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Introduction

“Harmful sexual behaviour is when children and young people (under 18) engage in sexual discussions or activities that are inappropriate for their age or stage of development, often with other individuals who they have power over by virtue of age, emotional maturity, gender, physical strength, or intellect and where the victim in this relationship has suffered a betrayal of trust. These activities can range from using sexually explicit words and phrases to full penetrative sex with other children or adults”. Parliamentary inquiry into support and sanctions for children who display harmful sexual behaviour, 2016.

Problematic/concerning sexual behaviour and harmful sexual behaviour

Some sexual behaviours are harmful and some fall within a mid-range (problematic) which are not the most worrying but nevertheless cause concern. The term problematic is used to indicate that the behaviour is problematic for someone whether for the child or young person themselves or someone else who is uncomfortable with the behaviour they are subjected to.

The following behaviours give a general indication of categories:

Healthy sexual behaviours are:

- Mutual
- Consensual
- Exploratory and age appropriate
- No intent to cause harm
- Fun, humorous
- No power differential between participants

Problematic sexual behaviours are:

- Displaying behaviours not age appropriate - e.g. sexual swear word in very young children
- Some ‘one off’ incidents of low-key behaviours such as touching over clothing
- Incidents where there is peer pressure to engage in the behaviour e.g. touching someone’s breast, exposure of bottom
- Behaviours are spontaneous rather than planned
- They may be self-directed such as masturbation
- There are other balancing factors such as lack of intent to cause harm, or level of understanding in the young person about the behaviours, or some remorse
- The child or young person targeted may be irritated or uncomfortable but not scared and feel free to tell someone
- Parental concern and interested in supporting the child to change

Harmful sexual behaviours are:

- Not age appropriate
- Elements of planning, secrecy or force
- Power differentials between young people involved such as size, status and strength
- Targeted children feel fear, anxiety and discomfort
- Negative feelings are expressed by the young person when carrying out the behaviour e.g. anger, aggression
- The young person does not take responsibility for the behaviour and blames others or feels a strong sense of grievance
- Incidents are increasing in frequency and the young person's interest in them is disproportionate to other aspects of their life
- They are not easily distracted from the behaviour, it appears compulsive and is persistent despite intervention

There are often difficult behaviours such as conduct disorder, problems with anger management, anxiety, aggression, disruption, poor peer relationships in evidence alongside sexually inappropriate behaviours. Neglect, emotional abuse and poor attachments with parents and siblings, disrupted patterns of care and loss of significant person and lack of role models are often features in harmful sexual behaviours.

See [Brook Sexual Behaviours Traffic Light Tool](https://www.brook.org.uk/our-work/category/sexual-behaviours-traffic-light-tool) - <https://www.brook.org.uk/our-work/category/sexual-behaviours-traffic-light-tool> for more useful guidance on this subject of sexual behaviours.

Online harmful sexual behaviour

There has been a recent focus in research regarding online harmful sexual behaviour and in relation to children's online lives more generally. Online harmful sexual behaviour can include online grooming and sexting. Further information, can be found on the NSPCC website. (nspcc.org.uk/preventing-abuse/keeping-children-safe/online-safety/).

In terms of the law it is a criminal offence to possess, distribute, show and make indecent images of children, so a child who has images of himself/herself or a girlfriend/ boyfriend is committing a criminal offence. However, the [National Police Chief's Council \(NPCC\) recommends](#) that safeguarding should be the main concern of any investigation into a sexting incident; and that professionals should avoid criminalising young people unnecessarily.

In terms of sexting – professional judgement should be used to consider whether this is a form of harmful sexual behaviour. In order to make this judgement consideration should be given to:

- the ages of those involved
- the nature of the images
- whether the images were intended to cause harm
- the ability to give consent
- any information that the young person has been blackmailed, coerced or groomed

Children under the age of 13

The Sexual Offences Act 2003 sets out that a child under 13 does not, under any circumstances, have the legal capacity to consent to any form of sexual activity. Any sexual activity involving a child under the age of 13 is a safeguarding issue.

