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**CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE :**

**A study of a decade of growing recognition and uncertain  
development**

**HELEN CHRISTINE MASSON**

**A thesis submitted to the University of Huddersfield in partial fulfilment of the  
requirements for the degree of Doctor of Philosophy**

**The University of Huddersfield**

**July 2000**

## **Boy, 12, gets 3 years for rape**

One of the youngest rapists to come before a British court was sentenced to three years' detention yesterday and put on the register of sex offenders for life. The mother of the boy, who was 12 when he raped a five-year-old girl in a Leeds cemetery last September, burst into tears as sentence was passed at the city's crown court. The girl's uncle, also 12 at the time of the attack, was given 12 months' detention for indecently assaulting his niece at the urging of the other boy. He was placed on the sexual offenders register for five years.

Judge Arthur Myerson QC rejected defence pleas that the assault, in which the girl was told she was going to be shown "what daddies do to mummies" was sexual experimentation by children unaware of its gravity. 'This punishment should serve as a warning to other boys reaching puberty that little girls are not to be used for sexual purposes,' he said. 'Such behaviour goes far further than sexual experimentation that has got out of hand. She made such attempts to stop you as she could, bearing in mind her age and slight build, but you took no notice.'

Timothy Stead, for the young rapist, said the attack had been motivated by sexual experimentation and that neighbours had stood by the boy and allowed him to mix with their children.

*Guardian July 7<sup>th</sup> 1998*

## **ACKNOWLEDGEMENTS**

First and foremost I would like to thank all those professionals around England who allowed me to interview them and/or provided me with the data which comprises the subject matter of this thesis. In particular I would like to thank the Social Services Inspector at the Department of Health who arranged for me to have access to Area Child Protection Committee annual reports at Waterloo House, London and whose interest in my research and encouragement at an early stage in the project were very energising.

Secondly, throughout the seven years of my PhD registration, I have received stimulating and invaluable advice from my research supervisors, Viv Burr and Nigel Parton at Huddersfield University. To them many thanks for helping me to plot a route through the complexities of doing the research and writing the thesis and for always providing prompt, constructively critical and creative suggestions for improvements. My thanks, too, to Jean Packman, my third supervisor, who provided much useful feedback and validation, especially in the latter stages of my studies.

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Arising out of my research interests I have been involved in writing a number of publications on the topic of children and young people who sexually abuse others. Some of these outputs have involved collaboration with Marcus Erooga and Tony Morrison, both of whom I met originally when on my secondment to an NSPCC team in north west England during 1987 -1988 and who are now an Area Children's Services Manager and Independent Trainer/Consultant respectively. It has always been a pleasure working with Marcus and Tony and so I am delighted to be able to record here my gratitude to them for their insight, energy and support over the years.

Last, but not least, I would also like to convey my appreciation of the patience and forbearance shown during the last seven years by my husband, Bill, and my two sons, Tom and Sam, and for their active interest and encouragement particularly when, on a few occasions, I have felt like packing the whole thing up because of other work-related pressures. Bill has always been somewhat puzzled by my determination to get a further degree at this stage in my life and career but he has also offered unconditional support and practical assistance with additional proof-reading.

## **ABSTRACT**

Children and young people who sexually abuse others have emerged as a problem since the early 1990s in the UK. This thesis attempts to provide a reflexive account and analysis of developments in policy, procedures and services in England during the past decade. It is based on empirical research undertaken primarily during the period 1994-1996 but complemented by analysis of available information drawn from the early 1990s and post 1996.

Based on the premise that the problem of children and young people who sexually abuse is both a 'real' and a socially constructed phenomenon, my research strategy was exploratory and descriptive in nature. The research began with the analysis of documents which, in the early 1990s, comprised the only official and semi-official guidance for welfare professionals on how to respond to children and young people who sexually abuse others. In the context of this guidance developments in policy, procedures and services in 106 local Area Child Protection Committee areas (ACPCs) in England, in respect of young sexual abusers, were then researched using a variety of data collections methods. These included documentary analysis of ACPC annual reports and inter-agency guidance, telephone and face-to-face interviews with individual professionals and welfare agency representatives, and a national survey by questionnaire of professionals involved in this area of work.

The findings from the research indicate that the problem of children and young people who sexually abuse is characterised by much complexity and continuing uncertainty, with uneven, varying and often minimal developments in policy, procedure and services across ACPC areas. A child protection discourse about the nature of the problem and how young sexual abusers should be managed and responded to, which was identified during the research, emerges as contested and problematic, with professionals and agencies struggling with both lacks in resources and more fundamental philosophical, conceptual and procedural dilemmas. It is argued in the thesis that this complexity and uncertainty can be more fully understood only when reference is made to wider theoretical debates about the nature of childhood and childhood sexuality and with reference to shifting policies and legislation in respect of child welfare and youth crime.

The thesis concludes by assessing the strengths and limitations of the study and suggesting directions for future research. In addition, some final reflection is offered on how, over time, my role as researcher became somewhat modified as a result of the work I undertook. Specifically, having conducted research into an aspect of study in relation to young sexual abusers hitherto virtually unexplored in England, I found that I was being called on to make various contributions to the shaping of future policy and procedure.

# CONTENTS

	<b>page</b>
LIST OF ILLUSTRATIONS	v
LIST OF TABLES	vi
LIST OF APPENDICES	ix
INTRODUCTION	x
CHAPTER 1      The Emergence of the Problem of Children and Young People who Sexually Abuse: A Literature Review	1
CHAPTER 2      Researching Children and Young People Who Sexually Abuse: An Overview of the Study and Reflections on the Research Approach	53
CHAPTER 3      Methodological Issues: Research Planning and Design	66
CHAPTER 4      Exploring Official and Semi-Official Guidance on Children and Young People who Sexually Abuse	95
CHAPTER 5      Tracking Developments through ACPC Annual Reports	138
CHAPTER 6      Analysing ACPC Inter-Agency Guidance	174
CHAPTER 7      Semi-Structured Interviews in Six Northern Region ACPC Areas	237
CHAPTER 8      A National Survey by Questionnaire	285
CHAPTER 9      Theorising the Research Findings: Contextualising the Complexities of Work with Children and Young People who Sexually Abuse	340
CHAPTER 10     Policy and Legislative Developments since the Mid-1990s: The Complications Increase	374
CHAPTER 11     Final Reflections on the Research: from Researcher to Shaper?	402
REFERENCES	414
APPENDICES	453

## **LIST OF ILLUSTRATIONS**

- Figure 1.1** Finklehor's 4 Pre-conditions Model (Finklehor, 1984)
- Figure 1.2** The Sexual Abuse Cycle (Lane, 1997a:80)
- Figure 4.1** Extract from NCH Committee of Enquiry Report (NCH, 1992: 30)
- Figure 6.1** Coventry ACPC Procedures
- Figure 6.2** Surrey CPC, Guidance Part C
- Figure 7.1** ACPC Area A Flowchart
- Figure 7.2** ACPC Area C Flowchart
- Figure APP4.1** Steps leading to the making of orders in respect of abused children under the Children Act 1989
- Figure APP4.2** A working model demonstrating police and social services involvement in a child abuse case
- Figure APP4.3** Steps leading to child protection conference and the making of recommendations for further action in child abuse cases
- Figure APP4.4** The system for dealing with young people who offend

## **LIST OF TABLES**

<b>Table 3.1</b>	<b>Comparison of three survey research instruments (Alston and Bowles, 1998: 112)</b>
<b>Table 3.2</b>	<b>Occupational groupings of sample for questionnaire survey (ordered alphabetically by occupation)</b>
<b>Table 4.1</b>	<b>Numbers (%) and affiliations of those giving evidence to the NCH Committee of Enquiry (NCH, 1992)</b>
<b>Table 4.2</b>	<b>Arguments for and against a legal mandate</b>
<b>Table 5.1</b>	<b>Comparison of contents of ACPC annual reports for 1992-1993 across the 4 DOH regions in numbers and (percentages)</b>
<b>Table 5.2</b>	<b>Particularly active ACPC areas, based on 1992-1993 reports</b>
<b>Table 5.3</b>	<b>Comparison of Pont's 1990-1992 analysis of reports with my analysis of 1992-1993 ACPC annual reports against criteria B and C, in percentages</b>
<b>Table 5.4</b>	<b>Comparison of contents of ACPC annual reports for 1993-1994 across the 4 DOH regions in numbers and (percentages)</b>
<b>Table 5.5</b>	<b>Additional particularly active ACPC areas, based on 1993-1994 reports</b>
<b>Table 5.6</b>	<b>Comparison of regions against cumulative, summary percentage data for ACPC annual reports for the period 1992-1994</b>
<b>Table 5.7</b>	<b>Percentages of ACPC annual reports across 1990-1994 indicating that policies and procedures were in place or were planned</b>
<b>Table 6.1</b>	<b>Analysis of the backgrounds of respondents replying to my request for copies of ACPC inter-agency guidance</b>
<b>Table 6.2</b>	<b>The amount of space allocated to the issue of sexual abuse by children and young people in 57 sets of ACPC inter-agency guidance</b>
<b>Table 6.3</b>	<b>Numbers and percentages of 57 sets of ACPC guidance referring to child abuse generally or more specifically to child sexual abuse by children and young people</b>



Table 6.4	Numbers and percentages of 57 sets of ACPC inter-agency guidance reflecting paragraph 5.24 of <i>Working Together</i> (DOH, 1991)
Table 6.5	Numbers and percentages of the 57 sets of guidance which included a definition of juvenile sexual abuse
Table 6.6	Numbers and percentages of the 57 sets of guidance which included additional guidance on factors to be taken into account
Table 6.7	Numbers and percentages of the 57 ACPC sets of guidance making reference to the <i>Working Together</i> statement about 'policies of minimal intervention....'
Table 6.8	Numbers and percentages of the 57 sets of guidance registering children under child protection procedures and on what basis
Table 6.9	Analysis in numbers and percentages of which agencies referred to in 49 sets of ACPC inter-agency guidance
Table 6.10	Numbers and percentages of the 57 sets of ACPC guidance, across DOH regions, analysed by the 4 models of policy and procedures
Table 6.11	Numbers and percentages of 57 sets of ACPC guidance evidencing use of language of risk and risk assessment
Table 7. 1	ACPC annual reports for 1992-1994 for the six ACPC areas in which semi-structured interviews were conducted
Table 8.1	Occupational groupings of respondents, compared with the occupational backgrounds of those in the original sample
Table 8.2	Numbers of respondents in each of four age ranges
Table 8.3	Respondents' work focus
Table 8.4	Respondents' qualifications
Table 8.5	Amounts of time spent on matters involving children and young people as abusers
Table 8.6	Typicality of time expenditure
Table 8.7	Respondents' replies on specialisation
Table 8.8	Types of work
Table 8.9	Post qualifying training opportunities

Table 8.10	Focus of post qualifying training
Table 8.11	Groupings involved in multi-disciplinary training
Table 8.12	Helpfulness of multi-disciplinary training
Table 8.13	Box Plot of respondents' rank ordering of seriousness of sexual abuse vignettes (Question 6.1)
Table 8.14	Box Plot of respondents' rank ordering of seriousness of sexual abuse vignettes (Question 6.2)
Table 8.15	Existence of local inter-agency policy and guidance
Table 8.16	Usefulness of own agency's policies and procedures
Table 8.17	Models of practice
Table 8.18	Whether child protection case conferences held
Table 8.19	Grounds for child protection registration
Table 8.20	Involvement in child protection case conferences, including core group meetings
Table 8.21	Involvement in cautioning or youth liaison panels
Table 8.22	Cases being processed through both child protection and juvenile liaison panels
Table 8.23	Responses to the statement 'all juvenile sexual abusers should be the subject of a legal mandate and directed towards treatment'
Table 8.24	Factors likely to be influential in prosecution decisions
Table 8.25	Where recommendations for prosecution were made
Table 8.26	Extent of monitoring
Table 8.27	Levels of satisfaction with local area arrangements
Table 8.28	Issues of concern

## LIST OF APPENDICES

	<b>page</b>	
Appendix 1	Interview schedule used in semi-structured interviews	453
Appendix 2	List of questions used for telephone interviews	455
Appendix 3	Questionnaire used in national survey	456
Appendix 4	Background information on child protection and youth justice systems in place in England in the early to mid 1990s	476
Appendix 5	Copy of draft guidance for child protection and youth justice agencies prepared by joint sub - group of inter-departmental group on sex offending and inter-departmental group on child abuse, dated June 23 1994	496
Appendix 6	Format for collection of data from ACPC annual reports	506
Appendix 7	Table for numerical analysis of ACPC annual reports	507
Appendix 8	Tables of numerical analysis of ACPC annual reports for the years 1992-1993 and 1993-1994	508
Appendix 9	Tables comparing the numerical analysis of ACPC annual reports for the years 1992-1993 and 1993-1994	520
Appendix 10	Letter to ACPC chairs	530
Appendix 11	Analysis of ACPC guidance form	531
Appendix 12	Summary of respondents' replies - semi-structured interviews in six ACPC areas	533
Appendix 13	Draft guidance on Children and Young People who Sexually Harm Others - redrafting paragraph 5.25 (DOH, 1991)	537

## **INTRODUCTION TO THE THESIS**

The purpose of this brief introduction is to orientate the reader to the layout out of the thesis's contents. A relatively orthodox structure is in evidence, although a somewhat less detached commentary is apparent in the thesis than perhaps is usual and so my reason for adopting this style of writing is also explained.

## **A GUIDE TO THE LAYOUT OF THE THESIS**

Chapter 1 begins with my analysis of how children and young people who sexually abuse others emerged as a problem in England during the early 1990s, located within a brief historical account of concerns about sex offenders and changing social constructions about child sexual abuse. Notions of childhood and of childhood sexuality are then introduced as conceptual frameworks which will be drawn on later in the thesis when analysing the results of my study. The chapter then provides an overview of research into young sexual abusers, covering issues of incidence, prevalence and empirical studies into the characteristics and backgrounds of children and young people who sexually abuse. The origins and nature of current theorising about causation, treatment approaches and recidivism are also briefly overviewed and critiqued before the chapter concludes by making the point that policy and procedural issues and developments in respect of young sexual abusers had been largely invisible within available literature, a gap which this study sought to begin to remedy.

Chapters 2 and 3 comprise the central methodology chapters. As a context to the study as a whole, Chapter 2 begins with a statement about the nature of the empirical study I

undertook and then focuses on an exploration of the broad methodological approach I adopted and why, with an attempt made to locate my research 'style' within recent discourses on the nature of social work research activity. Finally the chapter ends with a statement of my research questions and aims.

Chapter 3, the second methodology chapter, starts with an overview of my planning for the research, located within the constraints and opportunities I faced as regards resources and issues of access and ethics. The chapter then comprises a brief, factual overview of what my research actually comprised and what research methods were involved. The bulk of the chapter then consists of a more detailed theoretical analysis of the research methods employed and their application to my study.

Chapters 4 - 8 inclusive present and discuss the findings emanating from my research, starting, in Chapter 4, with a critical exploration of official and semi-official guidance available in the early 1990s on the subject of children and young people who sexually abuse and a description of how these documents helped me to refine my research questions and aims.

Chapter 5 contains a critical overview of the results of my study of ACPC annual reports for the period 1992-4 in relation to references to children and young people who sexually abuse, set in the context of Department of Health publications referring to ACPC annual reports for the years 1990-1991, 1994-1995 and 1995-1996.

In Chapter 6 the findings from my study of ACPC inter-agency guidance are presented. In particular, emerging models of policy and procedure in respect of young

sexual abusers are described and reflected on, in the context of the guidance which was the subject of analysis in Chapter 4.

Chapter 7 focuses on a description and analysis of the results of my semi-structured interviews in six local ACPC areas, drawing out the similarities and differences in policy, procedure and services in respect of children and young people who sexually abuse which seemed to be in existence across these areas, as well as summarising the many issues of concern and uncertainty identified by my respondents.

Finally, as part of my results chapters, Chapter 8 comprises an overview and analysis of a national questionnaire-based survey of professionals I conducted in 1995-1996 in order to explore the development of policy, procedure and services in relation to children and young people who sexually abuse across a wider range of respondents and ACPC areas.

Chapter 9 starts with a detailed summary of the main themes and patterns which emerged from these various elements in the data collection process, set in the context of my original research aims. The research findings are then theorised within wider social and conceptual frameworks which draw on aspects of the sociology of childhood and childhood sexuality (both of which were introduced in Chapter 1) and on the history of policy and legislation pertaining to child welfare and youth justice during the 20<sup>th</sup> century up until the mid 1990s when my research took place.

In Chapter 10 the reader is brought up-to-date on policy and legislative developments since the mid 1990s, developments which are going to impact in interesting ways on

the further development of policy, procedures and services in relation to children and young people who sexually abuse.

Chapter 11, the concluding chapter, then offers my assessment of the strengths and limitations of the research study and some suggestions as to how the research could be taken forward. The chapter also includes some final reflections on the process of doing this piece of research, in particular, on the shift in my role over time from being primarily a researcher and recorder of developments to becoming more involved in shaping them.

## **A NOTE ON STYLE**

Undertaking this study has caused me to reflect a great deal on the process of doing research and my role in that process and I determined early on to keep myself visible in this account of the work I have undertaken. Consequently, although my reading of study guides for PhD students indicates that wherever possible theses should be written in the passive tense, I have departed from this tradition, particularly when discussing the research process. This reflects my view that researchers impact on their 'objects' of study in various important ways and indeed actively influence them. In other words, researchers are not passive in their activities and representations and, therefore, it is inappropriate to write themselves out of the products of their research as if this were not the case (Stanley and Wise, 1983; 1993). Thus 'I' is used regularly throughout the thesis.

## **LOOKING BACK ON THE PROCESS OF WRITING THE THESIS**

Writing a PhD thesis can never be an easy task, given its length and the requirements demanded of it. What I have found particularly difficult is the need to set out in a logical and distinct chapter order the process of doing the research when in fact some of the elements of my data collection overlapped with each other in terms of when they occurred. In addition, I have had to try and write in an academic style about some aspects of my work which were important in the development of my thinking but which happened very informally, for example, via chance meetings and unplanned face to face or telephone conversations. It has been a struggle to try and ensure that this mix of traditional research method and a more opportunistic approach has not been too muddling.

Notwithstanding the above problems I hope that the reader will judge that this written exposition of my research into children and young people who sexually abuse others has demonstrated that I have been able to investigate and evaluate my chosen topic critically, using research methods appropriate to my research aims and feasible, given the constraints within which I had to work, and that in the end I have made an original contribution to knowledge in this area.



## **CHAPTER 1 THE EMERGENCE OF THE PROBLEM OF CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE: A LITERATURE REVIEW**

This scene setting chapter begins with my analysis of how children and young people who sexually abuse others emerged as a problem in England during the early 1990s, located within a brief historical account of changing social constructions about child sexual abuse and of concerns about adult sex offenders. Then, following an introduction to conceptual issues which both illuminate the nature of the problem as well as help to explain its complexities and uncertainties, the chapter provides an overview of research into young sexual abusers, covering issues of incidence, prevalence and empirical studies into the characteristics and backgrounds of children and young people who sexually abuse. The final section of the chapter comprises a short outline of the development of theories of causation and the treatment approaches which have developed from them, with some discussion on recent critiques of current mainstream approaches to intervention. In the conclusion to the chapter the point is made that available literature, particularly in the UK, has largely ignored policy and procedural issues in respect of children and young people who sexually abuse and that this aspect became the focus of my own empirical study.

### **CONCERNS ABOUT CHILD SEXUAL ABUSE, ADULT SEX OFFENDERS, AND THE EMERGENCE OF THE PROBLEM OF CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE**

The regulation of sexual relationships between adults and between adults and children through folklore, informal sanctions, religious mores and laws and criminal legislation

has been a feature of societies for centuries, with attitudes changing over time about the acceptability of various forms of sexual contact (Kilpatrick, 1992). Only in the case of incest would there appear to have been some consensus over the centuries, with such intra-familial sexual behaviour being the subject of taboos in most societies throughout history for a variety of reasons, including concerns about undermining family stability and good order, weakening the genetic stock and, more recently because it has been perceived as abusive of children. Kilpatrick (1992) and others (see, for example, Corby 1998) provide interesting and detailed overviews of the regulation of sexuality from antiquity to the twentieth century, but for the purposes of this outline, attention will be focused on developments in relation to conceptualisations about child sexual abuse and to concerns about sex offenders since the late nineteenth century in the UK.

### **Child Sexual Abuse**

Focusing on child sexual abuse, Corby (2000) has argued that modern concerns about the sexual treatment of children can be traced back to the late nineteenth century, although initially the focus was on extra-familial abuse such as child prostitution. However by the turn of the century attention was also being paid to intra-familial sexual abuse, as a result of the work of organisations such as the NSPCC and in 1908 the Incest Act was passed. However prosecutions for incest remained low for many decades, until the mid 1980s, and for much of the first half of the twentieth century, on the basis of Freudian ideas about the nature of sexuality and his attribution of childhood sexual issues to the imagination of the unconscious mind (Freud, 1978, translated from original work published in 1905), accounts of sexual victimisation or

sexual offending were often seen as fantasies symptomatic of intra-psychic conflicts and the realities and extent of child sexual abuse were denied (Ryan and Lane, 1991).

However from the mid 1960s onwards public and professional concerns about child abuse in general and about child sexual abuse in particular have spiralled and have been associated with ever more detailed legislative and organisational arrangements for the protection of children from such abuse (see Appendix 4 for an outline of the arrangements in place at the time of my research). A detailed social constructionist analysis of such developments is not possible here and has been thoroughly explored elsewhere (e.g. Parton, 1985; 1991) but it would appear that a number of factors and pressure groups were associated with the emerging discourse. In respect of concerns and responses to child sexual abuse specifically, Corby (1998) cites various influences, in the USA and in the UK, which came together to put intra and extra-familial child sexual abuse firmly on the public agenda:

- the work of child protectionists such as Kempe and his colleagues in relation to the 'battered baby syndrome' (see, for example, Kempe et al, 1962) and Finkelhor (1979) in relation to sexually victimised children;
- early perspectives on the dynamics of intra-familial child sexual abuse (and father-daughter incest in particular) being promulgated by clinicians such as Giarretto (1981), Furniss (1983), Trepper and Barrett (1986) and Bentovim et al (1988), although these were by no means uncontested, with feminists and others criticising the tendency of these perspectives to take the responsibility for the abuse off fathers and to blame what were perceived as colluding

mothers (see, for example, Ward, 1984; Nelson, 1987; Masson and O'Byrne, 1990);

- the work of psychologists and psychiatrists into adult sexual abusers which will be elaborated on shortly;
- feminist analyses of male violence which was then and is still perceived as rooted in the unequal power relationships between men and women at both a personal and structural level, that is, in the patriarchal nature of society, resulting in the sexual exploitation and abuse of adult women and female children, both within and outside the family (see, for example, MacKinnon, 1982; Kelly, 1987 and Parton, 1990).

Thus a consensus began to emerge that child sexual abuse, both within and outside the family, was relatively common, that intra-familial sexual abuse occurred in families in all socio-economic groups, that children's stories about such abuse should be believed and that sexual abuse of children was morally wrong, was a serious crime and resulted in serious socio-emotional short and long term effects.

Corby (1998) provides an account of how these ideas impacted on professional practice in the UK, driven largely, in the early to mid 1980s, by 'informed' child protectionists in local areas and pressure from female sexual abuse survivors. Before the Cleveland intra-familial child sexual abuse crisis (HMSO, 1988), such developments in practice, which were pursued under the umbrella of existing child protection arrangements for dealing with physical abuse and neglect, were patchy

across the country and led by front-line practitioners in various professions. However, as Corby comments:

Events in 1987 at Cleveland ensured government intervention and a more concerted effort to develop a top-led strategy in respect of child sexual abuse.  
(Corby, 1998: 33)

Thus, a more co-ordinated, procedurally led and strategic inter-agency approach to child sexual abuse began to emerge as a result of governmental guidance (DOH, 1988a, 1991) and changes implemented within successive pieces of criminal justice legislation (in 1988, 1991 and 1994) aimed, on the one hand, at reducing the possibility of secondary abuse of children (and their carers) resulting from what were perceived to be over-zealous and precipitate interventions in families (as claimed in the Cleveland report) whilst, on the other hand, maintaining a focus on the seriousness of (some) child sexual abuse and the need to prosecute sex offenders.

### **The Development of Research and Interventions with Adult Sex Offenders**

Although it would seem that modern day society is in the grip of an unprecedented and intense moral panic (Cohen, 1973) about (adult) sex offenders, and paedophiles in particular, in fact Sampson (1994) argues convincingly that panics about sexual crime are nothing new. He cites various examples from the fifteenth century onwards which illustrate that the public has regularly been exercised, if not obsessed, with notions that they, or their children, are at risk of sexual assault. He also suggests, as Cohen (1973) and Richards (1990) have done, that such sexual deviants are often a convenient scapegoat when the social order is perceived to be under threat in various ways. Nevertheless, although sex offenders may be scapegoated in this fashion, it is

also certainly the case that sexual assault exists and that the suffering caused to the victims of such assaults, whether they be adults or children, should not be underestimated (Glaser and Frosh, 1988; Morrison et al, 1994; Ryan and Lane, 1997).

In the United Kingdom, as awareness of what is referred to as child sexual abuse increased during the 1980s, so there was a rise in the number of such cases being dealt with by those agencies seen as having a primary task in child protection: social services departments, the NSPCC and primary health professionals. Thus, Corby (1993) charted the rapid growth in the number of children being registered under DOH categories because of sexual abuse, rising from less than 1% of total registrations in 1978 to almost 9% in 1984 and to 25% in 1986.

