

Chapter Nine

Abuse by Children and Young People

- 9.1 These procedures are written with particular reference to sexually abusive behaviour and concerns about sexually inappropriate behaviour. However, where there are serious child protection concerns as a result of non-sexual violence by a child or young person leading to actual or possible significant harm to others, these procedures should also be followed.
- 9.2 Workers with children and young people who abuse others - including younger children showing sexually inappropriate behaviour (as defined in Chapter 2: Information Sharing) - should recognise that such children are likely to have considerable needs themselves (including the need to control or manage their own behaviour), may have suffered significant disruption in their lives, and also that they may pose a significant risk of harm to other children. The main purpose of this chapter is to ensure that this risk once identified is assessed and managed in any setting where the child is in contact with other children.
- 9.3 While it is important to identify and manage risks presented by young people, it is also important to recognise that there are many influences on a child which may give rise to sexualised behaviour, not all of which will pose a risk to others. An initial assessment and inter-agency strategy discussion may indicate that the threshold for following these procedures has not been reached – i.e. that there is nothing to indicate that the child is likely to harm others. Further guidance to assist in reaching this decision is set out in Chapter 2, [paragraphs 2.22](#) and [2.23](#).

Responding to allegations or concerns of sexual abuse or sexually inappropriate behaviour:

- 9.4 When there is a suspicion or allegation that a child has sexually abused another child or is displaying sexually inappropriate behaviour, it will be referred immediately to the appropriate children's social care team or to the police Child Abuse Investigation Unit (CAIU). This includes cases of both intra-familial and extra-familial abuse. (In the case of concerns regarding sexually inappropriate behaviour by children under the age of 10 years old, referrals should be made directly to children's social care who will pass the details to the police CAIU. This will allow the police to decide whether they need to be involved. Where police involvement is not warranted, procedures as outlined in 9.13 should be followed).
- 9.5 On receiving such information, this will be shared immediately between the police CAIU and children's social care. A referral will be initiated which will in turn prompt an initial strategy discussion. This will usually be made by phone with the initial purpose of sharing information and determining whether the threshold for investigation has been reached. Such a decision will be informed by information in Chapter 2: Information Sharing

regarding whether or not the alleged behaviour suggests either sexual abuse or sexually inappropriate behaviour. Reference to Chapter 5: Child Protection Enquiries including Medical Assessments will also be relevant with regard to child protection enquiries

- 9.6 If the decision is reached by the CAIU and children's social care that the alleged behaviour does not suggest concerns about sexual abuse or sexually inappropriate behaviour, and that, as such, there is no need for further enquiry, the details of the referral and the reasons for a decision of 'No further action' will be recorded.
- 9.7 Following the exchange of information and further consultation, if concerns do remain about sexually abusive or inappropriate behaviour, this will trigger the following procedures on an inter-agency basis, starting with a strategy meeting (See 9.10). At this initial stage, decisions also need to be made as soon as possible regarding immediate protection issues (either of the victim or the alleged abuser) and/or the preservation of evidence.
- 9.8 A separate worker will normally be appointed for victim and abuser, even when they live within the same household.

Multi-Agency Co-ordination:

- 9.9 A strategy meeting should be convened as agreed within the Section 47 timescales. The purpose of the strategy meeting is to co-ordinate and plan a child protection enquiry, criminal investigation and Core Assessment of the child who is alleged or suspected to have displayed sexually abusive behaviour.

The strategy meeting will also need to make initial decisions regarding management of risk and how best to engage and support the young person and their carers in the ongoing process.

- 9.10 The strategy meeting will be convened and chaired by children's social care and a record made. The following people will be invited to the meeting:
- the social worker for the child who is suspected to have sexually abused or acted inappropriately towards another person
 - the social worker's team manager
 - the social worker for the child alleged to have been abused
 - a police officer
 - a youth justice representative where the child is over 10 years of age
 - a residential or foster care manager if the child is looked after
 - consideration will also be given to inviting a representative from the school, particularly if the immediate concerns suggest that other children in the school setting may have been abused, or may be at risk

- 9.11 If the perpetrator is over the age of 10 years, an interview under the Police

and Criminal Evidence Act 1984 (PACE) may be planned. On occasions, circumstances may have required that this will have occurred prior to the strategy meeting. Normally, however, it will be more appropriate for it to take place as part of a co-ordinated enquiry. On occasion this approach may not be in the best interests of the welfare of the child or young person involved or of the overall management of the investigation. In these circumstances, the police may agree that it would be preferable for a social worker (and other professionals as appropriate) to interview the child or young person as a potential victim of abuse.

- 9.12 Normally a parent or carer will attend the interview with the child. However, where the police determine the parents are not in a position to act as an 'appropriate adult' (PACE 1984) and no other adult who is well known to the child is available, the youth offending service or emergency duty team will provide a worker to attend the interview.

Criminal Proceedings

- 9.13 The decision about how to proceed with the criminal aspect of a case will be made by the police and CPS, but will take into account any recommendations of the youth offending services (YOS) and other professionals.

