

Young People with Harmful Sexual Behaviour Protocol

Alleged harmful sexual behaviour perpetrated by children or young people

Introduction

AIM (Assessment Intervention and Moving On) is an approach and model adopted by Bath and North East Somerset Council and partners to respond to incidents of harmful sexual behaviour perpetrated by children and young people. The work undertaken with harmful sexual behaviour is a partnership comprising of Children's Social care, CAMHS, the Youth Offending Service and the Police. AIM provides a framework for assessment incorporating the collection of information, risk assessment, with recommendations to reduce risk and to identify a package of support. This does NOT replace actions required by the criminal justice system. It complements the process, supporting the professionals involved with the young person and his/her parents to manage the risk.

The aim of this protocol is to ensure that there is consistency in the way we respond to allegations of harmful sexual behaviour perpetrated by children/young people. Bath and North East Somerset aims to provide an accessible service to identify young people with harmful sexual behaviour at an early stage to maximise successful outcomes.

This document outlines the procedures that should be followed by the agencies involved at different stages of the process from time of notification of a sexually harmful incident to completion of relevant stages of intervention.

This procedure refers to the following range of young people:

- where harmful sexual behaviour has been identified as a cause of concern,
- where incidents of harmful sexual behaviour have been reported to the police,
- where young people have admitted harmful sexual behaviour
- Where young people have been convicted of sexual offending.
- where there is an identifiable victim

If you have concerns about any behaviour which you think falls within this category, you can contact social care without naming the child or young person they will advise you which steps to take. If the issues raised do not fall under these procedures, please consider completing a Common Assessment.

Proposed Model

WHO?

Small pool of staff
across agencies

Individual
Supervision

Multi-agency
Specialist, trained
workforce
Specialist
interventions usually
Co-worked

Medium pool
12 – 15 staff
across agencies

Consultation
Group
supervision
Individual
supervision

Targeted workforce
Assessment and
intervention including:
YOT, Social Care,
CAMHS,
Single Practitioner

Large pool
20+ across
agencies

Turtle Project in
schools

Delivered by a range
of professionals by
negotiation

Consultation

Universal
Dispersed
workforce
AIM training
Assessment
And
Identification

Awareness-Preventative

The AIM2 assessment

B&NES have adopted the AIM2 (Assessment Intervention Moving On Framework). This approach was developed by the AIM Project in Manchester in collaboration with GMAP. .

Definition

This procedure refers to all children and young people, male and female aged under 18 years when an alleged incident occurs. The term harmful sexual behaviour refers to a situation where sexual contact is sought with another child, of any age or an adult, where there is no active consent or the victim is unable to give consent. It is very difficult to provide clear and precise definitions as there is no language that can identify what is 'normal' behaviour, Appendix 1 may assist in the process of defining this behaviour. Throughout this procedure we advocate consideration of the level of understanding of the alleged abuser and the victim regarding the offence, their ethnicity and the possibility that the child or young person may also be a victim of harmful sexual behaviour.

LEGAL FRAMEWORK

Childcare -

The Children and Young Persons' Act 1993. This lists Schedule 1 offences

- **The Children Act 1989**
- **The Children Act 2004**

Youth Justice –

The Crime and Disorder Act 1998

- Criminal Justice Act 2003. This introduces Dangerousness assessments.
- Sexual offences Act 2010.

The Crime and Disorder Act 1998

The Act itself

<http://www.opsi.gov.uk/acts/acts1998/19980037.htm>

The Criminal Justice Act 2003

The Act itself

<http://www.opsi.gov.uk/acts/acts2003/20030044.htm>

The Sexual Offences Act 2003

Guidance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98378/review-notification-requirements.pdf

Process

All children, victims and perpetrators of harmful sexual behaviour should have a common point of entry into the child protection/youth justice process, through children's social care, duty team. In circumstances where the alleged perpetrator is an open case the matter should be referred to the allocated social worker. With a new referral, the Strategy meeting will decide what further action is required.

Consultation

Where there are concerns about a child or young person displaying inappropriate behaviour, staff are encouraged to seek advice, support and consultation, to assist their judgement regarding the level of intervention required. This will be provided through the senior practitioner (HSB) located in the Children in Need Team within Children's Social Care (CSC). Alternatively, in settings where there is access to a safeguarding lead or school nurse, direction should be provided to determine if this requires a referral to CSC.

Referrals

Where a child or young person displays harmful sexual behaviour, but where there is no actual complaint or specific incident, we advocate that this information is shared with Children's social care who will respond in accordance with this protocol.

Process

Requests for assessment and intervention should be referred to the senior practitioner (HSB) who will identify an appropriate arrangement to conduct the AIM. This should be confirmed where a strategy discussion has been convened to determine timescales and priorities with regard to allocation. A judgement will be made at this stage regarding the need for a separate strategy discussion on the victim.

