

PROCEDURES AND GUIDANCE

Children Abused by Children and Young People (Harming Others)

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CHILDREN ABUSED BY CHILDREN AND YOUNG PEOPLE (HARMING OTHERS)

The harm caused to children by the harmful and bullying behaviour of other children can be significant. This may involve single incidents or ongoing physical, sexual or emotional (including verbal) harm perpetrated by a single child or by groups/gangs of children.

Significant harm is defined as a situation where a child is suffering, or is likely to suffer, a degree of physical, sexual and/or emotional harm (through abuse or neglect), which is so harmful that there needs to be compulsory intervention by child protection agencies into the life of the child and their family.

In addition, children of both genders can direct physical or emotional violence towards their parents, siblings and/or partner. Such abuse should be subject to the same safeguarding children procedures as apply in respect of children being abused by an adult. Children who harm others should be held responsible for their harmful behaviour and professionals responding to them should be alert to the fact that they are likely to pose a risk to children other than the current victim.

Children who harm others are likely to have considerable needs themselves. Evidence suggests these children may have suffered significant disruption in their lives, been exposed to violence within the family, may have witnessed or been subject to physical or sexual abuse, have problems in their educational development and may have committed other offences.

1. RECOGNITION AND REFERRAL OF ABUSE

Professionals must base their decision on whether behaviour directed at another child should be categorised as harmful or not on the circumstances of each case. It will be helpful to consider the following factors:

- The relative chronological and developmental age of the two children (the greater the difference, the more likely the behaviour should be defined as abusive);
- Whether the alleged abuser is supported or joined by other children;
- A differential in power or authority (e.g. related by race, gender, physical, emotional or intellectual vulnerability of the victim);
- The actual behaviour (both physical and verbal factors must be considered);
- Whether the behaviour could be described as age appropriate or involves inappropriate sexual knowledge or motivation;
- The degree of physical aggression, intimidation or bribery;
- The victim's experience of the behaviour and the impact it is having on their routines and lifestyle (e.g. not attending school, etc);
- Attempts to ensure secrecy;
- Duration and frequency of behaviour.

All professionals should make a referral to Local Authority Children's Social Care when there is a suspicion or an allegation of a child:

- Having been seriously physically abused or being likely to seriously physically abuse another child or an adult;
- Having been seriously emotionally abused or being likely to seriously emotionally abuse another child or an adult;
- Having harmed another child or an adult.

2. SEXUAL ABUSE AND SERIOUS PHYSICAL AND EMOTIONAL ABUSE

These procedures are written with particular reference to sexually harmful behaviour, though when there are serious child protection concerns as a result of serious non-sexual violence or serious emotional abuse by a child or children, these procedures should also be followed.

Whenever a child may have harmed another, all agencies must be aware of their responsibilities to both children and multi-agency management of both cases must reflect this. The interests of the identified victim must always be the paramount consideration.

It is possible that the child with harmful behaviours may pose a significant risk of harm to their own siblings, other children and/or adults. The child will have considerable needs themselves, and may also be or have been the victim of abuse.

3. STRATEGY MEETING/DISCUSSION

When any agency makes a referral to local Authority Children's Social care about a child who has been or is a victim of abuse, an initial strategy meeting/discussion must take place between Local Authority Children's Social Care, the Police and other relevant agencies to share the information and determine whether the threshold for Section 47 enquiries has been reached.

Where the suspected abuser is a child, a similar strategy meeting/discussion (usually meeting) should be convened within the appropriate Government prescribed timescales, involving the police and Local Authority Children's Social Care. When the children concerned are the responsibility of different Local Authority Children's Social Care services, each Local Authority service must be represented at the strategy meeting/discussion, which will usually be convened and chaired by the Local Authority Children's Social care for the Local Authority in which the victim lives.

Different Social Workers should be allocated for the child who is the victim and the child who has harmed, even when they remain living in the same household, to ensure both are supported through the process of the enquiry and that each child's needs are fully assessed and met.

The strategy meeting/discussion should be convened and chaired by Local Authority Children's Social Care and a record made. The following individuals should be invited to the meeting:

- Social Worker for the child who is suspected or alleged to have harmed another child/adult;
- Social Worker for the child/ren alleged to have been abused;
- Social Workers' first line manager;
- Police;
- Youth Offending Team representative, where the child who is alleged to have caused the harm is aged ten or over;
- School representative/s (particularly if the concerns suggest that other children in the school setting have been or may be at risk of being abused);
- School nurse or other health services staff, as required;
- Child and Adolescent Mental Health services (CAMHS) representative;
- Representatives of fostering or residential care, as applicable;
- Consideration should also be given to inviting a local specialist voluntary agency and any other professional or agency involved with the child alleged to have caused the harm.

