**Pan Bedfordshire Children Who Harm Other Children Guidance**

**See also:** [**Appendix A: Pan Bedfordshire Children who Harm other Children One Page Summary**](https://bedfordscb.proceduresonline.com/files/ch_harm_other_summary.pdf)

**RELEVANT GUIDANCE**

[**Preventing and Tackling Bullying - Advice for Head teachers, Staff and Governing Bodies**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/623895/Preventing_and_tackling_bullying_advice.pdf)

**RELATED CHAPTERS**

[**Bedford Borough Council Drug, Alcohol and Tobacco Policy Template for Schools**](https://bedfordscb.proceduresonline.com/files/alcohol_tobacco_schools.docx)

[**Working with Sexually Active Children**](https://bedfordscb.proceduresonline.com/g_prof_work_sx_yp.html)

[**Harmful Sexual Behaviours**](https://bedfordscb.proceduresonline.com/p_ch_yp_harm.html)

**Throughout the document the references to children include all those up to the age of 18 years.**

**Introduction**

Harm may be caused to children by the abusive and bullying behaviour of other children which may be of a physical, sexual or emotional nature. The effect on the victim of intimidation and peer pressure by the other child may make disclosure difficult for the victim.

**Bullying**

Bullying is a common form of deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for the victims to defend themselves. It can take many forms, but the three main types are physical (e.g. hitting, kicking, theft), verbal (e.g. racist or homophobic / religious remarks, threats, name calling) and emotional (e.g. isolating an individual from social activities, cyberbullying).

The damage inflicted by bullying is often underestimated and can cause considerable distress to children to the extent that it affects their health and development. In the extreme it can cause Significant Harm, including self-harm.

Bullying may involve an allegation of crime (assault, theft, harassment) and this must be reported to the police at the earliest opportunity.

Schools are required to have policies to combat bullying and in the first instance cases should be dealt with under such policies. The Government's guidance for schools on tackling bullying, Safe to learn, is available on the [**Department for Education website**](http://www.education.gov.uk/schools). The Department for Education has also published a report outlining anti-bullying tactics employed by schools - [**Approaches to preventing and tackling bullying**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/715359/Approaches_to_preventing_and_tackling_bullying_-_case_studies.pdf).

For information about tackling bullying in other settings, please see the [**Safe from Bullying suite of guidance**](http://www.education.gov.uk/publications/standard/publicationdetail/page1/DCSF-00451-2009) on the Department for Education website.

**Sexual Abuse**

When there is suspicion or an allegation of a child having been sexually abused or being likely to sexually abuse another child, it should be referred immediately to Children's Social Care or the Police - see [**Responding to Abuse and Neglect**](https://bedfordscb.proceduresonline.com/p_recog_respond.html)**.**

When considering whether sexual abuse has occurred, it is important to determine what is developmentally normal sexual experimentation and what is coercive (see also [**Working with Sexually Active Children**](https://bedfordscb.proceduresonline.com/g_prof_work_sx_yp.html)).

**Teenage relationship abuse**

Children can also experience domestic abuse within their own intimate relationships. This form of peer on peer abuse is sometimes referred to as ‘teenage relationship abuse’. Depending on the age of the child, this may not be recognised in law under the statutory definition of ‘domestic abuse’ (if one or both parties are under 16). However, as with any child under 18, where there are concerns about safety or welfare, child safeguarding procedures should be followed and both child victims and those instigating the abuse should be offered support.

**Role of Schools and Colleges in Recognition of Peer on Peer Abuse, including sexual violence and sexual harassment between children**

Concerns about possible abuse by one child of another (often referred to as peer on peer abuse) are frequently first considered within a school environment and it may frequently be unclear if the circumstances should be considered under child protection procedures or not.

All staff should be aware that children can abuse other children. And that it can happen both inside and outside of school or college and online. It is important that all staff recognise the indicators and signs of peer on peer abuse and know how to identify and respond to it.

[**Keeping children safe in education - GOV.UK (www.gov.uk)**](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) emphasises the importance of challenging inappropriate behaviour between peers. These can include:

* bullying (including cyberbullying, prejudice-based and discriminatory bullying): abuse intimate personal relationships between peers;
* physical [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51));
* sexual violence, such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);
* sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51);
* causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
* consensual and non-consensual sharing of nude and semi-nude images and/or videos13 (also known as sexting or youth produced sexual imagery);
* upskirting, which typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm; and
* initiation/hazing type violence and rituals (this could include activities involving harassment, [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) or humiliation used as a way of initiating a person into a group and may also include an online element).

