



Newport Safeguarding Children Board
Bwrdd Diogelu Plant Casnewydd

**INTER - AGENCY PROTOCOL
CHILDREN & YOUNG PEOPLE
WHO DISPLAY
SEXUALLY HARMFUL BEHAVIOUR**

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1. Introduction

Newport Safeguarding Children Board (NSCB) has produced this protocol to provide local guidance on inter-agency working with children and young people who display sexually harmful behaviour. It should be read in conjunction with *Safeguarding children: Working Together under the Children Act 2004* (2006) and the *All Wales Child Protection Procedures* (2008), which have been adopted by NSCB.

2. Aim of the protocol

The aim of this protocol is to identify children and young people who are believed to be displaying sexually harmful / offending behaviour, and to respond in a way which meets their needs as well as protecting others, through:

- raising awareness of all agencies involved with children
- ensuring that all the Newport agencies involved with children and families work together and share consistent policies and practice
- formalising the exchange of information between agencies

3. Scope of the Protocol

This protocol covers children and young people up to the age of 18 years.
(For ease of reference, the Protocol will use the term “child” throughout).

4. Definitions

Sexually harmful/abusive behaviour has been defined as any sexual interaction with person/persons of any age which is perpetrated:

- Against the victim’s will
- Without consent
- In an aggressive, exploitative, manipulative or threatening manner

(Ryan & Lane “*Juvenile Sexual Offending*” 1997)

This definition should be used to distinguish sexual abuse from non-abusive /non offending sexual activity, and as such should be used as an indicator for initiating child protection enquiries. It is not a tick box definition and practitioners should be mindful that “The only **safe** definition of child abuse is that it is a conclusion reached by a group of professionals on the examination of the circumstances of a child, normally at a case conference”

(Corby “*Child Abuse: Towards a Knowledge Base*” 2000)

Consideration should also be given to the context of the act, as well as the act itself. It is known that children can commit sexual offences. Abusive sexual behaviour should

not be dismissed as normal or adaptive. It should be noted that children under 13 cannot in law consent to sexual activity.

5. Governing principles

- Whilst children who display sexually harmful behaviour may pose a significant risk of harm to other children, they may also have considerable unmet developmental needs themselves, as well as specific needs arising from their behaviour. An initial assessment should therefore be carried out in each case, prior to a strategy meeting.
- Children who abuse others should be held responsible for their abusive behaviour, but should also have their needs identified and addressed as an individual, **separately from** the needs of their victims. Good practice indicates that the same social worker should therefore not work with a child who has allegedly perpetrated the abuse and with the victim of that abuse. Where this is not possible or is judged not to be appropriate, the reason should be noted on both children's files/case recording. Particular consideration should be given to the allocation of different social workers where the situation is complex and/or a number of children are involved.
- There should be a co-ordinated approach on the part of all relevant agencies; specifically neither child welfare nor criminal justice agencies should begin a course of action that has implications for the other without appropriate consultation.
- Early intervention with children who abuse others may play an important part in protecting the public by preventing the continuation or escalation of abusive behaviour.

6. Key elements of good practice

- the need for a holistic view of the child
- good communication and sharing of information
- early identification & intervention
- a multi- disciplinary systemic approach
- a flexible and responsive approach

7. Children who display sexually harmful behaviour

Evidence suggests that children who abuse others may have suffered considerable disruption in their lives, may have been exposed to violence within the family, may have witnessed or been subject to physical or sexual abuse, may have problems in their educational development, and may have committed other offences. Such children 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. In planning the enquiries it is important to ensure that:

- Information relevant to evaluating the needs of both victim and abuser is collected only once and shared
- The enquiries are sufficiently separate to ensure that the needs of and risks to each child in his or her own right are assessed and neither child's needs or interests are treated as more important than the other's
- Account has been taken of any learning disability the child may have.

The enquiries should also take into account the following factors:

- The power difference between the alleged abuser and his or her victim, which may relate to age, physical size intellectual or social status;
- The sophistication and age appropriateness of the activity, given the age and understanding of the young person;
- Any evidence of overt violence, sexual bullying or exploitation;
- Whether consent / choice could not be exercised because of the victim's social or economic vulnerability;
- Whether there was secrecy or denial of the activity;
- The possible immediate risk posed by the alleged abuser to his or her current alleged victims and other potential victims;
- Whether the alleged abuser is a child in need of protection and / or has in the past suffered or may be suffering continued abuse;
- Establish whether the children's parents or caregivers were aware of the abuse prior to the referral being made but took no action or colluded with the abuse

8. Handling individual cases

Stage One

Referral and initial response

It is acknowledged that this is a difficult area for professionals and public alike. Where there is any suspicion/allegation of a child having displayed or likely to display sexually harmful behaviour to another child, a referral must **always** be made to Children and Family Services (Duty & Assessment Team, or named social worker where known) and the police where a criminal act is suspected.

If the allegedly abusive behaviour is initially investigated directly by the police, they must **always** inform Children and Family Services, who will respond to this as a child protection referral.

If there is uncertainty regarding the nature of the referral, appropriate advice should be sought via the Duty & Assessment Team.

The social worker will undertake information gathering, (lateral checks) from all relevant agencies/ professionals who may have knowledge of the child and/or family, and will make an enquiry to the Child Protection Register.

