

# Harmful Sexual Behaviour

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## 1. Introduction

It is recognised that sexual exploration and experimentation are a normal part of childhood development and as such these procedures recognise that some children do engage in age-appropriate behaviours as part of natural childhood sexual development.

This policy seeks to identify when sexual behaviour by children and young people should be considered in the context of 'normal' developmental behaviours, and when they should be considered as harmful. The procedure should be followed to identify assess and intervene with the child or young person who has displayed harmful behaviour or abusive sexual behaviour.

These procedures aim to provide a clear operational framework in respect of children and young people who display harmful sexual behaviour and their alleged victims. It is important to note that professionals need to remain aware of the negative effect of labelling children and young people as 'young sex offenders' or 'young abusers.' The use of 'children or young people who display harmful sexual behaviour' is considered to be more appropriate as this terminology acknowledges that their development as a child or young person is the first and foremost consideration and that they are displaying or enacting behaviour(s) that need to be appropriately addressed to work towards change.

The primary objective of all work with children and young people who display harmful sexual behaviour must be the protection of the victim and the prevention of a reoccurrence of the harmful sexual behaviour. It is therefore essential for there to be a coordinated, multi-disciplinary response in accordance with statutory guidance and these procedures.

A significant proportion of sexual offences against children and young people are committed by their peers. Professionals should not dismiss this harmful sexual behaviour as "**normal**" **between children and young people** and should not develop high thresholds before taking protective steps.

Children and young people who display harmful sexual behaviour should be held responsible for their abusive behaviour, while being identified and responded to in a way that meets their needs as well as protecting others.

It is important to consider that children and young people who display harmful sexual behaviours may have considerable unmet needs. For some the manifestation of harmful sexual behaviours may be as a direct result of suffering abuse perpetrated by adults and or may have experienced traumatic events in their lives.

## 2. Key Principles

The following is a guide to key principles that should underpin work with children/young people who display harmful sexual behaviour:

- To ensure that all children/young people under the age of 18 years who display harmful sexual behaviour towards other children or adults are identified and responded to by professionals within the multi-agency network;
- Incidents of sexually harmful behaviour should be dealt with under the specific child protection procedures which recognise the child protection and potentially criminal element to the behaviour. There should be a coordinated approach between the agencies. The needs of children/young people who display harmful sexual behaviour should be considered **separately** from the needs of their victims. The consequences for the victim should be considered just as seriously as when the abuse is perpetrated by an adult;
- A coordinated approach between the agencies and effective interagency information sharing is central to these arrangements;
- Early and effective, targeted holistic intervention with children and young people who display problematic or harmful sexual behaviour can play an important part in protecting children, by preventing the continuation or escalation of abusive behaviour;
- Children with harmful sexual behaviours who receive adequate intervention are less likely to go on to commit abuse as an adult compared to children who receive no support; the needs of the children and young people should be considered separately from the needs of their victims;
- An Aim 2 assessment should be carried out with young people aged 12 -18 years old case within the continuum of problematic to violent sexually harmful behaviour (Hackett) appreciating that these children may have considerable unmet developmental needs as well as specific needs arising from their behaviour;
- [The Brook Traffic Light Tool](#) and should be used at the initial screening stage by Children's Duty Teams, Social work Teams or Early Help Teams to ensure consistency in decision making in relation to children and young people referred as engaging in Harmful Sexual Behaviours;
- Children and young people may also sexually harm adults in need of safeguarding. In such circumstances refer to the Adults Social Care Team.

### 3. Definition

Sexual behaviours expressed by children and young people under the age of 18 years old that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child, young person or adult'. (Hackett 2014 Children and Young People with Harmful Sexual Behaviours. The boundary between what is harmful and what is part of normal childhood or youthful experimentation can be blurred. A professional's ability to determine whether a child's behaviour is healthy, problematic or harmful will hinge upon the related concepts of true consent, power imbalance and exploitation.

Healthy developmental sexual activity encompasses those actions, which are to be expected from children and young people as they move from infancy through to adulthood gaining an understanding of their physical, emotional and behavioural relationships. Such sexual activity is essentially information gathering and experience testing. It is characterised by mutual consent and understanding.

#### A Continuum of Sexual Behaviours

Not all sexual behaviours displayed by children/ young people are healthy; some are harmful and some fall within a mid-range (problematic) which are not the most worrying but nevertheless impact on the safety and well being of others. Professionals can sometimes struggle to identify which sexual behaviours are potentially harmful and which represent healthy sexual development. It is therefore important that professionals are able to distinguish between behaviours that are normal and those that are abnormal regardless of culture, faith, beliefs, and their own experiences or values. Hackett et al (2010) proposed a helpful continuum model to assist with this process:

#### Normal

- Developmentally expected;
- Socially acceptable;
- Consensual, mutual, reciprocal;
- Shared decision making.

#### Inappropriate

- Single instances of inappropriate sexual behaviour;
- Socially acceptable behaviour within peer group;
- Context for behaviour may be inappropriate;
- Generally consensual and reciprocal.

**Problematic**

- Problematic and concerning behaviours;
- Developmentally unusual and socially unexpected;
- No overt elements of victimisation;
- Consent issues may be unclear;
- May lack reciprocity or equal power;
- May include levels of compulsivity.

**Abusive**

- Victimising intent or outcome
- Includes misuse of power;
- Coercion and force to ensure victim compliance;
- Intrusive;
- Informed consent lacking, or not able to be freely given by victim;
- May include elements of expressive violence.

**Violent**

- Physically violent sexual abuse;
- Highly intrusive;
- Instrumental violence which is physiologically and/ or sexually arousing to the perpetrator;
- Sadism.

Assessing where any reported behaviour fits on this continuum can be a complex process. It is important to place any child's sexual behaviour within a developmental context and recognise the key differences between the motivations and meaning of such behaviours at varying stages of development.

Children and young people may engage in harmful sexual behaviours on-line, using new technologies. On-line sexual behaviour may involve criminal or abusive behaviours such as grooming, sexual abuse, extortion, threats, malicious conduct, or creation or showing of sexual images without the knowledge or consent of the person who was filmed or pictured.

These procedures will apply when a child or young person has downloaded, distributed or produced sexual images which involve a criminal or abusive element beyond the creation, sending or possession of these images themselves, without adult involvement (where there has been adult involvement, separate procedures apply).

Youth produced sexual images that were experimental or sexual attention-seeking, with no intent to harm another person or reckless misuse resulting in actual or likely harm caused to another person, do not fall within the remit of this procedure.

At the initial referral triaging stage the [Brook Traffic Light Tool](#) may also be useful in distinguishing between 'normal' age-appropriate behaviour and behaviour which causes concern (see [Brook Sexual Behaviours Traffic Light Tool: A Guide to Identifying Sexual Behaviours](#)).

These checklists of behaviours are not intended to replace any expert or comprehensive assessment of the needs of a child or young person. They are intended to support thinking in looking at the immediate situation, helping to assess the level of seriousness and/or risk and the type of action that needs to be taken. There are four checklists which apply to different age bands [0-5, 5-9, 9-13 and 13-17]. They provide examples of a range of behaviours and categorise these as red (outside safe and healthy behaviour); amber (has potential to be outside safe and healthy behaviour); or green (safe and healthy sexual development).

### **Consent Issues**

If a young person is under the age of 13 years old, they cannot legally consent to any form of sexual activity (Sexual Offences Act 2003). Therefore, a child protection referral is required in all such cases.

### **Action in relation to children aged 13, 14 and 15**

The Sexual Offences Act 2003 reinforces that, whilst mutually agreed, non-exploitative sexual activity between teenagers does take place and that often no harm comes from it, the legal age of consent remains at 16. This acknowledges that this group of young people is still vulnerable, even when they do not view themselves as such.

An assessment should take place of the young person's competency to give consent (that is they are Gillick Competent using Fraser Competent guidelines), and of the nature of the relationship. Consider any differences of age, maturity, level of development, functioning and experience and also the awareness of the potential consequences of their actions.

#### **4. Key Research Findings**

- Many children and young people who present with HARMFUL SEXUAL BEHAVIOUR have histories of multiple abuse and disadvantage and have come to the attention of child welfare agencies before the HARMFUL SEXUAL BEHAVIOUR emerged (ASHurst 2011);
- Younger children presenting with HARMFUL SEXUAL BEHAVIOUR have a high probability of having been sexually abused themselves. These children may re-enact abuse they experienced directly and will require intervention that responds appropriately to them as both victims and sexually-reactive children;
- Cases involving younger children should be dealt with early and in qualitatively different ways to those involving adolescents with harmful sexual behaviours (Chaffin et al 2002);
- Early adolescence, particularly during onset of puberty, appears to be a peak time for engaging in HARMFUL SEXUAL BEHAVIOUR. Most of those who do are male, although evidence is emerging about small but increasing numbers of females whose sexual behaviours are harmful;
- Some form of learning disability is common among children and young people who engage in HARMFUL SEXUAL BEHAVIOUR. Thus, they may be more vulnerable and neglected than typical children and may need specialist support that takes into account both their behaviours and their particular learning conditions;
- Children have greater access to information about sex through technology and this has had an impact on their attitudes to sex and sexual behaviour;
- The family context is also relevant in understanding behaviour and assessing risk. Many families of young people with harmful sexual behaviours are described as multiply-troubled; a significant proportion are from highly problematic family backgrounds and have experienced multiple disadvantages and adversities.

#### **5. Indicators**

There are no diagnostic indicators in personal or family functioning that indicate a pre-disposition towards sexual offending although the following characteristics have been found in the background of some young people who sexually offend:

- Poor attachment, nurturing and parental guidance;
- Domestic violence and abuse;

- Previous sexual victimisation - a younger age at the onset of the abuse is more likely to lead to sexualised behaviour;
- Social rejection and loneliness;
- Low empathy skills.

Many of these factors exist alongside typical family environments where other forms of abuse are present.

There is a significant minority of young people who display this behaviour who have a level of learning need - up to 40% in some studies. Their needs must be carefully assessed as many assessment tools are not suitable. Also, the intervention may need to be extended and involve a high degree of coordination between agencies.

The link between on-line behaviour and harmful sexual behaviour may also be a cause for concern. Technology-assisted harmful sexual behaviour (TA-HSB) can range from developmentally inappropriate use of pornography (and exposing other children to this), through grooming and sexual harassment. On-line behaviour may be a trigger for sexual abuse and the long-term effect of exposure to pornography can affect the ability to build healthy sexual relationships. (See [NSPCC Research and Resources](#).)

It can be useful to think of sexual behaviour as a range or continuum from those behaviours that are developmentally and socially accepted to those that are violently abusive. Most healthy sexual behaviour can be characterised by:

- Mutuality (Children of a similar developmental and chronological age);
- Absence of coercion in any form (bullying, emotional blackmail, fear of the consequences);
- Absence of emotional distress;
- Additionally, sexual behaviour which seems compulsive is repeated in secrecy and continues after interventions from parents or carer's, is a cause for concern.

The [Brook Traffic Light Tool](#) may also be useful in distinguishing between 'normal' age-appropriate behaviour and behaviour which causes concern.

## **6. Protection and Action to be Taken**

Incidents of harmful sexual behaviour come to light, either through discovery or disclosure, which may be third-party or second-hand information. The details provided should be accurately recorded by the person receiving the initial account. It is essential that all victims are reassured that their allegations are taken seriously, and they will be safeguarded. Where

the disclosure is to a professional, a designated safeguarding lead should undertake and record an initial risk assessment and consider three factors:

- The victim, especially their protection and support;
- The alleged perpetrator; and
- The risk to any other children (and, if appropriate, adults).

Concerns about the behaviour and the welfare and safety of the children should be discussed with Children Social Care as set out in the [Referrals to Children's Social Care Procedure](#).

Children 's Social Care will undertake an assessment and there should be an inter-agency strategy meeting if the concerns are that a child has suffered, or a child or children is likely to suffer, significant harm.

The Strategy Meeting is a forum for sharing background information, making initial assessments of risk and protective factors and planning further action. In addition to police and children's' social care, schools, Youth Offending services, CAMHS or any other agency with significant contact to any of the young people should also be invited to the meeting where appropriate.

If the child using Sexual Harmful Behaviour is also a victim of abuse, consideration should be given to convening a Child Protection Conference if the young person is deemed to have suffered, or is likely to suffer, significant harm. Consideration needs to also be given to the risk to other children in the family and how they are kept safe from harm and a Child Protection Conference should be considered.

If the Child who has used sexual harmful behaviours is a Looked After Child (LAC) then the IRO for the child will be informed and kept updated by the Social Worker'. There will be consideration for the safety of other children placed with the child who has used sexually harmful behaviours and any children of the foster carers.

Where a Child Protection Conference is convened there is no need to hold a multi-agency meeting to avoid repetition of actions and multiple meetings. The Child Protection Conference will therefore need to address the needs of the child/young person, both as a Child using harmful behaviour and as a victim, and this should be made clear at the outset.

In cases where the threshold is met, a meeting should be convened under the [Multi-Agency Public Protection Arrangements \(MAPPA\)](#) to consider public protection matters and safety. Following the investigation, if the decision is made to engage the young person in further work, it is important that these discussions take place as soon after the investigation as possible. Successful engagement of families significantly diminishes if there is a time delay in arranging specialist intervention.

**Note** Schools should follow the statutory guidance: [Keeping Children Safe in Education](#) which came into force on 3rd September 2018

## **7. Issues**

Young people may be in denial about having a problem with their sexual behaviour and this may be supported by parents who do not want to confront the reality of their child behaving in this way. There is often no legal requirement for the child or family to accept help and it may be easier to ignore the problem than confront it. This is a common response to this issue; practitioners will need to be familiar with the process and intervention if they are to encourage anyone to accept it. It may be helpful to frame the work as an opportunity to understand how the young person came to be in a position where they behaved in a way considered to be abusive.

Supporting parents and carers is necessary in promoting engagement and successful outcomes. Parents and carers need to be informed about the programme so they are aware that what could be considered sexually explicit conversations will take place, also they may be asked to speak to their child about sexual issues. They should also be asked and encouraged to model appropriate and respectful sexual attitudes and language. Evidence suggests that young people 'take on' and internalise labels, and therefore to describe a young person only as a 'sex offender' or 'young abuser' may impact on their motivation and responsiveness in both assessment and treatment, leaving them feeling they cannot change.

## **8. Referral and Assessment**

Anyone who is worried that a child might be presenting with harmful sexual behaviours should refer their concerns to children's social care in accordance with the [Referrals to Children's Social Care Procedure](#).

Allegations of harmful sexual behaviour will be taken seriously and discuss the behaviours with the referrer and based on an assessment, decide whether to commence a Single assessment or it is necessary to hold a Strategy meeting (see [Strategy Discussions Procedure](#)) and pursue a Section 47 enquiry (see [Section 47 Enquiries Procedure](#)).

Following Harmful Sexual Behaviour's being identified the Safeguarding Unit will be notified. Social Care and Early Help will notify the Safeguarding Unit of any child using Harmful Sexual Behaviour, where the assessment indicates inappropriate, problematic, abusive and or violent behaviour. The Safeguarding Unit will offer consultation and overview.

It is recommended throughout the process of referral screening assessment and strategy meetings the following be used:

- The LSCB Threshold Document;
- The combined use of the Brooks Traffic Light Screening tool;
- Key Hackett Harmful sexual behaviour continuum indicators.

Separate enquiries and investigations will be pursued in respect of the victim and child presenting harmful sexual behaviours.

Where relevant, assessments will be undertaken in relation to the child or young person presenting harmful sexual behaviours in conjunction with the Youth Offending Service.

A different social worker should be allocated to the victim and to the child or young person with the alleged harmful sexual behaviour even if they live in the same household to ensure that both are supported through the process of the enquiry and that in relation to both children, their needs are fully assessed. It should be recognised that disclosure of problematic or harmful sexual behaviour can be extremely distressing for parents and carers. A child and their family should always be advised of their right to seek legal advice and supported through the process.

The police child abuse investigation unit (CAIU) will always consult with children's social care regarding cases that come to their notice to ensure that there is an assessment of the victim's needs and that in all cases, there is an assessment of the child alleged to be presenting with harmful sexual behaviour. Each child should be referred to the children's social care service responsible for their home address.

Children presenting with harmful sexual behaviour who are returning to the community following a custodial sentence or time in secure accommodation also require consideration through this procedure.

## **9. Strategy Discussion**

Children's Social Care Services and Police will convene a strategy meeting (see [Strategy Discussions Procedure](#)) in relation to the child or young person alleged to have displayed the harmful sexual behaviour and the child victim where there is reasonable cause to suspect that either the child or young person concerned is suffering or likely to suffer significant harm. e.g. where the police decide to investigate a criminal offence. Consideration should be given to holding separate strategy discussions for the child victim and child presenting with harmful sexual behaviour.

The strategy meeting should consider:

- Issues of child and public protection, including a clear understanding and description of any alleged incident;
- An assessment of the child/young person's needs, and the need for further specialist assessment;
- The roles and responsibilities of child welfare and criminal justice agencies;
- Any on-going safety issues for all of the young people involved;
- Whether the child using sexually harmful behaviour is a victim of abuse.

The context of the behaviour and background of the young people and their family are important factors in determining next steps. Where there is no requirement to hold a formal strategy meeting, it is recommended that a multi-agency planning meeting is held to consider the needs of the children or young people involved.

Strategy meetings will make contingency plans for future actions following further assessment and investigation of the incident. The option of convening a follow up strategy meeting post the investigation may be useful in some cases. Where separate strategy meetings are held, care must be taken to ensure that the appropriate professionals attend the right meeting in order to ensure confidentiality. E.g. school representatives should only attend the strategy meeting involving a pupil in their school. The police and social worker conducting the enquiries should attend both meetings.

**Where a strategy meeting relates to a child consideration be given to a representative from the Youth Offending Service or Therapeutic Services to attend the meeting.**

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

- Information relevant to the protection and needs of the alleged victim is gathered;
- Any criminal aspects of the alleged abuse are investigated;
- Any information relevant to any abusive experiences and protection needs of the child who is presenting harmful sexual behaviours, is gathered;
- Any information about the risks to self and others, including other children in the household, extended family, school, peer group or wider social network, is gathered;
- Any relevant background/historical information impacting on the child i.e. learning difficulties, mental capacity etc.

Where there is suspicion that the child who is presenting with harmful sexual behaviour is also a victim of abuse, the strategy discussion must decide the order in which interviews with the child will take place.

When a child is aged 10 or over and is alleged to have committed a criminal offence, agreement must be reached between the police and children's social care as to the most appropriate method for interviewing the child. It may be preferable to interview the child or young person as a potential victim of abuse.

If a child is to be interviewed as a victim of or witness to alleged abuse under the provisions of the [Achieving Best Evidence Guidance](#) and the child admits offences, these incidents should normally be the subject of a separate interview.

In complex situations where there are a number of victims and possible perpetrators, the strategy discussion should appoint a Strategic Management Group to co-ordinate the overall investigation (see [Complex \(Organised or Multiple\) Abuse Procedure](#)).

## **10. Section 47 Enquiries and Assessment Child and Young Person Presenting with Harmful Sexual Behaviour**

Specialist opinion may be required to inform the assessment from those providing specialist treatment services for young people who sexually harm others.

If it appears that either the child presenting harmful sexual behaviour or the victim child is suffering or at risk of suffering significant harm, the Section 47 Enquiry and Single Assessment Framework process will be followed. Otherwise, consideration will be given to a Single Assessment in accordance with the Assessment Framework.

In these circumstances, relevant considerations include:

- The nature and extent of the harmful sexual behaviours and the impact on the victim;
- The context of the harmful sexual behaviours;
- The age of the children involved;
- The child's development, and family and social circumstances;
- Whether the children presenting harmful sexual behaviours acknowledges the alleged behaviour;
- Whether there are grounds to suspect that the child presenting harmful sexual behaviour has been abused or that adults have been involved in the development of the harmful sexual behaviour;
- Both children's needs for services; and

- The risks if any that the child presenting with harmful sexual behaviour poses to him/herself and others, including other children in the household, extended family, school, peer group or wider social network.

Following the **single assessment**, a multi-agency meeting (HARMFUL SEXUAL BEHAVIOUR) should be convened and the following steps taken (with attendees see below) to develop agree:

- A written risk management plan in relation to any child identified as a potential risk; including educational and accommodation arrangements both for the child presenting with harmful sexual behaviours and the potential victim/s;
- Appropriate arrangement for the continuation of the assessment and the need for any specialist assessment (AIMS 2);
- How the services to be provided will be coordinated.

The meeting should identify the Lead Social Worker and review process with clear timescales.

## **11. Outcomes of Section 47 Enquiry - Child Presenting with Harmful Sexual Behaviour**

If the information gathered in the course of the Section 47 Enquiry suggests that the child or young person who is suspected or alleged to have sexually harmed is also a victim, or potential victim, of abuse including neglect, a Child Protection Conference should be considered. A representative from the Youth Offending Service (YOS) and a representative from specialist services within Leicester City, Leicestershire and Rutland (e.g. CFST within Leicester City and Therapeutic HARMFUL SEXUAL BEHAVIOUR Social Worker, Leicestershire) areas should be invited to the Initial Child Protection Conference.

If the child becomes the subject of a Child Protection Plan, the coordination of services will continue through the Core Group, which should address the child's harmful sexual behaviour, the potential risks the child poses to others as well as the concerns which resulted in the need for a Child Protection Plan.

## **12. Outcomes of Assessment Section 47 Enquiry -The Victim Child**

Where a Section 47 Enquiry in relation to a victim child concludes that the child may still be at risk of significant harm, an Initial Child Protection Conference must be convened to assess the risks and consider the need to safeguard the child through a Child Protection Plan.

In all cases, the child/ren may require services to support them through interviews in line with [Achieving Best Evidence Guidance](#) and through any court actions that may follow. The assessments undertaken may determine that there is a need for support services, such as

counselling services whether the child is in need of safeguarding or a child in need. The child's social worker should keep up to date with developments by communicating with the social worker for the child presenting harmful sexual behaviours to ensure that the child victim remains safeguarded.

### **13. Child and Young Person Presenting with Harmful Sexual Behaviour (HSB) Multi-Agency Planning Meeting**

Where the Child Protection Conference decides that there are no grounds for a child protection Plan but concerns remain regarding the child's harmful sexual behaviour, he/she will be considered as a Child in Need. Consideration should then be given to the need for services to address any harmful sexual behaviour and the inter-agency responsibility to manage any risks. In these circumstances, a multi-agency HARMFUL SEXUAL BEHAVIOUR meeting must be convened by Children's Social Care Services. This multi-agency HARMFUL SEXUAL BEHAVIOUR should take place as early as possible after the Conference.

The purpose of such a meeting is to:

- Bring together information. This should always include a Chronology of relevant presenting Harmful sexual behaviours;
- Arrange for an assessment of risk and of the needs of the child engaging in harmful sexual behaviour;
- Set a time-table for the assessment;
- Establish an initial risk management plan in relation to the child engaging in harmful sexual behaviour including educational and accommodation arrangements;
- Establish a risk management plan in relation to any child identified as being at potential risk; including educational and accommodation arrangements;
- Allocate roles;
- Co-ordinate how any interim services or intervention will be provided.

In addition to those involved in the strategy meeting, those invited will include:

- Child Abuse Investigation Unit (CAIU) (if invited);
- The child's parent(s)/carer(s);
- A representative from Health;
- A representative from the child's school;

- A representative from either the Children & Families Support Team (Leicester City) or Therapeutic HARMFUL SEXUAL BEHAVIOUR Social Worker (Leicestershire);
- A representative from should be considered Youth Offending Service.

The meeting should identify the Lead Social Worker and review process with clear timescales. A separate worker will normally be appointed for both children, even when they live within the same household.

If the decision is reached by the Police and Children's Social Care Services that the alleged behaviour does not suggest concerns about sexual abuse or harmful sexual behaviour, and that, as such, there is no need for further enquiry. The details of the referral and the reasons for a decision of 'No further action' will be recorded.

On completion of the assessment, the same forum will be reconvened to consider the outcome and to review and co-ordinate the risk management plan and the roles of the relevant agencies in providing any identified intervention. Such intervention may include individual and/or group work, as well as ongoing support to the family or carers, and may need specialist input with regard to service users with special needs. Care will be taken to ensure services are culturally appropriate to the needs of the child and family.

In the first 6 months the HARMFUL SEXUAL BEHAVIOUR risk management plan and or intervention will be reviewed at a multi-agency meeting on 3 monthly basis and subsequently six monthly if needed At the point of closure of HARMFUL SEXUAL BEHAVIOUR work, the review will consider the possible need for long-term monitoring, which may be carried out by universal services; and the availability of advice and other services.

The decision to end the Child using sexually harmful behaviour plan and involvement of any specialist services should be made on a multi-agency basis. Factors to consider in reaching this decision include:

- The level of risk posed by the child to him or herself and others;
- If the intended outcomes of the intervention have been achieved;
- The capacity of the parents or care givers to respond appropriately to the child or young person's needs;
- The need for provision of ongoing support to the child, young person and their family.

#### **14. The Role of Early Help Services in Responding to Harmful Sexual Behaviour**

Social Care Duty Teams should consider referring children and young people who display inappropriate sexualised behaviour for an early help assessment. This should occur in line

with local thresholds and referral recommendations, **alongside the combined use of the Brooks Traffic Lights Screening Tool and with reference to key Hackett harmful sexual behaviour continuum indicators**. It is important that the focus should be on the child or young person as an individual and not on solely the presenting behaviour.

At point of referral, early help professionals should identify a designated key or lead practitioner:

- Act as a single point of contact for the child or family;
- Coordinate early help and subsequent assessments and develop the care plan to avoid unnecessary or repetitious assessments that may be stigmatising;
- Coordinate delivery of the agreed actions;
- Involve children, young people and their families and carers in the design and delivery of early help services, as appropriate;
- Reduce overlap and inconsistency in services provided.

Early help professionals should be familiar with the child or young person's health and social care record and have access to neonatal and early health information, if necessary. This includes information on developmental delays or a diagnosis of autism spectrum condition, for example.

Use a locally agreed tool as part of the early help assessment that accounts for the severity of the behaviour, to avoid unnecessary and potentially stigmatising referrals. Examples of tools include:

- The [Brook Sexual Behaviours Traffic Light Tool](#). This helps identify a range of sexual behaviours between infancy and adulthood and distinguishes between 3 levels, using a traffic light system to indicate the level of seriousness;
- The Hackett Continuum which places a child or young person's harmful sexual behaviour on a continuum indicating various levels of seriousness should also be used.

Take account of the child or young person's age, developmental status and gender and, if relevant, any neurodevelopmental or learning disabilities.

Recognise that inappropriate sexualised behaviour is often an expression of a range of problems or underlying vulnerabilities.

Use the early help assessment to identify whether the child or young person has unmet needs that can be met by universal services.

For preschool children see recommendations 1 to 5 in [NICE's guideline on social and emotional wellbeing: early years](#).

- For children in primary education see recommendation 3 in [NICE's guideline on social and emotional wellbeing in primary education](#);
- For children and young people in secondary education see recommendations 4, 5 and 6 in [NICE's guideline on social and emotional wellbeing in secondary education](#);
- Ensure services support children and young people of all ages. See the principles of care recommendations from [NICE's guideline on children's attachment](#) and the principles and values in [NICE's guideline on looked-after children and young people](#);
- For children and young people who may have a conduct disorder, see [NICE's guideline on antisocial behaviour and conduct disorders in children and young people](#);
- For children and young people who may have experienced trauma, see the sections on specific recognition issues for children (section 1.3.4) and treatment for children (section 1.9.5) in [NICE's guideline on post-traumatic stress disorder](#).

If harmful sexual behaviour is displayed, refer to harmful sexual behaviour services, child protection services and the criminal justice system, if necessary. When the child presenting with harmful sexual behaviour, the Police will consult other agencies including Children Social Care, Supporting, Leicestershire Families, Youth Offending Services (YOS), Education Services where more information is needed.

## **15. Criminal Proceedings**

When a child (aged ten or over) is alleged to have committed an offence, their interviews must be undertaken by the Police, within the provisions of the Police and Criminal Evidence Act (PACE) 1984. During the course of the criminal investigation, the Police should consult with relevant agencies working with the child and attend required planning meetings.

It may, at an early stage or at any point during such an investigation, be concluded that the harmful sexual behaviour did take place but there is insufficient evidence to continue with criminal proceedings. It also may not be in the public interest to proceed on a criminal pathway, due to welfare issues or for example when the child has a significant learning difficulty or disability or other vulnerabilities. In such circumstances a harmful sexual behaviour multi-agency meeting should be reconvened as either a joint decision-making panel or as part of an investigation conclusion meeting to consider whether any ongoing engagement / intervention is required to further assess and / or manage any risk identified.

The Crown Prosecution Service will be referred to decide the most appropriate course of action within the criminal justice system. The Crown Court Prosecution Service and Police may at this stage consider, no further action, an Out of Court Disposal, or for prosecution at Youth or Crown court. In cases where criminal proceedings are taken against the child, the Youth Offending Service (YOS) should be added to the list of attendees at any meetings.

