4.5 CHILDREN OR YOUNG PEOPLE WHO ARE ALLEGED TO HAVE SEXUALLY ABUSED OTHERS

4.5.1 See also section 5.1.6 of the Safeguarding Children Board procedures

4.5.2 When abuse of a child is alleged to have been carried out by another child or young person, it is important that the appropriate child protection procedures should be followed in respect of both the victim and the alleged perpetrator. Where the abuse is perpetrated against an adult, child protection procedures must be followed in respect of the alleged perpetrator.

4.5.3 It should be recognised that disclosure of sexually inappropriate or abusive behaviour by a young person can be extremely distressing for parents or carers. They may react with disbelief and take on board some of the young person’s minimisations. It is therefore important that we help them through this process at an early stage so they can also help the young person.

4.5.4 It is an important child protection function to ensure that sexually abusive behaviour by children and young people is treated seriously and is always subject to a referral to child protection agencies. Such young perpetrators may themselves be in need of protection and/or services.

4.5.5 Upon receipt of such a referral there must be child protection enquiries in the same way as for all allegations or disclosures of abuse. This would include strategy discussions between the Police, Children’s Service and consultation with ACT (Assessment, Consultation, and Therapy for young perpetrators of sexual abuse), about whether and how to conduct the investigation.

4.5.6 Where the referral indicates that a child has sexually abused others ACT should be informed of the referral and asked to attend the strategy meeting so that they can contribute to and inform the decision making. As a part of the referral process to ACT it is an expectation that both an Initial and Core Assessment will have been completed.

4.5.7 Once the case has been referred to ACT the child/young person’s case will remain open to the Children’s Service for the duration of ACT’s involvement in the case.

4.5.8 ACT (Assessment, Consultation and Therapy) Team is part of Surrey Children’s Service. It is a multi-disciplinary team, established in 1995 that provides services to:
• Children and young people who sexually abuse others
• Their families and carers
• Professionals who work with them
• Children with sexually problematic behaviours

4.5.9 The investigation must address:
• The alleged incident
• The circumstances of both the alleged perpetrators and the victim
• Whether or not the incident should be considered to be abusive
• An initial evaluation of risk to self or others
• Any immediate child protection actions needed

4.5.10 Where abuse is intra-familial, or where the suspected young person is living in the same household as other younger (or more vulnerable) children, the protection of the victim or potential victims will require that consideration is given to the need for removal of the young perpetrator from the household, at least in the short term.

4.5.11 The investigation into the circumstances of the alleged perpetrator must focus on:
• The abusive behaviour, including any pattern that may have developed
• The alleged perpetrator as a child in need, who might have been, or continue to be, the subject of abuse

4.5.12 The investigation must determine whether a child protection conference or an inter-agency planning meeting will be held.

4.5.13 The child protection route: If the alleged perpetrator is a member of the same family or household, the needs of that child or young person must be separately considered in the same conference. If the alleged perpetrator is not a member of the same family or household as the victim but is judged to be at risk of significant harm in their own right, then a separate conference must be convened in relation to them. The normal child protection procedures will apply.

4.5.14 The child/young person in need route: If the investigation concludes that the (alleged) perpetrator is not at risk of significant harm themselves, a separate procedure must be followed. The relevant Team Manager/Assistant Team Manager must convene an inter-agency planning meeting, the purpose of which is to assess the needs of the child/young person and to agree a Care Plan. This Care Plan must be reviewed at least six-monthly, and other relevant agencies must be involved in such meetings and reviews. Parental attendance and the attendance of the young
person must be subject to the same principles as apply in child protection conferences.

4.5.15 The Social Worker must present a report to the inter-agency planning meeting/child protection.

4.5.16 The inter-agency planning meeting/child protection conference in relation to an alleged perpetrator must consider:

- The nature of the concerns
- The degree to which responsibility for the behaviour has been accepted by the young person
- The need to share relevant information with the wider community, e.g. schools, on a confidential basis to ensure continued safety of the young person and others from them
- The level of risk/dangerousness posed to themselves and others
- The family background
- The family’s attitude to the concerns including their level of co-operation
- The agreed intervention strategy and what appropriate services are available
- The likelihood of the child or young person to engage in the therapeutic process including an exploration of strategies to ensure co-operation
- Management of risk on a community basis (for instance, by limiting access to potential victims in the light of denial and non-co-operation from the young person and/or their family)
- Persons present need to be aware that the minutes of the meeting can be disclosed in Court proceedings

4.5.17 In all cases where it is clear that the behaviour has been abusive the need for a comprehensive assessment must be considered.

4.5.18 If during the course of an interview, under the Police and Criminal Evidence Act (PACE), with the alleged perpetrator, they make an allegation that they have been the victim of child abuse, the Police will make a referral to Surrey Children’s Service and the normal child protection procedures must be followed.

4.5.19 The timing of this referral will depend upon the prevailing circumstances, but the needs of the child will be paramount.

4.5.20 In such circumstances a second Police officer and Social Worker must be appointed to investigate the alleged perpetrator as a victim. This is in order to avoid conflict of interests.

4.5.21 Intervention programmes need to be available on both a voluntary and legally mandated basis, either under the Children Act 1989 or the Criminal Justice Act. Without some form of sanction, young people may drop out of therapy. Any intervention must be clearly
identified in the Child Protection Plan (in the case of a child protection conference) or in the Care Plan (in the case of an inter-agency planning meeting).

4.5.22 If Criminal Justice proceedings are being considered the decision to caution or charge is solely taken by the Police and the Crime Prosecution Service. The Police are guided by the ‘Directors Guidance on Charging’ issued under Section 37A PACE. If it is decided that a juvenile is to be warned or reprimanded, then attendance at an Intervention Clinic run by the Police is required. This takes place within the District Borough in which the juvenile resides.

