

Practice Guidance on Abuse by Children and Young People

1. Introduction

- 1.1 This Guidance should be read in conjunction with Chapter 9: Abuse By Children And Young People.

Identifying sexually abusive behaviour

- 1.2 Research suggests that between 25 – 33% of sexual abuse is committed by young people between the ages of 10 – 19 years old (e.g. Cawson et al 2000; Finkelhor, 1979; and Home Office, 1998).
- 1.3 A child using sexually abusive behaviour will, in the majority of cases, be a Child in Need. Nevertheless, for the child (or adult) on the receiving end, sexual abuse by a child or young person is still sexual abuse, with potentially damaging consequences.
- 1.4 While there is not yet sufficient evidence to show how many children using sexually abusive behaviour go on to a 'career' of sexual abuse, research suggests that 50% of adult sex offenders admit to having started their sexual offending as adolescents (Abel et al, 1985).
- 1.5 It is therefore important that reports of apparently abusive/ inappropriate sexual behaviour by a child or young person are taken seriously and responded to appropriately. The earlier the identification of the sexually abusive behaviour, the greater the potential for intervention before it has the potential to develop further and become more entrenched.
- 1.6 However, it is important that in this process, we do not stigmatise age-appropriate, developmental behaviour. We need to be able to differentiate between sexual behaviour that is appropriate for the developmental stage of both participants, and sexual behaviour that is either age-inappropriate and/or abusive in nature, and requires intervention.

Responding to reports of sexually abusive / inappropriate behaviour

- 1.7 The guidelines in Chapter 3: Recognition of Abuse & Neglect paragraphs 3.91 – 3.116 of the Child Protection Procedures and in Appendix A (attached to this guidance), provide guidance to inform the decision as to whether or not the reported behaviour requires intervention as being age inappropriate and/or abusive.
- 1.8 The guidelines in Chapter 3 paragraphs 3.102 – 3.116 developed from Alix Brown's 'Experimentation or Abuse', are used to consider the dynamics of the 'relationship' between the putative perpetrator and victim, in conjunction with other factors. This enables us to differentiate mutual, consensual sexual behaviour from sexual behaviour where issues of power difference, use of coercion/force, the victim's experience, and other

factors, indicate abusive behaviour requiring further investigation and intervention.

- 1.9 The guidelines created by Cunningham and MacFarlane (1991) (Appendix A) are useful in responding to seemingly inappropriate behaviour by younger children. For the three age groups, they differentiate between levels of sexual behaviour which are developmentally appropriate ('Normal' (sic)) and do not therefore require intervention, and those which require further assessment as being 'Abnormal (sic)/ Abusive'.
- 1.10 Staff receiving a report of potentially sexually abusive behaviour should consult initially with their line manager and/ or their agency's designated Child Protection Adviser, using these guidelines, to determine whether or not the behaviour needs to be referred through to children's social care and/ or the police.

Where there is still a lack of clarity around the nature of the reported behaviour, consultation can be sought from either the Therapeutic Social Work Team (TSWT) or the Family Welfare Association (FWA -Severn Street), or a representative of the CUSAB (Children Using Sexually Abusive Behaviour) standing group.

- 1.11 Even where the behaviour is identified as being inappropriate/abusive, the level of intervention can range from simple sex education, to (in the most extreme cases) specialist residential placement. What is important is that in identifying and reporting the behaviour, it can be followed up in a way that is appropriate to the level of intervention necessary to prevent further development of the behaviour and increased risk.
- 1.12 Where the alleged perpetrator is below the age of criminal responsibility (i.e. under 10 years old), the question of prosecution will not arise. It is nevertheless still important that the behaviour is reported to children's social care who will then decide on appropriate action and that procedures are implemented at a level appropriate to the level of concern. They will also pass the details to the CAIU, to allow the police to decide whether they should be involved.
- 1.13 For further information on the referral process, refer to **Chapter 4: Early Prevention through to Referrals to Children's Social Care of the Child Protection Procedures - Hyperlink.**
- 1.14 The 'threshold for investigation' will be deemed to have been met if it is established (using the guidelines described above) that the reported behaviour requires further investigation/ intervention as being age-inappropriate and/ or abusive.

- 1.15 In some instances, the potential success of a future prosecution may depend on the collection and preservation of forensic evidence. Consideration may well also need to be given to issues of immediate protection; identifying what support is needed in order to manage any ongoing risk, either to the victim and/or the perpetrator once their behaviour has been disclosed. These will need to be covered in the initial discussions between the police and children's social care.