Downplaying certain behaviours, for example dismissing sexual harassment as “just banter”, “just having a laugh”, “part of growing up” or “boys being boys” can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) leading to children accepting it as normal and not coming forward to report it.

All school staff should understand, that even if there are no reports in their schools or colleges it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have any concerns regarding peer on peer [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) they should speak to their designated safeguarding lead (or deputy).

All school staff should be clear as to the school’s or college’s policy and procedures with regard to peer on peer [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.

Where it is clear that the concern is one of child protection there should be no delay in the referral to Children's Social Care e.g. disclosure or witnessing of peer on peer sexual [abuse](https://sussexchildprotection.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51).

Where further assessment is required prior to deciding the extent and nature of the concerns, the school should:

* Ensure the parents / guardian of both the victim and the alleged abusive child are advised and invited to be present when the children are interviewed formally;
* Provide pupils with the opportunity to record or dictate in their own words their version of events;
* Consider any need to separate the alleged victim and abusive child in the classroom, in the school and the possible need to send one or both home;
* Not interview either child on their own after the preliminary interview following disclosure - they should be accompanied by a parent or guardian;
* Keep a written record of pertinent information including date, time, those present and signature - a diagram / photo of the room / playground may be useful, as well as a description of who was present etc;
* Provide the child with the opportunity to confirm the accuracy of the record and record any disagreement.

**Recognition of Abuse for Referral to Children's Social Care**

Practitioners must decide in the circumstances of each case whether or not behaviour directed at another child should be categorised as abusive or not. It will be helpful to consider the following factors:

* Relative chronological and developmental age of the two children (the greater the difference, the more likely the behaviour should be defined as abusive);
* A differential in power or authority (e.g. related to race or physical or intellectual vulnerability of the victim);
* Actual behaviour (both physical and verbal factors must be considered);
* Whether the behaviour could be described as age appropriate or involves inappropriate sexual knowledge or motivation;
* Physical aggression, bullying or bribery;
* The victim's experience and perception of the behaviour;
* The possibility the abusive child is, or was, also a victim;
* Attempts to ensure secrecy;
* An assessment of the change in the behaviour over time (whether it has become more severe or more frequent);
* Duration and frequency of behaviour.

Where it is clear that the concern is one of child protection there should be no delay in the referral to Children's Social Care - see [**Responding to Abuse and Neglect**](https://bedfordscb.proceduresonline.com/p_recog_respond.html)**.**

**Response to Referrals**

The interests of the identified victim must always be the paramount consideration. However, whenever a child may have abused another, all agencies must be aware of their responsibilities to both individuals, and multi-agency management of the case must reflect this.

It is likely that the abusive child may pose a significant risk of harm to other children, have considerable needs themselves and may also be or have been the victim of abuse. The interests of any such children must also be considered as part of the response to the referral and in the multi-agency management of the case.

**Strategy Discussion**

In all cases where the suspected abuse is being undertaken by a child, the Police and Children's Social Care must convene a Strategy Discussion (usually a face-to-face meeting) within the Section 47 Enquiry time-scales. The Police will also decide whether a criminal offence is alleged.

Where the decision is reached that the alleged behaviour does not constitute abuse or the child is under the age of criminal responsibility, and there is no need for further enquiry or criminal investigation, the details of the referral and the reasons for the decision must be recorded.

When the children concerned are the responsibility of different local authorities, each must be represented at the Strategy Discussion, which will usually be convened and chaired by the authority in which the victim lives.

The Strategy Discussion must consider the needs of both children, as well as any other children who may be at risk from the alleged abusive child. Best practice would be for separate meetings to be convened for the victim/others at risk and the alleged abusive child.

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

The Strategy Discussion will be convened and chaired by Children's Social Care and a record made.

