

Protocol for the management of children and young people with sexually harmful behaviour.

1. Status of this Document

- 1.1 The protocol in this document applies to all staff of agencies represented by the Gwynedd and Anglesey Local Safeguarding Children Board (LSCB) unless there are exceptional reasons, which should be recorded. Constituent agencies should ensure that any other interagency or internal procedures/ guidance /protocols are consistent with this document.

2. Introduction

- 2.1 Children and young people are responsible for a significant number of sexually inappropriate and harmful behaviours each year (Erooga & Masson 2000, Calder 2001). This protocol has been produced to provide local guidance on interagency working with these children and young people.
- 2.2 The protocol is intended to provide professionals with a guide to steps to be taken in working with children and young people who sexually harm others and their families. They incorporate recent changes in the law and in national and local guidance concerning this group.
- 2.3 This protocol should be read in conjunction with the All Wales Child Protection Procedures (2008) (AWCPP) which have been adopted by the LSCB and Safeguarding Children: Working Together (2004/6). The latter states that LSCBs and Youth Justice Services (YJS) should ensure that there is a clear operational framework in place within which assessment, decision making and case management takes place. It stresses that neither child welfare nor criminal justice agencies should embark on a course of action that has implications for the other without appropriate consultation. This requires a collaborative approach between child welfare and criminal justice agencies.
- 2.4 In order to work collaboratively there needs to be a consensus on the philosophy of intervention. Children and young people with sexually harmful behaviour are likely to have considerable needs themselves, and also may pose significant risk of harm to others. Evidence suggests that they may have suffered considerable disruption in their lives, been exposed to family violence, may have been subject of abuse, have educational difficulties and may have committed other offences. Such children or young people are likely to be a '*Child in Need*' and some will in addition be suffering or at risk of '*Significant Harm*' and may themselves be in need of safeguarding. There is often a great potential for change and it is essential that a system is in place to identify those at highest risk of re-offending in order to target limited resources effectively (Working Together To Safeguard Children 2006).

3. Aim

- 3.1 The aim of this protocol is to ensure that there is consistency in the way that we respond to allegations of sexual abuse perpetrated by children and young people. Studies of sexual offending suggest that agencies are made aware of a minority of these cases. Gwynedd and Anglesey LSCB aim to provide an accessible service to identify concerns at an early stage and to then maximise outcomes.
- 3.2 This document outlines the procedure to be followed by the agencies involved at different stages of the process from the time of referral to completion of the relevant stages of intervention.
- 3.3 (See also guidance on Safeguarding and Promoting the Welfare of Sexually Active Young People & The Sexual Exploitation of Children– AWCPP 2008)

Principles

- All children and young people should be safe and able to develop to their full potential.
- The welfare of children is paramount and should underpin all work to safeguard children.
- The need for a holistic view of the child.
- A coordinated multi disciplinary approach is required, which addresses both child protection, welfare and criminal justice issues.
- The needs of the child or young person with sexually harmful behaviour should be considered separately from the needs of their victim.
- Children or young people with sexually harmful behaviour are in need of help and are entitled to appropriate services.
- Children or young people with sexually harmful behaviour often have complex needs and therefore require an assessment which identifies possible unmet developmental needs, as well as specific needs arising from their behaviour and identifies issues of risk.
- Any intervention aims to protect victims and avoid a repetition of the sexually harmful behaviour.
- That children or young person with sexually harmful behaviour is held accountable for their behaviour.
- Children or young people with sexually harmful behaviour have a right to be consulted and involved in all matters and decisions which affect their lives including in formulating protection plans, according to their level of understanding.
- Parents/carers have a right to information, respect and participation in matters that concern their family /children in their care unless this compromises the welfare of the child.
- Children or young people with sexually harmful behaviour includes those of various age, race religion, ethnic origin, language, family circumstances and either gender which needs to be accounted for in interventions.

- Reports of apparently sexually harmful behaviour by a child or young person must be taken seriously and responded to appropriately.
- An agreed assessment method should be used to assess the sexually harmful behaviour e.g. the AIM assessment.