2. Multi-Agency Co-ordination

- 2.1 The purpose of a strategy discussion/meeting is to plan and co-ordinate the enquiry stage of the investigation as laid out in Chapter 5: Child Protection Enquiries and Related Criminal Investigations of the Child Protection Procedures. There may be occasions when more than one strategy discussion/meeting is required.
- 2.2 The strategy discussion/meeting is therefore separate from the post-enquiry child protection conference or Multi-Agency Assessment Planning (CUSAB Meeting) which deals with the co-ordination of the assessment and reviews the intervention work subsequently undertaken with the child who has perpetrated the behaviour. **Please refer to Chapter 9: Abuse by Children and Young People - Hyperlink.**
- 2.3 Where the child or young person who has allegedly perpetrated the abuse is considered to potentially be a child in need of protection, this next stage of planning will be done as part of a child protection conference.
- 2.4 Where the child or young person does not meet the criteria to necessitate a child protection conference, a multi-agency CUSAB planning meeting will be called instead, to plan and co-ordinate the assessment and intervention stage.
- 2.5 In either case, the following should be considered for attendance at the conference/ meeting:
- child/ young person
 - parents/ carers (with supporter if required)
 - social worker for the young person
 - police representative – particularly where prosecution is occurring
 - school representative
 - health representative
 - YOT representative – where it is an active case
 - TSWT/ FWA (Severn Street) representative – in a consultative capacity and/ or as a potential service provider in more complex cases, or where the resources do not exist within the allocated team to carry out the assessment unaided
 - Child and Adolescent Mental Health Service (CAMHS) representative – where the mental health of the young person could be an issue, or

where there are broader questions around the child's/ young person's emotional development

- 2.6 Additional information that will need to be available to inform the meeting (be it a child protection conference or a CUSAB planning meeting) includes:
- details of incident/ behaviour that is causing concern
 - progress/ outcome of any investigation
 - decisions about any criminal proceedings
 - witness statement
 - the extent to which the young person is admitting and taking responsibility for the behaviour
 - any previous concerns regarding their sexual behaviour
 - any other known or suspected perpetrators in the family
 - any previous concerns regarding possible abuse of the child
 - issues of disability
 - issues of Education?/ Link to other children in school

3. Child Protection Conference

- 3.1 For child protection conference procedures, see Chapter 6: Initial Child Protection Conferences of the procedures.
- 3.2 It is important to remember that in this situation, the child/ young person is being considered both as a potential victim of abuse and as a perpetrator of abuse.
- 3.3 This should be reflected in the outcome of the conference. Thus, where their name is placed on the child protection register, the child protection plan will also need to take into consideration the need to have the child's/ young person's sexually abusive behaviour addressed via a (preferably) separate assessment and intervention.
- 3.4 Where the conference does not result in the development of a child protection plan, the child's/ young person's need to have their sexually abusive behaviour addressed, should be met instead through the drawing up of a child in need plan.

4. Multi-Agency Assessment and Planning Meeting

- 4.1 The purpose of the CUSAB meeting is to plan and co-ordinate the roles of the various agencies and individuals contributing to the assessment of the child/young person.

Chairing

- 4.2 Where possible, the CUSAB meeting should be chaired by the manager of a team other than the one managing the case or providing services. Otherwise the meeting will be chaired by the social care team manager.

- 4.3 The purpose of the meeting should be clearly explained in advance, and children and their families should be advised that the meeting is not confidential, and that any admission of offending will be reported to the relevant authority.
- 4.4 For issues of parent/ child inclusion/ exclusion, please refer to **Chapter 6 paragraphs 6.25 - 6.51 – Hyperlink** of the procedures. Consideration should be given to the need for a confidential slot, and any reasons for not inviting parents/ carers should be recorded.
- 4.5 The focus of the meeting is on moving forward, and, as such, engagement of the young person and their carers is of particular importance.
- 4.6 Emphasis should be given to the fact that the meeting is about a child in need; and to the need to assess any risks presented by the child and to manage that risk.
- 4.7 The Chair needs to be aware of the possibility of hostility towards the child/young person, and should take care to ensure that the process is neither punitive nor unnecessarily judgmental.
- 4.8 It is important that the process of decision making is transparent to all participants.
- 4.9 The meeting should produce a shared multi-disciplinary plan that addresses:
- support for the child/ young person and their family
 - the safety of potential victims
 - roles, tasks and expectations of the various professionals/ agencies involved in the assessment
 - any further referrals that may need to be made
 - co-ordination of communication between professionals/ agencies during the assessment
 - timescales/ Review dates
 - immediate living arrangements for the child/ young person
 - issues of risk management at home, in school and in the wider community

(In particularly high-risk cases, where a child qualifies as a MAPPA offender by receiving a custodial sentence, the risks will be managed under the Multi Agency Public Protection Arrangements (MAPPA) with the Youth Offending Service as lead agency).