Key principles – early recognition and intervention

Recent research regarding harmful sexual behaviour has raised concern that a high number of children and young people are referred to social care but that the significance of their sexual behaviour is not recognised or is dismissed in a large number of cases by social care. This can lead to their harmful sexual behaviour not being assessed or addressed or this not happening in a timely way. Harmful sexual behaviour can be extremely damaging, often involving other children as victims. However, the evidence base around harmful sexual behaviour demonstrates that assessments and interventions are likely to have a positive effect on children and young people. Harmful sexual behaviour needs to be recognised, referred to social care, and responded to in a timely way through assessment and intervention.

Coordinated multi agency approach

Recent research and the AIM (Assessment, Intervention, Moving on) project was set up with the objective of supporting agencies to develop policies, training and services for young people who sexually harm/ offend against others) has emphasised the need for a joined up multi-agency approach to responding to children who display harmful sexual behaviour. The response should involve Youth Offending Service (YOS), children's social care, education, health and police. It is essential that these agencies communicate effectively with each other and do not embark on a course of action that has implications for the other without appropriate consultation. An ongoing police investigation should not prevent assessment, planning and intervention. Multi-agency coordinated plans need to be made to ensure police investigation can sit alongside assessment and intervention for children who display harmful sexual behaviour.

Further incidents of harmful sexual behaviour

Any further incidents of harmful sexual behaviour need to be clearly recorded on the child's chronology and attached to ICS. A full review of the safety plan will be required and it is likely this will need to be discussed within a strategy meeting. Discussion of any investigation of the incident will take place in this forum. A member of the virtual harmful sexual behaviour team should be invited.

Responding to children who display harmful sexual behaviour

Whenever a child or young person has been sexually harmed by another child or young person, all agencies must be aware of their responsibilities to **both** the victim/s and the young person who has carried out the harmful sexual behaviour. Both should be the subject of separate strategy discussions to consider whether they are at risk of significant harm.

Children and young people who harm others may pose a risk to children other than their present victim and the safety of their victim and other children is of paramount importance.

Children and young people who behave in this way are likely to have considerable levels of unmet need themselves. Evidence suggests that children and young people who harm others may have suffered considerable disruption in their lives, been exposed to violence within the family, may have witnessed or been subject to physical abuse or sexual abuse, have problems in their educational development and may have committed other offences. Such children are likely to be children in need; some will have suffered significant harm and may be in need of protection themselves. Children who harm others should be held responsible for their harmful behaviour while being identified and responded to in a way which meets their needs as well as protecting others.

South Gloucestershire virtual harmful sexual behaviour team

Within South Gloucestershire there are a number of practitioners trained in undertaking AIM assessments and who have specialist knowledge and understanding regarding harmful sexual behaviour. Over the next three years it is likely that this pool of specialists will increase. Currently, to have a case discussion regarding harmful sexual behaviour, Tracy Warburton, YOS operations manager should be contacted and invited to all strategy discussions regarding children/ young people who demonstrate harmful sexual behaviour. It should be noted that although much of the expertise regarding harmful sexual behaviour in South Gloucestershire currently exists within the YOS this does not mean there needs to be issues around offending behaviours/ criminal activity in order to have a discussion with them/ invite them to a strategy discussion regarding harmful sexual behaviour.

All cases will be considered on an individual basis by the virtual harmful sexual behaviour team. The team member will fully explain their recommendation regarding assessment and intervention and the reasons behind this. There are some situations whereby an AIM assessment may not always be considered a useful tool e.g a young person who is currently being investigated by the police and who denies the offence, or a young person with complex needs, including a disability. If the advice of the virtual harmful sexual behaviour team is that an AIM assessment cannot/ should not be undertaken at that time advice on how to proceed will be given. Members of the virtual harmful sexual behaviour are able to complete an AIM assessment alongside the allocated social

worker and are also able to provide interventions following the assessment.

Children with disabilities

Issues regarding harmful sexual behavior become more complex when considering a child/ young person with disabilities. Consideration needs to be given as to whether the behavior they are displaying is part of their disability or whether it is a separate behavior. Assumptions should not be made either way and the consequences of making false assumptions in this area will have a significant impact on the support offered. If practitioners are concerned about the sexual behavior of a child or young person with disabilities it is essential that the child/ young person's educational provision are fully involved in all discussions, assessments, plans and interventions as they are best placed to advise regarding the child/ young person's understanding and needs. A case discussion should be had with a member of the virtual harmful sexual behaviour team to discuss the behaviour, the child's needs and whether an AIM assessment is appropriate and how this assessment will be completed.