The problem for these 'child protection' agencies rapidly became one of finding a way off the treadmill of dealing with the consequences of child sexual abuse without dealing with the immediate cause, ie., adult men, inside and outside the family, who had already abused children and who were judged as likely to do so again if their offending behaviour was not addressed. For agencies with a focus on the alleged abuser, such as probation, prison, police, psychological and psychiatric services, the issue became one of providing effective interventions for what was perceived to be singularly persistent and damaging behaviour in a context where the efforts of such agencies did not seem to be supported by the courts or existing treatment facilities. As Morrison comments, whilst there was an explosion of sexual abuse registrations during the mid 1980s:

In the same period, prosecutions for sexual offences rose by only 17 per cent (Home Office, 1989). In other words ... the criminal justice system appeared to be ineffective in identifying and controlling the offenders. Apart from a very limited amount of treatment being provided in NHS settings, services to sex offenders were almost non-existent until the later part of the 1980's.

(Morrison et al, 1994: 26)

Nevertheless, research into the characteristics of child molesters and other sexual offenders (both intra- and extra- familial), and associated theorising about the causes of their behaviour and possible intervention approaches, was gathering momentum from the late 1970s onwards, particularly in North America (see, for example, Groth, 1979, Gibbens et al, 1981, Baxter et al, 1984, Prentky et al, 1989 and Knight and Prentky, 1990). As is discussed later in this chapter, much of this research and theorising was being (and still is) conducted by forensic and clinical psychologists and psychiatrists, those professionals most likely to be involved in the assessment and treatment of adult sex offenders. This dominance has resulted in the development of certain preferred models of understanding and intervention, with models derived from work with adult sex offenders being adopted, with adaptations, for use in work with young sexual abusers. A critique of these current approaches is provided in the final section of this chapter, for the moment the focus is on knowledge generated about adult sex offenders from studies conducted since the late 1970s.

Fisher (1994) argues that a study of 561 non-incarcerated sex offenders by Abel and his colleagues (Abel et al, 1987):

represented a watershed in the knowledge base about sex offenders, because of the huge amount of previously unknown information revealed and served to dispel some previously held ideas and stereotypes. (Fisher, 1994: 6)

The subjects in this study were aged between 13 and 76 years, with an average age of 31.5 years. Most were moderately educated, half were in stable relationships and 65% were fully employed. They were representative of the ethnic groups in the general population and came from all socio-economic groupings. A significant proportion of the sample (24% of those who had assaulted females and 60% of those who had assaulted males) reported that they were themselves abused as children (a finding supported by other studies such as those referred to above).

The 561 sex offenders in the study self-reported an unexpectedly large amount of offending (291,737 paraphilic acts), with the majority of individuals offending against a few victims occasionally, and a minority accounting for substantial numbers of victims and offences. Of particular interest was the finding there was a high level of cross-over between sexually deviant behaviours - 23% of the subjects offended against both family and non-family victims. Previously it had been assumed that offenders only indulged in one kind of offence and with one kind of victim, with a distinction typically drawn between intra-familial and extra-familial sexual offending.

Subsequent studies (for example, Bradford et al, 1988; Kelly et al, 1991) have confirmed that the majority of child molesters sexually assault children they know, Grubin (1998) reporting that most studies find this to be the case at least three quarters of the time, with up to 80% of offences taking place in either the home of the offender or the home of the victim. In other respects, such as criminal background, their sexual arousal patterns, social functioning and their risk of re-offending, child molesters and other sex offenders emerge as a heterogeneous group, although various studies have



tried to develop sub classifications or typologies based on, for example, type of offence and the characteristics of victims targeted (Conte, 1985, Lanyon, 1986 and Knight and Prentky, 1990).

When undertaking my secondment as a team member with an NSPCC Child Protection Team in north west England in 1987-1988 I became aware of a slowly increasing number of treatment projects for adult sex offenders locally, often involving professionals working jointly across child protection and offender focused agencies and predominantly based on groupwork programmes (Barker and Morgan, 1993). Such projects were informed by the work of various prominent North American researchers and clinicians (see the studies cited above, as well as Finkelhor, 1984 and Wolf, 1984 to whom reference will be made later in this chapter). Their approaches were being promulgated through national conferences and training events led by a few well known figures in this country. These included, for example, Ray Wyre, an ex prison officer, who was then running the Gracewell Clinic, a private clinic in the Midlands specialising in the treatment of male, adult sex offenders. Even then, however, my impression was that the work that was being done with adult male sex offenders was largely being driven by a small number of dedicated and enthusiastic front-line professionals, or reticulists as Hallett and Birchall (1992) would describe them, rather than as a result of clearly thought out top-down policies and mandates, an impression supported by Morrison's later analysis (Morrison et al, 1994). However, since the early 1990s, partly as a result of even more heightened public concern about adult sex offenders and paedophiles especially, a theme I shall return to in Chapter 10, and as a result of developing responses to child sexual abuse

which I have outlined previously, provision for the treatment of adult sex offenders has, over the last decade, become more mandated and available, often being centred on probation and prison services (HM Inspectorate of Probation, 1998).

### **Indications of Official Concern about Children and Young People who Sexually Abuse Others**

By the late 1980s, however, there was still little or no discussion in this country about the management and treatment needs of much younger sexual abusers, the problem not having been characterised or officially recognised. Nevertheless, the increased focus on child sexual abuse and on adult perpetrators of sexual abuse noted above probably created a climate of professional and public sensitivity within which other 'discoveries' about the phenomenon of child sexual abuse were more likely. As Corby (2000) argues, the 1990s have been characterised by a broadening of concerns beyond intra-familial abuse into concerns about the sexual and other maltreatment of children outside the family, in residential care, in situations of organised abuse and, as an echo of concerns in the late nineteenth century, in relation to child prostitution.

Thus, by the time of my MPhil/PhD registration in January 1994, two significant developments had occurred in this country in relation to children and young people who sexually abuse:

- some 30 lines of guidance (paragraph 5.24) on how to deal with abuse carried out by children or young people had been included in the second edition of *Working Together* (DOH, 1991);

- the National Children's Home's *Report of the Committee of Enquiry into Children and Young People who Sexually abuse Other Children* (NCH, 1992) had been published.

Together these two documents comprised the first official and semi-official guidance on the subject of children and young people involved in (sexually) abusing other children. These documents are the focus of detailed analysis in Chapter 4 of this thesis. In this chapter my analysis concentrates on identifying influences which appeared to be driving or taking forward these developments in the UK, in England at least.

### **Identifying Influential Factors**

So what were these influences? The answer to this question only really emerged in the course of the research that is outlined in this thesis. However, the need for a defensible structure to my account dictates that my answer to this question is located in this opening chapter.

My analysis suggests that a number of influences were at the forefront in placing the problem of children and young people who sexually abuse on the public agenda, alongside other concerns about the abuse of children inside and outside the family. Firstly, North American publications were providing evidence of a growing body of research and practice on the subject of young sexual abusers. One publication, edited by Ryan and Lane (1991), on juvenile sexual offenders was proving to be particularly influential. This volume included chapters on the history of the development of work

with young sexual abusers in North America since the late 1970s, theoretical perspectives on the causes and consequences of such abuse, and models for the management, assessment and treatment of juvenile sex offenders. In Chapter 3, Ryan (1991) identifies the pressures behind these North American developments.

In the late 1970's, numerous studies were reporting a dismal prognosis in treatment for adults who molested children ... many clinicians ... reached the same conclusion: "We have to get these guys sooner" (Abel et al 1985; Groth 1977) ... Simultaneously, workers in juvenile corrections and human sexuality programs began to see that many of the juveniles committed or referred on lesser complaints had actually committed serious sexual offenses. Looking to the adult field for direction, clinicians struggled to develop the first offense-specific programs for adolescent sex offenders (Knopp 1983).  
(Ryan, 1991: 18)

Although a well written and well-received publication, Ryan and Lane's book obviously suffered, from the point of view of the English experience, from being based within the legislative and organisational contexts of welfare provision in North America. Clearly, systems for dealing with young sexual abusers in England had to address the very different legislative and organisational arrangements in place in this country.

Secondly, criminal statistics and research studies in England and elsewhere, which are discussed shortly, were apparently providing evidence that a significant proportion of reported sexual offences were being committed by children and young people.

Thirdly, as Tom White, then NCH Chief Executive, commented in the introduction to the NCH Report (1992):

Staff in the National Children's Home have become increasingly aware of the problem, as have staff in other voluntary organisations and local authorities.  
(NCH, 1992: v)

Certainly, my own subsequent data collection indicates that the concerns of 'front-line' staff in both field and residential settings about young sexual abusers have played an important 'bottom-up' role in raising awareness of 'the problem' and increasing the pressure to develop policy, models of practice, and training and support for professionals working directly with such youngsters.

Finally, a small number of well placed organisations and certain key individuals within them also appear to have been influential in raising awareness about children and young people who sexually abuse and in influencing policy and practice initiatives. These include: NOTA, the National Organisation for the Treatment of Abusers; the Department of Health and one Social Services Inspector in particular; and various voluntary sector children's organisations. These influences are discussed in turn.

NOTA was, and remains, a key player in drawing attention to the problem of young sexual abusers and in contributing to training and the dissemination of information. NOTA, which has always been aimed at those directly involved in work with sexual offenders, began its life as ROTA (Regional Organisation for the Treatment of Abusers) in the north west of England in 1989. The organisation provides a self-help training and support network for front-line professionals across voluntary and statutory welfare agencies involved in work with sex offenders. Its membership

includes those from child protection focused agencies, as well as professionals from youth justice and probation settings, psychologists and psychiatrists. In September 1991 ROTA expanded to become a national organisation, with the manager of the NSPCC team where I had been seconded as its first chair. Originally the focus of the organisation's work was on the management and treatment of adult sex offenders. However, by the early 1990s, attention was also being paid to young sexual abusers, particularly male adolescents. In addition to publishing a Newsletter, NOTANews, and a refereed journal, The Journal of Sexual Aggression, NOTA was sponsoring workshops organised by local branches and a national annual conference, often involving keynote speakers from North America, such as Gail Ryan. All of these initiatives were helping to raise the profile of work with children and young people who sexually abuse.

Along with other professional groupings and welfare agencies, central government departments such as the Department of Health (DOH) and the Home Office were also increasingly focusing on the need to intervene with sex offenders, in order to prevent child sexual abuse. At some point between 1989 and 1991 one particular Social Services Inspector (SSI) in the Department of Health contacted the chair of ROTA, about another organisation, BASPCAN (British Association for the Study and Prevention of Child Abuse and Neglect), which was thinking of setting up a focus group or organisation on sex offenders (Morrison, 1997). The SSI did not know of ROTA and, as a result of her discussion with the chair, concluded that ROTA was already providing such a focus group, ahead of any initiative by BASPCAN. Consequently, when NOTA was established as a national organisation, the chair

contacted the SSI about the possibility of government observers being involved. The SSI herself attended NOTA National Executive Committee meetings as an observer for some years, together with a representative from the Home Office. Access to this latter government department had been smoothed through the good offices of a senior member of Greater Manchester Probation Service, another original ROTA member.

Last, but not least, since the early 1990s some of the biggest children's charities - Barnardos, National Children's Home (NCH), NSPCC, ChildLine and Save the Children - have played a major role in relation to the problem of young sexual abusers. This has been in terms of both contributing to discussions and debate on the problem and making a major contribution to the development of some of the earliest projects. These have specialised in providing a service for such youngsters, often through time limited initiatives, funded through service level agreements with social services departments.

All the above factors, then, in a context of heightened awareness and concern about (adult) sex offending and a broadening of concerns about other aspects of child abuse which have been identified earlier, contributed, I would argue, to the emergence of the problem of children and young people who sexually abuse in England since the early 1990s.

## **CONCEPTUAL FRAMEWORKS**

My account in this thesis indicates that the problem of children and young people who sexually abuse is a highly contested area, with professionals, policy makers and

indeed wider society evidencing various perspectives about, for example, the nature and size of the problem and what responses and interventions are justified and appropriate. In this section, my purpose is to introduce conceptual issues which will be the subject of further discussion during the thesis, and particularly in Chapters 9 and 10, when I am attempting to understand and explain the results of my empirical study and to anticipate the possible additional complications resulting from policy and legislative changes in both child protection and youth crime which occurred in the late 1990s, after the period of my own research.

### **Notions of Childhood**

It is argued (Aries, 1962) that social constructions of childhood first emerged in the eighteenth century and there has been considerable debate since about the significance of this development. The construction of a category of childhood can be viewed as symbolic of a more caring society wishing to make specialised and humane provision for young people but others argue (for example Hendrick 1994 and 1997 and McGillivray, 1997) that this phenomenon can also be seen as the beginnings of more pervasive (modern) forms of social control or regulation of children and (particularly poor) families. Such general conceptualisations are very important for understanding the particular case of young sexual abusers and associated policy and practice developments and will be discussed at various points in the thesis.

Adult conceptions of the nature or principal identities of children have changed over time in response to significant events, political imperatives and the interests of dominant (primarily white, middle class, western) interest groups such as religious



leaders, educationalists, medics, psychologists and others. Jenks (1996) argues, however, that throughout history and across cultures there appear to be two dominant ways of conceptualising or imagining the child - what he calls the Dionysian conception (the child as initially evil, corrupt and in need of surveillance and curbing) and the Appollonian conception (the child as innocent, untainted, needing nurturance, caring and protection). He comments:

..these images are immensely powerful, they live on and give force to the different discourses that we have about children; they constitute summaries of the way we have, over time, come to treat and process children 'normally'  
(page 74)

As will be discussed, particularly in Chapter 9, such diverging images, can be usefully employed in analysing why, for example, responses to young sexual abusers have often been characterised as evidencing either denial or minimisation at one extreme or highly punitive responses at the other. Later in the thesis, too, there is reference to the ongoing debates amongst academics about whether, in fact, these images have alternated with each other at different points in history, or whether both images have co-existed uneasily over time, impacting on policy and legislation in respect of children in complex ways. Whatever the 'truth' of such debates, such constructions of childhood can illuminate and facilitate the process of understanding the nature of developments in relation to children and young sexual abusers during the 1990s in England, as will be outlined after the results from my own study have been presented.

## **Human Sexuality, with a particular focus on Childhood Sexuality**

Similarly, understanding the nature of theorising about human sexuality and, in particular, acknowledging the dearth of knowledge and theorising in respect of childhood sexuality, is helpful when discussing the problem of children and young people who sexually abuse in general and the slow development of policy, procedure and services for such youngsters in particular.

Corby (1998) overviews the extensive knowledge base about adult sexuality which professionals could draw on in order to inform their work in child sexual abuse cases. This ranges from Freud's theory of psycho-sexual development (1978), through studies of adult sexual behaviour by, for example, Kinsey et al (1948 and 1953) and Masters and Johnson (1966 and 1970) and on to more social constructionist analyses of sexuality, such as that provided by Foucault (1979) and post modernist analyses of multiple sexualities (see, for example, Meyer, 1996).

However, so far as children are concerned, there is a dearth of literature and, what there is, is often couched in negative terms. Even in the case of adults, sexuality is an emotionally charged topic area at the best of times and childhood sexuality in particular:

is seldom treated as a strong or healthy force in the positive development of a child's personality...  
(Martinson, 1997:36)

On the contrary, childhood sexuality is often dealt with very inadequately in textbooks (Yates 1982) and is often associated with pathology so that, for example,

masturbation is seen as problematic behaviour. The proper adult role is often seen as protecting children from sexual matters, with assumptions made about the asexuality of preadolescents at least. Consequently there is a dearth of research which asks children themselves about their sexual knowledge, behaviour and emotions, research which involves children as subjects of their experience, Goldman and Goldman's publication (1988) being one of the few exceptions. Meyer (1996) also makes the point that the sexuality of less powerful groups such as women and children are typically defined within a dominant white, male, heterosexual social discourse and she provides a powerful social constructionist analysis of the limitations of the research and theoretical ideas of Freud and Kinsey as exemplars of such a discourse. It is not even universally agreed what the goals of sexual development are, what sexual maturity comprises. One of the few definitions of healthy sexual development which avoids gendered assumptions about the importance of male genital orgasm is offered by Barbaree et al (1993) and reads:

(Sexual maturity is)...the individual's integration of sexuality into an interpersonal context so that the sexual and personal needs, goals and rights of both self and other are compatible (Barbaree et al, 1993: 88)

What seems clear, however, from the research that has been undertaken (see, for example, Wade and Cirese 1991, Barbaree et al, 1993 and Martinson, 1997) is that children are sexual beings and that sexual development takes place throughout the life cycle. Various lines of development are involved including physiological/biological; emotional; cognitive; gender identity; socialisation and interpersonal development. Some writers (Hanks, 1994) suggest that early sexual behaviour is for comfort, pleasure and exploration and that cognitive developments

are needed before these behaviours become imbued with adult-like meanings and significance. Certainly complex processes are involved in the development of sexual maturity. These include becoming sexually active and yet also responding to strong moral prohibitions; enjoying sensual intimacy which is, for example, acceptable between infants and mothers but understanding that such intimacy is not so straightforwardly acceptable otherwise; and negotiating 'do as I say not as I do' prescriptions from adults.

The research already cited (see, for example, Goldman and Goldman, 1988; Meyer, 1996; Wade and Cirese, 1991) also indicates that there are a tremendous range of normal sexual behaviours in children and that children's knowledge, behaviour and affect are affected by variables of age, class and gender as well as by societal and cultural differences. Smith and Grocke in their study (1995) found considerable variation in sexual knowledge across children's age groups and a wide range of behaviours, with consistent and pervasive differences according to social class and, to a lesser extent, gender. Moreover behaviours thought to be indicative of sexual abusive situations such as excessive masturbation, over-sexualised behaviour, an extensive curiosity or sexual knowledge and genital touching, were found to be common in the 'normal' community group of families they had studied as a contrast with families where sexual abuse had occurred.

However what also emerges from research is that whilst children and adolescents are very interested in sexual matters, they usually have to develop sexual knowledge and understanding for themselves, on their own and with their peers, because of the

discomfort and prohibitions of adults. For example Plummer (1990) describes various processes which compound the difficulty for children in making sense of their sexuality. These include:

- scripting of absences - where adults don't help children with a vocabulary through which to discuss their struggles;
- scripting of values - children quickly learn that sexuality is value laden, and often negatively laden;
- scripting of secrecy -that sexual matters should not be public;
- scripting of the social uses of sexuality - children learn from adult behaviour that sexuality can be used in a variety of ways - for play, to express anger, to challenge authority, to exploit others and for pleasure.

The embarrassment and discomfort of adults is not confined to parents. Evidence suggests that there is a lack of professional training about childhood sexuality and about working with children on sexual issues (NCH, 1992; Farmer and Pollock, 1998) and so many workers and their supervisors feel very ill-prepared for direct, detailed work with children around these issues, particularly if they carry unresolved uncertainties and negativities from their own childhoods.

### ***Issues of Sexuality and Children and Young People who Sexually Abuse***

As will be evident from the above outline, matters of childhood sexuality and development are highly complex and charged with both emotion and uncertainty. Little wonder then that responding to the problem of children and young people who

sexually abuse others has proved to be challenging and pioneering work, as this thesis attempts to demonstrate. Even defining what is sexually abusive behaviour by children and young people emerges, not surprisingly, as problematic. A number of publications have struggled with the problem of trying to differentiate normal sexual exploration in childhood from inappropriate sexual behaviour and sexually abusive behaviour (Pithers et al, 1983; NCH, 1992; O'Callaghan and Print, 1994; Ryan and Lane, 1997; Brown, 1999). This is not an easy task and, as Ryan (1999) comments:

in defining the sexual abuse of children by adults, age and behaviour are sufficient identifiers (i.e., if an adult does something sexual to a child, it is defined as sexual abuse); however, the definition of abuse perpetrated by children and adolescents requires additional descriptors. (Ryan, 1999: 424)

The National Children's Home Committee of Enquiry (NCH, 1992) discusses key factors, such as consent, power imbalance (as opposed to equality) and exploitation or coercion, that need to be borne in mind when deciding whether what has happened between two minors is sexually abusive and the definition offered by Ryan and Lane (1997) is often quoted at training events and in other literature:

Sexually abusive behaviour has been defined as any sexual interaction with person(s) of any age that is perpetrated (1) against the victim's will, (2) without consent, or (3) in an aggressive, exploitative, manipulative or threatening manner. (Ryan and Lane, 1997: 3)

Checklists such as those offered by Ryan and Lane (1997), and O'Callaghan and Print (1994) or the list of questions generated by the NCH Enquiry report (1992, paragraph 2.8) may also assist in the process of decision-making. It would appear, however, that professional judgements will always be involved in coming to conclusions about what

is or is not abusive behaviour. The NCH Committee of Enquiry concluded that such judgements should be based on an investigation by social services and/or the police and an assessment of the circumstances of the incident under child protection procedures (NCH, 1992, paragraph 2.10). Similarly, Corby (1993) comments in his publication focusing on child abuse committed by adults that:

... the only safe definition of child abuse is that it is a conclusion reached by a group of professionals on the examination of the circumstances of a child, normally (in Britain) at a case conference. Such a definition is usually symbolised by the placing the child's name on a child protection register.  
(Corby, 1993: 42-43)

However, in relation to sexual aggression or sexual abuse committed by children or young people such a process of construction is problematic because, as subsequent chapters evidence, despite official guidance that such youngsters should be dealt with under child protection procedures, many alleged young abusers were not being considered within such procedures and even today current DOH registration categories do not anyway provide for children and young people to be registered as (sexual) abusers.

As will become evident, my own research clearly indicates that how sexual abuse by children and young people should be defined and levels of seriousness remain important and contentious issues on professional and other agendas. This recurring theme is the subject of discussion at various points in the thesis and is finally revisited in Chapter 9.

## RESEARCH INTO YOUNG SEXUAL ABUSERS

### A Note on Terminology

I have been very much aware of the need in this thesis to maintain consistency in terminology given the range of phrases used to refer to children and young people who are sexually aggressive or abusive towards others, phrases which appear to have fallen in and out of professional favour since the early 1990s.

The National Children's Home Enquiry report (NCH, 1992) in paragraphs 1.5 and 1.6 acknowledged the dilemmas with regard to terminology and commented:

[The Committee] recognises the need for continued debate on this issue. Such a debate must take into account the different professional and national contexts in which work with young sex abusers takes place. (NCH, 1992: 2)

I have since discovered, however, during a telephone interview with one of the members of the Committee (8 June, 1999) that this measured statement does not do justice to the heated debate which occurred on the subject at the opening session of the Committee deliberations. Her memory was that the Committee had anticipated that agreeing on terminology would be an easy matter but a 'fraught discussion' had ensued. Various terms, for example 'sexual abusers' 'sexually aggressive' or 'over sexualised' children, had been considered and rejected, either because members had been concerned about the dangers of placing adult-like labels on youngsters inappropriately, or because the phrases suggested did not accurately delineate the problem. Thus, for example, it was acknowledged that the term 'over sexualised' could apply to a victim as much as to a perpetrator. The phrase finally agreed on by



the Committee, children and young people who sexually abuse other children, was apparently considered by some members as far too long and unwieldy but a necessary compromise.

Even now this debate on terminology is apparently ongoing, as evidenced by the variety of terms used in published works (Hoghughi et al, 1997; Ryan and Lane, 1997; Erooga and Masson, 1999). Notwithstanding the continuing general uncertainty about terminology my impression from discussions with professionals in the field is, however, that it is now considered oppressive and unacceptable to label very young children as sexually abusive. Therefore, in the hope of providing clarity for the reader, the phrase 'sexually aggressive child or children' is used specifically to denote children under the age of 10, that is, under the age of criminal responsibility in England (although some North American research includes children under 12 within this category).

A number of similar descriptors, for example, 'young sexual abusers', 'adolescent or juvenile sexual abusers' and 'young people who sexually abuse', refer to children and young people of 10 years and above. In keeping with the NCH Enquiry report's own decisions about use of language (NCH, 1992) the term 'offender' is reserved for a young person who has

been through a criminal investigation and who has either been convicted of a sexual offence or has admitted a sexual offence and has received a caution, or other non-court action. (NCH, 1992:2)

Unless specifically addressing young female sexual abusers the pronoun 'he' is used throughout the thesis, in recognition of current research evidence which appears to demonstrate that the vast majority of sexually aggressive children and young sexual abusers are male.

### **Incidence and Prevalence of Sexual Abuse by Children and Young People**

Against the background outlined thus far any discussion of the incidence and prevalence of sexual abuse by children and young people is clearly problematic. In addition, as the following analysis of official and research statistics indicates, even such 'objective' figures cover a multitude of ambiguities. Nevertheless an attempt is made here to assess the current state of knowledge about the size of the problem of children and young people who sexually abuse others.

#### ***Criminal Statistics***

Criminal statistics for England and Wales for 1997 (Home Office, 1998a) give the recorded level of sexual offences as 33,200. This total comprises less than 1 per cent of all notifiable offences. It should also be noted that less than 1% of these 33,200 offences were committed by females. Out of the total of recorded sexual offences, 6,400 individuals were subsequently cautioned for, or found guilty of, a sexual offence, and of these approximately 23 per cent (1,500) were aged between 10 and 21 years of age. Interestingly, the total of 6,400 represents a steadily decreasing annual number from the 10,700 recorded in 1988 and 1989. 1,900 of the 6,400 cautioned or found guilty were cautioned. Of these approximately 10.5 per cent (200) were aged 10 - 13 years, 26 per cent (500) were aged 14 - 17 years and 10.5 per cent (200) were

aged 18 - 20 years. In other words, (predominantly male) children and young people aged between 10 and 21 years accounted for 47 per cent of all cautions for sexual offences. Of the approximately 4,500 males who were found guilty in a court of a sexual offence, 9 per cent (400) were aged 14 -17 years and 4.5 per cent (200) were aged between 18 and 20. Thus, a much smaller percentage of young people (13.5 per cent) accounted for findings of guilt as a result of court process, as compared with the percentage of young people accounting for formal cautions.

