

ALL WALES PRACTICE GUIDE

Last updated: February 2021

Safeguarding children where there are concerns about harmful sexual behaviour

To be used in conjunction with the Wales Safeguarding Procedures

Who is this practice guide for?

This guide is primarily for practitioners working with children (up to the age of 18). This includes those working in early years, social care, education, health, the police, youth offending and youth, community and family support services (including the third sector) and foster care and residential care.

What is this guide for?

Safeguarding children is a responsibility shared by everyone in contact with children and young people.

The Wales Safeguarding Procedures support individuals and agencies across Wales to understand their roles and responsibilities in keeping children and adults safe. They support a consistent approach to safeguarding practice and procedures.

This practice guide provides additional information about safeguarding responses where there are concerns about Harmful Sexual Behaviour (HSB). It should be used in conjunction with the Wales Safeguarding Procedures.

Effective safeguarding arrangements in every local authority area should be underpinned by two key principles:

- safeguarding is everyone's responsibility: for services to be effective each practitioner and organisation must play their full part both individually and in collaboration; **and**
- a child-centred approach: for services to be effective they should be based on a clear understanding of the personal outcomes for the child and what matters to them. The rights of the child should be central to the approach and their best interests should always be paramount.

There are some issues which are common across safeguarding practice guides and some which are specific to the safeguarding issue being considered:

- The United Nations Convention on the Rights of the Child (UNCRC) guarantees every child the right to grow up healthy, happy and safe. This includes to be protected from harm and be appropriately supported to recover from abuse. Practitioners and professionals should adopt [A Children's Rights Approach](#) in line with the duty of due regard to the (UNCRC) and follow [National Participation Standards](#)
- Agencies must work together to provide a joined up response to safeguarding issues as set out in the Wales Safeguarding Procedures.
- There is a statutory Duty to Report Children at Risk on relevant partners under Section 130 of the Social Services and Well-being (Wales) Act 2014. [Social Services and Well-being \(Wales\) Act 2014 Safeguarding Summary](#)
- Information sharing is central to good safeguarding practice. Practitioners must share information in accordance with data protection legislation. Data protection legislation allows for the sharing of information and should not be automatically used as a reason for not doing so. **One of the specific circumstances which provides for information sharing is in order to prevent abuse or serious harm to others.** When information is not shared in a timely and effective way, decisions about how to respond may be ill informed and this can lead to poor safeguarding practice and leave children at risk of harm.
- We know that sensory impaired and disabled children are at an increased risk of being abused compared with their non-disabled / non-sensory impaired peers. They are also less likely to receive the protection and support they need when they have been abused. Practitioners and professionals should explicitly recognise the increased vulnerability of sensory impaired and disabled children to abuse and neglect, as well as

the barriers they may face, especially around communication and provide for any additional safeguards needed to protect them.

- Professionals and practitioners should familiarise themselves with the culture and beliefs of those families they work with. Practitioners should not be afraid to ask about particular behaviours and the reasons for them in a sensitive manner and should never overlook potential harmful practices on the basis of cultural sensitivity.
- All practitioners must be alert to the possibility of the child being at risk of harm regardless of the setting they are living in, whether in foster care, adoptive placements or a children's home. Children in placements or those who are adopted will have relationships that may include foster carers, adoptive parents, birth parents, siblings or other birth relatives. These relationships and any contact may be positive and welcomed or undesired and deemed a risk. Children's past experience of abuse and neglect may leave them at risk of having emotional, behavioural and mental health difficulties, which may continue to make them vulnerable.
- **Children with harmful sexual behaviour should be considered as children first and their care and support needs should be considered in the same way as for any child.** 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. It is vital that young people are not labelled or stigmatised as are a result of the identification of Harmful Sexual Behaviour.
- Our responses to children with harmful sexual behaviour must include early support to prevent harm to them and to other children.
- Our response to safeguarding issues should be proportionate, child centred and based on the individual needs and circumstances of the child. Children need to be meaningfully involved in the planning of their care and support.
- **Children should be seen and heard.** Evidence from Child Practice Reviews has highlighted the need for children to meet on their own with practitioners, away from parents and carers in an environment where they feel safe, so that the child can speak about the impact that the circumstances which have prompted safeguarding concerns are having on them. There are too many cases where the child was not seen or asked their views or feelings, or where this did not happen enough. Providing time and space to listen directly to children supports a child-centred system and promotes good safeguarding practice.