4. Legislation

- 4.1 Children Act 1989, Section 17
 Children Act 1989, Section 20
 Sexual Offences Act 2003
 Safeguarding Children: Working Together 2006
 All Wales Child Protection Procedures 2008

5. Definitions: ‘Children who display sexually harmful behaviour’

- 5.1 Sexually harmful behaviour is often characterised by a lack of true consent, the presence of a power imbalance, exploitation and secrecy. The boundary between what is abusive and what is part of normal childhood or experimentation can be blurred.
- 5.2 Sexually harmful behaviour includes a wide range of behaviours in a variety of situations, or settings and may include a number of minor repeated incidents as opposed to a single incident.
- 5.3 ‘A minor of any age who commits a sexual act with a person of any age’:
- Against the victim’s will
 - Without consent
- 5.4 In an aggressive or exploitative manner which may include:
- Contact behaviours such as touching, rubbing, disrobing, frottage, or penetrating – penile or with an object (vaginal or anal), bestiality
 - Non contact behaviours such as exposure, voyeurism, obscene communication, verbal or written sexual harassment or denigration’, including use of mobiles, accessing and downloading sexually abusive child images from the Internet.

6. Issues to be considered when determining whether there are concerns regarding a child or young person with sexually harmful behaviour:

- Were there any power differentials e.g. age, sex, developmental level, authority?
- Whether the behaviour was legal?
- Issues of consent, was there any intimidation or deceit?
- Whether the behaviour falls within normal sexual development?
- Are there any features of obsession or compulsion?
- Was there a level of secrecy?

- Are there any concerning sexual fantasies?
- Is there any distorted thinking to justify the behaviour?
- Do other children or young people complain about the behaviour?
- Is there any evidence of escalation?
- How did the sexual behaviour come to light?
- How persistent is the sexual behaviour?
- Are there other concerns?

For younger children, a continuum of sexual behaviours is suggested (Cavanagh Johnson T & Feldmeth JR 1993). Consideration should be given to:

- Normal sexual exploration.
- Is the behaviour sexually reactive i.e. a behavioural response to their own abuse?
- Has the child been exposed to a sexualised environment or experienced sexual abuse resulting in behaviours which include excessive masturbation and sexual behaviours towards others (Carson & Wilkinson 2002)?
- Sexual behaviours that are age inappropriate and often associated with expressions of negative feelings e.g. anger, loneliness or fear (Calder 2001).

7. Handling individual cases

- 7.1 This protocol has been developed to ensure consistency in the management of children or young people with sexually harmful behaviour and their victims, regardless of whether they enter the system from a criminal or welfare route. It should also result in a coordinated approach by YJS, Social Services, Police, Education, Health, including CAMHS and specialist services (AWCPP 2008). Nothing in these procedures is intended to replace any requirements of either public protection or child protection procedures. Rather, they are seen as complementary to current agreed practice e.g. use of the Gwynedd Assessment Model and the MAPPA arrangements.
- 7.2 *‘Children and young people who abuse others should be held responsible for their abusive behaviour, whilst being identified and responded to in a way that meets their needs as well as protecting others. Therefore when another child or young person within or outside the family alleges abuse of a child, the child protection procedures must be followed in respect of both the victim and considered in relation to the alleged abuser. The welfare of other children, e.g. those living in the same residential home, should also be considered’.* (AWCPP 2008).
- 7.3 *‘The needs of children and young people who abuse other children should be considered separately from the needs of their victims, and an assessment should be carried out in each case’* (AWCPP 2008).

8. **Referrals**

- 8.1 *'Abuse by children and young people should be treated seriously and should always be referred to social services and/ or the police'* (AWCPP 2008).
- 8.2 Anyone, individual or agency who has a concern that a child might have been abused by another child or where a child displays sexually inappropriate behaviour, even when there is no specific incident or complaint, should refer their concerns to **Social Services**. This includes young people with a history of sexually harmful behaviour who have moved into the county.
- (a) **Social Services** will discuss the concerns with the referrer and based on an Initial Assessment carried out by them, decide whether it is necessary to hold a Strategy Discussion and discuss the need to complete the Initial Assessment, initiate a Core Assessment and Section 47 Enquiry. Where relevant, this will be in conjunction with the YJS.