These official statistics, which refer only to young sexual abusers over the age of criminal responsibility and only to reported offences, are likely to represent just a small proportion of sexual abuse committed by children and young people, particularly as it is claimed (NCH, 1992) that much abuse goes unreported or is not recognised or dealt with as such. Moreover, as a number of commentators have powerfully argued (see, for example, Cicourel, 1967; Shipman, 1981; Scott, 1990; May, 1993), such ostensibly reliable data is, in fact, highly problematic given the tortuous and socially situated processes through which it is generated and the confusing and inconsistent nature of the data itself. Shipman (1981) comments:

To Cicourel, official statistics of juvenile crime are made up in the same way as rumour is generated and transmitted. Vague and discontinuous pieces of information are transformed into ordered occurrences. (Shipman, 1981: 122)

### *Prevalence Studies*

Various other kinds of studies have, therefore, attempted to estimate the extent of sexual abuse by young people. In a major retrospective study of adults concerning

their experiences of abuse in childhood Finkelhor (1979) found that 34 per cent of women and 39 per cent of men who recalled having a sexual encounter during their childhood with someone five or more years older than themselves reported that the older partner was aged between 10 and 19 years. Other studies (Ageton, 1983; Fromuth et al, 1991) suggest that about 3 per cent of all adolescent males have committed sexually abusive acts, whilst Abel et al (1987) found that approximately 50 per cent of adult sex offenders they studied reported that they had had deviant sexual interests during their adolescent years.

Caution must always be applied when interpreting the results of such retrospective studies. For example, in the case of the Abel et al (1987) study, their findings can be misinterpreted as demonstrating high rates of adolescent sexual deviancy which get carried through into adulthood. It may instead be that many or indeed all adolescent males have deviant sexual interests but only a proportion act on those interests at the time or later in their lives. Research on this conjecture has yet to be conducted. Nevertheless, weighing up these kinds of statistical and research findings, overview reports (see, for example, Kelly et al, 1991; NCH, 1992; Openshaw et al, 1993; Grubin, 1998) consistently conclude that between about 25-33 per cent of all alleged sexual abuse involves young (mainly adolescent) perpetrators.

### **Current Findings on the Characteristics of Children and Young People who Sexually Abuse**

As the criminal statistics for 1997 (Home Office, 1998a) seem to suggest, reported young sexual offenders are predominately males in their middle to late teenage years.

Early literature (for example, NCH, 1992; Ryan and Lane, 1991) focused almost exclusively on male adolescents, having very little to say about other children. However, there are now significant concerns expressed in the literature about other groups of youngsters involved in sexually aggressive or abusive behaviour and an outline of their characteristics is provided below. Initially, however, the focus is on the largest category of young sexual abusers, adolescent males. It should be noted here also that current literature on the characteristics of young sexual abusers tends not to distinguish between those reported for intra-familial, as opposed to extra-familial abuse.

### ***Male Adolescent Sexual Abusers***

Based on existing published studies, it is argued in texts overviewing the terrain (see, for example, Barbaree et al, 1993, Morrison and Print, 1995; Ryan and Lane, 1997, Grubin, 1998) that a generalised picture of male adolescent sexual abusers and their offences can be developed. The victims of such offenders are said to be usually younger by a number of years. They comprise both male and female children and are often, as is the case with adult child molesters, known to the abuser, for example as a sibling or through a baby-sitting relationship, although, in cases of rape, the abusers are apparently less likely to know their victims. Although the full range of sexually abusive behaviours identified in respect of adult sex offenders is also perpetrated by such youngsters, Ryan and Lane (1997) suggest:

The modal offence scenario most likely involves a seven or eight-year-old victim, and more likely a female who is not related to the offender by blood or marriage. The behaviour is unwanted, involves genital touching and often

penetration (over 60 per cent), and is accompanied by sufficient coercion or force to overcome the victim's resistance. (Ryan and Lane, 1997: 7)

In terms of their characteristics, and as literature on adult sex offenders also indicates, young male sexual abusers are typically portrayed as having a number of social skills deficits, often being described as socially isolated, lacking dating skills and sexual knowledge, and experiencing high levels of social anxiety. These conclusions are based on a rapidly increasing number of studies, both in North America and the UK, including a study of 305 offenders aged 18 years or younger by Fehrenbach et al. (1986), a study of 161 young sex offenders aged under 19 years by Wasserman and Kappel (1985), studies of 24 and 29 young child molesters aged under 16 years by Awad et al (1984) and Awad and Saunders (1989) respectively, a British study conducted by Manocha and Mezey (1998) of 51 adolescents, aged between 13 and 18 years and a database of over 1,600 adolescent sex offenders in North America which has been compiled by the National Adolescent Perpetrator Network (Ryan et al., 1996). Not surprisingly, this reported lack of social competence is seen as often resulting in low self-esteem and emotional loneliness. Some commentators point out, however, that low self-esteem may be a consequence of contemporary events, for example, being apprehended and punished although, for others, it may be a problem which is long-standing and chronic. Thus Marshall (1989) has suggested that problems of early emotional attachment contribute to a failure to establish intimate relationships in later life and subsequent low self-esteem and emotional loneliness.

Young male sexual abusers, it is asserted, may well be doing poorly at school both in terms of behaviour and educational attainment (see, for example, a study by Kahn and

Chambers (1991) of 221 adolescent sex offenders) and, as in studies of adult male sexual offenders, relatively high proportions of them (between 25 per cent and 60 per cent, depending on the study cited) report having been victims of sexual abuse themselves (O'Callaghan and Print, 1994). A number of studies, therefore, also suggest that the families of such youngsters may have a number of difficulties in terms of their stability and intra-familial dynamics (Ryan and Lane, 1997).

Despite the fact that most research into young sexual abusers has focused on adolescent males there are many aspects of this population which warrant further study. Existing empirical studies are often flawed in that they do not adequately compare adolescent sexual abusers with either non-abusing adolescents or, for example, with violent and non-violent delinquents. In the case of those that do, the results are not clear cut, some studies suggesting that many of the characteristics just described are also common in the backgrounds of other violent and non-violent juvenile delinquents (see, for example, Bischof et al, 1995, Ryan, 1999) whereas other studies suggest some significant differences (see, for comparison, Ford and Linney, 1995; Katz, 1990). As Barbaree et al (1993) comment:

In all likelihood, the population of juvenile sex offenders is every bit as heterogeneous as the population of adult sex offenders.

(Barbaree et al, 1993: 16)

As in the case of adult sex offenders, some research has now begun to try and identify sub-groups within the total population, with a view to refining current assessment and treatment approaches. Thus, for example, Richardson et al (1997) have reported on their study in England of 100 male adolescent sex offenders aged 11 - 18 whom they

categorised into 4 groups, on the basis of the age of their victims and the relationship between abuser and victim. They identified 4 groupings: a group of 31 child abusers (whose victims were 4 or more years younger than themselves); a group of 20 who abused their siblings; a group of 24 abusers who had assaulted same-aged or older victims and a mixed group of 22 subjects. Interestingly, the researchers found that 41% of the victims of the child group were male, about twice the rate of the mixed and incest groups. None of the peer group victims was male and, indeed, the backgrounds of the 'peer group' were found to be most similar to those of adult rapists. It would appear that further research in this area is needed and may prove fruitful in the future in distinguishing between different categories of male adolescent sexual abusers.

### ***Female Adolescent Sexual Abusers***

In their overview of female youth who sexually abuse, Lane with Lobanov-Rostovsky (1997) comment on the very disturbed backgrounds of the young female abusers with whom they have worked, noting high levels of both sexual and physical victimisation, problematic relationships with parents, family separation, problems at school and with peers in particular. However, they also comment:

Many of the developmental experiences are similar to those identified in the history of male youth, although they may be experienced differently by female youth based on gender, socialisation and role expectations

(Lane with Lobanov-Rostovsky, 1997: 348)

They and others (see, for example, Blues et al, 1999) suggest that young female sexual abusers may well benefit from the same kinds of treatment approaches as



young male sexual abusers, although they comment that issues of autonomy and the consequences of female socialisation experiences may well be useful additional foci.

### ***Pre-adolescent Sexual Abusers***

As regards younger children, one of the earliest descriptions of sexually aggressive children in treatment (47 boys aged four-13 years) was provided by Johnson (1988). 49 per cent of these boys had themselves been sexually abused and 19 per cent were physically abused by people they knew. The boys all knew the children they abused. In 46 per cent of cases the victim was a sibling and 18 per cent were members of the extended family. Compared to adolescent sexual abusers it appeared that these sexually aggressive children used less coercion and more enticement to secure the compliance of their victims. The mean age of the boys at the time of their sexually aggressive behaviour was eight years nine months; the mean age of their victims was six years nine months. There was a history of sexual and physical abuse in the majority of the families of the boys, as well as a history of substance abuse.

In one of the few studies of female sexually aggressive children, also by Johnson (1989), it was reported that all of the sample of 13 girls (aged four to 12 years, with a mean age of 7.5) who were in treatment had been subjected to prior sexual victimisation of a serious nature, often with close relatives, and had usually received little support and validation from other family members when they had disclosed their abuse. 31 per cent had also been physically abused. All had used force or coercion to gain the compliance of their victims and 77 per cent had chosen victims in the family.

The mean age of their first known sexually aggressive behaviour was six years, nine months and the average age of their victims was four years four months.

In a larger, more recent study of 287 sexually aggressive children aged 12 years and under (Burton et al, 1997) 79 per cent of the children were male and 21 per cent were female, with the average child living in a two parent home. In 70 per cent of their families at least one caretaker was chemically dependent; 48 per cent had at least one parent known to have been sexually abused; and 72 per cent of the children were sexually abused themselves (60 per cent by a carer). The children with known sexual abuse histories were younger at the first sign of sexual aggression than those without known sexual abuse histories.

Lane with Lobanov-Rostovsky (1997) have surveyed the issues and concerns raised by young children with sexually aggressive behaviour problems. They have worked with some 100 young children whom they divided into two treatment groups (seven-nine years and 10-12 years). The majority of these children were male and two thirds were white. Nearly half of the children were living at home at the point of referral and over two thirds had a history of sexual, physical or emotional victimisation or abandonment experiences. One third exhibited psychiatric, learning or medical problems and about a quarter had been involved in what would be considered other delinquent activity if they were older. Butler and Elliott (1999) also provide a helpful overview of treatment approaches to pre-adolescent sexually aggressive children.

## ***Young Abusers with Learning Difficulties***

Lane with Lobanov-Rostovsky (1997) comment in relation to this group:

Clinical observation indicates numerous similarities but also some unique differences between sexually abusive behaviour of disabled and non-disabled youth. The range of behaviours, the types of sexually abusive behaviours, and the elements of the behaviour appear similar, while the associated cognitive processes, the context of the behaviours and the level of sophistication exhibit some differences.

(Lane with Lobanov-Rostovsky, 1997: 342)

What little (empirical) research has been undertaken seems to suggest that there may be a more repetitive, habitual quality to the behaviour of these youngsters in terms of victim choice, location and frequency of behaviour. They may have greater difficulty understanding the abusive nature of their activities and may justify what they have done in terms of what they perceive to be normal male behaviour. They may also exhibit more impulsivity and a more childlike need for immediate gratification.

Stermac and Sheridan (1993) suggest that young abusers with learning difficulties are significantly more likely to display inappropriate, non-assaultive 'nuisance' behaviours such as public masturbation, exhibitionism and voyeurism and that they are less discriminating in their choice of victim, choosing male and female victims equally. It can be argued that their behaviour also has to be understood in the context of societal prejudice towards such disability, a general lack of attention paid to issues of sexuality in relation to this group and their increased vulnerability to being the victims of sexual abuse themselves. Thus, it is argued, management and treatment of these young people has to be planned in the light of careful assessment of their

cognitive and social functioning so that, for example, treatment delivery attends to issues such as shortened attention spans, more experiential styles of learning and the need for careful use of language and repetition of messages.

## **THEORIES OF CAUSATION AND THE FOCUS OF CURRENT TREATMENT APPROCHES**

Various texts (NCH, 1992; Sampson, 1994; Hoghughi et al, 1997; Ryan and Lane 1997 and Corby, 2000) have overviewed the range of theories put forward to explain sexual abuse generally, including sexual abuse perpetrated by children and young people. Thus, for example, Ryan and Lane (1997) provide an historical account of how sexual aggression has been variously explained by reference to psychosis (or insanity), physiology (due to the influence of neurological and/or hormonal factors); intrapsychic conflict (based on Freudian ideas); learning theory (sexual aggression as learned behaviour, based on instrumental and observational learning); attachment theory (sexual aggression as symptomatic of failures or deficits in early and later attachment); cognitive theory (sexual aggression as resulting from distorted and/or irrational patterns of thinking); addictive theory (sexual aggression as compulsive behaviour requiring similar intervention as with alcohol addiction) and family systems ideas (that family interrelationships and dysfunction cause sexual abuse, particularly in respect of father-daughter incest). The NCH Enquiry Report (1992) Sampson (1994) and Corby (2000) also draw attention to broader sociological perspectives on the causes of sexual aggression, such as structural explanations rooted in a feminist analysis of patriarchal society, to which reference has already been made.

However single theories about the causes of sexual aggression are probably less helpful than theories which attempt to integrate these ideas, combining elements from sociological, psychological and biological perspectives. Thus in 1984 Finkelhor was criticising existing theory on three main counts. Firstly, he argued that two very different types of theory had been emerging - about (often extra-familial) child molesters on the one hand and about the specific family dynamics of father-daughter incest on the other - with little attempt to collate what was known about offenders (based on the work of psychologists with incarcerated offenders) with emerging theory and research about intra-familial father-daughter incest, largely conducted by child protectionists. Secondly, none of the available theory was particularly helpful in explaining sexual abuse by, for example, older brothers, other relatives and family friends and acquaintances. Thirdly, Finkelhor argued, available theory, which was based on clinical practice, neglected sociological dimensions which were important in explaining what was a widespread social problem (Finkelhor, 1984). Thus he proposed a comprehensive model which aimed at addressing these shortcomings, without being specific to a particular school of thought about aetiology.

### **Finkelhor's Four-Preconditions Model**

Finkelhor's model (set out in Figure 1.1) related primarily to adult male abusers but it is frequently adapted in practice for use with adolescents.

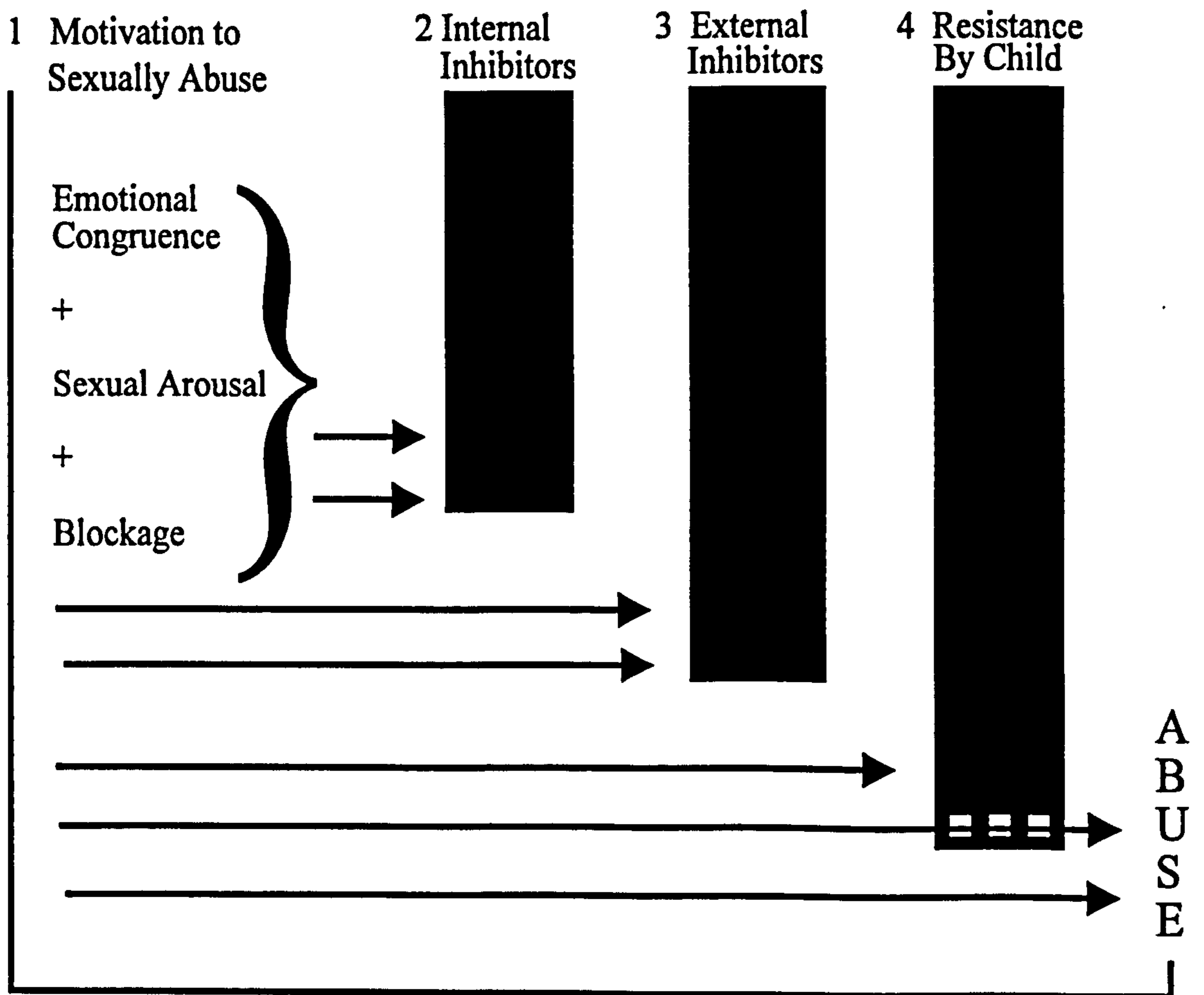


Figure 1.1 Finkelhor's 4 Pre-Conditions Model (Finkelhor, 1984)

In summary, the model suggests four preconditions which must be met before sexual abuse can occur. The potential abuser needs to:

- 1) have some motivation to abuse – this may be because the victim meets some important emotional need and/or sexual contact with the victim is sexually gratifying and/or other sources of sexual gratification are not available or are less satisfying;

- 2) overcome any internal inhibitions against acting on that motivation - commonly this is by way of 'cognitive distortions', self-serving distortions of attitude and belief, whereby the victim, either individually or as a 'category' become seen as in some way consenting to or responsible for their own abuse;
- 3) overcome external inhibitors to committing sexual abuse - gaining the opportunity to have access to the potential victim in an environment where the abuse is possible. In the case of child victims this may relate to the supervision the child receives from others;
- 4) overcome or undermine a victim's possible resistance to the abuse: - writing in relation to child victims, Finkelhor argues that this is not an issue to be regarded simplistically but may relate to a complex set of factors involving personality traits which inhibit the targeting of a particular child as well as more straightforward resistance to the abuse itself. These concepts, he suggests, are equally applicable to peer or adult victims.

What is suggested, therefore, is that there are a number of potential barriers to abuse, the first two relating to the abuser and the third and fourth relating to factors external to the abuser. Thus the model claims to offer a way of beginning to understand something of the dynamics of the abuser as well as the abuse process.

When discussing factors associated with the development of sexually abusive behaviour in children and young people specifically, Becker (1988) proposed a similar

model which included a broad range of factors which may contribute to the development of sexually abusive behaviour:

- at an individual level: social isolation; impulse conduct disorder; limited cognitive abilities and a history of physical and/or sexual abuse;
- familial factors: carers who engage in coercive sexual behaviour; family belief systems supportive of such behaviour and carers who have poor interpersonal skills and lack empathy; and
- societal factors: society which is supportive of coercive (male) sexual behaviour; society which supports the sexualisation of children and peer groups who behave in anti-social ways.

More recently Swenson et al (1998) have proposed the adoption of a multi-systemic model of treatment in relation to work with young sexual abusers, similarly based on an appreciation of the many variables which may contribute to the development of such behaviour.

### **Current Intervention Approaches in respect of Children and Young People who Sexually Abuse**

Whilst there appears to be an emerging consensus that such integrated models are important in understanding the causes of sexually abusive behaviour (and Sampson (1994) claims that Finkelhor's model comprises the theoretical underpinning of almost all work with adult sex offenders in the British penal system), nevertheless surveys seem to suggest that many treatment programmes are more narrowly focused,



drawing on particular models, and tending to work with individuals, either on a one to one or more commonly on a group basis. Thus, for example, Ryan and Lane (1997) report on a 1994 national survey conducted by the Safer Society (Freeman-Longo et al, 1995) which gathered information about the treatment approaches of 1784 programmes for child, adolescent and adult sex offenders in the USA. 281 (41% of respondents) indicated they used a cognitive-behavioural model, 247 (36%) identified relapse prevention as their model of choice, with the remaining 156 respondents identifying psycho-educational (14%), psychotherapeutic (5%), family systems (2%), sexual addictive (1%) and psychoanalytical (1%) approaches respectively. As will be evident, cognitive-behavioural and relapse prevention models appear to dominate and so further detail about these models, which typically co-exist within treatment programmes, is provided below.

### **Lane's Sexual Abuse Cycle - and its Application to Work with Young Sexual Abusers**

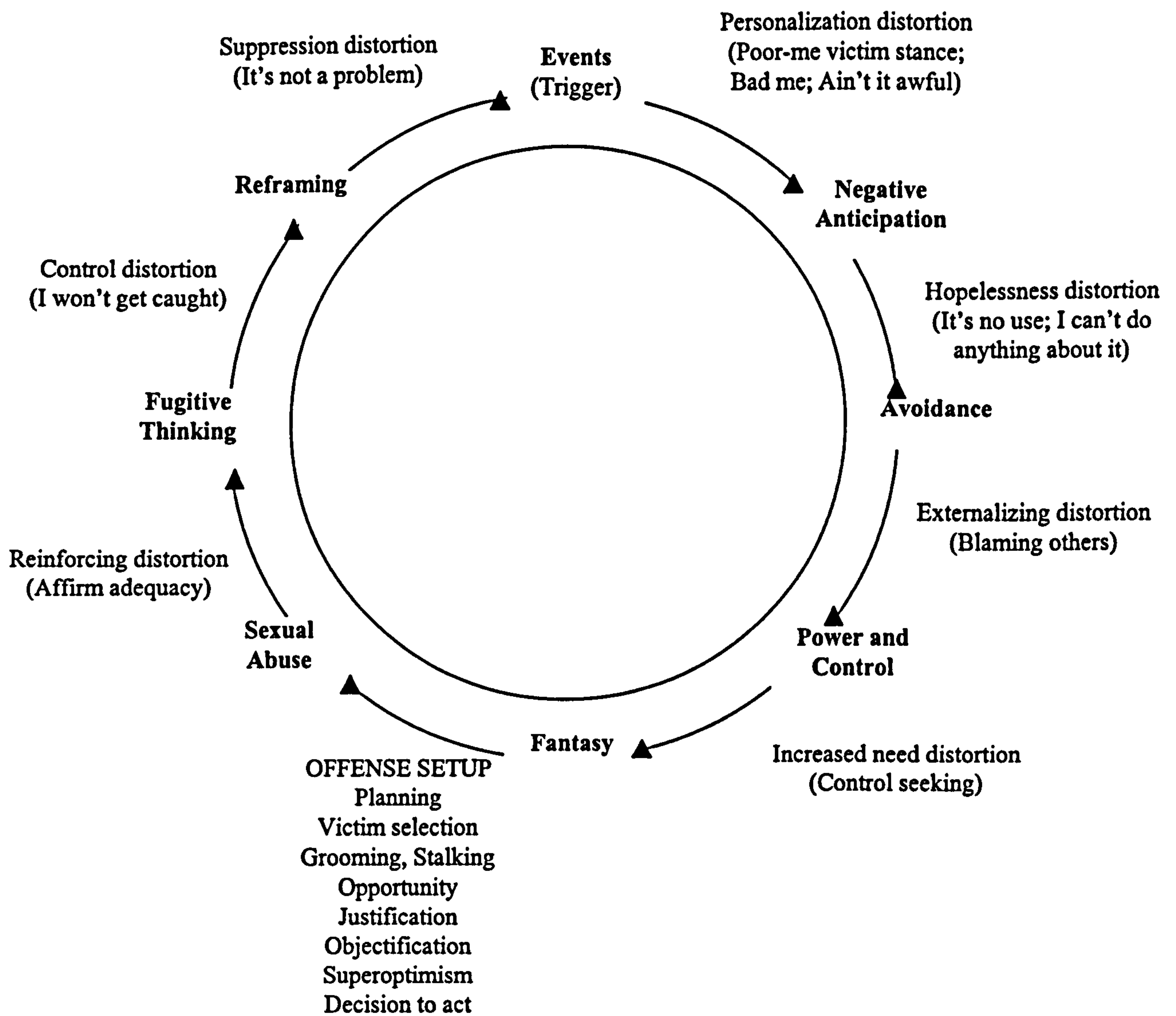
Clinical experience of treatment work with adolescents (Lane and Zamora, 1982, 1984) has led to the development of the concept of sexual abuse cycles involving dysfunctional responses to problematic situations or interactions. In these models, which are derived from Wolf's model (1984) which is used in work with adult sex offenders, it is argued that such responses are based on distorted perceptions relating to power and control which then become sexualised. This framework is now claimed to be generally applicable irrespective of age or level of intellectual or developmental functioning and is reported to be in use, with appropriate adaptations to meet

individual circumstances or need, in the majority of treatment programmes (Lane, 1997a).

The widespread use of this model in work with young people clearly indicates the intuitive and practice based appeal of this concept for exploring and understanding patterns of sexually abusive behaviour. However, even within a purely clinical and empirical context, the question of the validity of the model has yet to be established. Lane (1997a), a psychiatric nurse by training, argues, nevertheless, that research has begun to confirm various elements of the cycle model, most recently the link between negative affective states and deviant sexual fantasy.