Definitions

- ▶ **Harmful sexual behaviours' (HSB)** can be defined as: sexual behaviours expressed by children and young people under the age of 18 years that are developmentally inappropriate, may be harmful towards themselves or others, or be abusive towards another child, young person or adult. This definition of HSB includes both contact and non-contact behaviours (grooming, exhibitionism, voyeurism and sexting or recording images of sexual acts via smart phones or social media applications).

This practice guide is not intended for use in cases of mutually consenting, non exploitative sexual activity between children aged 13-16 years old. Children under the age of 13 years are unable to legally give consent to sexual activity. Therefore, any alleged sexual activity concerning a child under 13 years and another child must be considered in line with the Wales Safeguarding Procedures and with reference to this practice guide.

An allegation of non consensual sexual activity concerning children, even where they are of a similar age, must be properly investigated in line with the Wales Safeguarding Procedures, whatever the age of the children involved.

- ▶ **Consent** – The age of consent in the UK is 16 years old (the legal age to have sex). The laws are there to protect children. They are not there to prosecute under-16s who have mutually consenting sexual activity but will be used if there is abuse or exploitation involved.

To help protect younger children the law says anyone under the age of 13 can never legally give consent. This means that anyone engaging in sexual activity with a child who is 12 or younger will be subject to penalties set out under the Sexual Offences Act 2003.

Evidence base

- Practitioners sometimes find it difficult to identify which sexual behaviours are potentially harmful and which represent healthy sexual development. Brook have developed a resource to assist people who work with children to better understand which behaviours are potentially harmful [Brook Sexual Behaviours Traffic Light Tool](#) .
- Sexually problematic behaviour must be considered on a continuum of behaviour ranging from normal, through harmful and in a small number of cases abusive.

Professionals require understanding of this continuum of behaviours to ensure appropriate intervention. The response to children must be proportionate and provided at the least intrusive level as appropriate to each case.

- Hackett (2010)¹ has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant and this has been included in the NSPCC Harmful Sexual Behaviour Framework²: [Download PDF](#)
- There is a growing body of research on sexualized behaviour in children and its relationship to sexual abuse.³ Although the majority of sexually abused children do not engage in sexualized behaviour, the presence of inappropriate sexual behaviour, especially in younger children, may be an indicator that they are experiencing or have experienced child sexual abuse.
- 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. This is a common response to this issue, practitioners need to clearly explain the nature and purpose of the intervention so that parents understand what is being proposed. 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.
- The support of parents and carers is extremely helpful in promoting engagement and successful outcomes. Parents need to be informed about the programme to the extent that they are aware that sexually explicit conversations will take place, also they may be asked to speak to their child about sexual issues. They may also be asked to model appropriate and respectful sexual attitudes and language.
- Evidence from research and practice suggests that many children with harmful sexual behaviour have adverse childhood experiences, in particular exposure to domestic abuse⁴ and that those children with harmful sexual behaviour are much more likely to have been the victims of trauma and abuse themselves.⁵ There is emerging evidence to suggest that some children with harmful sexual behaviour will also be at risk of or will have been abused through child sexual exploitation.
- Research evidences the fact that abuse and neglect can impact on brain development and that children who have been abused or neglected may not be functioning at their chronological age in terms of their physical, social, emotional, and cognitive skills.⁶ Evidence from assessments undertaken by specialist services supporting

children with harmful sexual behaviour in Wales suggests that children with harmful sexual behaviour may function below their chronological age across a number of domains. Children and young people with learning difficulties are overrepresented in those who display sexually harmful behaviour.