Outcomes of Section 47 enquiries – The child who has displayed harmful sexual behaviour

- If the information gathered in the course of the Section 47 enquiry suggests that the child who is suspected or alleged to have sexually abused another child is also a victim, or potential victim, of abuse including neglect, a [Child Protection Conference](#) must be convened. A representative from the virtual harmful sexual behaviour team 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 inappropriate behaviour, the potential risks the child poses to others as well as the concerns which resulted in the need for a Child Protection Plan
- Where the Section 47 investigation or Child Protection Conference concludes that the child who is suspected or alleged to have sexually abused does not require a Child Protection Plan, consideration should be given to the need for services to address any harmful sexual behaviour and the inter-agency responsibility to manage any risks
- Where there are no grounds for a Child Protection Conference, but concerns remain regarding the child's sexually problematic behaviour, (s)he will be considered as a [Child in Need](#), and managed at the appropriate level of team around the child

The meeting should produce a shared multi-disciplinary plan, which addresses:

- Child protection concerns for the young person
- The safety of potential victims
- Risk management at home, in school and in the wider community
- Immediate living arrangements for the young person
- School attendance and related education issues

- Individual health needs, including emotional health needs
- Support for the child/young person and their family to promote their social, emotional and behavioural development
- The needs of the child/young person
- Relevant victim issues - whether the needs of the victim and their family are supported
- Intervention / treatment issues /identification
- Roles, tasks and expectations for different professionals/agencies
- Any need for further assessment
- Inclusion of the child/young person's name on the [Disclosure and Barring Service](#) Barred list
- The timing and frequency of meetings to review the plan

Strategy discussion

Concerns regarding harmful sexual behaviour should be referred to ART or the allocated social work team, if there is one. (If there are concerns a crime has been committed the police should be contacted in the first instance.)

ART/allocated social work team will convene separate strategy discussions to consider any victim/s and the child or young person exhibiting harmful sexual behaviour within 24 hrs of the referral. Police, YOS, social care, health and any other agencies who have important information, e.g. education will be invited to the strategy discussion regarding the young person who the concerns relate to. (This could be a conference call).

Within the strategy discussion all information regarding incidents of harmful sexual behaviour etc will be shared. A chronology should be compiled and shared regarding incidents of harmful sexual behaviour.

At the strategy discussion a temporary risk management strategy needs to be agreed based on the information available considering risk to child/ young person demonstrating harmful sexual behaviour and links to current and potential future victims.

The discussion must include:

- Any immediate action needed to safeguard the child/ young person
- Any criminal aspects of the alleged abuse to be investigated; the impact of this on any work with the young person regarding harmful sexual behaviour
- Who does the information need to be shared with and who will share it? police, school, youth groups etc.

A decision is taken regarding whether a [Section 47](#) investigation is conducted.

A decision is taken regarding whether an AIM assessment is undertaken, and if so, who will lead on this assessment. There are a number of social care practitioners and YOS workers in South Gloucestershire who have been trained to complete AIM assessments. If YOS lead on the AIM assessment there is an expectation that social care are jointly involved in this process and that the case remains open to social care throughout the process of assessment and safety planning. If it is agreed that an AIM assessment is not appropriate there should be discussion around what other

work may be required and by whom, to meet the child or young person's needs e.g. in South Gloucestershire preventative harmful sexual behaviour work is provided through the Be Safe Children's Programme for 7-11 year olds (extended to 13 if child has learning difficulties). Referrals to FYPS/ CAMHS relating to concerns over harmful sexual behaviour should first be discussed with a member of the virtual harmful sexual behaviour team. It should be noted that harmful sexual behaviour is not one of the agreed criteria for CAMHS assessment and intervention.

