



CHILDREN WHO EXHIBIT HARMFUL SEXUAL BEHAVIOUR

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This procedure is additional to the usual case management procedures in chapter 5 – (www.bucks-lscb.org.uk / BSCB Procedures), and applies when there is an allegation or suspicion that a child has abused or is at risk of abusing another child.

This includes disabled children who exhibit sexually harmful behaviour. This applies whether the victim is:

- **Outside of the child's immediate household or**
- **Within her/his household e.g. sibling abuse.**

1 INTRODUCTION

A coordinated response to children who abuse others is required by all relevant agencies including Children Services, the Police, the Youth Offending Service and Child and Adolescent Mental Health Services.

1.1 Definitions

Sexual Abuse

The definition of **Sexual Abuse** is the same for sexual abuse by children as for sexual abuse by adults, including using the internet or mobile phones. Abusive/inappropriate behaviour is often characterised by a lack of true Consent, the presence of a power imbalance and exploitation.

Physical Abuse and Bullying

Both physical abuse and bullying can include harmful sexual behaviour.

If a child/young person has caused or is at risk of causing serious physical harm to another child/young person a referral must be made to Children's Social Care. In deciding whether an incident should be dealt with as a child protection matter, relevant considerations include the seriousness of the harm, the intention behind the assault and the difference in power between the victim and perpetrator (e.g. size, age, ability, development etc.) Fighting between peers of equal standing or siblings would not therefore normally be subject to referral.

In extreme cases of bullying, there may be times when the threshold for a **Child Protection Assessment** is reached. To help prevent such situations arising, all settings in which children are provided with services or are living away from home must therefore have in place rigorous anti-bullying policies.

Bullying may include abusive behaviour by one child/young person to another through the sending of messages via the internet, mobile phones etc. which are intimidating and are intended to frighten.

See BSCB Bullying Procedures. All agencies should refer to their own internal agencies guidance on bullying including in regard to disabled children.

1.2. Child victim

- Severe harm may be caused to children, including disabled children, by abusive behaviour of other children, which may be physical, sexual or emotional and such abuse must be taken as seriously as abuse perpetrated by an adult.
- The same signs and symptoms of abuse that pertain to the abuse of children by adults are applicable to the abuse of children by other children.
- The effect on the victim of intimidation and peer pressure by their abuser may make it difficult for the victim to tell anyone what is happening.

1.3 Child /young person (including disabled child/young person) who exhibits sexually harmful behavior

- Agencies should also be alert to the possibility that a child or young person who has harmed another may well also be a victim. Therefore, all relevant agencies must be aware of their responsibilities to both children and this must be demonstrated in the multi-agency management of both cases. However the priority is the protection of the identified victim.
- Professionals should also be alert to the fact that there is likely to be a risk to children other than the current victim.
- A significant proportion of sex offences are committed by teenagers, including learning disabled teenagers, although, on occasion, such offences are committed by younger children.
- Evidence suggests that children who abuse others may have suffered considerable disruption in their lives, been exposed to violence within the family, may have witnessed or been subject to physical or sexual abuse, have problems in their educational development and may have committed other offences. Such children and young people are likely to be children in need, and some will, in addition, be suffering, or at risk of suffering, significant harm, and may themselves be in need of protection.
- Children and young people who abuse others should be held responsible for their abusive behaviour, while being identified and responded to in a way that meets their needs as well as protecting others.
- If the alleged abuser is a [Looked After Child/ young person](#), their social worker should undertake a risk assessment regarding all vulnerable parties: including all other children living in the household, provide the carers with full information and disclose information to others on a need to know basis.

1.4 Adult victim

All agencies should be aware of the fact that this behaviour can be against adults, and can be an early warning sign. Where relevant, consideration should be given to notifying relevant agencies, to promote early intervention.

See Bucks policies and procedures for Vulnerable Adults.

2. THRESHOLD FOR REFERRAL

Sexually harmful behaviour by a child/young person (under 18)

When there is suspicion or an allegation of a child having sexually abused or being likely to sexually abuse another child, it should be referred immediately to Children's Social Care or the Police who must take any immediate action required to ensure the safety of the alleged victim/s, and progress a timely investigation.

If the young person is over 10 then it is the police who are responsible for making a decision to carry out a criminal investigation. However, where appropriate a joint decision to commence a criminal investigation can be taken by police and Social Care.

An immediate judgement is not always appropriate or possible, especially when the alleged abuser is under 10. A Child Protection Core Assessment may be required to clearly ascertain the facts.

3. RESPONSE

3.1 The interests of the identified victim must always be the paramount consideration. However, whenever a child may have abused another, all agencies must be aware of their responsibilities to both individuals and multi-agency management of the case must reflect this.