5. Purposes and Principles of Assessment

- 5.1 At the disclosure/ enquiry stage, an initial assessment of risk and need will have been made, to cover management of the situation in the short-term until a more in-depth, multi-agency assessment can be undertaken.
- 5.2 Post enquiry, where there are on-going concerns regarding sexually abusive behaviour, a more in-depth assessment, that directly involves the child/ young person will be required. The purpose of this assessment will be:
- to identify the needs of the child/ young person
 - to evaluate the level of risk that they present, and how this can best be managed
 - to consider the likelihood of re-offending
 - to identify strengths
 - to consider the impact of family/environmental/ cultural issues
 - to determine the suitability for treatment and the appropriate level of intervention
 - to make recommendations about the components of an intervention programme to enable the child/ young person to develop a non-abusing lifestyle
 - to recommend (where necessary) appropriate placements
 - to recommend any necessary restrictions (e.g. regarding contact, or babysitting)
- 5.3 Components of the assessment will normally include:
- a core assessment (except when there has been a recent assessment covering the pertinent issues)
 - assessment of the child's / young person's sexually abusive behaviour (for young people facing court proceedings as a result of their sexual offending, direct work in this particular component of the assessment will usually need to wait until the completion of the court process. The other components of the assessment can however continue in parallel to any court proceedings)
 - where there are issues of learning disability/ difficulties, an assessment of the young person's functional skills will help the assessment/ intervention to be pitched at an appropriate level
 - where there are concerns about the child's/ young person's mental health, an assessment by CAMHS will be appropriate
- 5.4 The assessment of the child's/ young person's sexually abusive behaviour will, in the majority of cases, be undertaken by representatives of the children's social care team, YOT, TSWT, FWA (Severn Street) or CAMHS; or through co-working between representatives of these agencies.
- 5.5 In deciding who is best placed to undertake this part of the assessment, the following factors should be taken into consideration:
- someone with both the knowledge and the time to undertake the planned

- work, and who is in a position to prioritise it above crisis intervention
- in the case of intra-familial abuse, it would not be appropriate for the victim's social worker to be involved in assessment of the perpetrator
- where possible, the assessment should be co-worked. This enables support between the workers and offers the added advantage of developing skills within teams
- where there are known to be issues of worker safety, two workers should always be considered; with mechanisms for dealing with the safety issues being built into the planning of the case
- where the case is being co-worked, the quality of the assessment will be enhanced, by a mix of genders being used
- where two workers cannot be used, other steps (e.g. frequency of supervision / consultancy, peer discussions etc) should be used
- in such situations, careful consideration should be given to the gender of the worker, particularly where there are known to be issues around gender, from the outset of the assessment
- issues of ethnicity, language and culture of worker and child/ young person should always be considered

5.6 The assessment process will be best supported by:

- maintaining a balance between a perspective informed by victim awareness, the need for management of risk, and recognition of the child/ young person as being a child in need
- a shared understanding that future planning/ intervention will be based on the outcome of the assessment
- the various staff involved in the different components of the assessment working in parallel and co-ordinating with each other closely throughout the assessment process
- appropriate supervision arrangements being in place – particularly where cross-agency co-working is being undertaken
- an initial work agreement being drawn up with the young person and carers – including areas to be covered
- assessment reports being shared with the young person and carers prior to return to CUSAB Review

6. Risk Assessment

6.1 For all young people who are alleged to have used sexually abusive behaviour a risk assessment and management plan should be drawn up in either a strategy meeting or CUSAB planning meeting.

6.2 The risk assessment must cover:

- risk to the young person including their vulnerability to further allegations
- risk to sibling and family members

- risk to peers including friends, fellow pupils in educational establishments and those they are in contact with in voluntary activities, for example youth clubs/ scouts / guides / cadets
- risk to members of the public

Both specific people at risk and at risk groups should be identified.