AIM (Assessment Intervention Moving on)

In South Gloucestershire the AIM assessment is accepted as the best current tool for assessing harmful sexual behaviour in children and young people. The AIM project developed an assessment framework model which covers the domains of the Department of Health Assessment Framework, plus Asset, Asset Risk of Serious Harm (Asset is a structured assessment tool used by youth offending teams on all young offenders who come into contact with the criminal justice system – it considers offences in the context of a child/ young person's circumstances) and an additional dimension of assessing sexualised behaviour. It is based on the principle that the welfare of children is paramount and the primary objective of undertaking work with young people who abuse others is to prevent future victims. The purpose of the AIM assessment is to offer an assessment of the young person and his or her family to assess the concerns, risks and strengths of the young person across four key domains; sexual and non-sexual behaviours, development, family and environment considering both static and dynamic factors. The scoring system is based on research factors that will provide evidence of the risk and resilience presented by the young person and therefore the basis for intervention.

AIM planning meeting

If it is agreed an AIM assessment is to be undertaken an AIM assessment planning meeting is required to start the assessment. This will involve YOS or social care trained AIM assessor and allocated social worker, child/young person and parents. (It should be noted that at least one of the assessors must have a social work qualification and one of the assessors must be AIM assessment trained). It is expected that a joint assessment approach is undertaken. Within the planning meeting consideration is needed as to how the assessment is to be undertaken, who will undertake interviews etc., the current risk management plan and whether this needs any alteration.

AIM report

Following the assessment (approximately eight week time period) an AIM report will be produced by the lead assessor. (A separate report may be produced for parents).

It will include information on:

- The context of the abusive behaviours, including the nature of the relationship between the children/young people, difference in age between the victim and alleged abuser, absence of

consent, exploitation, whether the alleged abuser had authority or responsibility for the victim, secrecy, coercion, bribery or violence

- The child's development and family and social circumstances
- The need for services, specifically focusing on the child's harmful sexual behaviour as well as other significant needs
- The risk to self and others, including other children in the household, extended family, school, peer group or wider social network
- Identify level of supervision required to prevent repeat harmful sexual behaviour
- In child protection terms identify risk to either the child/young person or their actual/potential victim(s)
- To assess the child/young person's motivation and capacity to engage in service and plans
- Identify the capacity of the parents /carers or significant others to manage and support the child/young person
- The assessors should draw conclusions and identify the initial level(s) of intervention indicated as necessary
- Timescales for review should be identified

The assessors will read through the report with the young person and their parents / carers in a supportive setting and any areas of disagreement will be noted and attached to the report. The family are entitled to retain a copy of the report. It is good practice to write a child-friendly version of the report dependent on the age and level of understanding of the child or young person.

At this stage consideration to the degree of support parents/carers can provide is required.

AIM review meeting

This should be a multi-agency meeting to which parents and the young person are invited. Parents / carers and the child or young person will only be excluded in exceptional circumstances. Reasons for any exclusion should be clearly discussed with all attendees to the meetings and minuted for case notes.

- The outcomes of the assessment report are considered and an intervention plan is agreed
- Review dates are set to monitor progress and review the intervention plan as required

The assessment may recommend some intervention work specifically around harmful sexual behaviour and this is likely to be undertaken by the AIM assessors.

The intervention plan must be regularly reviewed through review meetings. In these meetings the risk, safety plan, carer's ability to protect the child/ young person all needs to be discussed in a multi-agency forum.

Where the child or young person is [Looked After](#), the [Independent Reviewing Officer](#) should be invited to attend the meeting.

Denial/ lack of engagement

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 proposed intervention if they are to encourage anyone to accept it. The offer of further work may be helpfully framed 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. If an AIM assessment or intervention plan is refused by the family consideration needs to be given as to whether a safeguarding response is required. It is also essential that there is no delay in the strategy discussion, AIM assessment and ongoing work taking place. There needs to be good communication between professionals involved, including the police regarding appropriate responses and ensuring that one agencies actions do not impact negatively on another's.

Further information

For any further information regarding the response to harmful sexual behaviour in South Gloucestershire please contact the author of this document, Emma Collings, Consultant Social Worker or the virtual harmful sexual behaviour team via Tracy Warburton, YOT operations manager.