transmission. A 1999 study of 240 prostitutes found that almost half working outdoors reported injecting drugs⁸ – this figure is likely to have risen
- however, the major costs **to those involved in prostitution** accrue from the cumulative effects of involvement in street prostitution which include long-term physical and mental health problems, poor self esteem and other issues which create barriers to alternative employment, housing and other signifiers of social exclusion.

6. Health impact assessment

6.1 As set out above, the health impact of involvement in prostitution can be extensive and long-term. It includes the misuse of Class A drugs, and associated health problems, as well as the health issues that accrue from lack of attention to healthcare over a protracted period, repeated sexual activity, homelessness and poverty.

6.2 A range of STIs and other sexual health problems are attributed to unprotected sex and the sharing of needles. Given the increasing numbers of migrant workers involved in off street prostitution and the increasing drug use on the streets, prostitution is becoming more and more chaotic and competitive which could have a significant impact on public health.

6.3 Recent research suggests that the proportion of men who have paid for sex has doubled in the last ten years, from 5.6% in the early-1990s to 9% in 2000⁹. This increase may have a significant impact on sexual ill health.

7. Race Equality Impact Assessment

7.1 Significant efforts were made to assess the impact of prostitution on different communities. The Home Office Race Equality Advisory Panel contributed to the development of the public consultation paper to ensure that it was distributed appropriately to enable community groups to respond, and

⁸ Church, S., Henderson, M., Barnard, and Hart, G. (2001). Violence by clients towards female prostitutes in different work settings: questionnaire survey. *BMJ* March 3; 322; 524-525.

⁹ Ward et al. 2005 Who pays for sex? An analysis of the increasing prevalence of female commercial sex contacts among men in Britain. *Sexually Transmitted Infections* 81: 467-471

that the consultation questions were appropriately designed to elicit information on this issue.

7.2 Published research, and responses to the consultation paper, suggest that those involved in prostitution – and, generally, that means those known to support services – mirror the ethnicity of the local population. However, it must be borne in mind that some communities would not find support services accessible and would therefore not be visible. The situation will continue to be monitored.

8. Rural issues

8.1 It is clear that, while prostitution can exist in most communities, the models can vary significantly between urban and rural areas. For example, street prostitution is more prevalent in urban areas where there is the opportunity for a more extensive market. Off street prostitution in urban areas tends to take place in saunas or massage parlours whereas prostitution in rural areas tends to take place in private residences. The impact of prostitution tends to be less damaging in rural areas. The key issue for the strategy is to ensure that it reflects the differing models.

9. Small Firms Impact Test

9.1 A survey of small businesses, and focus groups in which local businesses were involved, suggested minimal impact.

10. Competition assessment

10.1 The changes would be unlikely to have any affect on competition.

11. Enforcement, sanctions and monitoring

11.1 The Crime and Disorder Act 1998, as amended by the Police Reform Act 2002, places a duty on specific agencies to work together to tackle crime and disorder and the misuse of drugs in their local areas. Working in partnership the responsible authorities have been required to undertake a triennial audit to identify the extent of the problems within their community, and to develop strategies that deal effectively with them. Such strategies generally address the needs of the community through the enforcement of the civil and criminal law to reduce the anti-social behaviour and the criminality associated with prostitution, and through the provision of support services for those individuals involved in street prostitution.

11.2 The legal framework will enable enforcement action to be taken against all those who use and abuse those involved in prostitution, through specific offences targeted at kerb crawling, pimping, trafficking and grooming.

11.3 In terms of those involved in prostitution, services will be available for those who voluntarily seek help with drug misuse and other problems related to their involvement in prostitution. However, for those who are unwilling or

unable to accept voluntary referrals, the criminal justice system offers a stepped approach – through diversions with sanctions, and prosecution, where necessary.

12. Implementation and delivery plan

12.1 The implementation and delivery plan will involve the dissemination of good practice advice and guidance on all aspects of the strategy, including preventative and early intervention measures, enforcement (through circulars to the police and the courts), and on developing routes out (through commissioning guidance for local partnerships).

13. Post-implementation review

13.1 Local areas will be monitored to ensure that, where prostitution is known to be a problem, local partnerships are responding in a coordinated way. Measures of success will be developed in order to review the effectiveness of different elements of the strategy, and to develop and share promising practice.

14. Summary and recommendation

14.1 In summary, the serious issues associated with prostitution, and the reluctance to address prostitution in some areas, necessitates a change in approach. The publication of a coordinated strategy for prostitution will send the clear message that the existence of street sex markets, and commercial sexual exploitation wherever it occurs, must be challenged. The strategy will provide advice and guidance on how best that can be achieved and, while allowing local areas to develop solutions that meet local needs, will ensure that the response to prostitution addresses all aspects of the market, and while focusing the law on the users and abusers, also provided appropriate help and support for those involved in prostitution.

[to be completed once the proposed legislative measures have been developed:

15 Declaration and publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed

Date

Minister's name, title, department

Contact point for enquiries and comments: