



**Children
and
Young People
who
Harm Others**

DECEMBER 2009

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Contents		
Section	Title	Page number
1.0	Introduction	3
2.0	Principles	3
3.0	Recognising abuse	4
4.0	Making a referral	5
5.0	Strategy Discussion / Meeting	6
6.0	Criminal investigation	8
7.0	Outcome of enquiries	9
8.0	Child Protection Conference	9
9.0	Criminal proceedings	10
10.0	Multi-Agency Planning Meetings	10
11.0	Looked after Children	11
12.0	Children / young people moving into or re-entering a local authority area	12
13.0	Carrying offensive weapons, and gangs	12
14.0	References	13
	Acknowledgements	13

1.0 Introduction

1.1 Children and young people are usually seen as the victims in cases of child maltreatment, perpetrated by adults. However, the harm caused by children and young people to other children and young people can be significant, long lasting and traumatic. Children and young people can also harm adults, whether they parents / carers, siblings, neighbours or strangers in the street, particularly vulnerable adults.

1.2 These procedures are written in relation to sexually harmful behaviour, serious non-sexual violence or serious emotional abuse by a child or young person, either singularly or as part of a group.

1.3 Harm committed by children / young people on other people- whether they are children, young people or adults - transcends equalities issues. Gender, ethnicity, age, disabilities, sexual identity – all of these factors can be a part in harmful behaviour, for either the victim or the perpetrator. Such abusive behaviour may be either a one-off incident or may be a continuous experience for someone, that is physical, sexual or emotional (including verbal) in nature or may be a combination of those factors. It may be inflicted by a single child / young person, in pairs or by groups or gangs. It can be face to face, or in the form of cyberbullying (online via computers or mobile phones).

1.4 Whilst victims need to be offered support by professionals according to the trauma they have experienced and any associated issues, children / young people who harm others also need agency involvement, which may be intensive and protracted in its nature, in order to achieve better outcomes in their future. Just because they are the aggressor does not mean that they should not be safeguarded nor their welfare promoted. Safeguarding applies to all children / young people, whatever their background or circumstances. Those who harm others should be held responsible for their behaviour, whether that is by a court of law, other sanctions or approaches depending on the nature and severity of the incident and as agreed by the professionals involved. Those working with such children / young people should be aware that they are likely to pose a risk to others, not just the current victim and have a duty to safeguard others by sharing that information as appropriate.

1.5 As noted above, children / young people who harm others are likely to be children with additional or complex needs themselves. Evidence suggests they may have suffered significant disruption in their own lives; they may have been exposed to domestic violence within their family, witnessed or suffered physical or sexual abuse themselves, be educational under-achievers and may be involved in other types of crime.

2.0 Principles

2.1 As stated earlier this protocol is written in relation to sexually harmful behaviour, serious non-sexual violence or serious emotional abuse by a child or young person,

either singularly or as part of a group. Given the potential gravity of the behaviours, workers should adhere to the following principles:

- when a child / young person has, or may have harmed another child, young person or adult, all agencies must be aware of their responsibilities to both the victim and the alleged abuser. This must be reflected in the multi-agency management of both, or all of the cases.
- the needs of the victim/s must always be paramount when considering the multi-agency response.
- it is essential to safeguard other children, young people or adults, for example siblings, if it is thought that the child / young person could go on to harm others.
- the child / young person is likely to have significant needs of their own too. If they have also been the victim of abuse, this needs to be addressed by the multi-agency response.

3.0 Recognising abuse

3.1 Professionals should base their decision of whether or not the behaviour of the child / young person should be categorised as harmful, on each individual incident. The following should be taken into consideration when making such a decision:

- the relative chronological and developmental ages of the children / young people involved (if the victim is significantly younger or has developmental delay, or is a vulnerable adult the behaviour is more likely to be abusive)
- whether the child / young person acted alone or with others; if there were others involved were they younger, older or the same age?
- if there was a difference between victim/s and perpetrator/s in power or authority, for example in relation to age, race, gender, physical, emotional or intellectual vulnerability of the victim
- all alleged physical / verbal aspects of the actual behaviour / incident
- whether the behaviour involved inappropriate sexual knowledge or motivation
- what was the degree of physical aggression, intimidation, threatening behaviour or bribery
- what affect the experience has had on the life / lifestyle of the victim, for example if they were hospitalised, have they stopped attending school, do they avoid certain places they used to go
- what attempts have been made to ensure the behaviour / incident is kept a secret
- what was the child / young person's motivation or reason for the behaviour, if they admit that it occurred
- whether this was a one-off incident, or longer in duration
- whether the abuse was linked to honour based violence, as young people may be instructed to harm others by older family members.

4.0 Making a Referral

4.1 All professionals should make a referral to Children and Young People's Services (CYPS) Social Care or South Yorkshire Police, as stated in Chapter 5 of South Yorkshire Child Protection Procedures, 2007, if there is a suspicion or allegation that a child / young person:

- has been, or is likely to be, seriously physically abused a child, young person or an adult
- has, or is likely to, seriously physically abuse a child, young person or an adult
- has, or is likely to, seriously emotionally abuse a child, young person or an adult;
- has, or is likely to, sexually abuse a child, young person or an adult.

4.2 Workers should contact CYPS Access and Assessment Team, or the relevant locality team if the concern relates to a family currently open to a worker within the Children's Social Care. Contact details are below.

CYPS Social Care Teams

Wentworth North	Swinton Brookfield, The Brookfield Centre, Lime Grove, Swinton, S64 8TQ	Tel: 01709 334 455 Fax: 01709 580 283
Wentworth Valley	Maltby Leisure & Services Centre, Braithwell Road, Maltby, S66 8LE	Tel: 01709 254 333 Fax: 01709 790 164
Wentworth South	St. Mary's Centre, New Street, Rawmarsh, S62 5AF	Tel: 01709 336 375 Fax: 01709 710 420
Rother Valley South	Macalloy Ltd, Caxton Way, Dinnington, S25 3QE	Tel: 01709 335 055 Fax: 01909 569 675
Rother Valley West	Macalloy Ltd, Caxton Way, Dinnington, S25 3QE	Tel: 01709 335 022 Fax: 01909 569 675
Rotherham South	The Place, Clifton Campus, Coleridge Road, S65 1LW	Tel: 01709 334905 Fax: 01709 821 598
Rotherham North	Psalters Lane Centre Kimberworth Road. S61 1HE	Tel : 01709 336 439 Fax: 01709 559768

4.3 South Yorkshire Police (SYP), Central Referral Unit - for child protection concerns - can be contacted on 0114 257 0342. The central switchboard number for SYP is 0114 220 2020.

In an emergency – do not delay – ring 999

5.0 Strategy Meeting / Discussion

5.1 When any agency makes a referral to CYPS Social Care about a child or young person who has been or is likely to be a victim of abuse, an initial Strategy Meeting / Discussion must take place between CYPS Social Care, the police and other relevant agencies. The purpose is to share information and determine whether the threshold for s47 enquiries has been reached. (See Chapter 5 and Chapter 6, South Yorkshire Child Protection Procedures, 2007).

A strategy discussion can be either a meeting or a telephone conversation.
For further information see section 6.11 South Yorkshire Child Protection
Procedures, 2007

5.2 When the suspected abuser is a child / young person, a similar Strategy Meeting / Discussion (usually meeting) should be convened within **48 hours**, but preferably within **24 hours** of the initial referral or identification of concern, involving the police and CYPS Social Care, and other agencies who are involved.

5.3 When the children / young people concerned are the responsibility of different children's social care services, each local authority must be represented at the Strategy Meeting / Discussion. This will usually be convened and chaired by the local authority (children's social care) in the area in which the abuse took place.

5.4 The child / young person who is the victim, and the child / young person(s) who are the abuser should be allocated different social workers. This should be the case even if they continue to live in the same household. This is to ensure that both children / young people have their needs assessed and met individually, and that they are supported through the child protection process, and any other that may take place such as a criminal court case.

5.5 The Strategy Meeting / Discussion should be convened and chaired by CYPS Social Care and a record made. The following professionals should be invited:

- the social worker(s) for the child(ren) / young person(s) who is the suspected or alleged abuser
- the social worker(s) for the child(ren) / young person(s) who are the alleged victim(s)
- the social workers first line managers
- police officers from the Child Abuse Investigation Unit and / or an investigating officer as relevant

- a Youth Offending Team representative, if the child / young person who is the alleged abuser is aged eight or over
- school / college representative/s, particularly if there are any concerns that other children / young people in the educational setting have been, or are at risk of being abused
- a school nurse or any other health services staff, as appropriate
- a Child and Adolescent Mental Health Services (CAMHS) representative
- representatives of fostering or residential care, if relevant
- local specialist voluntary agencies and any other professional or agency involved with the child / young person alleged to have caused the harm
- college or work based learning providers.

5.6 The Strategy Meeting should plan the roles and responsibilities of those who will be involved in the enquiries. It is essential that the Strategy Meeting achieves the following objectives:

- the safety of each individual child / young person, and adult involved, while concerns are investigated. Particular attention should be paid to where they reside and any necessary contact arrangements
- any criminal aspects of the abuse are investigated
- information relevant to any abusive experiences of the child(ren) / young person(s) who has harmed is gathered.

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

- the age of all children / young people and adults who were involved, either as victim or perpetrator
- if the child / young person who caused the harm was / is supported by other children / young people
- how serious was the alleged incident
- the effect on the victim/s and their own view of their (current and previous) safety
- the victim's parents / carers attitude about the incident and their ability to protect their child/ren
- the abuser's parents / carers response to their child's behaviour
- if there is a suspicion, or known fact, that the child / young person who is the alleged abuser has also been abused
- if there is cause to suspect that adults are also involved in the alleged abuse in some way
- the likelihood and appropriateness of any resulting criminal prosecution
- the level of cognitive ability of all of the child(ren) / young person(s) involved, both as victims and perpetrators, to understand the seriousness of what has occurred and what the consequences may be.
- whether there are any equalities issues related to race, sexuality / sexual identity, age, gender, or religion that should be addressed

- the mental health state of the child(ren) / young person(s) and their capacity to be interviewed.

5.8 If it is suspected that a child / young person is both an abuser and a victim of abuse, the Strategy Meeting / Discussion, which must have police attendance, should decide in which order any interviews take place.

5.9 Consideration should be given to referring un-convicted children aged 8 and above to the Early Intervention Team (Youth Offending Service 1709 515 854).

6.0 Criminal investigation

6.1 The police will decide whether an alleged offence should be subject to criminal investigation. This will be the responsibility of the Detective Inspector, Public Protection Unit (PPU) for the Rotherham area. The Child Abuse Investigation Unit, within the PPU, will maintain responsibility in cases where there is a familial connection between the young people or children concerned.

6.2 If a child aged ten or over is alleged to have committed an offence of a serious physical, sexual or emotional nature against a child / young person or adult, the first interview with them must be undertaken by a police officer from the PPU. This will usually be a recorded interview held in a police station, under caution and with their parent / carer or another appropriate adult present.

6.3 See section 6.17 'Seeing and interviewing children', South Yorkshire Child Protection Procedures, 2007 for further information.

6.4 Sometimes it may be agreed that interview by a police officer may not be in the best interests of the overall management of the investigation, nor in the welfare of the children involved. In such cases the police may agree that it would be preferable for a social worker from CYPS Social Care, with other professionals as appropriate, to interview the child if it is believed that they may have been a victim of abuse, as well as the abuser. Explicit police agreement must be obtained and documented prior to the interview taking place.

6.5 Should the police decide to conduct a separate interview' with the child / young person as an 'offender', a social worker or other agency professional should attend to carry out their statutory responsibility to the child(ren) / young person(s) of an appropriate adult.

6.6 If, during the course of the interview the child / young person who is the victim of, or witness to, alleged abuse, they disclose offences that they have committed or been subjected to, these incidents should normally be the subject of a separate interview. For further information see *Achieving Best Evidence in Criminal Proceedings*, Criminal Justice System section 2.

6.7 Throughout the police enquiry, the immediate protection of all the children / young people involved must be ensured.

6.8 If a decision is made that the alleged behaviour does not constitute a criminal offence and therefore there is no need for a criminal investigation but a Section 47 enquiry may need to be conducted by CYPS Social Care, 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, CYPS Social Care will determine whether or not an initial or core assessment of need is warranted.

7.0 Outcome of enquiries

7.1 The outcome of enquiries is as described in Section 6.19 'Action following child protection enquiries', South Yorkshire Child Protection Procedures, 2007. It is essential that whatever the outcome, the position of the alleged victim and the alleged abuser are considered separately.

7.2 If the information gathered in the course of the enquiries suggests that the child / young person who is the abuser is also a victim, or potential victim, of any category of child abuse, a separate child protection conference must be convened for him / her.

7.3 If it is decided there are no grounds for holding a Child Protection Conference, but concern still exist about the child / young person's sexually, physically, and / or emotionally harmful behaviour, they should be considered as a Child in Need. A Multi-Agency Planning Meeting should then be held, and a plan for the delivery of required services for the child / young person and their family agreed. The meeting should agree:

- what agencies should be informed of the assessment of the child / young person's needs, the basis for the agency's involvement and the risk they may pose to others
- who will have responsibility for what actions, including what action should be taken if the plan is not being successfully implemented
- the timescale for review of progress against planned outcomes.

7.4 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)*.

8.0 Child Protection Conference

8.0 Consideration should be given to inviting a representative of the Early Intervention Team (Youth Offending Service) to the Conference of any child / young person, aged eight or over, who is engaged in harmful behaviour.

8.1 In addition to carrying out its usual functions, the Child Protection Conference must also consider how to respond to the child / young person's needs as a possible abuser.

8.2 If it is decided that the child / young person who is the alleged abuser is not to be placed on the List of Children with a Child Protection Plan, in order to protect them, consideration should be given to the need for services to address abusive behaviour and the multi-agency responsibility to manage any risk. This should take place through Multi-Agency Planning Meetings.

9.0 Criminal proceedings

9.1 The decision whether to proceed with a criminal prosecution against the child / young person 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.

10.0 Multi-Agency Planning Meetings

10.1 It is likely that both the child / young person who is a victim and those who abused are likely to have complex needs. These will require a multi-agency response. In cases where there are no grounds for holding a Child Protection Conference, or where one has been held but the outcome was not to add the child / young person to the List of Children with a Child Protection Plan, a Multi-Agency Planning Meeting should be convened to plan services for a child in need.

It is not envisaged that universal services would be able to deal with children / young people with such complex needs through the Common Assessment Framework (CAF).

10.2 Multi-Agency Public Protection Arrangements (MAPPA) have been put in place to protect the community from known potentially dangerous offenders. This includes young people who meet the MAPPA criteria. The Early Intervention Team worker, or other specialist worker, should refer the child / young person to MAPPA.

10.3 For each child / young person involved, who are either victim/s or abuser/s, a Multi-Agency Planning Meeting should be convened, by CYPS Social Care in order to:

- share information

- agree to undertake an assessment of the victim/s needs
- an assessment of the needs and risks posed by the child / young person who is the abuser
- set a timetable for both assessments
- agree to refer for a specialist assessments as required
- coordinate interim support for the victim/s
- ensure interim risk management for the child / young person with harmful behaviours, to minimise the risk of them engaging in further abuse
- allocate agency and professional roles, including which agency will be responsible for the interim risk management plan.

10.4 Those invited to the Multi-Agency Planning Meeting should include participants of the Strategy Meeting / Discussion, as well as representatives from health, including CAMHS, the school / college, work based learning providers, and any other professionals with relevant knowledge of the child / young person and their parents/carers.

10.5 On completion of the assessments, the Multi-Agency Planning Meeting should be reconvened for each child / young person to consider the outcome, and to review and co-ordinate the roles of relevant agencies in providing identified interventions. This should include a risk management plan and specialist input for those with special needs.

10.6 The Multi-Agency Planning Meeting should have agreed which agency is responsible for the risk management plan for a child / young person with harmful behaviours. It should always address the risk to other children / young people and adult, particularly in relation to any identified triggers that may provoke such behaviour. A plan must be in place to minimise risk of future offending.

10.7 The Chair of the Multi-Agency Planning Meetings should decide the frequency of the review meetings. This should be in accordance with each child/ young person's needs and / or risk. Both the risk management plan for the abuser and support for a child who is the victim should be reviewed at regular multi-agency meetings. At the point of closure, the review meeting must consider whether there is a need for long-term monitoring, how this will be implemented and reviewed, and the availability of advice and other services.

11.0 Looked after Children

Children and young people who are Looked after Children, living in residential homes or in foster care may be either victims of perpetrators of abuse. It is essential, in such circumstances, that staff in residential homes or foster carers share information with the Strategy Meeting / Discussion and any subsequent investigation. They will have vital information about the child or young person, and their inclusion in such enquiries is essential.

12.0 Children / young people moving into or re-entering a local authority area

12.1 Children / young people 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) as outlined in section 7.3 above (Multi-Agency Planning Meetings). This should be initiated at the earliest opportunity the lead agency.

12.2 Where a child / young person who has been convicted of sexual or serious violent offences is released into the community, the Multi-Agency Public Protection Arrangements (MAPPA) must be invoked to ensure the safety of the community. See Section 10.2 for further information.

13.0 Carrying offensive weapons, and gangs

13.1 Offensive weapons are defined 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' (*Prevention of Crime Act 1953*). The *Criminal Justice Act 1988* refer to 'any article which has a blade or point or is sharply pointed' (s139 and s139A). The only exception is a small folding pocket knife where the blade is less than 3 inches long. (This exception does not prevent schools from imposing their own bans on pupils carrying such knives.)

13.2 There are three categories of offensive weapons:

- those which have been 'made' which could include a dagger or gun
- those which have been 'adapted' to be used as a weapon which could include a broken bottle
- those which were 'intended' to use as a weapon, for example a rock or stone.

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

13.4 Behavioural problems by a group of children or young people can impact upon individuals, a community or neighbourhood. But that does not necessarily mean that they are a gang. The difference between a group and a gang is that the gang is involved in criminal activity. 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.

13.5 Children or young people who carry offensive weapons and / or are members of specific gangs involved in criminal behaviour could place themselves and others at risk of significant harm.

13.6 Children or young people who are at risk of involvement in crime should be referred to the Early Intervention Team (Youth Offending Service) on 01709 515 854.

13.7 *Screening and searching of pupils for weapons: guidance for school staff* (Department for Education and Skills, 2007) contains information dealing with children and young people who have weapons in schools.

14.0 References

Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses and Using Special Measures, Crown Justice System
www.cps.gov.uk/docs/publications/achievingbestevidence

London Child Protection Procedures Section 5.18: Harming Others 2007
www.londonlscb.gov.uk

Provision of Therapy for Child Witnesses, Sheffield Safeguarding Children Board Protocol 2007
<http://www.safeguardingsheffieldchildren.org.uk/welcome/safeguarding-children-board/procedures-and-protocols>

Screening and searching of pupils for weapons: guidance for school staff (Department for Education and Skills, 2007)
<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-00516-2007&>

Safeguarding children and young people at risk of gang activity, Sheffield Safeguarding Children Board 2008
<http://www.safeguardingsheffieldchildren.org.uk/welcome/safeguarding-children-board/procedures-and-protocols>

South Yorkshire Safeguarding Children Boards' Child Protection Procedures, 2007
<http://www.safeguardingsheffieldchildren.org.uk/welcome/safeguarding-children-board/procedures-and-protocols>

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