

SECTION 18

CHILDREN AND YOUNG PEOPLE WHO ABUSE OTHER CHILDREN

This section sets out –

- The guiding principles for work in situations in which one child or young person may have abused another;
- Guidance on deciding whether an incident is abusive;
- Particular issues which should be considered in the strategy discussion; and
- Action which should be taken in respect of the alleged aggressor.

GUIDANCE

Working Together to Safeguard Children [2006] Chapter 11 Paragraph 11.32 – 11.40

1. INTRODUCTION

1.1 Children are vulnerable to abuse by their peers. Such abuse should be taken as seriously as abuse by adults and should be subject to the same child protection procedures. Staff should not dismiss abusive behaviour as normal between young people and should not develop high thresholds before taking action.

1.2 Particular difficulties arise in responding to a child or young person who abuses another child because:

- There is no clear dividing line between abusive behaviour and normal childhood behaviour;
- Many adults who abuse children repeatedly established this pattern of behaviour in childhood or adolescence, but a single incident of abuse does not indicate that a young person is likely to abuse again; and
- Some young people who abuse have themselves been abused, but this cannot be assumed in any particular case.

Principles

1.3 This section sets out a framework for dealing with these situations under the following guiding principles:

- The needs of the victim and the needs of the alleged aggressor must be considered separately.

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- In addition to safeguarding the identified victim, agencies must consider whether the alleged aggressor seems to pose a risk to any other children.
- Children and young people who abuse others are responsible for their abusive behaviour, and safeguarding action must include addressing their behaviour and its causes.
- The alleged aggressor is likely to have considerable unmet needs as well as posing a significant risk of harm to other children. Evidence suggests that such children may have suffered considerable disruption in their lives, may have witnessed or been subjected to physical or sexual abuse, may have problems in their educational development and may have committed other offences. Any long-term plan to reduce the risk posed by such a child must address these needs. In addition some such children will themselves be suffering, or at risk of suffering, significant harm and in need of protection.
- There should be a co-ordinated approach by child welfare, youth offending, education and health agencies. No agency should start a course of action which has implications for any other agency without appropriate consultation.

2. WHEN SHOULD AN INCIDENT BE REGARDED AS ABUSIVE?

2.1 There is no clear boundary between incidents which should be regarded as abusive and incidents which are more properly dealt with as bullying, sexual experimentation etc. This is a matter of professional judgement, and staff need clear guidance and training to identify the difference between consenting and abusive, appropriate and exploitative peer relationships. In reaching a decision in any specific situation, staff should consider the issues set out below.

2.2 If a child discloses abuse to a staff member, the professional concerned should let the child speak, but should not question them. The basic rule is to ask only questions which are necessary to clarify whether the child is alleging that abuse has taken place. If the child is making an allegation of abuse, children's social care and/or the police will interview them, and any further questions must be left for them. This does not mean that staff should tell the child to say nothing until the authorities arrive - the child should be allowed to speak for as long as they want to.

Physical Abuse

2.3 If one child or young person causes harm to another, this should not necessarily be dealt with under these procedures; bullying, fighting and harassment between children are not generally seen as child protection issues. However, it may be appropriate to regard a young person's behaviour as abusive if:

- There is a large difference in power (e.g. age, size, ability, development) between the young people concerned; or
- The aggressor has repeatedly tried to harm one or more other children; or
- There are concerns about the intention of the alleged aggressor. If the evidence suggests that there was an intention to cause severe harm to the victim, this should be regarded as abusive whether or not severe harm was actually caused.

Sexual Activity of young people

2.4 This subject is dealt with in Section 28 of these Procedures.

Group behaviour

2.5 There may be evidence suggesting that two or more abusers have acted together and/or that more than one child has been abused. If so, children's social care will report this to the Principal Officer/Child Protection and Review who will advise the strategy discussion on the implications. See also Section 15 of these procedures [Complex (Organised or Multiple) Abuse].

Cyberbullying

2.6 Practitioners should be aware of the potential uses of information technology for bullying and abusive behaviour between young people. Guidance on this issue will be found in Section 29 of these procedures – E-Safety.

Victims of crime

2.7 Practitioners should be aware of the added vulnerability of children and young people who have been the victims of violent crime (e.g. mugging) – including the risk that such young people may respond to this by abusing other, younger or weaker children.

Gangs

2.8 Practitioners should be aware that young people may be vulnerable to abuse by other young people because of gang activity in their home area. They may be abused because of their status as a member, or as a non-member, of a gang.

3. PREVENTION

3.1 It is not enough to respond to incidents as they arise: all agencies which work with children should strive to create an environment which actively discourages abuse and which challenges the attitudes which underlie it. Agencies should have a policy on bullying, and on sexual and racial harassment. They should also consider the effect of adult behaviour on children who may view them as role models.

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4. THE STRATEGY DISCUSSION

- 4.1 Any professional who feels that a young person has abused another child or young person should notify children's social care without delay. They will arrange a strategy discussion which will include the referring agency, the police and the Youth Offending Service.
- 4.2 In order to give priority to them, issues relating to the safety of victims and potential victims must be discussed first and completely separately from any issues relating to the needs of the alleged aggressor. This will usually require separate meetings.
- 4.3 The strategy discussion(s) will consider:
- Whether the alleged aggressor seems to pose a continuing risk to any child;
 - How to protect any child who appears to be at immediate risk of significant harm;
 - Whether section 47 enquiries should be initiated (or continued if they have already begun) and how they should be handled; and
 - What action should be taken in respect of the alleged aggressor, e.g. arranging a risk management meeting (see paragraph 6.3).
- 4.4 It is important to co-ordinate action to address these issues: no agency should initiate action which has implications for another agency without appropriate consultation unless this is unavoidable in order to protect the safety of a child.