The following individuals should be invited to the meeting:

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

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

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

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

* Age of both children and any other child or children who may be at risk;
* Seriousness of the alleged incident;
* Effect on the victim and their own view of their safety;
* Parental attitude and ability to protect their child;
* Arrangements to protect the victim and other children, especially where the victim and alleged abusive child are in the same household or school class;
* Whether there is suspicion that the alleged abusive child has also been abused;
* Whether there is reason to suspect that adults are also involved;
* The likelihood and desirability of criminal prosecutions taking place.

Where there is suspicion that the child is both being abusive and the victim of abuse, the Strategy Discussion must consider the order in which interviews will take place.

The conduct of any investigation will be discussed within a Strategy Discussion and the interview planning meeting to ensure the requirements of the [**Police and Criminal Evidence Act (PACE) 1984**](https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice) and [**Achieving Best Evidence**](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf) (ABE) are met.

Practice reminder: If the child gives a clear disclosure to the first responder (e.g. a teacher) then there is no need for the Police to take a first account (Q&A). Police are able to go straight to an Achieving Best Evidence (ABE) interview that has an intermediary to support the child, and is fully child-focused. The child should not, and does not have to repeat the disclosure to the Police before an ABE interview.

Where police decide to conduct a separate 'offender' interview, Children's Social Care will not normally be involved other than in performing any statutory responsibilities to the child e.g. as Appropriate Adult.

Throughout the enquiry, the immediate protection of the child(ren) must be ensured if that is necessary.

**Outcome of Section 47 Enquiries**

The outcome of enquiries is as described in the [**Section 47 Enquiries**](https://bedfordscb.proceduresonline.com/p_ch_prot_enq.html) section. However, the position of the alleged victim(s) and the alleged abusive child must be considered separately. If the information gathered in the course of enquiries suggests that the abusive child is also a victim, or potential victim, of abuse including neglect, a Child Protection Conference must be convened.

Where there are no grounds for a Child Protection Conference, but concerns remain regarding the child's sexually abusive behaviour, (s)he will be considered as a Child In Need. In such cases, a multi-agency planning meeting should be held.

**Child Protection Conference**

Consideration should be given to inviting a Youth Offending Service (YOS) representative to the conference of alleged abusive children aged 10 or over, and informing YOS of the meeting in the case of younger children.

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

Where the alleged abusive child is not subject to a Child Protection Plan, consideration should be given to the need for services to address any abusive behaviour and the multi-agency responsibility to manage any risk, through the use of multi-agency planning meetings.

**Criminal Proceedings**

The decision as to how to proceed with the criminal aspects of a case will be made by the Police and the Crown Prosecution Service (CPS). This decision will take into account any recommendations of the youth offending team and the views of other practitioners.

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

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

**Multi-Agency Planning Meetings**

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

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

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

In cases where the abusive child is also Looked After, consideration should be given to the need for a plan to minimise risk of future offending, agreed with the child's carers and their agency.

On completion of the assessment, the same forum will be reconvened to consider the outcome, to identify a Lead Professional and the roles of relevant agencies in providing any identified intervention, including specialist input with regard to children with special needs.

This may include action to address the risk posed to other children in contact with the alleged abusive child as well as the identified victim.

Care must be taken to provide services culturally appropriate to the needs of the child and the family.

Intervention should be reviewed at regular multi-agency meetings at intervals of no more than six months.

At the point of closure, the review will consider the possible need for long-term monitoring and the availability of advice and other services.

Children with inappropriate sexual behaviour who may pose a risk to children with whom they have contact or 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 also require a multi-agency assessment / intervention**.**

**Appendix A: Pan Bedfordshire Children who Harm other Children One Page Summary**

Further advice and guidance:

[Parents Protect – Together we can prevent child sexual abuse](https://www.parentsprotect.co.uk/harmful-behaviour-in-young-people-and-children.htm)

[Stop it now – Helping prevent child sexual abuse](https://www.stopitnow.org.uk/)

[ThinkUKnow](https://www.thinkuknow.co.uk/parents/articles/Has-your-child-shared-a-picture-or-video-online-/)

[Everyone’s Invited](https://www.everyonesinvited.uk/)

[Kidscape – Help with bullying](https://www.kidscape.org.uk/advice/advice-for-parents-and-carers/my-child-is-bullying-others/)

Thank you to Sussex Safeguarding Children Partnership as the originator of this guidance which we have adopted and adapted.