The sexual abuse cycle for adolescents set out in Figure 1.2 (Lane, 1997a) is said to represent cognitive and behavioural progressions prior to, during and after sexually abusive behaviour. When applied to an individual, the details of the components of the cycle may vary, but it is argued that elements of the overall pattern are still apparent, with common abusive behaviour patterns, types of gratification and styles of thinking which support the behaviour.

However, in using the model it is stressed by proponents that it should be seen as describing a process of events, not a causal representation. Typically, the model is represented cyclically because of the repetitive compulsive nature of the behaviour sequence and because of reported indications that previous abuse incidents often parallel and reinforce the subsequent abuse pattern.



**Figure 1.2** The Sexual Abuse Cycle (Lane, 1997a: 80)

As shown diagrammatically in Figure 1.2, the young person's life experiences, outlook and beliefs are said to predispose them to respond to an event, interaction or problem with feelings of helplessness (the event), experienced as stressful and anticipated as unsafe (negative anticipation). Feelings of hopelessness are then accompanied by a desire to avoid the issue, the feelings and the anticipated outcomes (avoidance). Not being successful in this leads, it is claimed, to feelings of resentment and defensiveness and attempts to exert power over others in a non-sexual way as compensation (power/control). Whilst effective, the duration of the effect is

temporary, leading to thinking about further power-based behaviours and other behaviours which might feel good, such as sex (fantasy). The exertion of control or dominance is eventually expressed sexually (sexual abuse). There is, then, it is suggested, a need to cope with the knowledge of the behaviour and fear of external consequences of being caught (fugitive thinking). Inability to tolerate this anxiety or discomfort leads subsequently to the behaviour becoming assimilated through a series of cognitive distortions or 'thinking errors'. The cycle, therefore, is claimed to represent a series of maladaptive coping mechanisms that temporarily alleviate discomfort but do not resolve the problem.

The treatment implications of such models are held to be self-evident (Ryan and Lane, 1997). By becoming aware of his or her pattern of thinking, and emotional and behavioural responses through use of the cycle model, the young person can, then, it is argued, consciously develop other methods of coping with stress or abusive stimuli and thus decrease the likelihood of further abusive behaviour. Such focused, cognitive behavioural therapy is now seen as a key element of work with both adult and young sexual abusers in the UK (Beckett et al, 1994; Morrison et al, 1994; Will et al, 1994/1995; Hird and Morrison, 1996; Hoghughi et al, 1997; Erooga and Masson, 1999) covering such aspects as minimisation, denial and projection of blame; cognitive distortions; deviant sexual arousal; victim empathy and victim awareness; rape prone attitudes and beliefs and relapse prevention.

Whilst avoiding relapse is a goal of intervention from the outset, the young person's active participation in relapse prevention can, it is argued, increase as their

understanding of their own process increases. Thus when an abuser understands his own cycle, it should then be possible for him to share this knowledge with relevant others, by developing his own alert checklist (North West Treatment Associates, 1988). From this he should be able to develop a relapse prevention plan with identified triggers, danger situations and strategies for coping with these prior to concluding any programme of intervention. Pithers and Gray (1996) have suggested that motivation to learn and use relapse prevention strategies increases once victim awareness and empathy work has been completed.

### **A Critique of Current Models of Intervention**

It is important to appreciate that these current, preferred models and, indeed, the bulk of literature about adult sex offenders and about children and young people who sexually abuse emanates from a strong tradition of clinical treatment and research undertaken particularly by psychologists, often originally based on work with adult sex offenders. Thus, for example, at the end of 1997 the 21 members of the editorial board of *Sexual Abuse: A Journal of Research and Treatment*, the official journal of the *Association for the Treatment of Sexual Abusers* (ATSA), the North American equivalent of NOTA, comprised 21 men and five women, seven of whom were medically qualified and 15 of whom had PhDs, the majority in psychology. 15 of the board members worked in clinical settings, 10 in universities and one was based in a government department.

Similarly significant book publications in the UK on the subject of adult sex offenders and on children and young people who sexually abuse also provide evidence of the

dominance of clinical, particularly psychological, voices in current literature. Thus, four out of the nine contributors to the very well received UK publication *Sexual Offending Against Children: Assessment and Treatment of Male abusers* (Morrison et al, 1994) were clinical psychologists and all of the 10 contributors to *Working with Sexually Abusive Adolescents* (Hoghughie et al, 1997) were senior or consultant clinical or forensic psychologists with the exception of one who was a consultant forensic adolescent psychiatrist. Even a publication which was deliberately constructed to try and permit eminent voices from a range of subject disciplines and professional backgrounds to be heard (Erooga and Masson, 1999) was well represented by psychologists and psychiatrists who authored six out of the 13 chapters.

Literature on work with young sexual abusers, which, as I have already indicated, has developed from more established interests in, and experience of working with, adult sex offenders, therefore, tends to offer a perspective on the problem of children and young people who sexually abuse which is clinically driven and focused on individual pathology and treatment. Thus, wider social policy, sociological and other perspectives have been relatively invisible in the literature, including the perspectives of children themselves, as victims or as abusers.

For example, in relation to broader societal factors, and as has already been noted, existing studies indicate that sexual offending is largely perpetrated by males and any explanation of such offending could, therefore, be considered within a context of much larger, unreported rates of 'normal' male sexual aggression against females.

Kelly et al (1992) argue that research on convicted offenders and theories of behaviour emerging from a clinical focus have tended to maintain the dominance of the medical/pathology perspective in relation to particular individuals. In doing so they fail to address social constructions of masculinity and prevalent societal attitudes and beliefs which condone or justify sexual violence against female adults and children which, if changed, would result in the transformation of family power relations.

### *The 'Child' in Children and Young People who Sexually Abuse*

A particular concern, which has recently been expressed about existing treatment models and interventions, is that they focus on children as 'abusers' to the exclusion of their other needs as children, adolescents, black or white people, males or females, heterosexual or gay individuals. Thus, it is argued, treatment can be applied in 'uncreative' ways, with anti-oppressive practice models in relation to this area of work very underdeveloped (Featherstone and Lancaster, 1997; Hackett, 2000).

However it may be that professional conceptualisations are changing in this respect. Thus, in one of her most recent articles, Ryan (1999) overviews what she describes as 'the evolving consensus' about the treatment of sexually abusive youth. Whilst recognising and supporting the influence of the models of treatment and interventions described above she also reports on:

a growing recognition that the offense-specific interventions should recognise and address the realities of the developmental needs and deficits in a youthful population. In short, the view has altered to remember that the

sexually abusive youth is still growing and to view the offending behaviour in the context of a more holistic developmental approach. (Ryan, 1999: 426)

Interestingly, the November 1998 issue of the journal *Child Maltreatment* was devoted to the topic of interventions with young sexual abusers and was introduced by an editorial entitled 'Don't Shoot, We're your Children: Have we gone too far in our responses to Adolescent Sexual Abusers and Children with Sexual Behavioural Problems?' (Chaffin and Bonner, 1998). The editorial goes on to question the wisdom or validity of basing responses to children and young people who sexually abuse on models developed to deal with adult offenders, often in penal settings.

#### ***The Issue of Recidivism in Children and Young People who Sexually Abuse***

Also on the basis of interpretation (and possibly misinterpretation as I have already mentioned) of the findings of studies of adult sex offenders (for example, Abel et al, 1987), early thinking, as reported in the NCH Enquiry report (1992), was that, unlike other juvenile delinquents who typically grow out of their offending, young sexual abusers were more likely to continue in their abusive behaviour unless treated, preferably under some kind of civil or criminal legal mandate.

From a research perspective, however, findings since the mid 1990s have cast some doubt on such early thinking. For example, Will (1994) reported on an American conference where Jim Brieling from the National Institute of Mental Health was reviewing the available literature on the outcome of treatment programmes. Will commented in his write-up:



Although there are only a handful of good studies in this area, most show that the re-offending rate is low at less than 10%. Now, while this could mean that treatment programmes are incredibly powerful, it is more likely that it means that the vast majority of offenders taken on for treatment are not going to re-offend again regardless of whether they have treatment or not.

(Will, 1994: 52)

Becker (1998) also comments that the few robust recidivism studies that have been undertaken also indicate that the recidivism rates are low. Weinrott (1996) has conducted what is probably the most thorough review of adolescent sexual offender recidivism studies to date. He examined 22 treatment studies, although the majority followed up subjects for under five years and none used untreated control groups. Bearing these limitations in mind, Weinrott nevertheless concluded that it appeared that relatively few adolescents were charged with subsequent sexual crimes, two thirds of the studies reporting re-offence rates of under 10 per cent. In addition he concluded that it appeared that adolescent sexual offenders were also less likely than other delinquents to re-offend non-sexually. Clearly, however, more research is needed in this area, with a view to trying to identify those young sexual abusers who are at high risk of recidivism, as other studies now attempt to do in relation to adult sex offenders (Grubin, 1998).

In a UK based study Glasgow et al (1994) looked at all children alleged to have sexually abused children in the city of Liverpool during a twelve month period.

Interestingly, they found that:

adolescents were more than twice as likely to be suspected of having sexually abused another child than any other comparable age band *in adulthood or childhood* (my italics).  
(Glasgow et al, 1994: 196)

As a consequence, they argue strongly for a more explicit developmental perspective on sexual offending across the life span, a perspective which seeks to understand different patterns of sexual behaviour at different points in the life cycle and the constellations of factors that might increase the risk of certain individuals exhibiting sexually abusive behaviour at a given period in their lives. They hypothesise, for example, that in adolescence, as opposed to young adulthood:

abuse is more likely to occur in susceptible individuals because of a combination of the intense sexual drive which characterises the period, together with numerous opportunities to abuse offered by continuing membership of the world of childhood ... (Glasgow et al, 1994: 207)

This analysis, which does not appear to have been developed since either by the authors or by others (Glasgow, 1999), may now undergo a revival, given Ryan's most recent discussion (1999) on the need for child centred, developmental perspectives.

## **CONCLUSION**

In summary, the problem of children and young people who sexually abuse has emerged in the UK during the 1990s, in the wake of similar developments in North America during the previous decade, and within the context of much broader concerns about and responses to intra-familial and extra-familial child sexual abuse in general and (adult) sex offenders in particular. Whilst recognising their limitations, incidence and prevalence studies seem to suggest that a significant minority of reported sexually abusive incidents involve an abuser who is less than 18 years of age, the majority of whom are male adolescents, although younger children and female children and young people may also be implicated in some instances.

Paying attention to literature about how matters of sexual relations have been regulated over time, about debates on the nature of childhood and childhood sexuality and about the history of developments in relation to modern day concerns about child abuse all help to illuminate the complexities of this area of work which will become evident in this account of my empirical study. Such literature has been introduced in this chapter and will be elaborated on during this thesis as the account unfolds and as I seek to understand the results which emerged. It will be argued that our responses to children and young people who sexually abuse others over the last decade reflect ongoing uncertainties and contradictions about how we conceptualise children generally, what we expect of them in terms of behaviour, particularly sexual behaviour, and about the aims of our child welfare policies and legislation.

Conceptualising about the long term significance of sexually abusive behaviour by children and young people, the factors which cause it and how to treat such behaviour is also evolving and being reconstructed all the time. Until recently this work has primarily been taken forward by clinicians from psychological and psychiatric perspectives, based on the findings of largely empirical and quantitative studies conducted in North America and to a lesser extent in the UK. Nevertheless, somewhat broader, sociological and child centred perspectives are beginning to emerge which, in the future, may make an impact on understanding about, and work with, children and young people who sexually abuse.

What is certainly noticeably lacking in the available literature is much reference to the social welfare and legal frameworks within which children and young people who

sexually abuse are managed, or to research into how policy, procedure and services have been developing in England. This is perhaps hardly surprising given clinicians' concentration on post-investigative assessment and treatment issues, but it means that issues around the management of young sexual abusers from the point of referral onwards have been largely neglected. As Chapter 2 now goes on to discuss, this aspect in particular became the major focus of my own study.

## **CHAPTER 2 RESEARCHING CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE: AN OVERVIEW OF THE STUDY AND REFLECTIONS ON THE RESEARCH APPROACH**

This chapter begins by outlining the nature of the study I undertook, an account of which comprises the substance of this thesis. By way of contextualising the contents of Chapter 3, which describes my research planning and design in detail, I provide some reflection on how my developing understanding of the nature of research, and of social work research in particular, influenced what I actually did and how I conceptualised the analysis of the data I collected. Finally, as a conclusion to the chapter, my research questions and aims are stated.

### **OVERVIEW OF THE STUDY**

The study comprised an empirical piece of work which attempted to enquire systematically into the state of policy, procedures and services in relation to young sexual abusers, by eliciting and exploring the views and perspectives of professionals and policy makers involved in this area of work. My aim was to provide an overview and analysis of such developments in England during the last decade of the twentieth century.

In terms of research strategy, I was aware of the three broad strategies - experiments, surveys and case studies - which I could employ as part of my research design. These various strategies have a number of strengths and weaknesses and produce rather different kinds of quantitative and qualitative data (Hakim, 1987). Given the research aims and questions which I identified, and which are listed at the conclusion to this chapter, it seemed that a survey strategy, involving documentary analysis, the use of

interviews (both face to face and telephone), and postal questionnaires would enable me to collect data from a reasonable number of people and sources relatively quickly and would provide me with the kind of overview I was seeking. Thus, within an overarching survey approach, I adopted the methodological strategy of triangulation or multi-methods, the use of different research methods and sources of data to examine the same problem, in order to maximise levels of validity and reliability, and thereby reduce 'inappropriate certainty' (Robson, 1993:290). Even so, as my reflection on my research approach later in this chapter indicates, I was fully aware of the remaining appropriate uncertainty of the representation I would develop.

It became clear when designing my research that, given the dearth of previous research in this area, the purpose of my initial enquiries at least would be exploratory and descriptive, rather than explanatory (Babbie, 1992). However I also hoped to identify some of the factors that I thought were impinging on developments locally and nationally. In other words, not only did I aim to identify what had been happening in terms of policy, procedure and services, but also I sought to understand why developments had followed the course they had and why, as I discovered, the developments that had taken place had been so piecemeal and uncertain.

## **REFLECTIONS ON THE RESEARCH APPROACH**

How I tackled the study and my subsequent analysis of the data I collected were informed by my experiential knowledge of the field, drawn from my professional background, first as a qualified social worker specialising in child care and child protection work in the 1970s and late 1980s and more recently as a social work trainer

and educator. In the latter capacity I had become involved in both research methods teaching and in various research projects, including my PhD studies, as a result of which my previous, perhaps rather simplistic conception about the nature of research and the 'truth' of its findings had somewhat modified.

Thus as a result of excursions into literature drawing on a social constructionist paradigm (Burr, 1995) I had begun to adopt a more critical approach to my own and others' observations of the world. I was more attuned to the historical and cultural specificity of categorisations and I was also more aware that knowledge of, for example, social problems could usefully be conceptualised as resulting from social processes and interactions, rather than from objective observation of the world 'as it really is'. Consequently, whilst undertaking an empirical study of developments in policy, procedure and services in relation to children and young people who sexually abuse, I was conscious of the need to reflect critically on my findings and to understand them from within the parameters outlined above.

How, therefore, might my approach to this research study be described? Trinder (1996) had provided an interesting overview of debates about the direction of social work research methodology, outlining three broad perspectives - empirical practice research, pragmatic/partnership approaches and participatory/critical research - and their respective connections with wider developments in social work practice and society. Although her analysis was subsequently critically expanded on (see, for example, Little, 1998) I nevertheless found her ideas helpful in locating my own emerging position.

Summarising Trinder's analysis, *empirical practice research* amounts to a reframing of large-scale positivistic experimental research of the modernist period into something more narrowly focused and suited to the contemporary world of social work practice. The focus is on the outcome of particular interventions with certain client groups, using experimental or quasi-experimental methods of research such as single-case experimental designs (Sheldon, 1983; Thyer and Thyer, 1992; Kazi and Wilson, 1996) to establish what acts or interventions have produced desired outcomes. Such research, Trinder argued, is still based on positivist notions that it is possible to establish the truth about the objects of the world if sufficiently rigorous research methods are used. The aims of such research are to prove which interventions are effective in order to contribute to practice guidance or manuals for more effective social work interventions in the future.

*Pragmatist and partnership approaches*, Trinder argued, comprise a more heterogeneous group of researchers although they hold similar orientations to social work practice, research design, methods and epistemology. Realists in approach, they do not allow themselves to be side tracked into debates about the nature of knowledge and methods of gaining it. Instead they are interested in doing 'do-able' research aimed at studying the state of social work practice as it is with a view to improving the effectiveness of social work rather than attempting more fundamental critiques such as 'what's going on here?' particularly in relation to the early stages of identifying and processing referrals. Such pragmatist researchers, she outlined, have a vision of a (social work) world of reasonably ordered and understandable objects



‘with a passing glance to plurality and social construction’ (Trinder, 1996: 236). They do not, therefore, focus on issues such as how social problems are constructed, how power relations impact on which social constructions dominate, and how social work practice is buffeted by economic and political changes over time. Social work practice is thereby decontextualised and their research findings presented as apolitical.

Similarly, unconstrained by concerns about the problems of producing irrefutable scientific evidence, pragmatist researchers use largely non-experimental quantitative methods such as surveys, study of documents and standardised measurement tests with non-randomised samples. Qualitative methods may be used, but not extensively, and are usually limited to semi-structured interviews, the resulting data being used to illustrate points raised as a result of the analysis of quantitative data rather than as a means for more fundamental analysis and inductive theory generation. Such an approach is suited to the post-modern climate where critiques and structural analyses are not valued, ‘where difficult epistemological research and difficult substantive research questions are avoided’ (Trinder, 1996: 238).

The third broad perspective Trinder identified is the *political/participative approach*, aimed at changing structural inequalities, giving a voice to disempowered groups and downplaying the expertness of the researcher. Informed by feminist critiques of traditional, positivistic research aims and methods (see, for example, Stanley, 1990; Stanley and Wise, 1993), such research tends to be small scale work focusing on the use of qualitative research methods unselfconsciously geared to the achievement of social change and empowerment of marginalised groups in society.

So, where would I place myself with respect to these categorisations and how had I got there? Based on my previous research (see, for example, Masson and Morrison, 1991) and what I eventually did in this study I would place myself in the pragmatist camp but I hope I demonstrate in this thesis that as the research unfolded I gave more than a passing glance to plurality, social construction and the impact of change over time. Thus, in the same way that my view of social work practice and its role in relation to society had become more differentiated and critical over the course of my career, so had my understanding of research and the research process.

Nevertheless, when reflecting on the period when I was preparing my research proposal and identifying its original aims, I suspect I was still functioning from the perspective that the world comprised objects (of study) and that, if appropriate research into such objects was conducted with sufficient rigour, they would be reliably and exhaustively represented, their truth would be evidenced. Hence, I hoped that my research design would reveal the reality of young sexual abusers and of professional responses to them. I would be producing reliable knowledge of how the world was in respect of this topic. Being introduced to the ideas of social theorists such as Woolgar (1988) as part of my excursions into research methodology, however, also reminded me of other authors I had read during my first degree studies (for example Berger and Luckmann, 1966). As a result of this revisiting and exploration I am rather more modest about my results and what they represent, notwithstanding the rigour and care with which they were produced.

Woolgar argues persuasively for me that the previously understood distinction between representation and object, with the latter pre-dating and enjoying an existence independent of the former, can be inverted through methods of inquiry which disrupt this supposed linear connection. He shows through various examples, such as his analysis of the 'discovery of America', how, under certain circumstances and through various scientific and institutional means, particular definitions of significance can be accepted at the expense of other rival definitional claims, with the result that representation can be seen to be preceding object. Thus a rather more critical approach is taken towards accepted knowledge.

Woolgar goes on to ask 'What counts as the adequate use of representation when attempting to develop a critique of representation?' (Woolgar, 1988: 91) and he answers this by arguing for more reflection by the researcher, more interrogation of her or his own representations. Through this process the researcher should avoid the pitfall of 'ontological gerrymandering' whereby others' representations are seen as relative but one's own are not.

Thus, I came to approach the topic area of children and adolescents who sexually abuse not from the perspective that there is a truth about this phenomenon or object and how it should be tackled, but from the perspective that there would be different representations of the phenomenon, with different social/professional networks having more or less power at different times to influence such representations for their various purposes in social contexts that change over time. Hence in my account of the development of policies and practices in relation to young sexual abusers this

perspective is significant. Unlike the pure pragmatists of Trinder's analysis (1996) I have focused on the development of young sexual abusers as a perceived social problem, reflecting on how power relations and social and political factors impact on welfare practice, trying to understand 'what's going on here?'

However, I have also approached my studies from the viewpoint, in keeping with my professional social work background and value base, that there is something real about such abuse (that there is an unsatisfactory social condition) to which there should be professional and other responses. Evidence for this reality is forthcoming from many quarters including victims, their families, abusers and professionals from a multiplicity of backgrounds. In a sense, then, my account comprises a mixture of realism and representation. Professionally, I cannot say that everything is relative - there does appear to be abuse, there are victims - but I fully acknowledge that there are multiple perspectives on this unsatisfactory social condition. As Parton and Wattam (1997) comment when discussing the relationship between social theory and professional practice concerning child abuse and children more generally:

it can be accepted that child abuse is open to political and ideological manipulation which results in particular choices about response and it can also be accepted that child abuse 'exists'. (Parton and Wattam, 1997: 11)

Moreover my findings are not reported as self-evident truths, recognising that any representation will always be a partial account. I, as agent, have tried to understand and represent how key individuals and agencies have been understanding, making sense of, promulgating and influencing practice in relation to children and young

people who sexually abuse others. What I have also done is try to present a picture of levels of activity in relation to this area of work over time. In attempting to represent or outline this account of responses to young sexual abusers, various theoretical debates and issues have arisen for me which may or may not have particularly exercised the minds of professional workers in the field engaged in their day-to-day work.

In the process of doing this research I tried to enter into a dialogue with my respondents, often middle manager professionals and representatives of organisations, about whether they shared any part of my attempted representations and I was conscious of the need to be open to differences of viewpoint and the complexity of what I was trying to study. This is my account, however, not theirs. Nevertheless, it has been interesting also that, over time, my representations appeared to have been seen as useful or important to professionals as they have debated the issues and pressed for policy developments and resources, an aspect I elaborate on in Chapter 11.

## **RESEARCH QUESTIONS AND AIMS**

Originally I was asked by an NSPCC manager and a long-standing friend to consider undertaking an evaluation of a treatment group for adolescent male sexual abusers which his team was trying to set up. In the event, however, plans for the treatment group were abandoned for various reasons including, probably significantly, a lack of referrals but, by that time, I had already begun a literature search of the topic and was increasingly motivated to take my interest further.

What I had noticed was that, although there seemed to be research and statistics available which indicated that a significant proportion of reported sexual offending was committed by people under 18 (see Chapter 1), other, albeit limited literature, together with anecdotal evidence, was suggesting that such young abusers were not being identified and treated. For example, the research director of a major Department of Health project studying over 20 non-NHS treatment centres offering treatment to two target groups - sexually abused children and young sexual abusers - was reporting that the number of eligible children and adolescents in either target group who had actually entered treatment was very small (DOH,1992a). It appeared, then, that young sexual abusers were not coming through the system of welfare and other agencies.

I became interested, therefore, in exploring how agencies and professionals in England were responding, through policy, procedure and service developments, to sexual abuse by children and young people and whether there was any official guidance to assist them in this developmental work. O'Hagan (1989), reviewing research on the whole field of child sexual abuse, was at that time lamenting the dearth of what he regarded as the most significant type of research of all:

namely, how agencies like Social Services, Police and the Judiciary respond to the abuse. There is ample evidence available for researchers now to demonstrate how influential this variable is (O'Hagan, 1989: 60)

Although I planned to obtain an overview of current developments at a certain point in time, it soon became clear that I would also need to adopt a more longitudinal

approach to my study. Professional representations of the problem and of best practice in terms of policy and procedure were not static and, indeed, were being influenced by a whole range of policy, legislative and other factors which were interacting in complex and often unforeseen ways. Thus, my analysis and thesis comprise an account of change in social policy and professional practice in this area of contemporary welfare activity in England during the 1990s.

My research questions were, therefore, broadly twofold.

1. **Is there any formal, official or semi-official, guidance available to practitioners and agencies in England on how to respond to young sexual abusers? How did it come about? Who was involved in its production? What are its main messages and can they be characterised in any general manner? What actions are being justified? Has this guidance changed over time? How and why?**
  
2. **What is happening 'on the ground' in response to this guidance?**  
**Specifically:**
  - a) **Are local areas developing their own policies, procedures and services? Are some areas more active than others? Why might this be?**
  
  - b) **Are models of practice emerging, being constructed? How can they be characterised? Do they bear any resemblance to any official or semi-official guidance in existence? Is there evidence of a general consensus**

or shared account developing about how to respond to children and young people who sexually abuse? Are differential approaches being adopted towards children above and below the age of criminal responsibility? In what ways do notions of need and risk figure in professional conceptualisations?

- c) What issues are identified as facing local areas? What (if any) areas of concern do professionals identify?

In order to address the research questions above my research aims, therefore, emerged as the following:

1. to collate and analyse official and semi-official guidance existing in England since the early 1990s on how welfare agencies should respond to the problem of children and young people who sexually abuse and to explore and understand the process of its emergence;
2. to explore and analyse the development of policy, procedure and services in local ACPC areas in England during the 1990s, and to theorise about the slow and uncertain nature of such developments, via:
  - a 100% sample survey of ACPC annual report for the period 1992-4;
  - exploration and analysis of ACPC inter-agency guidance;
  - semi-structured interviews with professionals in a small number of ACPC areas;



- a national survey by questionnaire of professionals involved in this area of work.

These research questions and research aims informed the detail of my research design which is discussed in Chapter 3.