- Evidence from practice and research in Wales suggests high rates of conduct disorder and inattention/hyperactivity disorders in children receiving support for harmful sexual behaviour.
- A joint inspection report published in 2013 suggests that a cognitive assessment is important in informing responses to children with harmful sexual behaviour.⁷
- The joint inspection also found that in half of cases considered there was evidence of previous concerning sexualised behaviour. This was either not identified as such at the time, or too often subject to disbelief, minimisation and denial by professionals as well as families and treated as a 'one-off'.
- It is also important as with any consideration of care and support needs to consider family or social factors that may be contributing to the child's harmful sexual behaviour. This should include consideration of whether there is any evidence of abuse within the family where the child may be a victim of current abuse. There should also be an assessment of the impact of the child's harmful sexual behaviour on the family, including any child protection concerns related to other children in the family.
- Parents/Carers need clear information and advice about what will happen, about any interventions that will be provided to their child and about the things they can do to help protect their child and other children from further harm.
- There is a tendency to view girls who display harmful sexual behaviour primarily as 'victims' and boys as 'perpetrators'. Evidence from practice suggests that girls with harmful sexual behaviour are more likely to get a welfare response and boys are more likely to be dealt with via the youth justice system.⁸ Both girls and boys can display harmful sexual behaviour.
- Research and crime statistics suggest that anywhere from one-fifth to two-thirds of sexual abuse is committed by other children and young people.⁹
- Effective support and intervention with children with harmful sexual behaviour will protect them from further harm and prevent the abuse of other children. An evidence based guideline of what an effective multi-agency response to a child with harmful

sexual behaviour should involve is available and should be referred to [NICE Guidelines 2016](#)

- Children about whom there are concerns about harmful sexual behaviour should be able to continue in education. Schools and education settings should put in place management plans to ensure that the child can continue in education without risk to themselves or other children. The Welsh Government is developing guidance that will provide advice on the safe management of children with harmful sexual behaviour within education settings.

A proportionate response

If any agency involved with the child has concerns that the child may have care and support needs that their parent(s)/carer(s) cannot meet without support, they should seek parental consent to refer the child to the home local authority Information, Advice and Assistance service for an assessment of their needs.

- Relevant partners have a Duty to Report Children at Risk (Section 130) under [Part 7](#) of the Social Services and Well-being (Wales) Act. Section 130(4) defines a “child at risk” as a child who:
 - **a)** is experiencing or is at risk of abuse, neglect or other kinds of harm; and
 - **b)** has needs for care and support (whether or not the Local authority is meeting any of those needs).

When a child has been reported under section 130, the local authority must consider whether there are grounds for carrying out an investigation under section 47 of the Children Act 1989.

- If Social Services make a decision that the report/referral received does not relate to a child at risk they will make a record of this and the rationale for their decision.
- Social Services of the local authority in which the child is located should make a decision on the evidence on whether to convene a multi-agency strategy discussion, to inform a decision on a response for the child, including whether to hold a multi-agency Strategy Meeting. Representatives of each local authority relevant to the child and any Youth Offending Service relevant to the child should be involved in the multi-agency strategy discussion. There should be no delay in responding to information about a child at risk because the child is not ordinarily resident in the local authority where the safeguarding issue is identified.

- Where there are concerns about harmful sexual behaviour this must include a discussion about keeping any other children who reside with the child or with whom the child has contact safe. This should include consideration of safe management within the education setting the child attends.
- If the initial assessment or multi-agency strategy discussion indicate that there are no grounds to proceed to a Strategy Meeting or to a Section 47 Inquiry, consideration should be given to a referral for preventative work to reduce the likelihood of future risk of harm.
- Where there is already a care and support plan, child protection plan or they are a looked after child or they are in the secure estate, there should be a multi-agency strategy discussion to decide whether a Strategy Meeting is necessary to inform the development or review of a plan for the child.
- The arrangements for carrying out a Strategy Meeting are set out in the Wales Safeguarding Procedures and in Welsh Government [Working Together to Safeguard People Volume 5- Handling Individual Cases to Protect Children at Risk](#) issued under the Social Services and Well-being (Wales) Act. Wherever possible, the practitioners attending the Strategy Meeting should have direct knowledge of the child. It is, however, recognised that some agencies may come into contact with a child for the first time as a result of the issues being considered at the Strategy Meeting.
- The Strategy Meeting should consider if there is any information or evidence relating to the child which suggests that there are other specific safeguarding issues that need to be considered in addition to the primary presenting safeguarding issue. **The Strategy Meeting should be child centred rather than issue based.**
- Social Services should also refer to All Wales Practice Guides issued with the Wales Safeguarding Procedures on any relevant related issues such as Child Sexual Exploitation (CSE) and Children Missing from home or care.
- **The Strategy Meeting must result in a set of agreed actions to inform the development or review of a child protection and/or care and support plan for the child.** This plan must consider the holistic needs of the child in order to promote well-being and prevent future harm and must not be focussed exclusively on the management of risk.
- Where the Strategy Meeting results in an agreement that a plan is not required the rationale for this decision should be recorded and consideration should be given to making a referral to preventative services.