- Where the Police are considering issuing an Out of Court Disposal the child or young person should be referred to the Youth Offending Service Police Decision Panel for a decision to be made. Provide link to Youth Offending Service Police Decision Panel;
- If, following Police investigation no further action is decided but concerns remain regarding the child's harmful sexual behaviour the child should be referred to either the Early Help or Children's Social Care Duty. Further screening using Brooks Traffic Lights and Hackett continuum guidance should occur;
- Added to this the child's age, frequency and nature previous non-criminal harmful sexual behaviour incidents, personal circumstances and previous agency involvement, intervention and support should be considered to determine whether a voluntary offer to deliver intervention should be made by Children Social Care, Supporting Leicestershire Families or Youth Offending Service;
- When a case is going through the Youth Court or the Crown Court, the Youth Offending Service will provide relevant information gained from the Single Assessment Framework and Harmful sexual behaviour meetings and processes. This may occur at the plea, bail conditions and variations between adjournments stages of the case;
- In relation to a Looked after Child or Child in Need, Children's Social Care Teams should be consulted to consider what supporting factors can be provided to the court to offer the child the best opportunity of harmful sexual behaviour intervention work that can be undertaken following the court proceedings (i.e. AIMS 2 assessment and intervention programme. This work should be jointly delivered by Youth Offending Service and the Children's Social Care;
- If a young person enters a guilty plea or is found guilty the Court will request a Pre-Sentence Report and should be asked to give sufficient time (6 to 8 weeks if possible) to complete and AIM2 assessment to inform the Pre-Sentence Report;
- Youth Offending Service will complete carry out an Assetplus assessment; and where adjournment time allows an AIM2 assessment to inform the Pre-Sentence Report;
- Youth Offending service will make a proposal to the Court for an appropriate disposal;

- If available an Aim 2 intervention plan will be formulated and roles and responsibilities identified;
- If a Referral Order is imposed by the Youth Court an AIM2 assessment and intervention target must form part of the Referral Order Contract proposals to the Community Panel;
- When the police do not reach the evidential threshold to charge a young person with an offence but concerns still exist, the case will continue to be managed by Children's Social Care through HSB multi-agency meetings to ensure that the appropriate level of care, support and intervention is provided;
- If the child/young person is convicted a referral to [Multi-Agency Public Protection Arrangements \(MAPPA\)](#) should be made if the criteria's are met.

## **16. Post-Conviction**

Children and young people with harmful sexual behaviour who are re-entering the community following a custodial sentence or time in secure accommodation will also require such an assessment/ intervention and risk management plan undertaken by Children's Social Care and the Youth Offending service coordinated via a multi-agency HARMFUL SEXUAL BEHAVIOUR meeting. This is also true for children with harmful sexual behaviour who move into the area from another authority.

Youth Offending Service must ensure Children's Social Care are informed when children are leaving these establishments in order to ensure a joint assessment and co-ordination.

The Youth Offending Service will carry out the statutory duties, in terms of supervising offenders, both in the community and in custody, as laid down by criminal justice legislation and the Children Act.

## **17. Concerns Regarding Harmful Sexual Behaviour by Younger Children**

A child under 10 years of age alleged to have displayed sexual inappropriate or harmful behaviour cannot be investigated by the police as they are under the age of criminal responsibility. This means that the responsibility for the investigation lies with Children's Social Care for inappropriate and harmful sexual behaviour. In the case of reports of harmful sexual behaviour by children under 10 years old, the above procedures can be simplified.

- A strategy discussion will occur between social worker and team manager to check (see [Information Sharing Procedure](#)) whether the reported behaviour suggests potential concerns;

- If so, an enquiry will be initiated, including background checks (discussion with school/ nursery/ G.P./health visitor etc.), and interviews with the complainant, the child and their carers;
- Where this enquiry raises concerns about the child as being a child in need of protection, a child protection conference will be convened.

Where a child protection conference is not considered to be necessary, but the child is recognised as being a child in need requiring intervention beyond simple boundary work with the social worker, a HARMFUL SEXUAL BEHAVIOUR Meeting will be convened (see [Section 13, Child and Young Person Presenting with Harmful Sexual Behaviour \(HSB\) Multi-Agency Planning Meeting](#)).

## **18. Further Information**

Ashurst, E. (2011a) Emotional Intelligence and The Practitioner Working With Harmful Sexual Behaviour. Evidence-based developments. Lyme Regis, Dorset, UK: Russell House Publishing, 102-118.

[Children and Young People with Harmful Sexual Behaviours \(Research in Practice\)](#)

[Key messages from research on children and young people who display harmful sexual behaviour](#)

[Harmful Sexual Behaviour - NSPCC research and resources](#)

[Young people who engage in child sexual exploitation behaviours - An exploratory study](#)

[Child's Play? Preventing Abuse Among Children and Young People \(Stop It Now publication\)](#)

[Provision of Therapy for Child Witnesses Prior to a Criminal Trial \(CPS\)](#)

[Brooks Sexual Behaviours Traffic Light tool](#)