## **CHAPTER 3      METHODOLOGICAL ISSUES: RESEARCH PLANNING AND DESIGN**

The chapter begins with an outline of the initial planning work I undertook to evaluate the constraints and opportunities impacting on my research and the access and ethical issues which pertained to the project. My rationale for collecting the kinds of data I did is then discussed and the main sources of data and research methods employed are identified. The chapter focuses finally on a more detailed theoretical and analytical evaluation of these research methods and their application in this study.

### **PLANNING THE RESEARCH**

#### **Identifying Constraints and Opportunities**

There were a number of constraints which impacted on what I could achieve during my research. Most obviously, I was the sole researcher and had to fit my part-time studies around my full-time work responsibilities and my family commitments. I also ascertained early on that very little research had been undertaken in this country into the state of policy, procedures and services in relation to children and adolescents who sexually abuse others. There was no national database to draw on, either of professionals involved in this work or of geographical areas where progress in terms of policy, procedure and services was being made. Statistics derived from Department of Health child abuse registration categories (DOH, 1991) also provided no indication as to which geographical areas were identifying and registering such youngsters. Thus, I had to think carefully about how to try and achieve my overall research aim of investigating policy, procedure and service developments in relation to children and young people who sexually abuse others.

However, on the positive side there were various resources to draw on in my work. I worked in an academic environment which encouraged and supported research activity, I had access to computer facilities, reasonable knowledge of standard research methods and experience of undertaking pieces of research in the past. Arising out of my professional social work training, I also possessed skills in face-to-face and telephone interviewing techniques which would prove useful during my data collection activities. In addition, given my professional background and teaching interests, I had a good knowledge of the main child welfare and youth justice systems in England, both in terms of their legislative frameworks and inter-agency arrangements. Such knowledge provided a useful basis to my subsequent research work.

These general resources were then complemented, in relation to my particular research topic, with access to relevant people and organisations through my professional and academic networks. Specifically, I had good contacts with social welfare agencies locally, based on my role as a social work educator, which I was able to exploit and, as a result of my secondment to an NSPCC unit in the north west of England, I remained in regular contact with professionals who had since become involved in work with young sexual abusers. Some of these people had been instrumental in setting up ROTA, which, as already outlined in Chapter 1, had expanded to form NOTA (*The National Organisation for the Treatment of Abusers*). Its first national chair was my former manager at the NSPCC unit, by then an

independent trainer and consultant. Through these personal connections, access to other relevant people and organisations was facilitated.

### **Access Issues**

I adopted an opportunistic approach to gaining access (Buchanan et al, 1988) drawing, as I have indicated, on my pre-existing links with relevant professionals and organisations, in order to connect with other people and various kinds of information. Gaining access is a continuing process rather than a single event (Robson, 1993) and throughout the period of my main data collection efforts I was identifying gatekeepers, establishing points of contact, explaining what I was trying to achieve, obtaining consents to proceed and offering, as reward, access to my findings. As is evidenced in later chapters my efforts were largely successful. Nevertheless, at times, practical considerations (for example, the insuperable difficulties of obtaining a random sample of respondents for my questionnaire survey) had to take precedence over theoretically desirable considerations about accessing representative samples of populations.

### **Ethical Issues**

Barnes (1979) defines ethical decisions in research as those which:

arise when we try to decide between one course of action and another not in terms of expediency or efficiency but by reference to standards of what is morally right or wrong. (Barnes, 1979:16)

May (1993), from a broader perspective, elaborates on the many value and ethical issues which impact on the research process, making the point that research is not a 'technical issue uncontaminated by political and ethical questions' (page 35).

In this respect my value base as a researcher was heavily informed by my professional social work values, covering aspects such as showing respect for people, adopting empowering rather than oppressive strategies, listening to and exploring difference and soliciting respondent feedback on my emerging research findings wherever possible. As regards confidentiality, the names of those I interviewed personally or by telephone, and those who took part in the questionnaire survey, are not revealed in this thesis. Similarly ACPC areas are not usually identified, except when the information I am discussing is already in the public domain, as is the case with ACPC annual reports.

The nature of my research questions and aims did not require me to spend a great deal of time considering the ethical costs and benefits of covert methods of research. Thus, in the development of this research project I was able to be clear in my dealings with all research participants, seeking consents, explaining clearly my intentions, guaranteeing confidentiality and endeavouring to feed back my ideas and test out my interpretations with my informants, an important aspect of reflexivity.

## RESEARCH DESIGN

The first stage of the research involved the study of two documents which comprised, in the early 1990s, the only official and semi-official guidance available to professionals and managers in England on how to respond to and manage children and young people who sexually abuse others and which, therefore, seemed central to the starting point of my study. These were *Working Together* (DOH, 1991) and the National Children's Home (NCH) *Report of the Committee of Enquiry into Children and Young People who Sexually Abuse* (NCH, 1992). As well as studying the documents themselves, telephone interviews were conducted with 4 respondents who had been significantly involved in the production of the Enquiry report (NCH, 1992) and more informal conversations took place with the author of paragraph 5.24 of *Working Together* (DOH, 1991).

My initial research questions in respect of both these documents were: how did these publications come about? What did the guidance comprise? What perspectives appeared to be evident? What issues were thrown up (for me at least) as a result of this guidance? Understanding these documents also assisted me to refine the subsequent stages of my research, firstly, in terms of sensitising me to areas of exploration and data sources I could usefully tap and, secondly, in helping me to elaborate my other research questions.

Documentary analysis was also employed during the second and substantive period of my data collection, although this work was complemented by further use of telephone and face-to-face interviews and by a postal survey using a questionnaire. Specifically,

developments over time in local policy, procedure and services in England were explored in the following ways:

- **Analysis of a 100% sample of 212 Area Child Protection Committee (ACPC) annual reports for the period 1992-4 and supplementary analysis of summary publications relating to earlier and later ACPC annual reports.** In total I tracked developments across a seven year period from 1990-1996 inclusive. My rationale for exploring these documents was that both *Working Together* (DOH, 1991) and the NCH Committee of Enquiry Report (NCH, 1992) were firmly recommending that children and young people who sexually abuse should be dealt with within child protection procedures. ACPCs were the operational means through which local child protection policies were developed, monitored and reviewed in accordance with the official discourse on child abuse and child protection contained in *Working Together* (DOH, 1991). Moreover, the NCH Committee of Enquiry report (NCH, 1992) had specifically recommended that Area Child Protection Committees should report annually on progress in this aspect of their work. It seemed that ACPC annual reports were, therefore, a relevant and accessible starting point for my own data collection.
- **Study of 57 sets of ACPC inter-agency written guidance, in order, in particular, to identify what (if any) models of procedure and practice were emerging.** These documents were required under the guidance in *Working Together* (DOH, 1991) and are developed under the auspices of ACPCs. Such handbooks of guidance are aimed at facilitating successful joint working across welfare agencies by specifying the child protection procedures

to be followed in individual cases. It seemed to me, therefore, that if models of policy and procedure in relation to children and young people were emerging, then evidence of them should be found in such documents.

- **Semi-structured, face-to-face interviews with nine agency representatives in six local ACPC areas in northern England during 1994-5.** These interviews were negotiated in order to explore the development of policy, procedure and services more fully and to identify issues of concern to professionals and/or managers which would help inform the development of my planned national survey by questionnaire. Thus, the interviews provided a useful check on my assessments of the state of developments in local areas based on my documentary analysis.
- **A national survey of 102 professionals working in the area of young sexual abusers conducted during late 1995 to early 1996.** The purpose of this part of the study was to try and obtain the views and responses of professionals and managers about the development of policy, procedure and services for children and young people who sexually abuse across England as a whole. This exercise involved generating the sample of respondents, developing and piloting the questionnaire and, through various means, encouraging a reasonable response rate. The returned questionnaires were then analysed with the assistance of computer software.



## THE USE OF DOCUMENTS IN RESEARCH

Documents are one variety of secondary sources which social researchers may draw on in their work, secondary sources being defined by Forcese and Richer (1973) as:

pre-existing or pre-recorded data which were not collected for the specific ends of a given social researcher. (Forcese and Richer, 1973: 179)

In contrast to the volume of literature available on approaches to social research involving the use of observation, interviews and questionnaires, rather less has been written on the use of documents. One of the few dedicated and helpful texts is by Scott (1990). In the process of defining what documents are he contrasts two relationships between the observer and the observed: those involving *proximate or direct* access (where the observer and the observed person/people are contemporaneous and co-present, as in interviews) and those involving *mediate* access,

where the evidence has already become 'fixed' in some material form which the observer has to 'read'. The researcher has no direct access to the situation in which the evidence was produced. (Scott, 1990: 4).

When such material contains intentional messages (as opposed to the unintentional testimony of artefacts or other physical evidence which may be studied), then Scott considers them as documents, whose central feature is, he states, inscribed text. As I made considerable use of documents at various stages in my project it was important to explore the ideas of Scott and others on the subject of documents and their uses in

order to evaluate my efforts at data collection and analysis within an appropriate methodological framework.

Documents have a number of advantages. They are an example of non-reactive or unobtrusive measures, 'undisturbed by the presence of the researcher' (Shipman, 1981: 126). This was useful to me in that, for example, the ACPC annual reports and inter-agency guidance provided me with an indication of what was claimed to be happening in local areas, uncontaminated by any possible reaction to my own investigations via interviews and postal questionnaires. ACPC annual reports and inter-agency guidance also gave me access to data which, for a number of reasons, I would not otherwise have been able to collect. These reasons were related to constraints on my time and resources and also to the reluctance I expected on the part of, for example, key informants in ACPC areas to give me any of their time.

The other specific advantage for me in using existing documents was that, in the case of ACPC annual reports, they provided me with a 'low cost' longitudinal element to my study. I was able to make a detailed study of two consecutive years, 1992-3 and 1993-4, but I was also aware that the DOH had been commissioning summary reports of each year's reports since 1990 and so I realised that I could make some use of these documents, too.

But what do texts represent? Some researchers might argue that they are reflections of reality in a positivistic sense, whereas others may construe them as representative of the practical requirements for which they were constructed, if not 'mediums through

which social power is expressed' (May, 1993:139). Thus, Plummer (1990a) has suggested that, depending on the theoretical framework of the critic, data obtained from documents have often been dismissed, at one extreme, as impressionistic (by devotees of positivist methodologies) or, at the other extreme, as crude empiricism by those promulgating more abstract theories of social research. So, if there is a middle ground and documents do have their uses in social research, what are these and in what ways can they be analysed and understood?

Forcese and Richer (1973) suggest that there are three ways in which documents (and indeed secondary sources generally) may be used:

- as ends in themselves, providing all the data for a complete study;
- as partial data for a study;
- as validation or a check against a researcher's own data. Shipman (1981) describes use of documents in this way as an important confirmatory source unaffected by the researcher.

I used documents as partial data for my study, my aim being to complement analysis of this material with *proximate*, or direct, access to my topic area through interviews and a questionnaire-based survey. These three kinds of data then acted as checks on each other, with the documentary evidence providing the kind of independent confirmation envisaged by Shipman (1981).

In terms of their more specific uses Scott (1990) suggests that documents may either be consulted as references for a particular piece of information or may be the subject of systematic documentary research, the latter being my aim. Within this systematic approach Scott identifies two interdependent foci of interest:

- a) researching documents as resources - 'the quality of the documents is appraised in terms of their value in constructing valid descriptive statements about the things to which they refer: the researcher is interested in what they denote about the world' (Scott, 1990: 36)
- b) researching documents as topics - where 'the researcher's main concern is to explain the nature of the documents themselves; they are regarded as social products and are treated as the objects of sociological analysis' (Scott, 1990: 36-37).

In the context of my own research aims I researched various documents mainly as resources. Firstly, I was interested in exploring documents for the particular discourse(s) or version(s) of events that were being presented. Secondly, I studied them for what they indicated to me about policy, procedural and service developments in England since 1990 in relation to children and young people who sexually abuse. However, I was also very conscious of Scott's reminder that even so, as part of my analysis of them, I would have to attend to the social conditions under which they were produced as part of the process of evaluating the quality of the data I studied.

## **Assessing the Quality of the Data obtained from Documents**

Scott (1990) suggests there are four criteria which should be used in assessing the quality of all social research evidence, whether it be documentary evidence, evidence from observations, interviews or questionnaires.

- **Authenticity - is the evidence genuine and of unquestionable origin?**
- **Credibility - is the evidence free from error or distortion in the sense that the author(s) of a document were 'sincere in the choice of a point of view and in the attempt to record an accurate account from that chosen standpoint' (Scott, 1990: 22). Credibility would also involve understanding the reasons for the document being produced and the interests of those involved in its production.**
- **Representativeness - is the evidence typical of its kind and, if not, is the extent of its untypicality known?**
- **Meaning - which he subdivides into two levels:**
  - **level 1 meaning - is the evidence clear and literally comprehensible?**
  - **level 2 meaning which focuses on issues of interpretation and understanding, as in, for example, discourse analysis.**

Assessing the quality of the evidence obtained from *Working Together* (DOH, 1991), the NCH Committee of Enquiry Report (NCH, 1992), ACPC annual reports and ACPC inter-agency guidance against the first of these three criteria made me feel reasonably positive about its status. There was no doubt that all these documents were genuine. *Working Together* (DOH, 1991) and the NCH report (NCH, 1992) were published documents and, as part of my research, I was able to communicate

personally with various people directly involved in their production. The ACPC reports and inter-agency guidance I accessed were also genuine documents produced by ACPC areas. Thus, many of the reports had some kind of letter from the relevant chair, written on headed notepaper, still clipped to them and the inter-agency guidance which was sent in response to my own correspondence typically included proof of origin. Authenticity, therefore, seemed to be established.

As regards the credibility of these documents, in the course of my research I came to understand the reasons for their production, some of the possible processes involved in their completion and I learned about the varied interests of those involved in their production. I assumed that these various authors would be promulgating certain points of view (being in the business of 'attempting to persuade' as Sparks (1992) puts it) but I had no reason to think that they were not sincere in their recorded chosen points of view. Credibility seemed established.

Thirdly, in terms of representation, I was able to locate a 100% sample of all ACPC annual reports produced in each of my study years, 1992-3 and 1993-4, and so typicality was not a problem, although I was less successful in relation to ACPC inter-agency guidance. Thus, limits were placed on the extent to which I could generalise from them to all ACPC inter-agency guidance. The processes by which I obtained access to both ACPC annual reports and ACPC inter-agency guidance are described in Chapters 5 and 6, respectively. *Working Together* (DOH, 1991) and the NCH Committee of Enquiry Report (1992) were one-off published documents and unique for the reasons outlined earlier.

Finally, as regards Scott's fourth criterion, relating to meaning, all the documents I studied were literally comprehensible although their clarity varied considerably. As a result, presumably, of having been through some kind of editorial process leading to publication, *Working Together* (DOH, 1991) and the NCH Committee of Enquiry report (NCH, 1992) were, not surprisingly, the most literally comprehensible. As regards ACPC annual reports most followed a similar broad format, being more or less informed by the recommended format in *Working Together*, but they varied in length, some being as short as 10 pages, others covering 40 to 50 pages including appendices. The quality of their production varied a great deal, too. A few were highly professional looking documents, most were adequately presented and a minority certainly looked like they had not only been 'cobbled together' but also produced at the very last minute. Armstrong (1994) in her own analysis of 1992-3 ACPC annual reports argued that there were five approaches evident, comprising:

- the centralised report (where it was clear that one or more persons had taken on the task of integrating material into a single style and format);
- 'the view from the bridge' (a broad, perhaps idiosyncratic, overview by one person with limited attention to detail);
- mixed reports (comprising an executive summary plus contributions from member agencies);
- plain muddled reports (lacking any editorial guidance);

- and the mosaic variety (common in relation to ACPC areas comprising a number of district sub-committees, with a lot of repetition of material).

I certainly recognised all of these in my own reading.

Similarly, the quality of production of ACPC inter-agency guidance was variable. Nevertheless, they all followed a very similar format, this being dictated by *Working Together* (DOH, 1991), Appendix 6 of that publication providing a standardised framework for the content and format of local procedural handbooks.

As regards analysing text for interpretative meaning and the techniques which might be employed for this purpose, some earlier writers, such as Forcese and Richer (1973), have defined content analysis as comprising dedicated techniques for the quantitative analysis of documents. However, May (1993) discusses how this technique can be exploited for both quantitative and qualitative purposes. Thus, quantitative content analysis typically involves identifying the frequency with which certain words, phrases or other units occur within a piece of text and analysing these frequencies within categories chosen to relate to the identified research questions. In contrast:

qualitative content analysis ... starts with the idea of process, or social context, and views the author as a self-conscious actor addressing an audience under particular circumstances. The task of the analyst becomes a 'reading' of the text in terms of its symbols. (May, 1993: 146 -147)



In my own research both numerical and more qualitative approaches were employed in analysing the documents with a view to understanding their intended meaning, details of these approaches being provided in Chapters 4, 5 and 6.

## **THE USE OF INTERVIEWS IN RESEARCH**

Ackroyd and Hughes (1983) define interviews as:

encounters between a researcher and a respondent in which the latter is asked a series of questions relevant to the subject of the research. The respondent's answers constitute the raw data analysed at a later point in time by the researcher. (Ackroyd and Hughes, 1983: 66)

As regards their advantages, interviews present a flexible and adaptable way of gathering information and, generally speaking, they enable one to gather much richer or deeper data than can be obtained through, for example, a questionnaire. The content of respondents' replies can also be evaluated within the context of the process in the interview which sometimes proves illuminating and the interviewer has the possibility of following up interesting comments (or indeed silences) with additional questions. Depending on the quality of the rapport established with the respondent this may or may not encourage further elaboration or disclosure (Robson, 1993; Alston and Bowles, 1998). As regards their disadvantages, interviews are often time-consuming activities in terms of travel time (in the case of face to face interviews), the lengths of the sessions themselves and in terms of the time needed for recording and analysis. There are also problems associated with the relative lack of standardisation in anything other than highly structured interviews which raise questions of reliability and the possibility of interviewer bias is also a potential threat.

In my own research three kinds of interviews were employed:

- semi-structured face-to-face interviews;
- telephone interviews; *and*
- more informal conversations.

Each of these types is briefly discussed below, focusing on how I used them to further my research aims and answer my research questions.

### **Semi-structured Face-to-face Interviews in Local ACPC Areas**

In order to complement and build on my work in relation to documentary sources of information I decided to undertake a small number of interviews in local ACPC areas as the next stage of my research work. As already indicated the aims of this were two-fold. Firstly, I wanted to follow up my findings from the documentary sources about which areas seemed more active than others. Would, for example, the results from my interviews in the field confirm or disqualify the impressions I had already formed about which were the more or less active ACPC areas based on my documentary studies? Secondly, I wanted to explore issues already identified as a result of the earlier stages of my research in more depth and to generate information about any other issues of concern to professionals which would also inform the development of my planned questionnaire. Therefore, I was interested to discover whether my interviewees wanted to raise issues which I had not yet identified and whether they agreed that the issues I had already identified in relation to work with children and young people who sexually abuse were, in their view, of significance or importance. I

also planned to compare my interviewee's responses with each other, to explore similarities and differences in their perspectives.

Most methodological text books discuss the various types and style of interview available to the researcher. Thus May (1993) identifies four types of interview:

- structured interviews
- semi-structured interviews
- focused interviews
- group interviews.

For the purpose of my interviews in local ACPC areas the semi-structured interview was appropriate in allowing for some standardisation and comparability across interviews whilst, at the same time, offering more latitude for elaboration and exploration. There were a number of questions I wanted to cover based on my earlier research work but I wanted to be able to probe and follow up on respondents' answers. I also decided to ensure that there was space within the interviews for respondents to raise additional issues of concern which I had not covered. In terms of the process of the interviews, I gave myself permission to modify the wording and ordering of my questions based on my perception of what seemed most appropriate in the context of the interview and the material that I was being offered. Thus, I planned that the interviews would take the form of purposeful conversations rather than stilted question and answer sessions. My pre-existing interview skills, developed as a result of my professional training and experience, would, I hoped, be a particular asset

during this phase of the research although I realised that interviews undertaken with a social work purpose are very different from those conducted for social research purposes.

Thus, my finalised interview schedule followed a conventional sequence from introductory remarks through to the main focus of the interview to closure. There were various broad and specific aspects to my topic area which I wanted to focus on so these formed the various sections of the interview schedule which is included as Appendix 1.

### *Locating my Sample: Using my Networks*

My first face-to-face interview took place considerably earlier than the rest and comprised a lengthy meeting in December 1994 with the co-ordinator of a project funded by a large voluntary agency based in a city in northern England. This interview came about through a workshop I had run on my research at the NOTA annual national conference held in September 1994. The project co-ordinator had attended the workshop and, in informal discussions after the workshop, had issued an invitation for me to visit the project. Having spent most of my time up until that point trawling through ACPC annual reports and other documents I was delighted to take up the invitation to visit a real workplace, especially one I had noted from my reading of the relevant ACPC report.

As regards the rest of my sample, immediately surrounding my place of work were five ACPC areas which, in terms of travel time, I could easily access so I decided that,

if possible, I would try to obtain an interview with one or more respondents from each of the five areas. Given my pre-existing professional networks I had a number of contacts in all these areas but they were not necessarily people having any involvement in work with children and young people sexually abusing others. Thus, in order to get leads on who to approach, my starting point was the local Social Services Inspectorate (SSI). Following a telephone conversation with one member of the SSI whom I knew quite well, I was re-directed to another SSI who was involved in regional group meetings on child protection matters in the local region.

I had a lengthy telephone conversation with this SSI on March 2<sup>nd</sup> 1995. He proved to be very informative, giving me the names of child protection co-ordinators to pursue in my five target areas. He also commented that his impression was that, with the exception of the funded project already mentioned, the region was virtually a 'blank slate' in terms of developments in relation to work with young sexual abusers. Even the funded project, he commented, was in 'deep trouble' because of funding and resource issues. The SSI mentioned, however, that the regional group with which he had been involved had set up a working party in December 1992 to look at the issues but this had only 'half completed' its work due to other pressures. I made a note to pursue this lead if possible.

Of the contacts in the five ACPC areas provided by the SSI I knew the people concerned in three of the areas personally through previous, unrelated involvements.

When I telephoned them they were more than willing to meet me and interviews were arranged without further complications. In the case of the other two areas, where the

contact names were not known to me, I had to tread a more delicate path, in one case having to seek the formal approval of the Director of Social Services to interview his members of staff before finalising the interview arrangements. This meant that the interviews were spread over the period March to September 1995, although four out of the five took place between late March and early May.

In summary my timetable and sample comprised the following interviews:

- one interview on December 2<sup>nd</sup> 1994 with the project leader of a specialised service dealing with young sexual abusers, based in a city in northern England (ACPC Area A);
- one interview on March 23<sup>rd</sup> 1995 with a member of the Child Protection and Support Unit of a social services department in a metropolitan area in northern England (ACPC Area B);
- one interview on March 29<sup>th</sup> 1995 with two staff members from a social services department in another metropolitan borough in northern England. One of the interviewees was the department's Child Protection Co-ordinator, the other a specialist child care social worker (ACPC Area C);
- one interview on March 29<sup>th</sup> 1995 with the Principal Officer (Child Protection and Reviews) of a social services department based in a third metropolitan borough area in northern England (ACPC Area D);
- one interview on May 5<sup>th</sup> 1995 with two members of a social services department serving a city area in northern England. One of the interviewees was the department's Child Protection Co-ordinator and the other was a

Principal Caseworker who was temporarily seconded to training (ACPC Area E);

- one interview on September 25<sup>th</sup> 1995 with two members of a social services department serving a third city area in northern England. One of the interviewees was the Co-ordinator of the department's Child Protection Unit, the other was the Co-ordinator of the department's Youth Justice Service (ACPC Area F).

### **Telephone Interviews**

Although the NCH Enquiry Report (1992) provided some background as to who was on the Committee and how it conducted its business I decided, seven years after its publication, to supplement this published information with telephone interviews with four of the committee members, using my pre-existing networks to gain access to them. My purpose was to elicit their perceptions on the circumstances in which the report was produced, how the Committee had worked and their views on its significance at the time and seven years later. My interviewees comprised:

- the director of a charity, providing a confidential telephone helpline for young people;
- a consultant psychiatrist;
- a forensic clinical psychologist; *and*
- the Director of Policy Development in a large voluntary agency providing a range of services to children and families.

Telephone interviews are increasingly used as a way of low cost means of eliciting information from respondents. They compare well with face-to-face interviews as regards providing opportunities to correct obvious misunderstandings and to use probes, and have the added advantage of probably reducing interviewer effects (Robson, 1993). As regards the limitations of telephone interviews, respondents' replies will tend towards the 'instant' rather than the reflective, recording at the time is problematic, it may be more difficult to establish rapport and concentration beyond about 40 minutes may well be an issue (Maitland and Nickalls, 1985).

In order to reduce the effects of these limitations I prepared my interviewees in advance with a letter explaining what my research was about and what information I would be seeking from them. I then followed this up with a telephone call to confirm their consent to being interviewed and to arrange a convenient appointment for the interview proper. As part of the negotiations over consent, issues of confidentiality were discussed but none of the respondents objected to their accounts and views being reported in the thesis. The questions I asked of my interviewees are listed as Appendix 2. The interviews were then written up immediately after the conversations, using notes I took at the time. In analysing this material later I was especially interested in the similarities and differences in their replies and how their differing professional backgrounds might be influencing their replies.

### **Informal conversations**

In addition to formal semi-structured face-to-face and telephone interviews, during the course of my study I was fortunate to have the opportunity to talk to a variety of



people in more informal ways about the nature of my research. These opportunistic conversations, nevertheless, often elicited very interesting information. In particular, in relation to paragraph 5.24 of *Working Together* (DOH, 1991) I was able to supplement my own analysis of its contents with some discussions with the SSI who claimed to be its author about why it had been written and what messages had been intended. She subsequently put me in touch with another member of staff in the DOH who had some knowledge of the outcome of plans to produce extended inter-departmental guidance on young sexual abusers, the detail of which is discussed in Chapter 4. Thus, these, and other often chance conversations, assisted me in the process of understanding how and why developments in relation to children and young people were unfolding in the way they were. In the thesis I have attempted to make a clear distinction between these serendipitous events and the formal elements of my research work.