There are a range of venues where this work can be conducted as it is often not appropriate to conduct this work in the family home. **Allocation**

Where a young person requires an AIM assessment, this must be carried out by a qualified social worker who has been AIM trained. Best practice advises this should be conducted by 2 workers. This is justified on the basis that the work can be emotionally challenging and also to provide reflection to assist the management of the risk. Where a process of intervention is identified, this can be carried out by any worker who has been trained in AIM2 (Intervention). In accordance with the proposed Model diagram, allocation should be based on the degree of risk that the young person presents.

The Senior Practitioner in Children in Need Team will receive all requests for this area of work and make a judgement regarding allocation in accordance with the list of trained staff.

The Strategy Meeting

A strategy meeting should be convened within 24 hours of receiving the reported incident.

The strategy meeting should include the following participants:

- Children's Social Care Team Manager, who will chair the meeting,
- The investigating/duty/ social worker
- The Police
- Youth Offending Service/Compass (over 8 years)
- A representative from CAMHS
- Health and Education (as appropriate)
- Snr. Practitioner HSB/CIN

The aim of the strategy meeting is to share all the available information and confirm what if any further action needs to be taken.

The Strategy Discussion could result in one of the following outcomes

- Child protection procedures to be followed
- Child in need process to be followed (Section 47/ AIM/SA)
- Youth Justice/Criminal investigation
- Consultation
- No further action

In addition to the South West Child Protection Procedures, this Strategy meeting will consider the needs of the families and victims and how they should be met. Where the victim is experiencing emotional or mental health difficulties arising from the incident, a referral should be made to CAMHS.

Please note that if any relevant party is unable to attend the strategy meeting it is essential that minutes are sent to them within 2 working days and amendments are returned within 3 working days.

Child Protection Procedures

If the young person who is the subject of the Strategy meeting is considered to be in need of protection themselves then consideration will be given to the need to call a Child Protection Case Conference in respect of that young person.

- A section 47 investigation will be carried out and this will be planned at the strategy meeting
- A Child Protection Conference (CPC) is called within 15 days of the strategy discussion
- This meeting will address the concerns for the victim and the perpetrator, where they reside together
- The Strategy discussion will consider who should attend the CPC and how advocacy will be arranged for the victims and the alleged perpetrator, if both are of the age to attend

- A CPC can be called where a child/young person is considered at risk of significant harm in his/her own right as well as an alleged perpetrator of harmful sexual behaviour
- A Section 47 will be completed and presented to the Child Protection Conference.
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The strategy discussion should consider the following issues when making a decision to proceed to a child protection conference.

- the relationship between the victim and the alleged perpetrator,
- the attitude of parents/carers
- It is possible that the police will not have completed their enquiries regarding prosecution at this stage.
- While every effort must be made not to compromise this, all information must be shared openly at the conference meeting.
- We have a commitment to ensure that the view of children and young people are presented at the conference, consideration will need to be given how best this can be achieved. Bath and North East Somerset LSCB is committed to encouraging the participation of children/young people into the conference meeting.
- The chair of the conference has a responsibility to ensure that the interests of the alleged perpetrator are protected, and ensure that any potential prosecution is not compromised.

Child in Need Process

- C&YP who acknowledge their involvement in harmful sexual behaviour will have the opportunity to participate in an AIM2 assessment
- This will be carried out by the allocated social worker in consultation with the Snr. Practitioner, CAMHS and relevant agencies
- The outcome of the AIM2 assessment informs the planning of intervention with the C&YP and their family
- Parents of the C&YP with harmful sexual behaviour will be offered parenting support, individual or as part of a group
- Where the alleged perpetrator and his/her parents are unwilling to co-operate with the assessment, a documented assessment of concerns and strengths may still be undertaken

Entry into Youth Justice System

- Following the outcome of the strategy meeting, the arresting officer will establish if the young person is eligible for a Reprimand, a Final Warning or whether the offence goes straight to the Crown Prosecution Service and results in a court appearance. The strategy meeting can be key to making this decision.
- The allegation is referred to the Child Care Duty Team for a strategy meeting to be called and for decisions to be made about the planning for assessment and allocation of work in appropriate teams Once a young person enters the youth

justice system, the YOS will carry out its normal duties in partnership with all relevant agencies.

- If the young person is given a Final Warning by the police, the YOS will complete an Asset within 21 working days and offer the young person a plan of intervention. Final Warnings are voluntary and all efforts will be made to offer the young person the opportunity to engage with the YOS.
- If the young person has been charged to court and has pleaded guilty, the strategy meeting should still take place. If this is a young person's first offence and they plead guilty, a Referral order will be made in court. If it is not the first offence or if the court decides it is too serious to be dealt with by way of a referral order, the YOS will prepare a Pre-Sentence Report and any joint work, decided at the strategy meeting, about the completion of the AIM2 assessment, will inform this work. If a young person pleads not guilty prior to any sentencing decision, the AIM2 should not be started as it could interfere with the justice process.