4.5.23 It is essential to ensure that young people receive appropriate intervention and that some indication is sought, prior to any decision about criminal proceedings or caution, of the nature of the behaviour and the risks of it being repeated.

ISSUES OF DEFINITION RELATING TO YOUNG PERPETRATORS OF SEXUAL ABUSE

4.5.24 The boundary between what is abusive and what is part of normal childhood or youthful experimentation can be blurred. The determination of whether behaviour is developmental, inappropriate or abusive will hinge around the related concepts of true consent, power imbalance and exploitation. This may include children and young people who exhibit a range of sexually problematic behaviour such as indecent exposure, obscene telephone calls, fetishism, bestiality and sexual abuse against adults, peers or children.

   Developmental Sexual Activity

4.5.25 Developmental sexual activity encompasses those actions which are to be expected from children and young people as they move from infancy through to an adult understanding of their physical, emotional and behavioural relationships with each other. Such sexual activity is essentially information gathering and experience testing. It is characterised by mutuality and of the seeking of consent.

   Inappropriate Sexual Behaviour

4.5.26 Sexual behaviour can be inappropriate socially, inappropriate to development, or both. In considering whether behaviour fits into this category, it is important to consider what negative effects it has on any of the parties involved and what concerns it raises about a child or young person.

4.5.27 It should be recognised that some actions may be motivated by information seeking, but still cause significant upset, confusion, worry, physical damage, etc. It may also be that the behaviour is
‘acting out’ which may derive from other sexual situations to which the child or young person has been exposed.

4.5.28 If an act appears to have been inappropriate, there may still be a need for some form of behaviour management or intervention. For some children, educative inputs may be enough to address the behaviour.

**Abusive Sexual Activity**

4.5.29 Any behaviour involving coercion, threats, aggression together with secrecy, or where one participant relies on an unequal power base, is considered abusive.

**Assessment**

4.5.30 In order to more fully determine the nature of the incident the following factors should be given consideration; the presence of exploitation in terms of equality, consent and coercion.

- **Equality** – consider differentials of physical, cognitive and emotional development, power and control and authority, passive and assertive tendencies
- **Consent** – agreement including all the following:
  - Understanding what is proposed based on age, maturity, developmental level, functioning and experience
  - Knowledge of society’s standards for what is being proposed
  - Awareness of potential consequences and alternatives
  - Assumption that agreements or disagreements will be respected equally
  - Voluntary decision
  - Mental competence
• Coercion – the young perpetrator who abuses may use techniques like bribing, manipulation and emotional threats of secondary gains and losses, i.e. loss of love, friendship, etc. Some may use physical force, brutality or the threat of these regardless of victim resistance

4.5.31 The following questions may be used as a helpful guide in looking at a particular incident:

• What is the nature of the relationship between perpetrator and victim?
• How sophisticated is the activity; is the type of sexual activity age appropriate?
• How often and for how long did the activity take place?
• Has it become more frequent, severe or deviant?
• Is there overt aggression, coercion or bribery?
• What is the experience of the abused person?
• Have there been any attempts to secure secrecy by any of the individuals involved?
• How was the activity revealed; was it disclosed by either the victim or the perpetrator or was it discovered?
• Does the abuser appear to target a particular type of victim?

4.5.32 The definitions endorsed by ACT indicate that there is a wide continuum of children and young people’s sexual behaviour.

4.5.33 Understanding and responding to the sexual behaviour of children (Ryan et al 1989) – the full range of behaviours is placed along the continuum from normal to abusive. It is important to note that it is the relationship and interaction that defines sexual abuse – rather than an isolated behaviour which is taken out of context.

4.5.34 A range of responses is needed to fit individual circumstances. For some children and young people, educative inputs may be enough to address the behaviour. For others, partly those whose behaviour is assessed to be coercive, a range of family, individual and group interventions should be considered.

4.5.35 In evaluating sexual behaviour of children and young people, the above information should be used only as a guide. Further information and advice is available from ACT who may be able to assist professionals in identifying and responding to sexual behaviour of concern in children and adolescents.

**INTERAGENCY PLANNING MEETING - FORMAT FOR MEETING**

• Confidentiality statement
• Establish whether there is a need for a confidential (3rd party) section to meeting which will require parent(s) to withdraw
• The explicit nature of the concerns
• Young person and/or carer(s) attitude to the concerns
• Background information
• History of behaviour of a similar nature
• Family background/social history
• Education information
• Health information
• Confidential (3rd party) information (e.g. criminal information)
• Assessment of risk (if young person is deemed to be ‘at risk from the care given by carers’ a recommendation to call a Child Protection Case Conference will be necessary)
• Care Plan recommendation
• Placement and contact considerations
• Therapeutic needs and how met
• Criminal justice recommendations
• Primary worker responsibility
• Date for review (within 6 months)

**Timing of Interagency Planning Meeting**

• After Police and/or social work interviews with young person/carer(s)

**Attendance at Interagency Planning Meeting**

• Chair: Assessment Team Manager or Assistant Team Manager
• Practitioners directly involved in enquiries (usually Police Child Protection Unit and Child Protection Social Worker) and/or manager of case holding team if applicable
• A.C.T representative
• Health representative: if appropriate
• Education representative: if applicable
• Where an offence has been committed
• Surrey Police AJU Inspector or Metropolitan Police equivalent
• Any other practitioner with significant involvement in the case (e.g. Youth Justice Officer, Surrey Legal Department representative, Probation Officer, Children’s Guardian etc.)
• Parents(s) and/or carer(s) plus support (e.g. solicitor)
• Young person if appropriate