## **SURVEY BY QUESTIONNAIRE**

### **Questionnaires as a Method of Data Collection**

In essence a questionnaire is 'a self administered interview' (Smith, 1975: 170), another means of securing responses or answers to questions. Questionnaires have become an extremely popular method of data collection, not because they have been shown to be particularly superior in eliciting good quality data, as compared with other methods, but because they are efficient in terms of time, cost and their ability to reach a large number of respondents who may be spread widely in a geographical sense. I wanted to capitalise on these and other advantages in terms of my planned national survey of professionals. Alston and Bowles (1998) provide a useful summary

table, comparing a mailed survey with telephone and face-to-face interviews and, as I used all three approaches in my research, this table is reproduced below.

	<i>Mail Survey</i>	<i>Telephone Survey</i>	<i>Face-to-Face Interview</i>
cost	lowest cost	middle cost	highest cost
response rate	lowest response rate	moderate response rate	highest response rate
coverage	reaches greatest number of people yet only those with good literacy skills and motivation to respond	reaches respondents with poor literacy skills but only those who have telephones	reaches smaller numbers but wide range of people whether illiterate, low income, without phone
convenience	respondent can complete in own time, at own pace	can be completed quickly	time-consuming for interviewer and respondent
	quick results ready for computer entry	direct computer entry of results possible	more time-consuming to code and enter data
accuracy and type of information	visual layout can help	can clarify questions	can clarify questions, probe and prompt
	cannot clarify confusion, probe or prompt	limited opportunity to probe and prompt	can record nonverbal and other responses
	cannot check if right person answered the questions	miss nonverbal responses	can ensure the right respondent answers questions in right order
	cannot check if questions were answered in the right order	ensure questions answered in right order	interviewer may misrecord response

	partial response possible	can't always ensure the right person answers the questions	most likely that survey will be completed
	needs to be short to ensure response rate	more chance that survey is completed fully	allows for longer more open-ended responses
	least chance of bias caused by interviewer attitudes, presence	must use simple questions moderate chance of interviewer bias	highest chance of interviewer bias
anonymity	highest level of anonymity/ confidentiality	less assurance of anonymity	less assurance of anonymity

**Table 3.1**      **Comparison of three survey research instruments (Alston and Bowles, 1998: 112)**

Given that, as part of my multi-methods or triangulated approach, I was combining the results of my survey by questionnaire with results from these other data collection methods and with other sources of data, I felt less inhibited by the limitations of a mail survey, as indicated above in Table 3.1, knowing that their weaknesses would be offset by the corresponding strengths of my other methodologies.

### **Designing the Questionnaire**

The contents of my questionnaire were arrived at following my study of existing literature and research, my documentary research and the semi-structured face-to-face interviews I had conducted in the field. Thus, for example, open-ended questioning within my interviews provided ideas for closed question alternatives for inclusion in

the questionnaire. The questionnaire, which I estimated should take a maximum of between 30 to 40 minutes to complete, was planned to comprise closed, specific questions in order to increase equivalence of stimulus and standardised responses (Robson, 1993) and to aid subsequent analysis but, where appropriate, additional space was provided for respondents to elaborate their answers. Other standard approaches to questionnaire design, such as attention to wording and question order, were employed to enhance levels of validity and reliability (Maitland and Nickalls, 1985; Converse and Presser, 1986). The process of piloting and finalising the questionnaire is described in Chapter 8, with a copy of the questionnaire included as Appendix 3.

### **Generating the Survey Sample**

In order to obtain access to ACPC inter-agency guidance I had written to all ACPC chairs to enlist their assistance (see Chapter 6 for further elaboration). As part of this letter I also asked to be supplied with the names and addresses of professionals in their areas who were particularly involved in work with children and young people who sexually abuse. The names and addresses forwarded by ACPC chairs formed the basis of the sample to be surveyed, augmented by names and addresses obtained as a result of personal contact or recommendation. Later, access to a national list of forensic clinical psychologists, supplied by the secretary of the Regional Forensic Clinical Psychologists' Group, further expanded the range of practitioners surveyed. Given the prominence of forensic clinical psychologists in research and literature about young sexual abusers (see Chapter 1) I was keen to ensure that such professionals were represented in the sample.

Thus, the total sample of 196 comprised:

- 82 contact names and addresses recommended to me by ACPC chairs or their delegated respondents;
- 29 other practitioners whose names and addresses I had collected through personal contact and other recommendation (e.g. at conferences);
- 85 forensic clinical psychologists.

Table 3.2 provides summary data about the make-up of the sample based on occupational grouping:

<b>Occupation (ordered alphabetically by occupation)</b>	<b>Number in sample (%)</b>
Forensic clinical psychologists	85 (43%)
NSPCC/Therapeutic	15 (8%)
Paediatricians	5 (2%)
Police	3 (1%)
Psychiatrists/psychotherapists	8 (5%)
Social Services (Child Protection) staff	54 (28%)
Youth Justice and Probation staff	20 (10%)
Others	6 (3%)
<b>TOTAL</b>	<b>196</b>

Table 3.2      Occupational groupings of sample for questionnaire survey (ordered alphabetically by occupation)

Given the non-probability nature of this sample (Robson, 1993) it was not possible to make confident predictions about how typical the respondents' replies were of the whole population of professionals working in this field in England, although, as part of my subsequent analysis, their replies were compared with data collected during the

earlier phases of the research. This process of triangulation suggested that, as a group, their views were in considerable synchrony with those of other colleagues in this field of work and in synchrony with the results of my study of relevant documents.

## **CONCLUSION**

Through the means described above, I collected a range of data which enabled me to explore and describe policy, procedure and service developments in England in relation to children and young people who sexually abuse others. In addition to all of the above, I attempted to keep in touch with developments over time in relation to children and young people who sexually abuse through a variety of means:

- media coverage of high profile cases;
- keeping up-to-date with emerging debates in the literature and press, particularly from 1995 onwards, about the future direction of systems for dealing with child protection/child welfare and youth crime;
- ongoing networking with significant actors in the field.

As my analysis of this data progressed it became clear that there were many complex issues involved and I then re-examined my findings through rather broader analytic frameworks, which were introduced in Chapter 1. Chapter 9 comprises that re-examination, with the added complications arising out of policy and legislative changes in relation to child protection/child welfare and youth crime occurring since 1995 discussed in Chapter 10.

## **CHAPTER 4 EXPLORING OFFICIAL AND SEMI-OFFICIAL GUIDANCE ON CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE**

This chapter focuses on my analysis of two publications: *Working Together* (DOH, 1991) and the *Report of the Committee of Enquiry into Children and Young People who Sexually Abuse* (NCH, 1992). When my research commenced in the mid 1990s these documents comprised the extent of official and semi-official guidance available to professionals and their agencies on how to deal with young sexual abusers. After explaining how I decided to analyse these texts, the contents of each are summarised and discussed. How the messages from these publications were disseminated is outlined and the difficulties facing Area Child Protection Committees, which were identified as having the lead responsibility for taking forward developments in relation to young sexual abusers, are the subject of reflection. The chapter concludes with my summary of the specific questions which arose from analysis of these two publications, questions which helped to inform the subsequent stages of my research.

I have made the assumption that, for the purposes of this and, indeed, subsequent chapters, the reader is familiar with the systems for child protection and youth justice which were in place in the early to mid 1990s. If such background is required then Appendix 4 contains a brief outline of both, together with discussion of their relevance to children and young people who sexually abuse.

## **METHOD OF ANALYSIS**

Both these documents were published, widely distributed and, hence, easily accessible. Focusing initially on '*Working Together*' (DOH, 1991), this comprised a second edition (revised from the original edition, DOH, 1988a). An official publication issued under Section 7 of the Local Authority Social Services Act 1970, *Working Together* did not have the full force of statute but it was made clear in the preface that its contents should be complied with unless there were exceptional circumstances. The document comprised some 126 pages and within these pages just 30 lines of text referred directly to abuse carried out by children and young people.

The brevity of this part of the guidance meant that I could undertake detailed line by line analysis of its contents. In this process I tried to answer the following questions:

- what are its main messages?
- can they be characterised in any general manner?
- what actions are being justified?
- what is not addressed?
- what is assumed?

Understanding the meaning and significance of this text also meant undertaking the much broader analysis suggested by Scott (1990). So, I was interested to learn how these lines came to be incorporated into the second edition, their being absent in the original *Working Together* (DOH, 1988a). This process of developing understanding involved me in informal conversations with, amongst others, the SSI who claimed to



be the author of the text. In addition, as a result of my contact with this SSI I was given, probably privileged, access to subsequent efforts to expand on the guidance contained in paragraph 5.24, efforts which eventually came to nought. This additional, draft guidance is also the subject of analysis and reflection.

The NCH Committee of Enquiry Report (NCH, 1992), in contrast, focused exclusively on the problem of children and young people who sexually abuse others and comprised an 88 page document made up of eight chapters and appendices. This document was read and re-read although, because of its bulk, line by line analysis was not feasible. Similar questions to those asked in relation to *Working Together* (DOH, 1991) were addressed when analysing the contents of this document in order to understand its meaning and significance. The report provided some background as to who had been on the Committee and how it had conducted its business but, seven years after publication, I supplemented this official information with telephone interviews with four of the committee members, in order to develop a fuller understanding of the circumstances in which the Report had been produced and the process of the Committee's work.

## **RESULTS OF ANALYSIS: *WORKING TOGETHER* (DOH, 1991) AND CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE**

*Working Together* (DOH, 1991) contained two references to child-on-child abuse. Firstly, in paragraph 2.14 (2), when discussing the role and functions of Area Child Protection Committees (ACPCs) it was noted that some had set up working groups to provide them with specialist advice. Examples given of such working groups included

'work with young abusers' (DOH, 1991:7). The more substantive reference comprised paragraph 5.24 on page 37 which is reproduced in full below.

## **5.24 ABUSE CARRIED OUT BY CHILDREN AND YOUNG PEOPLE**

**5.24.1** When abuse of a child is alleged to have been carried out by another child or young person, it is important that the appropriate child protection procedures should be followed in respect of both the victim and the alleged abuser.

**5.24.2** Work with adult abusers has shown that many of them begin committing their abusing acts during childhood or adolescence, and further has indicated that significant numbers have suffered from abusing acts themselves. It is therefore an important child protection function to ensure that such behaviour is treated seriously and is always subject to a referral to child protection agencies. Such adolescent abusers are themselves in need of services.

**5.24.3** Upon receipt of such referral there should be a child protection conference in respect of the alleged abuser to address current knowledge of:

- the alleged abuser
- their family circumstances
- the offence committed
- the level of understanding he or she has of the offence
- the need for further work.

This should include consideration of possible arrangements for accommodation, education (where applicable) and supervision in the short term pending the compilation of a comprehensive assessment. This assessment should ideally involve a child psychiatrist to look at issues of risk and treatment.

**5.24.4** Membership and handling of the conference, including initial plans, should be as prescribed in the standard child protection conference.

**5.24.5** The conference should re-convene following the completion of the comprehensive assessment, to review the plan in light of the information obtained and to co-ordinate the interventions designed to dissuade the abuser from committing further abusive acts. Experience suggests that in many cases, policies of minimal intervention are not as effective as focused forms of therapeutic intervention which may be under orders of the civil or criminal courts.

(DOH, 1991: 37, paragraph 5.24)

## **An Analysis of Paragraph 5.24**

Paragraph 5.24 was of significance in that it comprised, I believe, the first instance of abuse of children by other children being addressed in official child protection guidance and hence constructed as a child protection issue. Until then child abuse and child protection work, as defined in official guidance, had focused on significant harm done to children by adult carers and other adults having direct contact with them, although this, in itself, comprises a very narrow definition compared to the much wider range of theoretical explanations of child abuse available (see, for example, Corby, 1993). Now, however, children themselves were being characterised as possible abusers.

### ***Child Abuse Generally or Just Child Sexual Abuse?***

Paragraph 5.24 was not actually worded so that the guidance solely related to sexual abuse carried out by children or young people, as opposed to, for example, physical or emotional abuse or neglect by youngsters, although ACPCs and various commentators (including myself) rather assumed it did. Thus, in the introduction to the NCH Committee of Enquiry report (NCH, 1992: vi) Tom White, then NCH Chief Executive, stated that the Committee was in complete accord with statements in *Working Together* that cases where a child or young person had sexually abused another child should be dealt with in the context of the Child Protection system.

During one of my informal conversations with the SSI who claimed to be the author of the paragraph, she did not indicate that the paragraph was intended to refer to other aspects of abuse such as physical or emotional abuse. Indeed, the language used in

parts of the guidance, particularly in 5.24.2 and the second sentence of paragraph 5.24.5, was very reminiscent of statements made by 'experts' in the field (e.g. NOTA) about the management of young sexual abusers. I would suggest it was no coincidence that by the time the work to prepare the second edition of *Working Together* was underway, the SSI had already become an observer both at NOTA National Executive Committee meetings and at the deliberations of the NCH Committee Enquiry team. One of the NCH Committee members I interviewed by telephone in 1999, the director of the charity running a telephone helpline for children, thought she remembered that the Committee had actually been asked to draft what became paragraph 5.24 for the DOH, though the other committee members I interviewed could not confirm this. Given my own subsequent involvement in the third revision of *Working Together* in 1999 (see Chapter 10) this process would not, however, have been surprising.

Perhaps there were other reasons, too, why this aspect of child on child abuse had been 'chosen' as the, at least, implicit focus of paragraph 5.24. Post Cleveland (HMSO, 1988) child protection debates were dominated by issues of child sexual abuse and there may have been particular concerns about children sexually abusing others, such behaviour, as will be discussed in Chapter 9, usually being seen as beyond the limits of normal child behaviour. Thus my SSI contact was emphatic that she had wanted to include a statement which particularly referred to young sexual abusers' treatment needs suggesting, I would argue, assumptions about their victim status and neediness, notions in tune with the wider child protection discourse. Thus, the DOH, in the early 1990s, was constructing the problem of young sexual abusers as

being centrally located within existing child protection systems, within a child protection discourse which essentially focused on children as victims of abuse.

### ***Not Much Guidance***

However, there were a number of other problematic and interesting features to these lines of guidance, not the least of which was that they amounted to a very small amount of guidance in total. This is probably explained on the basis that it might have been assumed that other guidance in *Working Together* would be readily transferable into this area of work. However, this was far from the case, given that the rest of *Working Together* related to protecting children from abuse, rather considering children as abusers. Thus, paragraph 5.24 was silent on how such abuse might be defined, on how referrals should be processed, on which agencies should be involved in any investigations and on what basis. Instead sub-paragraphs 5.24.3, 5.24.4 and 5.24.5 only provided detail on the membership and terms of reference of the child protection conference that should be called and the need for a comprehensive assessment which 'should ideally involve a psychiatrist to look at issues of risk and treatment'. This particular inclusion may be explained by reference to the dominance of psychiatric and psychological voices in debates about both adult and young sexual abusers to which I have referred in Chapter 1.

### ***Child Protection Registration***

Paragraph 5.24 also had nothing to say about whether young sexual abusers should be registered under existing DOH categories of physical abuse, sexual abuse, neglect and emotional abuse, a very significant part of the official process of protecting children

from abuse. As my own data collection later evidenced, this omission was significant so far as local agencies were concerned for a variety of reasons, not least because the DOH categories were designed for recording the victims of abuse, not the abusers. A certain amount of creativity was needed to register a young sexual abuser under the category of sexual abuse as defined on page 49 of *Working Together* (DOH, 1991).

When I raised this issue in the summer of 1994, as part of a conversation with the SSI who had apparently authored paragraph 5.24, she agreed that, given the current DOH categories, it was impossible to know which children might be on a local child protection register because they were abusers. She reported that 'professionals' were wanting the categories tightening up and hinted that changes to the categories might be in mind, although she also stated that any such changes would have to await the outcomes of various pieces of research, those research projects which subsequently comprised the publication *Messages from Research* (DOH, 1995).

However, in a further conversation with her a year later, her account had changed somewhat. She admitted that, when drawing up paragraph 5.24 in *Working Together*, thought had not been given to the circumstances in which young abusers should be registered and she acknowledged that there had been various representations since about this from local authorities. However, she claimed that the official DOH view was that they should only be registered if they were also victims of abuse. She alluded to the potential resource implications for local authorities if young sexual abusers were registered on any other basis. Thus, if registered as abusers, even if not victims, such youngsters would be subject to child protection system processes including the

allocation of key workers, regular reviews and so on, for which no additional resources were apparently available.

### ***Child Protection Discourse on Young Sexual Abusers Versus Youth Justice Discourse***

Another significant problem with paragraph 5.24 was that no distinction was made between children of different ages, in particular those below and above the age of criminal responsibility. In fact, only the phrase 'adolescent abuser' appeared in the text. Interestingly, in this context then, no reference was made to the criminal justice system which would also potentially have an interest in such young people. Theoretically, a child over the age of 10 years sexually abusing someone else could be dealt with entirely within the criminal justice system, without recourse to any child protection systems of response. However, paragraph 5.24 was making a claim that such youngsters should be managed within the child protection system and, indeed, was casting doubt on 'policies of minimal intervention', the hallmark at that time of approaches within the criminal justice system in relation to young offenders.

As already indicated, Appendix 4 provides an outline of the youth justice system in place in the early to mid 1990s, the main period of my data collection. What is worth drawing attention to here is the rather different discourse about the prognosis for adolescent sexual abusers evident in paragraph 5.24, as compared with prevailing philosophies underpinning prevailing youth justice approaches. In paragraph 5.24 it was implied that adolescents who sexually abused others were unlikely to grow out of their offending behaviour and required early treatment often supported by a legal

mandate which recognised the seriousness of the offence and required offenders to participate in treatment programmes and take responsibility for their behaviour.

Underlying youth justice approaches at the time, however, was the claim that most young people grow out of their offending behaviour and that much youth crime was situational. Thus, following the publication of the classic text *Out of Care: The Community Support of Juvenile Offenders* (Thorpe et al, 1980), there had been a steady flow of literature and research focusing on the diversion and decriminalisation of young offenders. Youth Justice teams within social services departments and other agencies were collaborating to develop inter-agency based programmes of delinquency management which kept children in trouble out of the courts and the formal youth justice system as far as possible to avoid labelling and which aimed to work with children on a voluntary basis or in the context of community based disposals. A particular emphasis was put on the use of the caution, diversion and keeping young offenders “down tariff”.

At the time of my study of paragraph 5.24 evidence from various sources was indicating that the debate about the respective merits of these two perspectives in relation to the management of adolescent sexual abusers was ongoing. Thus, Brown, as part of her discussion about Shropshire’s Adolescent Sexual Offenders’ Programme commented:

Many social workers now believe that young people who commit sexual offences should be put before the courts as a matter of course. This is seen as a way of accepting responsibility and also as a means of providing a mandate, legally sanctioned, in order to work with the young person ...



However, some workers continue to argue for simple cautioning with no intervention on the grounds that juvenile sexual offending is no different to other juvenile offending ... (Brown, 1993: 26)

At the NOTA national conference at Durham University in September 1994 one of the keynote speakers, Andrew Rutherford, Professor of Law at the University of Southampton, argued in his address entitled *'The Efficiency of the Criminal Justice System in Responding to Sexual Offenders'* that formal cautioning for sexual offenders should be extended beyond the current levels of approximately 40%. He was clearly in favour of cautioning in respect of young offenders particularly, on the basis of evidence he cited that such young offenders often did not re-offend and because the criminal justice system had so many negative, unintended consequences that it was an ineffective and risky mechanism of response (see also Rutherford, 1993). In contrast, in an article in *The Guardian* (Eaton, 1994), Dr Eileen Vizard, Consultant Child Psychiatrist with the London based Tavistock Clinic and in charge of a Department of Health funded specialist therapeutic service for juvenile sexual abusers, was reported as believing that:

Offenders who are old enough should always be charged, both to protect the victim and to make the offender realise he has done wrong. She also hopes that by referring children to court, there is a chance they may get treatment, without which these young offenders may become adult paedophiles.  
(Eaton, 1994)

During my 1994 informal conversation with the SSI she confirmed that she was aware of various 'battles' in some ACPC areas between NOTA derived and prevailing youth justice arguments about how to deal with young abusers. However, she said she also detected the possibility of some 'convergence of view'. Thus, she reported that NOTA

had wanted the DOH to endorse and publish guidance which had, in the end, been published by the NSPCC (NSPCC, 1993) and which, in Appendix 3, had offered a somewhat toned down position:

Many adolescent abusers (and some adults in special circumstances - for instance where the adult has learning difficulties) can be kept out of the formal court process and receive a caution, provided that they admit their offence. *While diversion from Court may be desirable, it is essential that a specific assessment is carried out to look at the potential risk posed by the abuser and whether cautioning is appropriate.* (NOTA's italics)

(NSPCC, 1993: 14)

Apparently the DOH had not wanted, the SSI explained, to get involved with publishing the document as it had some concerns about not knowing NOTA well enough.

### **Tracking the Rise and Fall of Planned Developments in Relation to Paragraph 5.24**

Thus far, this chapter has focused on my analysis of the contents of paragraph 5.24 of *Working Together* (DOH, 1991), illuminated by informal conversations with its author. A short excursion is now undertaken into how the DOH was planning, with other governmental departments, to develop additional guidance which went beyond this piece of text and which would have addressed many of the issues raised in my analysis. My account relies on conversations with the SSI already referred to and with one of her colleagues, and on written information which was made available to me by the SSI.

During my discussion with the SSI in the summer of 1994 she had suggested that some of the problems with 5.24 which I have already outlined might be resolved by the deliberations of a joint sub group of the Inter-departmental Group on Sex Offenders and the Inter-departmental Group on Child Abuse (comprising the DOH, Home Office, Crown Prosecution Service, Area Child Protection Committee representatives and the police). I was obviously very interested in this development and she agreed to forward me a copy of the group's consultative document which was due to be circulated to child protection and youth justice agencies for comment, as soon as it was available.

A draft consultation document subsequently arrived in August 1994 and comprised eight sections headed:

- Key principles underlying the Paper
- Definition of sexually abusive behaviour
- Extent of the problem
- Dual process of Child Protection and Youth Justice Systems
- Child Protection System
- Area Child Protection Committees
- Working Together
- Youth Justice System
- Options for Diversion/Cautioning or treatment of Offenders
- Implications for good practice.

The full document is reproduced in Appendix 5.

This document was significant and interesting for a number of reasons. The paper made a clear distinction between children above and below the age of criminal responsibility and much of its contents was focused on providing guidance as to how child protection and youth justice systems might work together to manage allegations of sexual abuse by children aged 10 years and over. Interestingly, the paper contained brief descriptions of both systems, as background information for each other, rather indicating that it was not assumed that either would be particularly familiar with the other.

Paragraph 5.24 of *Working Together* (DOH, 1991) was reproduced in full and, as part of the section devoted to key principles, it was reiterated that child protection procedures should be followed in respect of both the child victim and the young abuser. However, at many points in the document statements were made about how youth justice processes should dovetail and that good practice required a clear framework within which decision making and case management took place on an inter-agency and multi-disciplinary basis.

Thus, it was specifically mentioned that sentencers needed to be better equipped to make judgements about young sexual abusers and made reference to the provisions within forthcoming legislation which might be of relevance. An 'options for diversion' section seemed to be carefully worded to present NOTA-derived and other arguments about the need for intervention and the advantages and disadvantages of court process, without the authors of the document coming down in favour of one perspective or another. Nevertheless, this section did include statements about the

need to think carefully through the implications of cautioning and was obviously against precipitate action by the police as regards taking 'no further action', in keeping with earlier suggestions in the document that young sexual abusers were somewhat different from 'ordinary' young offenders.

The final section, on the implications for good practice, was of particular interest, providing the beginnings of a model of response which dovetailed child protection and youth justice systems, with child protection systems taking precedence and supplying information to the latter. I realised that this might provide a useful benchmark in my forthcoming analysis of ACPC inter-agency guidance. What was striking, however, was that the guidance was still silent about if and when child protection registration should take place.

By the time I returned to the DOH in the summer of 1995 to examine ACPC annual reports of 1993-4, I had already conducted some of my semi-structured interviews in local ACPC areas. Chapter 7 analyses the contents of those meetings but it had become apparent from my discussions with my respondents that they had not had sight of the consultation document which I had seen in draft and, indeed, had not even heard of it. This was in spite of the fact that at least some of those I had interviewed had been in touch with the DOH to try and clarify the issue of whether young sexual abusers should be registered under existing child protection registration categories, and on what basis. I had realised, therefore, that something had happened to this draft guidance post June 1994 when it had been due to be considered by the Home Office

Inter-Departmental Group on Sex Offending. I planned, therefore, to investigate this state of affairs via further discussions with SSI at the DOH.

When I talked to my SSI contact she was obviously preoccupied with the reorganisation going on at the DOH and signalled that she might be leaving the organisation fairly soon (she in fact retired in August 1995). She did not have any information about what had happened to the draft report, had no knowledge as to whether a consultation exercise had taken place and, indeed, commented that she thought nothing might come of the work done. What she did suggest, however, was that I contact another member of SSI staff at the DOH who had a young offenders brief and who had acted as secretary to the joint sub group, in order to investigate the matter further.

When I spoke to the SSI who had acted as secretary to the joint sub-group shortly afterwards his comments were most revealing. He confirmed what I had suspected, that the draft report had never been sent out to local authority consultation. It had eventually been incorporated into a larger report prepared by the Inter-Departmental Group on Sex Offenders which had then been forwarded to Home Office ministers for their consideration. The report as a whole had been rejected by ministers who had apparently made comments on the lines of 'we don't go soft on these people (sex offenders) ... they need locking up'. Thus the sub-group's report on young sexual abusers had 'gone down with the ship', as he described it, and the SSI thought the issue was now in limbo. He was unaware of any further initiative in this area,

mentioning just the NCH (1992) report and the NOTA publication (NSPCC, 1993) as available guidance.