The meeting must plan in detail the respective roles of those involved in the enquiries and ensure the following objectives are met:

- The safety of the children concerned, with particular attention needing to be paid to living and contact arrangements while concerns are being investigated;
- Information relevant to the protection needs of the alleged victim is gathered;
- Any criminal aspects of the abuse are investigated;
- Any information relevant to abusive experiences and protection needs of the child, who has harmed, is gathered.

In planning the investigation, the following factors should be considered:

- Age of all the children and adults who may be involved (both victims and children who have harmed);
- Whether the child harmed was/is supported by other children;
- Seriousness of the alleged incident;
- Effect on the victim/s and their own view of their safety;
- The victim/s parents' attitude and ability to protect their child/ren;
- The abuser's parents' response to their child's behaviour;
- Whether there is a suspicion that the child who is alleged to have harmed has also been abused;
- Whether there is reason to suspect that adults are also involved;
- The likelihood and desirability of criminal prosecutions taking place;
- The level of ability of the child and any communication problems that they may have;
- The mental state of the child and their capacity to be interviewed.

Where there is a suspicion that the child is both an abuser and a victim of abuse, the strategy meeting/discussion must decide the order in which any interviews will take place.

4. CRIMINAL INVESTIGATION

The police will decide whether an alleged offence should be subject to criminal investigation. Such allegations may not be the responsibility of the Police Child Abuse Investigation Team but where they are, the Police maintain responsibility in cases where there is a familial connection between the young people or children concerned.

From the perspective of the criminal investigation, when a child aged 10 or over is alleged to have committed an offence, the first interview with them must be undertaken by the Police (i.e. it will be a recorded interview held in a police station, under caution and with a parent or another appropriate adult present).

On occasion, this approach may not be in the best interests of the overall management of the investigation or of the welfare of the children involved. In these circumstances, the Police may agree that it would be preferable for a Local Authority Children's Social worker (and other professionals as appropriate) to interview the child as a potential victim of abuse. This should only be the case where explicit agreement has been obtained to this course of action

If during the course of being interviewed as a victim of, or witness to, alleged abuse, a child discloses offences that they have committed or been subjected to, these incidents should normally be the subject of a separate interview. Throughout the enquiry, the immediate protection of all child/ren involved must be ensured.

Where a decision is reached that the alleged behaviour does not constitute abuse and there is no need for further enquiry or criminal investigation, the details of the referral and the reasons for the decision must be recorded. In each case and in respect of each child involved or potentially involved,

LA children's social care will determine whether or not an initial or core assessment of need is warranted.

5. OUTCOME OF ENQUIRIES

The position of the alleged victim and the alleged abuser must be considered separately.

If the information gathered in the course of the enquiries suggests that the abuser is also a victim or potential victim of abuse (including neglect), a separate child protection conference must be convened for him or her.

Where there are no grounds for a child protection conference, but concerns remain regarding the child's sexual, physical, emotionally harmful behaviour, they should be considered as a child in need. In such cases, a multi-agency planning meeting should be held and a plan for the provision of services for the child and his/her family agreed. Service provision should:

- Be informed by an assessment of the child's needs and the risk they pose to others;
- Set out who will have responsibility for what actions, including what course of action should be followed if the plan is not being successfully implemented; and
- Include a timescale for review of progress against planned outcomes.

Family Group Conferences may have a role to play in fulfilling these tasks. For information about Family Group Conferences see: Family Group Conferences: Principles and Practice Guidance (2002, Barnardo's / Family Rights Group / NCH): <https://www.frg.org.uk/images/e-publications/fgc-principles-and-practice-guidance-english.pdf>

6. CHILD PROTECTION CONFERENCE

Consideration should be given to inviting a Youth Offending Team (YOT) representative to the conference of any child/ren aged ten or over presenting harmful behaviours, and informing the local YOT of the meeting in cases of younger children.

In addition to carrying out the usual functions, the child protection conference must consider how to respond to the child's needs as a possible abuser.

Where the alleged abuser is not deemed to require a protection plan to protect them, consideration should be given to the need for services to address any abusive behaviour and the multi-agency responsibility to manage any risk, through the use of multi-agency planning meetings.

7. CRIMINAL PROCEEDINGS

The decision as to how to proceed with the criminal aspects of a case will be made by the police and the Crown Prosecution Service. The police must operate in accordance with the duty to seek to investigate and prosecute all crimes. Agencies working with young offenders should ensure that actions by staff do not undermine the need to ensure a criminal conviction if the substance of the allegation so warrants it.

8. MULTI-AGENCY PLANNING MEETINGS

Children who are victims and those who are abusers are likely to have complex needs requiring a multi-agency response. Therefore, in cases where there are no grounds for holding a child protection conference, or where one has been held but a protection plan did not result, a multi-agency meeting should be convened to plan multi-agency services for a child in need.