Separate enquires and investigations will be pursued in respect of the victim and alleged abuser. A different social worker will be allocated to the victim from the alleged abuser, to ensure that both are supported and that both their needs are fully assessed, including when living in the same household.

The child or young person and family should be advised of their right to seek legal advice and to be supported through the process.

Social Services will set up the initial Strategy Discussion and a subsequent Multi Agency Strategy Meeting, see point 10 below.

- (b) **The Police** will always consult with SSD regarding cases that come to their notice, for both intra and extra familial abuse, in order to ensure that an assessment of needs is made for all parties, which will be carried out by Social Services. The Police Reporting/ Investigating Officer will inform the Police Public Protection Unit by way of a referral (CID 16 Police Referral Form) emailed within 24hrs of a reported incident. *'This information should be regarded as a child protection referral and managed in accordance with procedures'* (AWCPC 2008).

Where the Police have made an arrest, the Custody Officer, when appropriate in consultation with Crown Prosecution Service (CPS), agree a decision with a view to disposal by way of No Further Action, Reprimand, Final Warning or a Charge. That Custody Officer will in all cases, which do not require immediate charge, release the young person on bail for six weeks to reappear back at the Police station. The Police Public Protection Unit will be notified and hold an Initial Strategy Discussion with Social Services with a view to a Multi Agency Strategy Meeting.

Where an offence has been committed but the child is under the age of criminal responsibility or due to lack of evidence or complaint and the matter cannot progress, the Recording / Investigating Officer must email a CID 16 Police Referral Form to the Public Protection Unit who will refer it on to SSD to be assessed regarding status.

Where the offence warrants immediate charge, the Custody Officer will copy the CID 16 Police Referral form to the YJS and PPU. The PPU supervisor will initiate an Initial Strategy Discussion with SSD who will set up a Multi Agency Strategy Meeting.

(c) **Youth Justice Service**

The YJS, when notified about a children or young person with sexually harmful behaviour must immediately refer them to SSD.

9. The Strategy Discussion should be held within 24 hours, where possible, of receiving the referral.

9.1 The decision from the Strategy Discussion will be:

- To take no further action.
- To complete an initial assessment.
- To offer services for a Child in Need (s17).
- To undertake child protection enquiries.
- To plan emergency action if there is serious risk of immediate harm/ to the life of a child.

10. A Multi Agency Strategy Meeting

10.1 *'This should always take place wherever there is an allegation that a child or young person has committed a sexually abusive act'* (AWCPP 2008) within 5 working days of the initial referral.

10.2 The aim of this Multi Agency Strategy Meeting is to share all the available information and confirm what, if any, further action needs to be taken. If the case involves more than one family separate minutes should be produced relating to each family. Information from a P.A.C.E. interview should be available to the Strategy Meeting.

10.3 The aim is to make an informed decision regarding:

- No further action
- Input of 'child in need' services and support.
- The need for a specialist SHB assessment and services.
- Holding a Child Protection Conference and commencing a Core Assessment.

10.4 Attendance should include:

- SSD Team manger.
- The investigating social worker.
- The Police.
- A YJS representative, as appropriate e.g. due to potential involvement.
- Heath and Education, as appropriate.
- CAMHS, as appropriate e.g. when mental health issues are indicated.

A professional with specialist knowledge in this area should be considered to assist with the initial risk assessment and to discuss possible needs.

10.5 If the Multi Agency Strategy Meeting decision is not to hold a Child Protection Conference, Social Services should ensure that this decision is made in full consultation with all those agencies included in the child protection enquires (AWCPP 2008). If there is no agreement the Social Services manager with responsibly for child protection will be consulted.