The Police should notify Children's Social Care and YOS wherever possible and relevant, about alleged perpetrators brought into police custody. Social Care must ensure that there is an assessment of the victim's needs, check that there are not other children who may be at risk: for example in the alleged perpetrators family. This also promotes an early assessment of the needs of the alleged perpetrator

3.2 STRATEGY DISCUSSIONS (also see chapter 5 www.bucks-lscb.org.uk / BSCB Procedures)

On receipt of a referral to Children's Social Care, an initial strategy discussion/meeting must take place between Children's Social Care and the POLICE, and other involved agencies (e.g. the school).

The Strategy Discussion must consider the needs of all the children. It may be necessary to convene **separate meetings** for victim/s, and alleged abuser/s.

This meeting will share information and decide:

- Whether the threshold for Social Care to instigate Child Protection inquiries, (s.47 Children Act 1989) has been reached.
- The Police will also decide whether a criminal offence is alleged.
- Whether YOS should immediately become involved.

It will be helpful to consider the following factors:

- Relative chronological and developmental age of the children: of particular relevance when either child/young person is disabled.

- A differential in power or authority, again of particular relevance when either child/young person is disabled.
- Actual behaviour (both physical and verbal factors must be considered). Are the children/young people engaged in a sexual activity which is inappropriate for their age, level of maturity or which is illegal?
- Were several children/young people involved
- Physical aggression, bullying or bribery
- The victim's experience and perception of the behaviour
- Attempts to ensure secrecy
- Is there a history of sexual abuse in the family
- Duration and frequency of behaviour

3.3 Where the decision is reached that the alleged behaviour does not appear to constitute abuse and there is no need for a Child Protection Inquiry, or criminal investigation:

- Details of the referral and the reasons for the decision must be recorded.
- Consideration should be given to the need for any further assessment or support services, from any agency, for all the children.
- When a child is found to be demonstrating inappropriate sexual behaviour that does not reach the threshold for harmful behaviour, multi-agency child in need planning process should be considered beginning with a Core Assessment.

3.4 Where the decision is reached that the behaviour appears to constitute alleged abuse and the suspected abuser is a young person.

- Children's Social Care must plan the Child Protection enquiry/investigation under sect 47 of the Children Act 1989 with the other agencies.
- If the Police have decided that a criminal offence is alleged then there must be a joint investigation with the Police in regard to the victim as per usual procedures (including those for disabled children).
- When the young people concerned are the responsibility of different local authorities, each authority must be represented at the Strategy Discussion, which will usually be convened and chaired by the authority in which the victim/s live/s.
- It should be recognised that disclosure of sexually harmful behaviour by a child/young person can be extremely distressing for parents and carers. The child/young person and their family should always be advised of their right to seek legal advice and be supported through the process.

3.5 A different social worker should be allocated for the victim/s and the abuser/s, even when they live in the same household, to ensure that both are supported through the process of the enquiry and that both their needs are fully assessed.

3.6 The strategy discussion will be convened and chaired by Children's Social Care and a record made. The following individuals should be invited to the meeting:

- Social worker for the child alleged to have been abused
- Social worker for the child against whom the allegations are made.
- Social workers' first line manager/s
- Police, including any Police officer involved the reporting of an incident.
- Youth Offending Service (YOS) representative where the alleged abuser is aged ten or over
- School representative/s (particularly if the concerns suggest that other children in the school setting may have been or may be at risk of being abused) Other education staff as required. (link to anti-bullying team/procedures)
- School nurse or other health services staff as required
- Representatives of fostering or residential care as applicable
- Any specialist required: e.g. in regard to cultural information, or specific disability.

3.7 The discussion must plan in detail the respective roles of those involved in enquiries and ensure that:

- Information relevant to the protection needs of the alleged victim is gathered
- If the police have not already begun a criminal investigation, there are clear decisions as to whether the Police consider that a criminal investigation is required in regard to the suspected abuser as this affects the investigation planning in regard to both victim/s and alleged abuser.
- Any information relevant to any abusive experiences and protection needs of the alleged perpetrator is obtained

3.8 The police are responsible for any criminal investigation, and so decisions in relation to any criminal investigation rest with them.

In planning the Child Protection /sect 47 investigation the following factors should be considered:

- Age of all children
- Seriousness of the alleged incident
- Effect on the victim and her/his own view of personal safety

- Parental attitude, and ability to protect their child, if victim
- Parental attitude, and ability to protect their child, if perpetrator
- Arrangements to protect the victim and other children, especially where the victim and alleged perpetrator are in the same household or school class
- Whether there is suspicion that the alleged abuser has also been abused
- Whether there is reason to suspect that adults are also involved
- When the alleged abuser is under 10 years old and would be subject to a criminal investigation if over 10, there must be agreement about arrangements to carry out an assessment of risk, with a view to carrying out any further assessment or intervention as required. This would normally be under sect 47 as there is likelihood of significant harm to the development of the alleged abuser.

3.9 Where there is suspicion that the child is both an abuser and a victim of abuse, the strategy discussion must consider the order in which interviews will take place, bearing in mind that the police will make the decisions in regard to the criminal investigation.