I was left with the impression that a particular view about (adult) sex offending within the Home Office was clearly impacting significantly on any attempts to amplify existing guidance on young sexual abusers. I was not, therefore, surprised when, on October 12th 1995 at the Conservative Party Annual Conference in Blackpool, Michael Howard, then Home Secretary, launched a much tougher approach to all offenders, including sex offenders, proposing the introduction of an American style 'three strikes and you're out' policy, mandatory life sentences for rapists, attempted murderers and other violent offenders who offended a second time and wholesale reform and tightening up of the early release and parole system (*The Guardian*, October 13<sup>th</sup> 1995). The implications for children and young people who sexually abuse of policy and legislative developments from 1995 onwards are the focus of extended discussion in Chapter 10.

## **RESULTS OF ANALYSIS: THE REPORT OF THE COMMITTEE OF ENQUIRY INTO CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE OTHER CHILDREN (NCH, 1992)**

### **Origins of the Committee**

In terms of the impetus to set up the Enquiry it appears that at least two voluntary agencies and two individuals had played an important role, with support from the Department of Health. In one of my telephone interviews in 1999 the director of the charity providing a helpline for children shared her perception of events. She

explained that the Professional Advisory Group (PAG) to her charity (whose membership included the then Director of NCH and a psychiatrist from Great Ormond Street Hospital and the Tavistock Clinic), had been meeting regularly to consider information from the helpline within the wider context of child care and child protection. The charity's counsellors had been reporting that 14 to 15 year old boys were ringing in (some with bravado, some in distress) to report that they were abusing the children they were baby-sitting. The counsellors were at a loss as to how to proceed because the helpline had a policy of complete confidentiality for children but complete disclosure in the case of abusers. What were these children - children or abusers? No one, she said, had thought through these issues and, indeed, she commented, they remained, in her view, unresolved.

As a result of discussions within the PAG, and in conjunction with the DOH-supported *Training Advisory Group on Child Sexual Abuse*, the director of the helpline charity and the psychiatrist had organised a seminar on young sexual abusers at the National Children's Bureau in March 1990 and had invited those people whom they thought would have some interest and experience in this field. Both the psychiatrist and Dr. Eileen Vizard, referred to earlier, had delivered papers. My telephone respondent described the meeting as 'electric'. Some participants were reporting that they were getting no support over the problem, others that they were having to develop a methodological approach for themselves, drawing on experience of work with adult sex offenders. The conference's proceedings were, in fact, later published (NCB, 1991). Although much less well known than the subsequent NCH



Enquiry report, this publication identified many of the issues highlighted within the NCH publication of 1992.

According to my respondent, the director of the charity helpline, the Director of NCH had thought that the government should set up an Enquiry about the issue but it had been assumed that the Conservative Government in power at the time would not do so. The helpline had not had the funds to set up an enquiry, but NCH had and, hence, the Committee of Enquiry had been born.

### **Committee Membership and an Overview of Those who gave Evidence to the Committee**

The members of the Committee were listed at the beginning of the publication and comprised:

Arnon Bentovim - Consultant Child Psychiatrist, Great Ormond Street and Tavistock Clinic

Irene Bloomfield - Project Leader, Pole Park Family Centre, Dundee

Ann Doyle - Rainer Foundation

David Glasgow - Lecturer, Forensic Clinical Psychology, Liverpool University and Ashworth Special Hospital

Valerie Howarth - Executive Director, ChildLine

Philip Noyes - Director of Public Policy, NSPCC

Jennifer Temkin - Professor of Law, University of Buckingham

Eileen Vizard - Consultant Child Psychiatrist, Tavistock Clinic

Tom White (Chair)

David Williams - Detective Sergeant, New Scotland Yard

In addition, observers from the Social Services Inspectorate (Rosemary Arkley), the Department of Health (Rupert Hughes) and the Home Office (Probation Service Division - Susan Willmington) were invited.

As part of my telephone interviews with a small number of the Committee members I asked individuals how they had been recruited onto the Committee. The director of the charity helpline claimed that she and the Director of NCH had drawn up a list of those whom they had wanted to invite, however, other respondents described a range of rather more varied routes. One was clear that he had been invited by the Director of NCH as the official representative of another voluntary agency, rather than because of any expertise in the area of work. A second respondent, a psychologist, reported that at the point he had been invited onto the Committee he was working at a university in northern England and he and colleagues had just realised that they were able to extract some 'child perpetrator' data from a larger study they were conducting in the city within which the university was based. This was some of the first 'hard' UK data on prevalence which was later written up in his co-authored article on a life span perspective which is referred to in Chapter 1 of this thesis (Glasgow et al, 1994). He had also presented the results at a conference attended by one of the psychiatrists on the Committee. She had then telephoned him to ask if he would be a member of the NCH Committee. He had readily agreed, seeing it as an interesting, less academic piece of work for him, and he had then formally been invited by the Director of NCH.

My final respondent claimed that her invitation had come from the DOH directly (as a result of her 'fairly close' contacts with civil servants in the department) and from the Director of NCH, with whom she had been in contact about the possibility of NCH funding for her young abusers' project, a project which was eventually launched in 1992 with DOH financial support.

No representatives from the local authority statutory sector such as social services departments had been included on the Committee, nor from probation or youth justice services, although legal and police representation were included. This puzzled me at the time of reading the report in 1994 but, subsequently, I have learned more about the statutory/voluntary divide which pre-dates modern purchaser-provider splits and which is also symbolised in the phrase 'the big 5', referring to the main voluntary sector organisations involved in children and families work: Barnardos, NSPCC, NCH, Children's Society and Save the Children. Clearly, in the case of the Committee of Enquiry this had been the preserve of the voluntary sector, aided by the DOH.

NOTA, or ROTA as it was then, had not been represented on the Committee either but a number of representatives, including the chair, gave evidence to the Committee in a formally arranged meeting (NCH, 1992, paragraph 1.3.4). Appendix 4 of the report comprised a list of all those who made a contribution to the Committee's work. This made for interesting reading as it demonstrated that a wider range of professionals and interested groupings had some involvement in the process of generating evidence for the report. 254 names and affiliations were listed, with my summary analysis suggesting the following representations.

Affiliations given	Number of Contributors (approx %)
Social services department staff (NB. A number from the same departments and from field and residential settings)	83 (33%)
Staff from voluntary sector children's agencies (field and residential)	44 (17%)
Psychiatrists/psychologists	20 (8%)
University/research staff	16 (6%)
Police officers	15 (6%)
Other NHS staff	14 (5%)
Juvenile Justice staff	11 (4%)
Probation Service staff	11 (4%)
Sex Offender/Young Sexual Abuser specialist worker	9 (3%)
Representatives from schools	4 (2%)
JPs/Magistrates Association	3 (1%)
Lawyers	2 (1%)
Social Services Inspector/Scottish Office	2 (1%)
Family Centre staff	1 (.4%)
CCETSW (Central Council for Education and Training in Social Work)	1 (.4%)
Representative from Prison Reform Trust	1 (.4%)
Guardian Ad Litem	1 (.4%)
Paediatrician	1 (.4%)
NOTA (other NOTA members contributed but gave paid work affiliations)	1 (.4%)
Affiliations unclear	14 (5%)
<b>TOTAL</b>	<b>254</b>

Table 4.1      Numbers (%) and affiliations of those giving evidence to the NCH Committee of Enquiry (NCH, 1992)

Within these representations there may have been more specialists in the field of work with young sexual abusers but they did not identify themselves as such in their affiliations. On the face of it, therefore, as Table 4.1 indicates, a very small percentage (3%) had clearly delineated responsibilities in this area of work. Indeed the report commented:

Many had come to the consultations from the perspective of wanting to learn, because they were becoming aware of cases but felt unprepared and unable to deal with them. (NCH, 1992: 1)

In this respect one of my telephone respondents commented that his impression was of many individual 'decent, honourable' professionals going it alone in this area of work with very little management support and no guidance. They were 'out on a limb'. If youngsters' behaviours worsened then they were moved up to a 'higher level of security', once they became adults there was often almost a sigh of relief, he thought, that they were out of child welfare systems of response. His impressions were echoed by the director of the helpline charity who had 'vivid memories' of taking evidence from residential staff who were describing having to try and contain the behaviour of young sexual abusers with little or no management support.

### **The Committee's Terms of Reference and its Activities**

The NCH Committee was established in October 1990 with the following terms of reference:

1. To investigate the problem of children and young people under 18 years of age who sexually abuse other children, having regard to:
  - a) Known incidence
  - b) Extent of existing treatment facilities
  - c) The management of case investigation
  - d) Appropriate forms of intervention to change and/or modify behaviour
  - e) Appropriate management processes needed to maximise effective services.
2. To make recommendations.

(NCH, 1992: 1)

The director of the charity helpline, in her telephone interview with me, explained that what she had wanted the Committee to do was to identify a framework within which children and young people could be responded to and dealt with and she had wanted the Committee to move practice forward. Another respondent (the psychiatrist) gave as her motives for agreeing to be on the Committee: feeling desperate that people were not acknowledging the existence of the problem and working to raise awareness; wanting 'the facts' (e.g. about incidence and prevalence) to be set out; and, looking for funding and support for her project.

Chapter 1 of the report described how a six strand approach to information gathering was adopted comprising:

- a series of three regional consultations held in London, Leeds and Glasgow. These had attracted some 150 professionals, across a range of professional disciplines, from both statutory and voluntary and residential and fieldwork settings;
- a series of three national consultations in London, with invited professionals with experience of one or more of the three main areas covered:
  - issues in relation to work with young abusers in residential and day care settings;
  - issues in relation to clinical work;
  - legal, policy and management issues.

- a general call for information through the professional and academic press;
- a meeting with representatives of ROTA;
- a research study, funded by the DOH, looking into detail at 16 treatment facilities for young sexual abusers;
- a meeting with independent researchers in this field.

My telephone respondents were able to provide some interesting insights into the process of the Committee's work, sharing much the same perceptions. Thus, meetings were described as having been a 'talking shop' as a result of which tasks had been identified and individuals sent away to draft sections. These had then been forwarded to Jan Van Wagendonk, then Senior Development Officer with NCH, and Cathy Cooper, then Senior Policy Officer with NCH (both being described as the Secretariat in the publication), who had refined them and brought them back to Committee for discussion and eventual approval. So, it appears to have been very much a report written by the Committee with valuable directional and secretarial support provided by the two NCH staff. The discussions from seminars had been either transcribed or, at least, very detailed notes had been made of them. Ethical issues had sometimes been to the fore, one of my telephone respondents referring to the very poor standards of practice evidenced by the researchers at some of the treatment centres. She commented that Committee members had had 'their heads in their hands' over some of what they had read but neither the researchers or committee members had felt they had any mandate to act on what they had found. Another of my respondents

commented that the Committee had tried hard to strike a balance between delivering 'words from the wise' and discovering what people wanted to be said.

The report reads as a polished document but its clear style and pronouncements do not apparently convey the flavour of the discussions which took place within meetings. As the director of the charity helpline described it to me, the whole process had been akin to 'taking a skin off an onion' - as one got through one layer, many more layers for debate and discussion had emerged. They had been working in a context, she felt, where there was very little empirical research about practice. The reader may remember my example in Chapter 1 of the fierce debate even about matters of terminology during the Committee's first meeting.

### **The Report**

Following Chapter 1 which provided contextual information, the Committee's report was then divided into a further seven chapters focusing on defining sexual abuse by children and young people; an overview of current knowledge about, and provision for, young sexual abusers; consideration of the existing civil and criminal legal provisions; management issues; the training and supervision needs of staff and suggestions for fruitful areas for further research. Interwoven into the Committee's discussion and analysis were recommendations for the development of services for children and young people who sexually abuse, a complete list of which was contained in the eighth and final chapter of the report.



Apart from the list of contributors, three other appendices were included at the end of the report consisting of a diagrammatic example of one local authority's attempt (Shropshire's) to develop a system of response to young sexual abusers, a summary of the research project into the 16 treatment facilities studied and an extensive bibliography.

### ***Denial and Minimisation***

A repeated theme in the report was that there were high levels of denial and minimisation of the problem of children and young people who sexually abuse (page vi; para 2.2; para 3.2 and 3.6 - 3.12; paras 5.1 – 5.18). In relation to issues of incidence, the report noted the difficulties of collecting accurate data and suggested that this might well be due to children not disclosing because of fear, embarrassment or assumptions about the normality of their experience. The report also commented in paragraph 3.2.2:

Denial and minimisation of the significance of abuse perpetrated by children and young people is also common among parents, police officers and other professionals. (NCH, 1992: 7)

When later commenting on the lack of co-ordinated responses to young sexual abusers it was hypothesised in paragraph 3.7 that this might be due to:

denial of the seriousness of sexually abusive behaviour, the difficulty of obtaining conclusive evidence, an embarrassment about dealing with sexual issues, a lack of formal guidance on how to deal with these matters, and/or belief systems which support the idea that the child or young person will 'grow out of it' and would suffer by being labelled as an abuser or sex offender. (NCH, 1992: 8)

### ***Lack of Consistent and Co-ordinated Approaches***

In terms of responses to young sexual abusers the report was full of statements about how few areas had consistent, co-ordinated approaches for dealing with referrals, investigations of incidents and initial assessments (paras 3.6 - 3.11) with management reluctant to devote resources to this work. Shropshire was identified as one of only a handful of areas where a system had been developed, in this case involving police investigation and referral to a special project through their juvenile liaison panel. Offering this as an example was of interest, given that the main message of the report was that young sexual abusers should be dealt with through child protection systems, as indicated by *Working Together* (DOH, 1991).

A lack of suitable treatment and facilities was also evidenced through the DOH funded research study (Kettle, 1990), with additional concerns expressed about the management of children and young people who sexually abused who were placed in residential or foster care, often alongside children who had already been abused, with carers who were ill prepared to cope (paras 3.38 - 3.44). Training, supervision and support of staff were, not surprisingly, also claimed to be major gaps in provision.

### ***The Difference between Young Sexual Abusers and Other Young Delinquents***

A particular emphasis was placed by the Committee on the difference between young sexual abusers and other young delinquents. Thus, as early as in the introduction to the report it was commented:

Current thinking suggests that recidivism is the norm in untreated sexual offenders, and that young male sexual abusers are likely to continue to sexually abuse unless help is offered in adolescence or earlier. In other words, in contrast to general delinquency, the young abuser is likely to grow into a pattern of sex offending rather than out of it, and there is a need for early intervention to prevent long-term addictive, abusive behaviour patterns developing. (NCH, 1992: v)

In a particularly significant section later on in the report (paras 3.18 - 3.20) the Committee quoted 'the new orthodoxy' within the juvenile justice field as reported in a NACRO report (1991) which argued that:

responses to delinquency by social services and other welfare agencies can have unintended and unhelpful consequences for juvenile offenders. Formal interventions should therefore be avoided wherever possible and their intrusiveness kept to a minimum. (NCH, 1992: 10)

However the Committee challenged this approach in respect of young sexual abusers by drawing on research reported in the report of the conference proceedings held at the National Children's Bureau in 1990 (NCB, 1991). In paragraph 3.20 it was noted that the Committee's consultations revealed that a large number of professionals believed that:

without informed and child centred intervention, young people who sexually abuse are likely to continue their sexually abusive behaviour patterns ... (NCH, 1992: 11)

although a minority view that interventions might have negative consequences was also noted. The Committee concluded that:

on balance, and bearing these points in mind, the Committee feels that there is a need for intervention, but that such intervention should be planned, informed, child centred and thoroughly evaluated. (NCH, 1992: 11)

### ***The Issue of Legal Mandate***

Linked to this aspect the Committee considered whether a legal mandate was always needed to ensure successful management, intervention and treatment. NOTA's recommendation to the Committee was that a legal mandate (using provisions within the Children Act 1989, or within Criminal Justice legislation) should be secured wherever possible (paragraph 4.3). However, the Committee noted that, in respect of this 'major issue', others giving evidence to the Committee were opposed or doubtful about this approach. The arguments for and against were summarised thus:

<b>Arguments for a legal mandate:</b>	<b>Arguments against a legal mandate:</b>
Society's disapproval of such behaviour would be unambiguous	If a prosecution failed through lack of evidence or poor witnesses, the young defendant would be provided with an excuse to deny the abuse
The issue would be taken seriously	There were dangers of labelling and stigmatising young people
Having a legal mandate would ensure that the young person received treatment/intervention - resources would be 'unlocked'	Insisting on a legal mandate was in opposition to prevailing juvenile justice policy of diverting youngsters away from the courts and using prosecution only as a last resort
Having a legal mandate would increase the chances of the young person remaining involved in treatment	

**Table 4.2      Arguments for and against a legal mandate**

In the end, in paragraph 4.4, the Committee adopted both perspectives by recommending that:

intervention programmes must be made available on both a legally mandated and 'voluntary' basis. A decision regarding which is the most appropriate course of action to take should be made on the basis of an assessment of the child or young person, which takes all circumstances into account.

(NCH, 1992: 21)

### ***Children Above and Below the Age of Criminal Responsibility***

It was only in relation to the issue of a legal mandate that the report signalled that a distinction should be drawn between those children over the age of criminal responsibility as opposed to those under it, commenting that supervision and care orders under the Children Act 1989 were 'more appropriate' for under 10 year olds (para 4.6). As regards Criminal Justice provisions the Committee, in the context of arguing for training for magistrates about young sexual abusers, commented that lesser disposals such as conditional discharges and fines might deny the seriousness of the offence and would not encourage treatment to take place (para 4.13), perhaps indicating a preference for a legal mandate.

### ***Managing Children and Young People who Sexually Abuse within the Child Protection System***

Although appearing to acknowledge the twin interests of the child protection and the juvenile justice systems, at least in respect of young people over 10 years of age, the Committee made very clear recommendations about how a structure for working with young sexual abusers might be developed (paras 5.19 - 5.32), recommendations which

were firmly rooted within the child protection system. Recommending that all relevant agencies, including social services, police, probation, education and health should identify their specific responsibilities and policies in relation to young sexual abusers, the Committee completely endorsed the views of *Working Together* (DOH, 1991) that the child protection system was the 'most appropriate to have oversight of work with children and young people who abuse' (para 5.25). Indeed it described Shropshire's system as having been superseded by *Working Together* (para 3.10).

### ***The central role of Area Child Protection Committees (ACPCs)***

Having committed itself in these terms the Committee was equally clear that Area Child Protection Committees (ACPCs) had a leading role to play in the development of these new structures. Specifically, in paragraph 5.28 the Committee commented:

All such work should fall under the auspices of the ACPC, whose function it would be to co-ordinate the work, bring it into the child protection conference system, and develop a strategic plan. Directors of Social Services (who normally provide the Chair of ACPCs) are recommended to ensure that the whole issue of children and young people who abuse other children is put prominently on the agenda. (NCH, 1992: 29)

In paragraph 5.31 the Committee also recommended to all ACPCs that:

as part of their annual report, a section should be devoted to the work undertaken with children and young people who sexually abuse other children. (NCH, 1992: 30)

Finally, in paragraph 6.6 ACPCs and their constituent agencies were encouraged to develop training in this area of work.

The report acknowledged that, if this suggested system were to work, juvenile justice experts and the Crown Prosecution Service would need to be brought into the ACPC system, and that ACPCs would need to take into account the interests of the criminal justice system (paragraph 5.29). The Home Office was recommended to investigate how probation services might strengthen their involvement in work with young abusers, based on their expertise in work with adult sex offenders (paragraph 5.36). Interestingly, however, the diagram in paragraph 5.32 (with associated detail in paragraphs 5.37 - 5.44) which is included as Figure 4.1 and which illustrated the Committee's envisaged order of events following receipt of a referral about a young sexual abuser, provided no clues as to how the criminal justice process might dovetail with the child protection system.

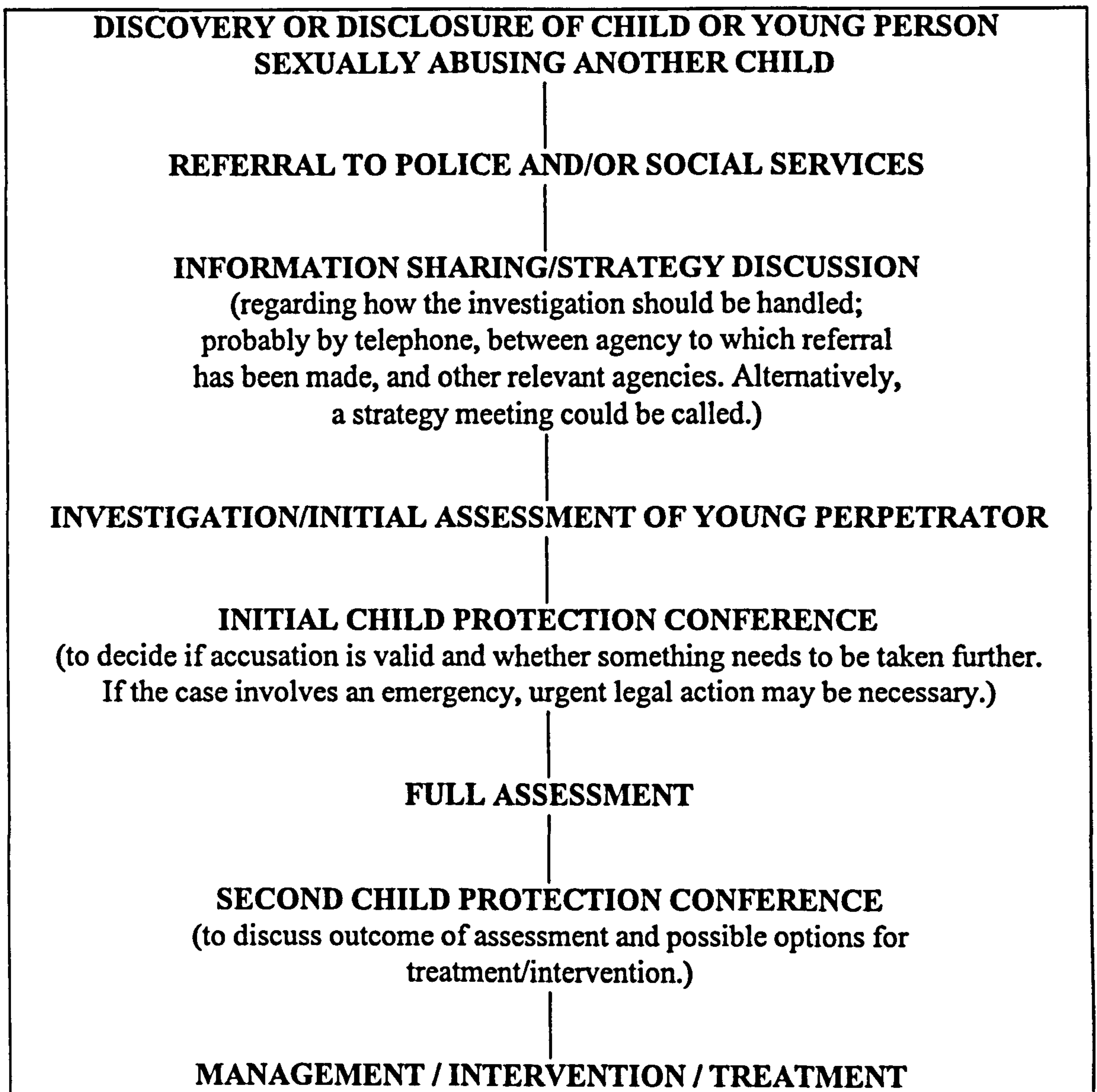


Figure 4.1      Extract from NCH Committee of Enquiry Report (NCH, 1992: 30)

This diagram looks like a standard procedure for dealing with a child or young person referred as a victim of child abuse, although again no reference was made here or elsewhere in the report to the problematic issue of child protection registration.



## ***Provision of Services***

In relation to the provision of services, the report argued for a continuum of care, including community based and specialist residential provision (paragraphs 5.45 - 5.70), with particular care taken around the issue of the placement of young abusers where there were other non-abusing and/or younger children. The DOH was recommended to support and fund the development of such services (paragraph 5.50), to keep annually updated information about them forwarded by ACPCs (paragraph 5.74) and, with other government departments such as the Home Office, to be responsible for developing or disseminating good practice guidelines, ensuring input from ACPCs. Alternatively, in paragraph 5.77 the Committee recommended that:

the Government could commission a national organisation such as NOTA to do this on its behalf. It is most appropriate that these guidelines emerge from, and are endorsed by, a multi-disciplinary organisation recognised nationally, and with as large a membership as possible. (NCH, 1992: 37-38).

## **AREA CHILDREN PROTECTION COMMITTEES (ACPCS) - STRUGGLING ORGANISATIONS**

Although the NCH(1992) report, explicitly, and *Working Together* (DOH, 1991), implicitly, were both envisaging a central role for ACPCs in developing responses to the complex problem of children and young people who sexually abuse others, I was somewhat sceptical about whether these organisations would be able to meet the demands of such a new role. As Hallett and Birchall (1992) have argued, difficulties can arise over implementation and securing adherence to mandates in the context of the federative models which ACPCs comprise. Resistance can arise from individual

organisations' fears about loss of autonomy and control, the resource costs of agreeing to new initiatives, and differences in agency mandates and priorities. In the case of children and young people who sexually abuse, the membership of ACPCs, as recommended by *Working Together* (DOH, 1991), did not even include some agencies who would have a stake in this area of work, such as youth justice agencies and the Crown Prosecution Service. Thus, considerable groundwork would be needed to increase the constituent membership of ACPCs.