The victim

- 4.5 The strategy discussion will consider what action is necessary to ensure the immediate safety of the identified victim(s) and what further enquiries are necessary to assess any further risk. A child protection conference must be arranged unless the child does not appear to be at continuing risk of significant harm. The child should be assumed to be at continuing risk unless all those concerned are satisfied that the action taken by parents/carers will be sufficient to safeguard her/him.
- 4.6 If the victim remains at risk, the conference will consider the need for registration and a child protection plan in the usual way.

Other children

- 4.7 The strategy discussion will consider:
- Whether the alleged aggressor appears to pose a risk to any other children and young people or to vulnerable adults;
If the young person appears to pose a risk to any vulnerable adult, a safeguarding alert must be made to the Adults and Communities Directorate.

- Whether any further assessment of this risk is needed;
- What immediate action, if any, should be taken to minimise this risk; and
- Whether to initiate section 47 enquiries in respect of any of these children and young people.

The alleged aggressor

- 4.8 Any action taken in respect of the alleged aggressor must be based on a preliminary assessment of the risk which they pose to other children. The strategy discussion will consider what immediate action can be taken to minimise this risk.
- 4.9 If the alleged aggressor is over the age of 10, the strategy discussion should consider the most appropriate course of action within the criminal justice system.
- 4.10 Young people who abuse others frequently have considerable needs themselves: an initial assessment of the alleged aggressor's needs should be carried out at this stage.
- 4.11 If there is evidence that the alleged aggressor has also been the victim of abuse, the police will consider whether to initiate a separate criminal investigation relating to this. It is not appropriate to initiate section 47 enquiries in respect of the alleged aggressor unless there is information suggesting that they are at continuing risk of significant harm.

5. ACTION IN RESPECT OF THE VICTIM

- 5.1 In all considerations about long-term action in respect of a victim of peer abuse, these child protection procedures should be followed in respect of that child in the usual way. Where a young person has abused a sibling, this will involve consideration of the support needs of the parents.

6. ACTION IN RESPECT OF THE AGGRESSOR

- 6.1 The alleged aggressor is likely to pose a continuing risk to others unless:
- The opportunity for further abuse is ended; and
 - The young person has acknowledged the abusive behaviour and accepted responsibility for it; and
 - The young person and their family have agreed to work with relevant agencies to address the problem.

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6.2 Children's social care will arrange an initial assessment of the alleged aggressor's needs. This will include consideration of:

- The nature, extent and context of the abusive behaviours;
- The young person's development and family and social circumstances;
- Whether the young person appears to pose a continuing risk and, if so -
 - ◇ Who is likely to be at risk from him/her (e.g. self, other children, vulnerable adults, particular children, particular adults), and
 - ◇ The nature and degree of the risk;
- The young person's needs for services, both those which relate to his/her harmful behaviour and other significant needs;
- Whether the young person is also at risk of significant harm and should be the subject of a child protection conference; and
- Whether action is to be taken within the criminal justice system.

6.3 If the initial assessment concludes that the young person poses a continuing risk to others, children's social care will arrange a risk management meeting. This meeting should be attended by:

- Persons who have responsibility for the welfare of any child who has been identified as currently being at risk from the alleged aggressor;
- Carers of any vulnerable adult who has been identified as currently being at risk from the alleged aggressor;
- Persons who have responsibility for the welfare of the alleged aggressor;
- Persons who have access to resources which are likely to be required to safeguard any child; and
- The Adults and Communities Directorate, if the young person appears to pose a risk to vulnerable adults.

It may be appropriate to invite the Youth Offending Service to attend the meeting or to submit written or verbal advice on the issues to be discussed.

- 6.4 It is important to keep the risk management meeting separate from any child protection conference. The purpose of the risk management meeting is to reduce the risk which the alleged aggressor poses to children and vulnerable adults both at present and in the longer term. This will include:
- Ensuring the safety of children who are likely to come into contact with the alleged aggressor in the immediate future;
 - Action to confront and challenge the alleged aggressor's behaviour and attitudes; and
 - Monitoring progress.
- 6.5 The meeting will make recommendations and, where possible, will make commitments about action to be taken and resources to be provided for the safety of the children involved. Any recommendations should be based on the following assumptions:
- A victim of abuse must not be left in contact with her/his abuser without adequate protection; and
 - Moving the alleged aggressor away from the victim to another place where there are children may not reduce the overall risk to potential victims, and may actually increase it.
- 6.6 The long-term control of risk may depend on an addressing any unmet needs of the alleged aggressor. This will be co-ordinated by children's social care.
- Criminal matters**
- 6.7 Child welfare and youth offending staff should work in close liaison and neither should embark on any course of action that has implications for the other without appropriate consultation. If there is a criminal case pending, the young person may have been instructed not to co-operate with an assessment and this must be taken into consideration when discussing the offence with them.
- 6.8 If action is taken through the criminal justice system, work with the alleged aggressor to reduce the risk may take place under a court order or as part of a programme of work following a Warning.

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