The Planning Meeting

In view of the constraints that arise from a strategy meeting needing to be called at short notice and the level of information available, a further meeting can be called to plan the assessment, with the receiving team and other relevant professionals. This meeting should be convened by the social worker attending the Strategy Discussion meeting. Invitations should be directed to CAMHS/YOS/School nurse/Police/ designated social worker who is responsible for the AIM2 assessment. This meeting would clarify roles, responsibilities and timescales.

Placement Arrangements

During the course of the enquiries it may become apparent that in order to safeguard other children or the alleged perpetrator, the latter may need to come in to care.

- In circumstances where the alleged perpetrator is charged to court and there is consideration of the young person either needing an alternative bail address or being securely remanded, it is the responsibility of the YOS to assess the vulnerability and risk posed by the alleged perpetrator in partnership with Children's Social Care. If s/he is being securely remanded, the YOS will liaise with the Youth Justice Board to provide as much information as possible in identifying a suitable placement. The YOS will ensure an Asset, a Risk of Harm Asset and a Post-Court report is securely sent to the secure estate through the YIS booking system.
- Where a young person has been remanded to the care of the Local Authority, YOS and the Children's Social Care will collaborate with the Child Care Purchasing team to identify a suitable placement

If it becomes necessary to make a placement in the community for the alleged perpetrator we need to ensure that Children's Social care and YOS consider the following issues when completing the placement request form.

- The risk of harm presented by the young person (completed by YOS in the Asset)
- All available information regarding the young person
- Information regarding the current allegation and any historical concerns
- Home/cultural and ethnic/religious/disability circumstances
- Application of safe care practices in regard to contact with other vulnerable children/young people in the proposed placement
- Communications with present school/college and risk factors
- Consideration of relevant issues affecting school/college attendance
- Involvement in social activities with other children
- The management of contact with family members.

In the event of a young person receiving a custodial sentence, the YOS/Children's social care protocol is adhered to for joint cases and on-going involvement would be negotiated with any other agencies. Where this is deemed appropriate, the YOS would invite any agencies to attend the Initial Planning meeting at the secure establishment within 5 working days.

Framework for Support

Practitioners who undertake this work will receive case management direction from their line manager. The practitioner undertaking this work will be given clinical supervision by the Snr. Practitioner HSB/CIN.

Professional Practice Group

This will be convened monthly by CAMHS, this is a peer support group and staff will have the opportunity to share their practice and reflect on their work.

The Operational Group

This group will meet monthly and will be attended by the multi-agency representatives engaged in this work.

Workshop for Managers

There will be a twice yearly workshop for managers involved in this work to share practice issues, performance quality standards and any developments with regard to work concerning harmful sexual behaviour.

Appendix 1

Factors to consider when assessing whether a behaviour or an activity is more likely to be inappropriate are:

1. Consent and the imbalance of power – A behaviour or activity is more likely to be inappropriate if:
 - The behaviour is coercive, there are threats of violence, of intimidation and if drugs or alcohol have been consumed by the alleged perpetrator.
 - The level of protest, physical restraint, and/or attempts to avoid sexual interaction suggests that consent has not been given. If a child has learning difficulties they may be less able to easily give consent, recognise abuse or talk about what has happened. Even if they have agreed, it should be ensured they are able and willing to consent rather than merely co-operated without actively consenting.
 - A large age difference is often seen as significant. However gender, ethnicity, power, authority, status, strength, difference in assertiveness, difference in cognitive capabilities, family relationship and size can influence a person's ability to give consent even if children are of a similar age.
 - Consideration should be given to online HSB
 - Consideration should be given to issues related to CSE and reference should be made to the Child/Young Person at risk of sexual exploitation.
2. The characteristics of sexual activity – A behaviour or an activity is inappropriate if:
 - The behaviour is discovered to be taking place in an inappropriate place e.g. in public.
 - The behaviour involves sexual knowledge over and above what would be considered age appropriate. The behaviour is progressing in terms of seriousness or victim characteristics are changing over time e.g. getting younger indicates concern as does any indication that the child is developing a pattern to the behaviour.
 - Consideration needs to focus on LD for the perpetrators victim
3. The characteristics of the children – a behaviour or an activity is more likely to be inappropriate if:
 - There is evidence that a child uses their size, strength, actual or verbal pressure to their advantage.
 - A child tried to ensure the behaviour remains secretive, particularly if this is because one child has threatened another
 - A child targets a particular type of individual, with factors such as an age, sex, vulnerability or learning disability apparent in choice of victim.
 - Where the sexual interest is with animals
 - A child targets a particular location or geographical area.
 - A child has repeated fantasies about abusive scenarios as these may be more likely to be enacted in abusive situations. Fantasies can indicate ways in which an abuser views themselves, sex, and sexual behaviour.

Version 2.2

- There is any indication that one or more children are feeling uncomfortable about what happened.

Assessing Sexualised Behaviour in Children – see AIM2 guidance

Appendix 2

Child Protection Route

Criminal Justice Route