10.6 The meeting will produce a shared **Multi Disciplinary Plan** which addresses as far a possible:

1. The child's welfare concerns.
2. The safety of potential victims, including siblings.
3. Consideration of any victim issues.
4. Consider the level of understanding of the young person about the offence.
5. Risk management at home, school and the wider community.
6. Living arrangements for the child/young person.
7. Support needs for the child/young person and family.
8. The needs of the child/young person.
9. Any criminal aspects of the alleged abuse that needs investigation, including recommendations to the Police about disposal routes i.e. NFA/reprimand/final warning/charge.
10. Clarify roles, responsibilities and expectations of professionals.
11. Referral into the public protection system.
12. If child protection enquires are needed in respect of the child/young person?
13. Whether a SHB assessment is required and who will undertake responsibility for delivery. If not the reasons and an alternative model of assessment is decided on, who will undertake the work, timeframes and a feedback system.

10.6 The need to develop multi agency risk management and care plans is seen as central to good practice. Many children or young person with sexually harmful behaviour will already be placed with the local authority and it is equally important that they receive the same level of multi agency response as other children or young people and that risk management plans are equally robust.

10.7 When criminal matters are recommended the Police will inform the Custody Officer who will, in consultation with CPS, make the decision about disposal for

the offence and action this. Any criminal proceedings will run in parallel to the ongoing casework. If this involves YJS they will undertake ongoing casework whether singly or jointly for the duration of the order in line with their National Standards and as directed by the Court Order. However, they will keep SSD informed of their involvement through the multi-agency case plan. SSD would provide the welfare support if the young person is on remand or 'looked after'.

11. A Sexually Harmful Behaviour (SHB) Assessment

- 11.1 If a SHB assessment is considered appropriate the SSD will be the lead agency for production of the assessment. Due to the complexity of the cases the assessment should be carried out by two workers, one of whom has experience in assessing SHB behaviour. If the social worker has been involved with the victim, they should not be allocated to the assessment.
- 11.2 The Lead Agency Co-worker is responsible for:
- Obtaining consent from the child/young person and family/carers to complete the SHB assessment.
 - Gathering and collating relevant information.
 - Liaising with other professionals.
 - Interviewing the child/young person and family/carers.
 - Completing the SHB assessment and ensuring its distribution.
- 11.3 The SHB assessment is not to be viewed as additional or separate to a Child in Need Core Assessment or ASSET assessment or the Child Protection Procedures. It should not be necessary to convene separate meetings. A further meeting will be arranged within 15 working days of the Strategy Meeting to consider the outcome i.e. by way of a Child Protection Conference or a Multi Agency Meeting.
- 11.4 The SHB assessment will be commenced and an initial report given to the CPC or Multi Agency Meeting. A second meeting will be needed for the finalised SHB assessment and development of a multi agency risk management care plan for the child/young person by way of a Review Child Protection Conference or a Multi Disciplinary Meeting.
- 11.5 The outcome of the SHB assessment will assist in informing the recommendation for disposal and therefore the disposal decision should not be made without consideration by the multi agency group.

12. Ongoing Case Management

- 12.1 Ongoing Case Management will depend on the identified needs of the child/young person and decisions regarding criminal prosecution. However, the support and commitment of all agencies should be sought to ensure that the needs of the child/young person are met.

- 12.2 The ongoing routes (see Flow chart) available are:
- Criminal Justice Route
 - Child Protection Route
 - Child in Need Route
 - NFA
- 12.3 Where a child/young person is considered to be at risk and still considered within the Child Protection system then the case management processes will run in parallel with YJS involvement and there will need to be joint working and liaison with joint intervention planning.
- 12.4 When a child or young person is not considered at risk but in need of preventative services YJS involvement will depend on the agreement of the family members to work with them.
- 12.5 In all cases the need for a SHB assessment should have been considered at the multi agency meeting and if not this needs to be considered together with the need for ongoing intervention.

12.6 (a) Child Protection Route

Where there is Child Protection involvement the AWCPP (2008) will be followed.

