**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**Peer Abuse: Children Who Harm Other Children**

In April 2014 West Sussex Safeguarding Board published the serious case concerning the responses of agencies between January 2011 and March 2013 to allegations of sexual abuse made by a number of young boys in the context of earlier allegations made in 2009 and 2010. All the young people were aged under 18 at the time the allegations were made and the perpetrator (to whom was given the pseudonym John) was also aged under eighteen at the time the offences were committed. This practice guidance should be read in conjunction with the [Pan Sussex Procedures 8.7: Children who Harm Other Children.](https://sussexchildprotection.procedures.org.uk/tkly/children-in-specific-circumstances/children-who-harm-other-children)

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.

The guiding principles for dealing with these situations are:

* The interests of the identified victim must always be the paramount consideration
* The needs of the victim and the needs of the alleged perpetrator must be considered separately;
* In addition to safeguarding the identified victim, agencies must consider whether the alleged perpetrator 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 perpetrator is likely to have considerable unmet needs as well as posing a significant risk of harm to other children;
* There should be a co-ordinated approach by children’s social care, police, youth offending, education and health agencies.
* It is likely that the abuser may pose a significant risk of harm to other children, have considerable needs themselves and may also be or have been the victim of abuse. The interests of any such children must also be considered as part of the response to the referral and in the multi-agency management of the case.

A different social worker should be allocated for the victim and the abuser, even when they live in the same household, to ensure that both are supported through the process of the enquiry and that both their needs are fully assessed.

Strategy Discussion

In all cases where the suspected abuser is a child or young person, Children's

Social Care must convene a Strategy Discussion as a face-to- face meeting. The

Police will also decide whether a criminal offence is alleged.

The Strategy Discussion/Meeting must consider the needs of both children, as

well as any other children who may be at risk from the alleged perpetrator. Best

practice would be for separate meetings to be convened for the victim/others at

risk and the alleged abuser.

When the young people concerned are the responsibility of different local

authorities, each must be represented at the Strategy Discussion, which will

usually be convened and chaired by the authority in which the victim lives.

The following individuals should be invited to the meeting:

* Social worker for the child who is suspected or alleged to have abused another person;
* Social worker for the child alleged to have been abused;
* Social workers' practice manager(s);
* Police;
* YOT representative where the alleged abuser is aged ten or over;
* School representatives (particularly if the concerns suggest that other children in the school setting may have been or may be at risk of being abused);
* School nurse or other health services staff;
* Representatives of fostering or residential care as applicable;
* Education.

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

* Information relevant to the protection needs of the alleged victim (and any other child or children who may be at risk) is gathered;
* Any criminal aspects of the abuse are investigated;
* Any information relevant to any abusive experiences and protection needs of the alleged perpetrator are gathered.

In planning the investigation the following factors should be considered:

* Age of both children and any other child or children who may be at risk;
* Seriousness of the alleged incident;
* Effect on the victim and their own view of their safety;
* Parental attitude and ability to protect their child;
* Arrangements to protect the victim and other children, especially where the victim and alleged perpetrator are in the same household or school class;
* Whether there is suspicion that the alleged abuser 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 strategy discussion will consider:

* Whether the alleged perpetrator appears to pose a risk to any other children and young people;
* 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.

Where there is suspicion that the child is both an abuser and the victim of abuse, the Strategy Discussion must consider the order in which interviews will take place. The conduct of any investigation will be discussed within a Strategy Discussion and the interview planning meeting to ensure the requirements of the Police and Criminal Evidence Act (PACE) 1984 and Achieving Best Evidence are met. Where police decide to conduct a separate 'offender' interview, Children's Social Care will not normally be involved other than in performing any statutory responsibilities to the child e.g. as Appropriate Adult.

The victim

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.

If victim and perpetrator are members of the same family/household, before making any arrangement to return the perpetrator to the family/household it is critical to ensure that the victim’s views have been heard and that s/he feels safe.

The alleged perpetrator

Young people who abuse others frequently have considerable needs themselves, so an assessment of the alleged perpetrator’s needs should be carried out.

