

The legal process

Children or young people disclose sexual abuse and an adult tells the police.



The police may come to your house to take an initial statement.



If recent, you may be taken to a place where evidence can be taken (a SARC).



Within a few days the police will record a video interview about what has happened.



The police will start to investigate and gather evidence, often including interviewing the abuser.



If it is decided that there is not enough evidence, they will take 'No Further Action' and close your case.



If there is enough evidence, the police present it to the Crown Prosecution Service (CPS) who decide whether the case can go to court.

This decision can take from 3 months to over a year. The police will tell you the reasons they have come to this decision.

In a small minority of cases, the abuser will be charged and given a court date.

This is by far the most common outcome.

You will be asked to give evidence and answer questions in court which will be video recorded in advance. This is known as a "section 28 hearing".

Your support worker (CHISVA) will answer any questions you might have.

Note: this is a common scenario, but may not reflect your exact situation.

Jargon buster

Disclose is when you tell someone something you have kept secret.

CHISVA stands for Child Independent Sexual Violence Advocate. People working as CHISVAs provide support to children and young people aged 5–18 who have experienced rape, sexual abuse, or sexual exploitation.

CPS is the Crown Prosecution Service who make decisions about whether or not abusers can be prosecuted based on evidence provided by the police. When cases do go to court, the CPS represents the police case against the abuser.

NFA is where the police decide to take No Further Action and close the case without charging the abuser.

SARC is a Sexual Assault Referral Centre where some children and young people go in order for medical evidence to be collected to support their case.

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Child sexual abuse and the justice system

A guide for children and young people



www.family-action.org.uk

Helpful facts about justice

We want to share with you some facts about the police and court process because the confusion and sense of unfairness which often comes from this is one of the things children and young people tell us can be most difficult.

Although childhood is full of films and stories where the bad guys get punished and the intrepid heroes get celebrated, real life is unfortunately often not like this.

In 2020– 2021, 3.9% of reported cases of child sexual abuse got to court and not all ended in a successful prosecution.

The reason we're telling you this is because children and young people often imagine it is something they have done – or not done – which means they don't get justice, but this is not the case.

Children have all sorts of experiences telling people what has happened or is happening to them. Our 'legal process' shows the main stages that happen when the police are told of abuse, but it doesn't reflect every situation.



There are many organisations and individuals who continue to fight against the current injustice in the hope of seeing change.

The Police

We often assume the police will catch the person who has hurt them and send them to prison, but this is often not the case.

Children have to wait at least 3 months (often much longer) after their statements to know if their case will go to court.

Cases that don't get to court mostly get what is called 'NFAed', where the police take No Further Action.

We have met some young people who have waited over a year, some much longer, for the police to tell them this is their decision. It can be really difficult being in limbo for that long, all the time hoping that the abuser will get a consequence for the hurt they've caused. It can be very disappointing when they don't.

Lots of children think that when the police decide to NFA their case, it is because they don't believe what has happened to them or don't think it was serious enough. **This is not the case at all.**

The police and courts follow strict rules and need evidence which proves "beyond reasonable doubt" that someone has committed a crime.

With sexual abuse, evidence may include the abuser admitting what they have done, someone else seeing what happened, messages, photos or physical evidence. These rules are set by the government and are nothing to do with the people in the courts or the police.



So remember...

If a case is 'NFAed' it is not that you are not believed. It is because there has to be solid evidence. Often this doesn't exist in Child Sexual Abuse because abusers mostly hurt children where no one will see.

We are sharing this information not to discourage you but in the hope that you know, from the beginning, that you are not alone in this process, nor in the sense of unfairness that often comes with it.

If you have got justice, or do in the future, this is really worth celebrating. **If you don't get justice, we want you to know you are still believed and that we stand with you on your journey.**

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