Before interviewing the alleged abuser, it will be helpful to have obtained as much information as possible about the alleged offence. The interview of the victim and as much assessment as possible would usually precede the interview of the child/young person exhibiting the abusive behaviour.

If YOS have not previously become involved they must be included at this point.

The timing of the initial interview of the alleged abuser may depend on:

- The likelihood of ongoing abuse
- The possible loss of evidence or interference with witnesses
- The likelihood that the alleged abuser may abscond

3.10 When a child/young person is aged ten or over and is alleged to have committed an offence, the first interview must be undertaken by the Police under the provisions of the Police and Criminal Evidence Act 1984 (PACE). An appropriate adult is required – this should NOT be the Social worker for the victim.

If it becomes clear during the PACE interview of an alleged young abuser that he or she is also a victim of abuse, a further Strategy Discussion should be held to plan a separate interview and assessment under sect 47 of the Children Act 1989.

If the alleged abuser is not interviewed under PACE, arrangements must be made to carry out an assessment of risk, with a view to carrying out any further assessment or intervention as required. This would normally be under sect 47 as there is likelihood of significant harm to the development of the alleged abuser. This is particularly relevant to disabled young people.

If a child/young person is to be interviewed as a victim of or witness to alleged abuse under the provisions of the Achieving Best Evidence Guidance and the child/young person admits

offences, then separate interviews should be held. The Police may decide that this should be held under PACE.

In cases where the alleged perpetrator is below the age of criminal responsibility, the strategy discussion must agree whether Police involvement is necessary.

Throughout the enquiry, the immediate protection of the child/ren must be ensured.

4. OUTCOME OF ENQUIRIES

4.1 The position of the alleged victim and the alleged perpetrator must be considered separately.

Decisions in regard to the victim will be made according to the outcome of enquiries in regard to the victim is as described in chap 5– (Hyperlink: Ali to put in relevant page etc.) This is in regard to whether a Child Protection Conference should be held and, if not, what other intervention may be required.

If the information gathered in the course of enquiries suggests that the perpetrator is also a victim, or potential victim, of abuse of any category, a Child Protection Conference must be convened.

4.2 Additional considerations for the Child Protection Conference about the perpetrator

- A YOS representative must be invited to the conference of alleged abusers aged 10 or over.
- YOS should be informed of the meeting in the case of younger children.
- As well as carrying out all of its normal functions the Child Protection Conference must take into consideration planning a response to the child's needs as a possible abuser. This will include:
 - Developing a written risk management plan including educational and accommodation arrangements
 - Planning any future assessment
 - Co-ordinating services to be provided.

4.3 Where a Child Protection Plan is not the outcome:

Where there are no grounds for a Child Protection Conference, but concerns remain regarding the child's sexually harmful behaviour, s/he must be considered as a child in need

Risk is likely to remain unless the child/young person, parent and carer are willing and able to co-operate with professionals to ensure the child/young person's future safety and well being and the risks that the child may pose are not denied by the child and family

In such cases, a multi-agency planning meeting should be held.

In assessing a child/young person exhibiting abusive behaviour, relevant considerations include:

- The nature and extent of the harmful behaviours and the context.
- The age of the children/young people involved
- The child/young person's development, and family and social circumstances
- Whether the child/young person acknowledges the alleged behaviour
- Whether there are grounds to suspect that the child/young person has been abused or that adults have been involved in the development of the sexually harmful behaviour The child/young person's needs for services, specifically focusing on the child/young person's harmful behaviour as well as other significant needs.
- The risks the child/young person poses to him/herself and others, including other children in the household or placement, extended family, school, peer group or wider social network
- Any carer's ability to manage his or her behaviour.
- The management of behaviour in school.
- Where the child/young person lives: having regard to the safety of others, as well as the risks to the child/young person himself or herself.

If the family do not co-operate with the multi-agency intervention then a Child Protection Conference should be held.

5. ASSESSMENT, SUPPORT AND TREATMENT

5.1 It must be recognised that when it has been identified that a child or young person is exhibiting sexually harmful behaviour this demonstrates a level of significant harm to their development: their social, cognitive, and emotional development has been distorted.

5.2 In the most serious cases young people may be subject to prosecution in the criminal Court. This is evidence of ongoing significant harm to their development as they will be in the process of being identified as sex offenders against children. This will remain with them for their entire life.

It is essential that they are subject to multi-agency assessment and planning with a view to appropriate treatment and placement. It is possible for juvenile sex offenders to change their behaviour with appropriate treatment. This work, therefore, can prevent future offending behaviour and needs to be seen as a vital part of safeguarding children.

5.3 If the identified behaviour is not subject to prosecution, (this may be the outcome in regard to learning disabled young people), multi-agency assessment and planning with a view to appropriate treatment and placement remains essential as a preventative measure to both protect the young person themselves and to safeguard others.

This also applies when the perpetrator is under 10, as intervention at this age can address the distortion of development at the early stages.