6.3 Risk assessment should include:

- the nature of the risk
- the likelihood and imminence of the risk
- factors which may raise or reduce risk
- possible consequences of further sexually abusive behaviour

6.4 A plan should then be made to manage the risk. This should include:

- what actions need to be taken to manage the risk
- who will take the action
- the timescale and / or frequency of the action

6.5 The risk assessment and management plan should be shared with:

- parents and carers
- the young person
- educational and social care staff
- the police
- where a prosecution is likely, the local Youth Offending Service

7. Work Post-Assessment

7.1 Once the assessment has been completed, a review meeting will be called, involving the remaining agencies, and will be pitched at a level relevant to the level of the assessment.

7.2 The purpose of this meeting is to bring together the various strands of the assessment in order to make decisions about:

- the needs of the child/ young person
- management of risk
- identification of areas of further work/ intervention/ treatment issues, necessary to reduce the risk of further offending
- outlining roles, tasks and expectations of those professionals/ agencies involved in any ongoing intervention
- any remaining assessment needs

7.3 Intervention, aimed at those areas identified in the assessment as requiring attention, may consist of single agency, short, focused work, or longer term work requiring multi-agency input.

7.4 The composition of reviews at the end of assessment and during intervention, will be at the discretion of the workers most involved (except where prescribed by the CUSAB planning meeting). They should include

any professionals regularly involved with the child/young person, and the child's/ young person's parents/ carers.

8. The Court Process

- 8.1 The local Youth Offending service will notify the relevant Children and Young People's Service of any young people entering the court process for a sexual offence and will update them about progress after each hearing.

9. Post Conviction

- 9.1 Young people convicted of a sexual offence will generally be supervised by the Youth Offending Service. Those young people assessed as presenting a high risk of harm will be managed through the Multi Agency Public Protection Arrangements. In these cases CUSAB MAAP meetings need no longer take place.
- 9.2 Where a young person ends their contact with the Youth Offending Service and is still assessed as a high risk the final risk assessment will be passed to the police, for using in Basic Command Unit MAPPA meetings, and to the relevant Children and Young People's Service so that the need for re-establish CUSAB planning meetings can be established by a team manager.

Research

1. Cawson et al (2000). *Child Maltreatment in the United Kingdom: A Study of the Prevalence of Child Abuse and Neglect*. London. NSPCC.
2. 33% of perpetrators aged between 10 – 19 years old: Finkelhor, D. (1979). *Sexually victimised children*. New York. Free Press.
3. Criminal Statistics for sexual offences reported during 1997: 23% of those cautioned or found guilty of a sexual offence were between the ages of 10-21 years old. (It is noted that these only refer to reported offences and do not include young people under the age of criminal responsibility).
4. Abe, G.G, Mittelman, M.S. and Becker, J.V. (1985) 'Sex Offenders: results of assessment and recommendations for treatment', in Ben-Ron, M.H, Hucker, S.J and Webster, C.J. (eds). *Clinical Criminology: The Assessment and Treatment of Criminal Behaviour*, Toronto, M&M. Graphics.

Appendix A - Stages of Sexual Development

AGES	NORMAL (EXPECTED)	ABNORMAL (CONCERNING)
0 - 5 years	Intense curiosity about others' bodies and bathroom activities. Masturbation from infancy/pre-school continues as a self-soothing behaviour, generally are indiscreet. Behaviour is exploratory. May show genitalia to others in a curiosity seeking way. Children at this stage respond quickly to re-direction.	Curiosity becomes obsessive pre-occupation. Exploration becomes re-enactment of specific adult sexual activity. Behaviour involves coercion toward others or injury to themselves. Cannot be re-directed - "stuck" behaviour - makes them feel less anxious.
6 - 10 years (Latency)	Continue to touch and fondle their own genitals, evolving to masturbation. More secretive about self-touching/curiosity. Seeking turns to game-play ("I'll show you mine...show me yours"), play "doctor".	Sexual penetration. Genital kissing. Oral copulation Simulated intercourse. Putting objects inside self/others.
10-12 years (Pre-adolescence)	Masturbation continues. Some same gender sexual experiences and viewing of others' bodies, especially of the gender they are attracted to. Interest in pornographic materials (Playboy, Penthouse, etc). Sexual activity with peers, which includes, but is not limited to, kissing, fondling, sometimes penetration.	Sexual play with younger children, behaviour involves coercion, bribes, and threats. Pre-occupation/obsessive quality.

Adapted from: Cunningham & MacFarlane: *"When Children Molest Children"*, 1991.