The Child Protection Case Conference will be called within 15 days of the Strategy Meeting if that meeting considered that the child/ young person is considered at risk of significant harm in his /her own right as well as being an alleged risk to others by way of sexually harmful behaviour.

The victim

‘An initial child protection conference should be held regarding the victim of the alleged abuse where either:

The child’s parents may have contributed to the abuse through negligence or collusion or

The alleged abuser is considered to pose a further risk to the victim’ (AWCPC 2008 p351).

An Initial Assessment will be completed prior to the Initial Case Conference and a Core Assessment commenced.

A professional experienced in the field of sexually harmful behaviour should be invited to the Initial Child Protection Conference. Consideration should be given to inviting a YJS representative e.g. if there is a consideration of ongoing court proceedings and YJS are working with the victim.

The Child Protection Conference should consider concerns regarding:

- The relationship between the victim and the alleged abuser.
- The nature of the incident/concerns.
- Any evidence of covert violence, sexual bullying or exploitation.
- Whether or not responsibility is accepted.
- Appropriate and inappropriate sexual behaviour, given age and understanding
- The attitude of the parents/carers and child.
- The level of risk presented to the child, young person and others.
- The need for relevant agencies to take responsibility for a child protection plan.
- The police position regarding enquiries and possible prosecution.
- The intervention required and availability.
- Consideration regarding the view of the child and young person.

‘A specialist sexually harmful behaviour service, or in the absence of such a service, a professional, trained and experienced in working with children who sexually harm/offend, should provide advice and assistance with the outcome of the core assessment’ (AWCPP 2008).

If there is a continued risk of significant harm the child or young person becomes subject to a Child Protection Plan. The coordination of services will continue through the Core Group, which should address the child or young person’s inappropriate behaviour as well as any other concerns and needs.

At the point of deregistration, a Child in Need Plan needs to be considered and set out multi agency involvement until all parties agree that the child or young person is no longer in need.

(b) Child in Need Route

A child/ young person may be deemed ‘in need’ and concerns substantiated but judged that the child/ young person is not at continued risk of significant harm. This may be due to the child/ young person, parents/carer cooperating with professionals to ensure the child/ young person’s future safety and well being and the risks being agreed.

There then needs to be a Multi-agency Planning Meeting to coordinate the overall plan for the child/ young person to include:

- A written risk management plan, including educational and accommodation arrangements.
- Planning any future assessment.
- Coordinating services to be provided.
- A lead professional identified.
- A Review Process.

Where a child is not at risk of significant harm but is assessed as a 'child in need' who needs support services and may pose a risk to other children, then an Multi agency Planning Meeting needs to be held to agree the above, arrange completion of a Core Assessment and a SHB assessment to address the child/ young person's behaviours

Where there is non cooperation of the child/young person or parents/carers with an assessment, a documented assessment of concerns and strengths may still be undertaken.