- Children and young people are entitled to an active offer of advocacy from a statutory Independent Professional Advocate (IPA) when they become looked after or become subject of child protection enquiries leading to an Initial Child Protection Conference. The '**active offer**' is made directly to the child by the Advocacy Service. An 'active offer' is a sharing of information about the statutory right and entitlement of a child in particular circumstances to access support from an Independent Professional Advocacy Service. Information should be shared with them that includes an explanation about the role of Independent Professional Advocacy, what it can and cannot do, how it operates based on their wishes and feelings, its independence and how it works solely for the child/young person, its policy on confidentiality and significant harm – it explains the statutory right of children and young people to be supported to express their views, wishes and feelings as well as their right to make a representation or complaint.

Appendices

These organisations are there for all children and young people in Wales. Professionals and practitioners should let children know about these organisations and how to contact them.

Meic is the helpline service for children and young people up to the age of 25 in Wales. From finding out what's going on in your local area to help dealing with a tricky situation, Meic will listen even when no-one else will. They won't judge you and will help by giving you information, useful advice and the support you need to make a change. You can:

- Chat to someone from Meic on-line: <https://www.meiccymru.org/>
- Call Meic for free and talk to someone: **0808 802 3456**
- Text Meic for free on: 84001

You can contact the [Children's Commissioner for Wales](#) Investigation and Advice service which is free and confidential. It's there as a source of help and support if children and young people or those who care for them feel that a child's been treated unfairly. You or you parent/carer can:

- Call the service for free: **0808 801 1000**
- Email the service: advice@childcomwales.org.uk

Childline is a free, private and confidential service where anyone under 19 can access support and advice. The Childline website www.childline.org.uk has information and advice

pages as well as tools to help you work through problems yourself. If you want to talk or chat to Childline you can:

- Call Childline for free: **0800 1111**
- Register on-line to email Childline or chat on-line to a counsellor: www.childline.org.uk/get-support/

If you want to talk to Childline in Welsh see www.childline.org.uk/get-support/

¹ Hackett, S (2010). Children, young people and sexual violence. In Barter, C and Berridge, D (eds) *Children behaving badly? Exploring peer violence between children and young people*. London: Blackwell Wiley.

² <https://www.nspcc.org.uk/globalassets/documents/publications/harmful-sexual-behaviour-framework.pdf>

³ http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf

⁴ <http://www.nota.co.uk/media/1177/c5-steer-and-wareham.pdf>

⁵ Hackett, S., Phillips, J., Masson, H. and Balfe, M. (2013) [Individual, family and abuse characteristics of 700 British child and adolescent sexual abusers](#). *Child Abuse Review*, 22(4): 232–245.

⁶ Child Welfare Information Gateway, Issue Brief, November 2009, *Understanding the Effects of maltreatment on Brain Development*, US Department of Health and Human Services

⁷ A Joint Inspection by HMI Probation, Care and Social Services Inspectorate Wales, Care Quality Commission, Estyn, Healthcare Inspectorate Wales, HMI Constabulary, HMI Prisons and Ofsted (2013) *Examining Multi-agency Responses to Children and Young People who sexually offend: A joint inspection of the effectiveness*, Criminal Justice Joint Inspection

https://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/04/Children_and_Young_People_who_Sexually_Offend_Thematic_Report_310113_Final.pdf

⁸ S. Wareham and W.Steer, (2015) *Girls Talk : Supporting Girls to Develop Healthy Sexual Relationships* , Cardiff: Barnardo's Cymru

⁹ Hackett, Simon (2014) *Children and young people with harmful sexual behaviours*. London: Research in Practice Research in Practice Research Reviews, 15.