An initial strategy discussion, usually by telephone, will **always** be held within 24 hours, between Children & Family Services and the Police to decide jointly, on the basis of the referral and the information gathering, whether further child protection

procedures are needed. This discussion will be recorded by Children and Family Services. Consultation with a specialist agency about the issues in the case may be appropriate at this stage (NSPCC or YOS).

The decisions from the discussion will be:

Either:

- To take no further action and inform the referring agency in writing

Or

- To undertake an initial assessment.

The initial assessment will result in:

Either:

- No further action

Or

- To offer services under S17 (child in need) where assessed as required

Or

- To undertake child protection enquiries (S47) which will instigate a core assessment

Stage Two **Interview**

There may be cases where an interview under the PACE regulations is required at this stage. The Police should inform the Youth Offending Service who will provide a worker to attend the interview when required.

Stage Three **Strategy Meeting**

Where a decision has been made to undertake child protection enquiries, a Strategy Meeting must be convened, to take place within a maximum of 7 working days of the initial referral. The meeting will be held in accordance with *All Wales Child Protection Procedures* (2008).

The Meeting will be convened and minuted by Children & Family Services, and will be chaired by a Team Manager, or if very complex by a Principal Officer or Service Manager from Children & Family Services. A co-ordinated approach is essential, therefore

Attendance will include:

- The social worker responsible for undertaking the child protection enquiries, where already allocated
- The social worker responsible for working with the victim, where already allocated

- Detective Sergeant, Public Protection Unit
- Residential Unit Manager (when a looked after child is placed in a Unit) and keyworker.
- Fostering Officer, Fostering Team (where placed with foster carers), or Adoption worker, Adoption & Permanence Team (where placed with adoptive parents)
- Health (via Lead Nurse Safeguarding Children)
- Other significant professionals as appropriate – e.g. school; Educational Psychologist, CAMHS

Invites will always be given to:

- NSPCC Project – Wales SHB Service
- Newport Youth Offending Service - in relation to children aged between 10-18 years

who will both play a significant part in terms of offering advice and guidance re risk levels, interventions, sentencing and preventative / treatment services.

Information from any PACE interview that has taken place should be available to the Strategy Meeting either as a report or in the format of the Witness Statement.

The purpose of the meeting is to co-ordinate and plan the child protection enquiries. The meeting should be held in line with the All Wales Child Protection Procedures and Children & Family Services Child Protection Procedures.

If at this stage the decision of the meeting is to take no further action, the social worker should inform all agencies which have been involved in writing. The meeting will decide if the parents/carers should be informed.

Stage Four
Child Protection Enquiries

Where child protection enquiries are agreed, they should be undertaken in line with the All Wales Child Protection Procedures and Children & Family Services Child Protection Procedures. The enquiries will normally include an interview with the alleged victim and with the child about whom the allegation has been made. Where an interview is required under the PACE regulations the Police should inform YOS, who will provide a worker to attend the interview when required.

When the enquiries have been concluded, a further strategy debrief meeting must be held to evaluate the information and evidence obtained, and to agree the next course of action, which will be:

Either:

- To take no further action – the social worker/s should inform all agencies which have been involved in writing. The meeting will decide if the parents/carers should be informed.

Or:

- To offer services and support (child in need) – which will include specialist consultation, assessment and services. This may be undertaken within a multi-agency approach if the child's needs are complex.

And/or:

- To hold a Child Protection Conference.

A Conference may be held either in relation to the child who has been abused, and/or the child who has abused, **if** they meet the criteria – i.e. that the child protection concerns have been substantiated and s/he is at ongoing risk of significant harm. An initial child protection conference should be held about 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 child victim

The strategy meeting should decide whether to arrange a child protection conference. If the decision is made that a child protection conference is not necessary, the reason for this should be noted in the strategy minutes.

If the meeting cannot reach an agreement, the Service Manager for Child Protection should be contacted.

Additionally agencies (including the Crown Prosecution Service where relevant) must decide the appropriate of action within the criminal justice system, if the child is above the age of criminal responsibility.

***NB** If the initial assessment and / or child protection section 47enquiries indicate that a child has an urgent requirement for services arising from an allegation of abuse, or because they are exhibiting sexually inappropriate behaviour, the services should be made available before the completion of a core assessment.*

Stage Five

Initial Child Protection Conference

When agreed as appropriate, the Initial Child Protection Conference should take place within 15 working days of the strategy meeting. The Conference will be held in accordance with the Newport Safeguarding Children Board Protocol.

A representative of the NSPCC Project will always be invited to provide advice to the Conference. A member of the Youth Offending Service will also be invited when there are issues related to Court processes.

In addition to the Newport Conference agenda, the Conference in relation to the child who has abused should:

- ❑ Share all available information about the young person including his or her family circumstances, the circumstances of the abusive behaviour and the nature of the offence committed and consider whether to place the child's name on the child protection register.
- ❑ Consider the level of understanding he /she has about the offence;
- ❑ As part of the core assessment, decide on any further specialist advice and assessment that may be required;
- ❑ Set a date to discuss the results of the core assessment and any additional specialist assessments;
- ❑ Ensure that the placement of the young person fully protects actual and potential victims and that the young person is supported safely;
- ❑ Consider any other help that should be offered to the young person and his / her family
- ❑ Seek the agreement of the young person and their family to whatever further intervention is needed
- ❑ Identify the therapeutic needs of the young person and the pathway for accessing this;
- ❑ Consider alternative forms of intervention where voluntary agreement cannot be reached, including court proceedings.

The Initial Conference in relation to the child who has been abused will follow the Newport Conference agenda.