Concerns Regarding Sexually Inappropriate Behaviour By Younger Children:

- 9.14 In the case of reports of inappropriate sexual behaviour by children under 10 years old, where police intervention is not warranted, the above procedures can be simplified.
- a strategy discussion will occur between social worker and team manager to check (using guidance from Chapter 2: Information Sharing) whether the reported behaviour suggests potential concerns;
 - if so, an enquiry will be initiated, including background checks (discussion with school/ nursery/ G.P./health visitor etc.), and interviews with the complainant, the child and their carers
 - where this enquiry raises concerns about the child as being a child in need of protection, a child protection conference will be convened (9.18)
 - where a child protection conference is not considered to be necessary, but the child is recognised as being a child in need requiring intervention beyond simple boundary work with the social worker, a CUSAB Meeting will be convened (See 9.22)

Post-Enquiry Decision Making:

- 9.15 Following the enquiry, a further strategy discussion between CAIU and children's social care will take place to discuss the outcome. If, as a result of the enquiry, it is concluded that no sexually abusive behaviour occurred (or that there are no concerns about sexually inappropriate behaviour

which suggest the need for further intervention), the reasons for the decision will be shared with the chair of the original strategy meeting. Where there is agreement that there is no need for further action, the details and reasons for the decision will be recorded.

- 9.16 If, however, the enquiries suggest that sexually abusive behaviour has occurred (or that there are concerns about sexually problematic behaviour by younger children) the next stage of the procedures will be activated, regardless of whether or not the police intend to take further action. If there are grounds for prosecution, the police will pursue this via the usual channels, in parallel to the following procedures. The youth offending service will be notified by the chair of the strategy meeting if they are not already involved. The police will send the youth offending service written notification.
- 9.17 Even in those cases where the police will not be proceeding with a legal intervention (e.g. due to age or level of ability of either perpetrator or victim), the position of the alleged perpetrator as both a child in need of protection or a child in need must be considered. A multi-agency forum will be convened to bring together information and to co-ordinate an assessment which will provide information both about management of risk and about supporting the child/young person in meeting their needs in healthy, non-abusive ways. In those cases where this does not occur as part of a child protection conference (9.16), a CUSAB planning meeting (9.20) will be convened instead.

Child Protection Conference:

- 9.18 If information gathered in the course of the enquiries suggest that the alleged perpetrator is also him/herself a victim, or potential victim of abuse including neglect, a child protection conference will be convened.
- 9.19 A youth offending service representative will be invited when the child is over the age of 10 years. The youth offending service will be advised that the meeting is taking place when the child is under the age of 10 years.
- 9.20 If the decision of the conference is that the child should be subject to a child protection plan this will also need to include plans to address the child's need for work to address their sexually abusive behaviour, and will need to identify who will be involved in undertaking an assessment of risk and need in order to avoid potential further behaviour.
- 9.21 Where there are no child protection issues warranting a child protection plan, but there is a need for services to address the sexually abusive behaviour, a Child In Need plan will be drawn up which includes plans to address the sexually abusive or inappropriate behaviour.

CUSAB Meeting (Multi-agency Planning Meeting):

9.22 Where there are no grounds for a child protection conference, but concerns remain regarding the child's sexually abusive or inappropriate behaviour, he/she will be considered as a child in need and a CUSAB Multi-Agency Assessment and Planning Meeting will be convened by children's social care.

9.23 The purpose of such a meeting is to

- bring together information. This should always include a chronology of relevant behaviour
- arrange for an assessment of risk and of the needs of the child
- set a time-table for the assessment
- establish an initial risk management plan
- allocate roles
- co-ordinate any other interim intervention

9.24 In addition to those involved in the strategy meeting, those invited will include

- the child
- the child's parent(s)/carer(s)
- a representative from Health
- a representative from the child's school
- a representative from either the Therapeutic Social Work Team or non-statutory agencies, such as the Family Welfare Association (ex-Family Service Unit team)

Post Assessment Work:

9.25 On completion of the assessment, the same forum will be reconvened to consider the outcome and to review and co-ordinate the risk management plan and the roles of the relevant agencies in providing any identified intervention. Such an intervention may include individual and/or group work, as well as ongoing support to the family or carers, and may need specialist input with regard to service users with special needs. Care will be taken to ensure services are culturally appropriate to the needs of the child and family.

9.26 The CUSAB risk management plan and intervention will be reviewed at a multi-agency meeting at intervals of no more than six months. At the point of closure of CUSAB work, the review will consider the possible need for long-term monitoring, which may be carried out by universal services; and the availability of advice and other services.

Post Conviction:

9.27 Children with harmful sexual behaviour who are re-entering the community following a custodial sentence or time in secure accommodation will also

require such an assessment/ intervention and risk management plan. This is also true for children with sexually abusive behaviour who move into the area from another authority.

- 9.28 The youth offending service will carry out the statutory duties, in terms of supervising offenders, both in the community and in custody, as laid down by criminal justice legislation and the Children Act.