(c) **Criminal Justice Route**

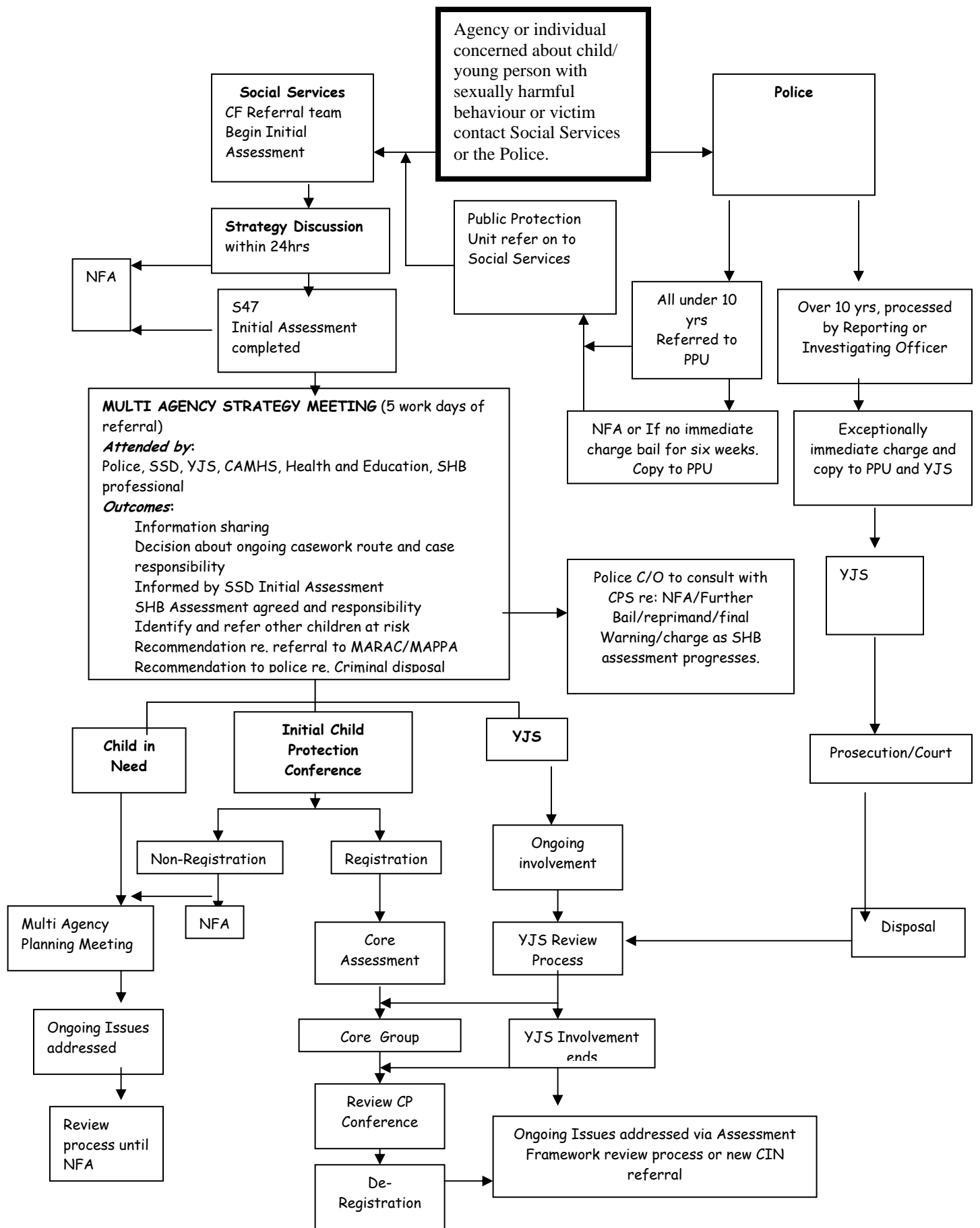
When YJS are the lead agency involved with the young person, they will undertake an Asset assessment and consult with and agree an appropriate multi agency plan for that child/young person. YJS should consider whether the child/young person also needs ongoing Social Services involvement as a 'child in need' and initiate a referral if appropriate. This referral should be accompanied by a copy of the 'Asset assessment' and review to inform Social Services.

(d) **Service for the Victim**

An assessment of need should be carried out by a professional who is not directly involved with the child or young person with sexually harmful behaviour.

Services for the victim should be considered in discussion with the victim, family and an appropriate support system identified. If a service need is identified, this needs to be accessible, timely and non-stigmatising for the child/ young person.

Consideration should also be given to the support needs of other siblings and or family/carers.



GLOSSARY OF TERMS

AWCPP	All Wales Child Protection Procedures
PPU	Public Protection Unit
S47	Section 47 Enquiry
CIN	Child in Need
LSCB	Local Safeguarding Children Board
SSD	Social Services
NFA	No Further Action
MAPPA	Multi Agency Public Protection Arrangements
MARAC	Multi Agency Risk Assessment Committee
SHB	Sexually Harmful Behavior
CP	Child Protection
YJS	Youth Justice Service

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