Any decision on action in respect of the alleged perpetrator must be based on the risk they pose to other children and what can be done to minimise this risk. If the alleged perpetrator is over the age of 10, consideration should also be given to whether action under the criminal justice system would be appropriate.

If there is evidence that the alleged perpetrator has also been the victim of abuse, the police will consider whether to initiate a separate criminal investigation relating to this.

The alleged perpetrator is likely to pose a continuing risk to others unless the opportunity for further abuse is ended and the young person and their family have agreed to work with relevant agencies to address the problem. It has also been proposed that the risk remains high unless the young person accepts responsibility for the abusive behaviour, but more recent research has suggested that in the case of sexually harmful behaviour, denial may be rooted in shame and a well-founded fear of consequences of admission. Consequently, while denial will have consequences for the treatment approach, it does not necessarily indicate that sexually harmful behaviour is likely to be repeated.

Assessment of an alleged perpetrator’s needs 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 (for example self, other children, Adults at Risk, particular children, particular adults), and the nature and degree of the risk;
* The young person’s need 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;

Where the decision is reached that the alleged behaviour does not constitute

abuse or the child is under the age of criminal responsibility, 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.

The position of the alleged victim(s) and the alleged perpetrator must

be considered separately. If the information gathered in the course of enquiries

suggests that the perpetrator is also a victim, or potential victim, of abuse

including neglect, a Child Protection Conference must be convened.

Where there are no grounds for a Child Protection Conference, but concerns

remain regarding the child's sexually abusive behaviour, (s)he will be considered

as a Child In Need. In such cases, a multi-agency planning meeting should be

held.

Child Protection Conference

Consideration should be given to inviting a youth offending team representative to the conference of alleged abusers aged 10 or over, and informing YOT of the meeting in the case of younger children.

As well as carrying out all of its normal functions the Child Protection Conference must consider how to respond to the child's needs as a possible abuser.

Where the alleged perpetrator is not subject to a Child Protection Plan, 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.

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 (CPS). This decision will take into account any recommendations of the youth offending team and the views of other professionals.

Best practice suggests that criminal proceedings should not be taken where:

* Criminalising certain types of behaviour may be detrimental to the interests of all concerned;
* It is inappropriate to pursue the criminal aspects of the case because the professionals are satisfied that sexual activity took place but that it was not abusive.

Multi-Agency Planning Meetings

Where there are insufficient grounds for holding a Child Protection Conference, or where one has been held but the child is not subject of a Child Protection Plan as a result, a multi-agency approach will still be needed if the young abuser's needs are complex.

In such cases a multi-agency planning meeting should be convened by Children's Social Care to pool information, allocate roles and set a time-table for an assessment of the needs of the child and the risk posed by them, as well as to coordinate any other interim intervention.

Those invited should include participants of the Strategy Meeting and representatives from health (including child and adolescent mental health services), school and any other appropriate service provider, the child and her/his parents / carers.

In cases where the young abuser is also Looked After, consideration should be

given to the need for a plan to minimise risk of future offending, agreed with the

child's carers and their agency

Further information:

[Pan Sussex Guidance - Children who harm other children](https://sussexchildprotection.procedures.org.uk/tkly/children-in-specific-circumstances/children-who-harm-other-children)

[Pan Sussex Guidance on Children who present with sexually harmful behaviours](https://sussexchildprotection.procedures.org.uk/tkyqz/children-in-specific-circumstances/guidance-on-children-who-present-with-harmful-sexual-behaviours#sb548)

[NSPCC: An evidence-informed framework for children and young people displaying harmful sexual behaviours](https://learning.nspcc.org.uk/research-resources/2016/harmful-sexual-behaviour-framework/)

[SCR - John](https://www.westsussexscb.org.uk/wp-content/uploads/WSSCB-SCR-report-01-04-14.pdf)

[WSSCB - Response to SCR- John](https://www.westsussexscb.org.uk/wp-content/uploads/WSSCB-SCR-Response-April-141.pdf)