It is not envisaged that universal services would be able to deal with such a degree of complexity through the processes associated with the Early Help Assessment process.

These multi-agency meetings should not be confused with the East Riding Multi-Agency Public Protection Arrangements (MAPPA), in which arrangements are made to protect the community from known potentially dangerous offenders. However, the local co-coordinator for the MAPPA in either the police or probation service must be advised of concerns posed by young abusers, especially where the abuser has been cautioned or convicted. If so, the local Youth Offending Team (YOT) will also become involved.

For each child (the victim and the child with harmful behaviours), a multi-agency planning meeting should be convened by LA children's social care to:

- Share information;
- Agree to undertake:
 - An assessment of the needs of the victim's;
 - An assessment of the needs and risks posed by the child with harmful behaviours;
 - Agree to refer for a specialist assessment for either child, as required (for assessment related to sexually harmful behaviour see the ERSCB: HSB Child Harmful Sexual Behaviour procedure)
- Set a timetable for both assessments;
- Co-ordinate interim:
 - Support for the victim/s;
 - Risk management for the child with harmful behaviours;
 - Allocate agency and professional roles, including which agency will take responsibility for the interim risk management plan.

Those invited should include participants of the strategy meeting / discussion and representatives from health, including child and adolescent mental health services (CAMHS), the school and any other professionals with relevant knowledge of the child and their parent's.

On completion of the assessments, the multi-agency meeting should be reconvened for each child to consider the outcome, and to review and coordinate the roles of relevant agencies in providing identified interventions. Including a risk management plan and specialist input for children with special needs.

It should be clear which agency is responsible for the risk management plan for a child with harmful behaviours. The plan should always address the risk to other children wherever the child spends time, including at school and within or near to the home address or placement whenever a child is looked after by a Local Authority. A Plan must be in place to minimise risk of future offending.

Both the risk management plan and support for a child who is the victim should be reviewed at regular multi-agency meetings. The Chair of the multi-agency meeting should decide the frequency of the review meetings according to each child's needs / risk. At the point of closure, the review must consider the possible need for long term monitoring and the availability of advice and other services.

9. CHILDREN MOVING INTO OR RE-ENTERING A LOCAL AUTHORITY AREA

Children with inappropriate sexual or very violent behaviour who are re-entering the community following a custodial sentence or time in secure accommodation, or who move into an area from another local authority, require the multi-agency response (assessment / intervention) described above. The response should be initiated at the earliest opportunity.

Where a child who has been convicted of sexual offences involving the abuse of other children is released into the community, the Multi-Agency Public Protection Arrangements (MAPPA) must be followed to ensure the safety of the community.

10. CARRYING OF OFFENSIVE WEAPONS AND GANGS

Offensive weapons are defined in the Prevention of Crime Act 1953 as 'any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him'. Section 139 and Section 139A of the Criminal Justice Act 1988 refer to 'any article which has a blade or point or is sharply pointed'. The only exceptions are small folding pocket knives where the blade is less than 3 inches long. But this exception does not of course prevent schools from imposing their own bans on pupils carrying such weapons. There are three categories of offensive weapons:

- 'Made' could include a dagger or gun;
- 'Adapted' could include a broken bottle; and
- 'Intended' for such use could include a rock or stone.

Clearly many articles are capable of being an offensive weapon, but in the latter category there would need to be evidence of an intention to use that particular article as a weapon.

On 1 March, the Sentencing Council published new guidelines for the sentencing of offenders convicted of the possession of a bladed article or offensive weapon, such as acid, in public, and of using it to threaten someone.

The guideline has a distinct section for sentencing those under the age of 18 and it will work alongside the Sentencing Children and Young People guideline. For more information:

https://www.sentencingcouncil.org.uk/wp-content/uploads/Bladed-Article-Definitive-guideline_WEB.pdf

Behavioural problems by a group of young people can impact upon a neighbourhood but does not necessarily mean that they are a gang. It is common practice for groups of young people to gather together in public places to socialise. Groups of young people can be disorderly and/or anti-social but not engage in criminal activity.

There are specific organised gangs who engage in criminal activity. Problems between gangs can be further enhanced by the use of 'gangs' websites where they publicise themselves.

Children who carry offensive weapons and / or are members of specific gangs (who engage in criminal activities) could place themselves and others at risk of significant harm. Preventative work in relation to offensive weapons and gangs should be a key part of each LSCB's strategy, establishing a safer environment by engaging with young people, challenging unacceptable behaviour, and helping young people develop respect for themselves and their community. Police, schools, Youth Offending Teams and other appropriate local agencies should mutually establish and develop strong partnerships and policies.

In 2007, the Department for Education and Skills (DfES) provided new guidance to schools on screening for offensive weapons, following the enactment of Section 45 of the Violent Crime Reduction Act 2006. See www.teachernet.gov.uk.

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