Others have written at length about the problems facing ACPCs even within mainstream child protection work. Thus, for example, Corby (1993) has commented:

[ACPCs] are poorly resourced, have limited powers with regard to influencing the parent bodies of their constituent members and have an unrealistically wide range of functions. A major problem lies in the fact that individual agencies can still carry out their statutory functions regardless of recommendations from ACPCs. (Corby, 1993: 154)

Similar conclusions were reached by Jackson et al (1994) in their study of the role and effectiveness of ACPCs in Wales and by Campbell (1994) in his DOH funded study of ACPCs in England, the findings from both these studies being echoed in reports from ACPC annual conferences and summaries of ACPC annual reports before and since (Armstrong, 1993; 1994; 1995, 1996, 1997). Whilst acknowledging and validating the increased co-operation and collaboration between agencies around children's welfare which had been achieved through ACPCs' efforts since their establishment, there appeared to be general agreement that ACPCs were facing an uphill struggle for a variety of reasons, including:

- **problems of structure and communication, often resulting from large constituent memberships;**
- **a lack of shared values and approach and understanding about matters such as partnership issues;**
- **the scale of social problems and their impacts on children;**
- **restructuring in the public services, notably in health and education, leading to a plethora of purchasers and providers, resulting in problems of representation on ACPCs and ownership of their work;**
- **a lack of authority to enforce compliance with ACPC recommendations and a lack of guidance from the DOH about what the authority of ACPCs should be;**
- **underfunding of ACPCs and uncertainty about how budgets should be drawn up and secured from, for example, constituent members;**
- **difficulties of gathering information about practice and monitoring the effectiveness of ACPCs;**
- **pressures to move into preventative and treatment work but a lack of time and resources with which to progress such new initiatives;**
- **a lack of practitioner and public awareness of the roles and functions of ACPCs compounded by perceived resistance in agencies' middle management to take on board recommendations from ACPCs and promote change.**

**Given the number and range of complex issues facing ACPCs in terms of their own functioning and in relation to their existing responsibilities, therefore, I wondered to what extent they would also be able to absorb and develop a new area of work involving child on child abuse as recommended by the NCH report (1992).**

## **RESPONDING TO CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE: SPREADING THE WORD**

I was interested to discover the extent to which the two publications (DOH, 1991 and NCH, 1992) and the ideas and recommendations contained therein, which I have analysed, were disseminated and how. In the case of *Working Together* this was not difficult to establish as the publication had been widely distributed by the DOH, with ACPCs being required to update their own local inter-agency guidance and procedures in line with its contents during the annual reporting year 1992-1993.

In relation to developments in respect of young sexual abusers generally and the NCH report (1992) in particular, I discovered, through various literature sources, that there had also been a flurry of activity during 1992. In *NOTANews* (December, 1993) it was reported that NOTA representatives had attended a meeting at the DOH with the Chief Social Services Inspector in early November 1992, at which they had outlined their concerns about the lack of inter-agency management of sexual abusers. The DOH had also invited NOTA to present workshops regarding the management of adolescent sex offenders at the four regional ACPC conferences held over the winter of 1992 and 1993. As Armstrong's (1993) subsequent summary of the four conferences recorded:

The concern over children and young people who abuse others is reflected in the workshops on this issue at all conferences. The NCH report was mentioned as a key document and ACPCs were urged to pay strategic attention to this issue. (Armstrong, 1993: 7)

Pages 26-29 of Armstrong's report identified the issues thrown up by the NOTA led workshops: the wide variation in approach to young sexual abusers in the UK; the isolation of practitioners; the lack of policy and procedural frameworks in place, in a context of managerial scepticism and shortage of assessment and treatment resources; tensions between child protection and youth justice approaches; difficulties with obtaining CPS agreement to prosecute; denial by families; problems of identifying and defining adolescent sexual offending; over-use of cautioning without assessment; minimisation of the problem, especially by the police, for example, 'boys will be boys' attitudes. It was also noted, however, that:

Workshop debates included challenges to the NOTA approach. Reference was made to the lack of evidence that intervention worked, in contrast to the existing evidence that delinquency among juveniles was a feature of a particular age band and would be 'grown out of'. (Armstrong, 1993: 27)

Also in 1992 the Inter-Departmental Group on Child Abuse had issued '*A Strategic Statement on Working with Abusers*' prepared by a sub-group on working with offenders (DOH, 1992b). In respect of young sexual abusers, the sub group's statement had included a number of comments which echoed the NCH Enquiry report:

Thus, for example, it was stated that:

adolescent abusers are themselves in need of services because available evidence suggests that early and appropriate intervention will bring abusive behaviour under control ... (DOH, 1992: 2)

It was also noted that the revised *Working Together* (DOH, 1992) had brought work with juvenile abusers within the ambit of ACPCs. The strategic objectives, which were to be implemented at a local level through ACPCs, were listed as:

- formulating a coherent policy for the management and treatment of abusers;
- building a better understanding of abusers;
- viewing sexual abuse as a problem requiring assessment and treatment both for the abuser and the victim;
- promoting a multi-disciplinary approach to the problem including building links with criminal justice agencies;
- encouraging local and national resources, in recognition of the high demands of the work;
- educating both the public and professionals about this problem.

It was, of course, this same group which had then, in 1994, contributed to the further draft guidance which never saw the official light of day, guidance I have analysed earlier in this chapter.

The Inter-Departmental Group on Child Abusers' strategic statement had then been followed by the NSPCC published NOTA briefing paper '*Good Practice in the multi-agency management of sex offenders who assault children*' (NSPCC, 1993) which was widely distributed to all ACPCs and senior managers in relevant agencies. The focus of the paper was on emphasising the key role ACPCs should play in leading the co-ordination of multi-agency work with all abusers and on providing pointers on how

referrals, investigations, assessments and interventions should be managed. Reference to the NCH Enquiry Report (1992) was frequently made, with paragraph 6.5 also clearly stating that *Working Together* (DOH, 1991) guidance should be followed in respect of children or young people who had committed a sexual assault.

All in all, then, it appeared that concerted efforts were being made in the early 1990s by a number of individuals and organisations to establish sexual abuse by children and young people as a genuine, pressing problem, to put it on the agendas of ACPCs and to encourage the development of co-ordinated, inter-agency responses within existing child protection systems.

## **CONCLUSION**

In summary, at the start of the 1990s two pieces of official and semi-official guidance, the first guidance of its type, had been published and widely advertised on the subject of children and young people who sexually abuse others. The 30 or so lines of guidance in *Working Together* (DOH, 1991), as my analysis shows, contained various assumptions about the characteristics of young abusers, their treatment needs, their difference from other young children in trouble and about how they should be responded to within existing child protection systems for the protection of children as victims. The substantive limitations and deficiencies of the guidance which I have outlined were being recognised but it appeared that, by mid 1995, efforts to produce more extensive guidance had been overtaken by political climate changes in respect of offenders generally and sex offenders in particular, emanating from within the Home Office and elsewhere, developments which are more fully discussed in Chapter 10.

The NCH Committee of Enquiry report (NCH, 1992) appears to have resulted from the energy and determination of a few influential individuals, with support from the NCH and the DOH. Explicitly supporting the guidance within *Working Together*, the report had many recommendations to make about the investigation, assessment and treatment of such youngsters and about the training and support of professionals. The Committee also envisaged a major role for ACPCs in driving forward the development of effective systems of response within existing child protection procedures. In contrast to *Working Together* (DOH, 1991) some attention had been paid to the need to dovetail such responses with existing youth justice systems, although child protection procedures were envisaged as taking precedence, with young sexual abusers being constructed as rather different beings compared to other children in trouble, and, hence, requiring a different response.

My study of these two publications and the telephone and informal interviews I had conducted were of interest in their own right but they also helped me to firm up more specific questions for exploration during the next stages of my data collection.

- Were local areas aware of the existence of paragraph 5.24 and how did they interpret it? Was it seen as adequate? Was it being seen as referring just to child sexual abuse?
- Would I find evidence of problems in defining what constituted (sexual) abuse by children and young people? What about issues of denial and minimisation?
- How far were ACPCs taking a lead in developments? Had their membership broadened to include, for example, representation from youth justice interest?



- Was the message that young (sexual) abusers should be dealt with within child protection procedures uncontested? Or were alternative (possibly youth justice) approaches in evidence?
- What about the issue of legal mandate?
- Was a differential approach being taken as regards children under or over the age of criminal responsibility?
- How were referrals being processed and investigated?
- Were all young (sexual) abusers the subject of a child protection case conference?
- Were they being registered under one of the four DOH registration categories and on what basis?
- To what extent were assessment and treatment services being put in place?  
Were staff being supported by training and consultation?

## **CHAPTER 5 TRACKING DEVELOPMENTS THROUGH ACPC ANNUAL REPORTS**

As an introduction to this stage of the research Chapter 5 begins with some contextualisation of ACPC annual reports within official expectations about their purposes and production, thereby illuminating their potential usefulness in my research. The second part of the chapter comprises a description of how I accessed ACPC annual reports and decided to analyse them. My account of the results of my analysis is then preceded by an overview of Pont's summary of ACPC annual reports for the period 1990-1992 (Pont, undated), focusing on references within her summary to the development of policies and practice in relation to children and young people who sexually abuse. Pont's work thus provides a basis against which the findings from my own study of ACPC annual reports for the years 1992-3 and 1993-4 which follow can be compared. In the final part of the chapter the findings from this stage of my research are summarised and discussed.

### **CONTEXTUALISING ACPC ANNUAL REPORTS**

In his analysis of official documents Scott (1990) demonstrates how they are shaped, both directly and indirectly, by the structure and activities of the state. As far as ACPC annual reports are concerned these are instances of documents which are very much prescribed by the state, in terms of focus, content and the process of their production. Thus, it was stated in *Working Together* (DOH, 1991) that one of the 8 main tasks of ACPCs was 'to publish an annual report about local child protection matters' (DOH, 1991: 7, para 2.12(h)). Constituent agencies were supposed to make available to their ACPC, on a quarterly basis, 'management information on the level

of activity on child abuse work, type and trends' (DOH, 1991: 8, para 2.20). As paragraph 2.21 went on:

Building on this information, each ACPC should reappraise annually the work which has been done locally to protect children from harm in its area and plan for the year ahead. The annual report of the ACPC, which should be made by the ACPC to the head of each agency, should underline that the accountability of the work of the ACPC rests with its constituent members.

(DOH, 1991: 8, paragraph 2.21)

A recommended outline format for the annual report was supplied as Appendix 8 of *Working Together* (DOH,1991) comprising four sections on: Prevention; Protection; Policy and Procedures; and Training, with a requirement that any information about, for instance, individual cases be supplied anonymously.

So, ACPC annual reports are required within a particular conceptual framework and a process for their production is recommended, a process which, it is hoped, encourages careful review and planning of activities to protect children from harm within a given local authority area. Within the increasingly bureaucratic systems of administration in evidence in modern nation states, ACPC annual reports can, perhaps, therefore, best be understood within practices of 'moral accounting', whereby a state initiates ' a system for monitoring the activities of its members through policing the population' (Scott, 1990: 60). Thus, as Scott goes on to say:

Administrative records therefore are not, and never were, merely neutral reports of events. They are shaped by the political context in which they are produced and by the cultural and ideological assumptions that lie behind it.

(Scott, 1990: 60)

In the case of ACPC annual reports, this political context comprises prevailing assumptions about the nature of child abuse in society, including definitional categories, its causes and the means by which such harm can be prevented. Becker (1963) describes such assumptions or social rules as being heavily influenced by 'moral entrepreneurs', those with a vested interest or moral concern, who succeed in getting their concerns enshrined in statutory instruments and official governmental guidance. My analysis in Chapter 1 of the factors influential in the emergence of the problem of children and young people who sexually abuse identified a number of individuals and organisations who can be conceptualised in these terms.

The production of ACPC annual reports also has to be understood from within the structural and administrative routines of an ACPC itself. According to *Working Together* (DOH, 1991) the lead responsibility for the appointment of the chair and for secretariat and support services for the Committee should rest with the local social services department. Typically the chair of the ACPC should be an assistant director of social services with knowledge of child protection issues, as recommended by *Working Together* (DOH, 1991), although sometimes a senior officer from another agency or an independent chair was appointed, in which case a senior officer of social services was expected to be vice-chair. In terms of authorship of an ACPC annual report, the official account is that the ACPC itself has written the report (and indeed the document is often introduced as such in a written preamble by the chair). However, from my understanding of the process of its production as recommended by the DOH, I expected that a number of staff, from across a range of agencies, would probably be involved in its completion. Anecdotal evidence had also suggested to me

that a senior child protection co-ordinator within social services might often be charged with gathering, interpreting and collating relevant information for the report, liaising with staff in other agencies, with a view to its subsequent consideration, further interpretation, modification and approval by the ACPC.

### **A Recurrent Administrative Routine**

So, what kind of record is an ACPC annual report from an ACPC's point of view? In relation to organisations Scott (1990) identifies three typical administrative routines for record-making:

- recurrent administrative routines - which are integral to the normal operation of the organisation, to aid day-to-day operations and which are therefore 'deeply embedded in organisational routines and practices' (Scott, 1990: 83);
- regular records - records which are produced purely for external purposes and which 'therefore tend to be regarded by members of the organisation as of less importance than its own recurrent records' (Scott, 1990: 84); *and*
- special records - ad hoc surveys or exercises.

Applying this classification of administrative routines is not straightforward in the case of ACPCs given their federated nature and the means through which administration and support is supplied. ACPC annual reports are, nevertheless, one of the 'raison d'être' of such committees and, as such, their production can be seen as an instance of a recurrent administrative routine. Indeed, as Armstrong (1994) has commented:

... there is recognition that the report is a necessary exercise in local accountability and inter-agency learning. (page 39)

The DOH summarises and archives ACPC annual reports and distributes copies to other governmental bodies (paragraph 2.2.1 of *Working Together*, DOH, 1991) and they are, anyway, in theory at least, available from ACPCs themselves. Indeed, *Working Together* suggested that:

Extracts from the report could form the basis of local publicity to inform and involve the community at large in the work to protect children.  
(DOH, 1991: 8, paragraph 2.22)

Some committees do, indeed, pay considerable attention to the production of their reports and lodge a copy in local public libraries within their area but these reports are not published and advertised in the conventional sense and I suspect that most members of the public are not aware of their existence. In order to investigate this suspicion, whilst analysing the reports myself, I asked a multi-disciplinary group of child protection specialists undertaking a post qualifying MA in Child Protection at my institution about their awareness of and familiarity with such documents in their own work setting. Somewhat to my surprise very few individuals had ever perused such a document, nor indeed showed any interest in so doing.

However, ACPC annual reports also possess some of the qualities of a regular report, required by an external body and perhaps something of a chore, particularly as some ACPCs have complained that they do not receive sufficient feedback from the DOH

about their report, and that there is insufficient dissemination of useful information from them (Campbell, 1994). Nevertheless, it does appear that some ACPCs do use them as opportunities to 'blow their trumpets' or massage the impression others have of them and to convey certain messages and points of view to their audiences.

Shipman (1981) cautions that all documents are inevitably some distance from the reality they reflect, although I have some difficulty with this statement as this, surely, is to assume that there is one reality anyway? At the very least an ACPC annual report reflects a reality which, to a greater or lesser extent, a number of significant individuals and agencies in a local child protection system are willing to own. Even so, evidence suggests that ACPC chairs, at least, are not particularly happy with the quality of their committees' annual reports. David Campbell (1994), who sent questionnaires to all ACPC chairs, to ask, amongst other things, about how ACPCs undertook their tasks, recorded that '... the vast majority of respondents replied that the annual report was only done adequately' (Campbell, 1994:18). He cited several reasons for this rating including the view expressed by some ACPC chairs that 'they (the reports) often feel 'cobbled together' by the constituents without sufficient standardisation of material' (Campbell, 1994: 18). This is hardly surprising given the problems facing ACPCs which I have discussed in Chapter 4, including underfunding, the wide range of their functions, problems of structure and communication and their limited powers vis à vis constituent members and their middle managements.

Weighing all this context up, I nevertheless, concluded that if developments in relation to young sexual abusers were happening in local areas, there might well be

evidence of them in ACPC annual reports, particularly as the NCH Enquiry Report (NCH, 1992) had recommended ACPCs to report such developments.

## **ACCESSING AND ANALYSING ACPC ANNUAL REPORTS**

I negotiated access to ACPC annual reports through a Social Services Inspector (SSI) at the Department of Health and arranged 2 three day trips to Waterloo House in London (DOH headquarters) in the early summer of each of 1994 and 1995, in order to study, respectively, the ACPC annual reports for England for 1992-3 and 1993-4.

Having been advised that there were 106 ACPC areas in England\* I realised that it was going to be difficult to read this weight of documentation in the time available so I negotiated photocopying facilities at the DOH.

Thus, I photocopied extracts from all the reports where any reference (however short) had been made to children and young people who sexually abuse. This enabled me to scan all the reports within each three day visit because it was not necessary to take as detailed notes from the reports as I would otherwise have had to have done. Coming away with photocopied report extracts also allowed me to re-check my brief notes and impressions with the original material and to make direct comparisons between text written in the 1992-3 and 1993-4 reports.

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\* The reader should note that my analysis of ACPC annual reports preceded major changes to local authority boundaries as a result of the establishment of new unitary authorities. By the late 1990s the number of local authorities had increased to approximately 150.



Some kind of structure to my note taking was needed during each three day visit in order to increase the consistency of my data collection. Knowing that *Working Together* (DOH, 1991) recommended a particular format for the layout of ACPC reports it seemed logical to base my structure on that. Thus, I devised a very simple A4 size form based on the four main recommended headings for ACPC reports (see Appendix 6). Looking back on the form now, it is interesting that I referred to 'Adolescent Sex Offenders' (ASOs) on the form. This is partly because the phrase comprised the usual terminology at the time and its use also reflects the fact that, in the early 1990s, the problem of sexual abuse by children was being conceptualised very much in terms of this age group only. However, in my examination of ACPC reports I noted all references to the problem of children and adolescents who were sexually abusing, irrespective of the age group being mentioned. Where any such references occurred I made a brief note on the form, under the relevant main heading, to indicate the content of the reference and the page number in the report where it could be found. This, then, greatly facilitated the process of photocopying extracts from the reports. Through this means I was able to collect data from all the ACPC reports for both years during my two trips, with the exception of the London Borough of Haringay's report for 1992-3 which had never been received by the DOH.

In terms of the subsequent analysis of the material collected, I planned to compare the data against recommendations made about, for example, policy and procedures, assessment and treatment facilities and training in relation to children and young people who sexually abuse, in order to assess developments in local ACPC areas. These recommendations were contained in *Working Together* (DOH, 1991) and the

NCH Committee of Enquiry Report (NCH, 1992). I wanted to devise a system for analysing the pieces of text I had collected from both numerical and more qualitative perspectives in order to extract as much meaning as possible for myself as an audience of their intended content.

For the purposes of numerical analysis, therefore, I created a table, a blank version of which is included as Appendix 7. For each of the two years, tables were constructed for the four DOH regions (following Pont's approach to summarising 1990-1992 reports) and data from each of the ACPC annual reports was then entered onto the relevant table. This resulted in eight completed tables, four for 1992-3 and four for 1993-4. All of these tables are included in Appendix 8.

As will be evident from Appendix 8, I analysed the reports against 10 criteria (see key A-J on each table), all but one specifically referring to some aspect of activity in relation to child and adolescent abusers. These criteria were chosen to reflect important issues in relation to the development of responses to young sexual abusers as indicated by *Working Together* (DOH, 1991) and the NCH Enquiry report (1992).

The criteria were:

- A. whether the ACPC report contained evidence that the revised child protection procedures introduced by *Working Together* (DOH, 1991), which included the relevant paragraph 5.24, had been implemented as required during 1992-3;
- B. whether specific mention was made of policy and procedures in respect of child and adolescent sexual abusers being in place;

- C. whether mention was made of a subgroup/working party of the ACPC having been established to develop such policies and procedures;
- D. whether there was any reference within the ACPC report to child protection and Juvenile Justice issues;
- E. whether there was some recognition within a report of the problem of 'ASOs' but no other action in evidence;
- F. whether there was evidence of Juvenile Justice representation on the ACPC;
- G. whether reference was made to prevention or treatment programmes, multi-agency based;
- H. whether reference was made to prevention or treatment programmes, single-agency based;
- I. whether reference was made to hospital based treatment;
- J. whether there was any evidence of training courses having run or being planned in respect of child and adolescent sexual abusers;
- K. Particularly active area in work with child and adolescent abusers, judged by the report.

In addition, I counted the number of lines devoted to the topic in each annual report (which was included in the tables in brackets alongside ACPC name) and studied the contents of each ACPC annual report to identify other issues mentioned by the authors.

Criterion K on the tables in Appendix 8 comprised my assessment as to whether, on the basis of its annual report, an ACPC area seemed 'particularly active' in work with

child and adolescent sexual abusers as regards policy, procedures, assessment and/or treatment schemes. This judgement was based on the number of ticks against each of the other criteria (usually four or more) and on the basis of my assessment of the extracts from the reports, in terms of volume (number of lines) and a more qualitative analysis of the text content, based on my notes and the photocopied extracts.

Sometimes, when completing the tables on the basis of the data from the ACPC annual reports, I had to put a question mark alongside a tick, indicating some uncertainty on my part as to whether the text provided sufficient evidence to warrant a tick against the relevant criterion.

As well as studying all ACPC reports for the period 1992-4 I was able to supplement my research into these two years' reports with a consideration of DOH commissioned reports covering the period from 1990-1996, inclusive (Pont, undated; Armstrong 1994; 1995; 1996 and 1997). These reports attempted to summarise the total contents of ACPC reports for a given year but they all included specific sections or paragraphs on the apparent state of developments or otherwise in relation to children and young people who sexually abuse. Concentrating on these sections or paragraphs only, I was able to generate a picture of developments across the six year period, comparing my impressions with comments made by Pont and Armstrong in their own reports.

## **PONT'S ANALYSIS OF ACPC ANNUAL REPORTS FOR 1990-1992**

Pont's (undated) summary of the 1990-1992 ACPC annual reports appears to have been the first publication the DOH had commissioned which provided an overview of

the contents of a year's annual reports. Indeed, at the time of Pont's summary there had been a low response rate from ACPCs in respect of submitting their annual reports. Only 55 reports out of a possible 106 were available for 1990-1991 and less than 50% had been submitted for the year 1991-1992. This low response rate, I conjectured, related in part to the fact that the original Area Review Committees had only recently been redesignated as ACPCs, with their purpose and functions defined as a result of the publication of the first edition of *Working Together* (DOH, 1998a). These new committees were presumably only just finding their feet. In addition, it was not until the publication of the second edition of *Working Together* (DOH, 1991) that requirements regarding ACPC annual reports were made clearer.

Pont's summary, therefore, actually focused on 75 reports out of a possible total of 212 (35%), that is on all reports received across the two years 1990-1991 and 1991-1992. So, what (if any) references were there to children and young people who sexually abuse? Paragraph 1.20 of Pont's report noted that:

Some recognition about children or young people as abusers was reflected in the ACPCs, which reported that they had either drawn up procedures or were identifying local initiatives for the assessment and treatment of juvenile abusers. This information could provide a valuable source of information for ACPCs planning to develop such services in the future. (Pont, undated: 4-5)

Paragraphs 6.14 and 6.15 provided more flesh to the above, reporting that 9.4% of reports mentioned that procedures for dealing with juvenile abusers were in place, while a further 16.2% indicated that procedures were to be drawn up. Two ACPCs were highlighted as reporting on actual services for adolescent abusers: Sheffield and

Wakefield. It was commented, however, that 'There was an absence of information about evaluation of these services' (Pont, undated: 37-38).

The summary report then considered ACPC reports according to the four Social Services Inspectorate Policy and Business Regions: Central Region, Southern Region, Northern Region and London Boroughs. It also analysed their contents under the *Working Together* (DOH, 1991) recommended headings for ACPC annual reports: Prevention; Protection; Policy and Procedures; and Training. Only in relation to 'policy and procedures' was Pont able to record any information about 'adolescent or child abusers' noting where ACPC areas had policy and procedures in place or were planning them. Her analysis indicated the following:

Central Region - Birmingham had policies and procedures in place and Coventry and Suffolk were planning them (3 out of 14 reports or 21%);

Southern Region - Kent and Oxfordshire had plans to put policies and procedures in place (2 out of 18 reports or 11%);

Northern Region - Bolton, Oldham, Rotherham, Sheffield, Stockport, and Wakefield all reported having policies and procedures in place. Doncaster, North Tyneside, Northumberland, North Yorkshire, St Helens, and Wigan were all planning them (12 out of 22 reports or 54%);

London Boroughs Region - Camden and Islington had plans to put policies and procedures in place (2 out of 21 reports or 9%).

What was immediately interesting from this report was that, relatively speaking, there seemed to be more developments in relation to adolescent sexual offenders in northern England compared to the other three areas. I surmised that this might have something to do with NOTA's influence which had begun life as ROTA in the north west of

England. I wondered if a similar pattern would emerge in my own analysis of subsequent years' reports which, as already indicated, I decided to analyse on a regional basis to facilitate comparison with Pont's earlier work.

### **ANALYSING ACPC ANNUAL REPORTS FOR 1992-3**

Table 5.1 provides a summary of the contents of all ACPC annual reports for the year 1992-3 (with the exception of the London Borough of Haringay's report which was not available), as measured against my chosen criteria and categorised according to DOH region.

Table 5.1 shows that the nature and number of references in ACPC annual reports to developments in relation to young sexual abusers remained variable across the four DOH regions. However, as compared with Pont's summary of 1990-1992 reports, it appeared that Central and Southern Region ACPC areas had largely caught up with Northern Region ACPC areas in terms of most of my criteria, Central Region ACPCs in particular. In contrast, and again on the basis of their annual reports, ACPC areas within the London Boroughs Region seemed to be very inactive in relation to all of my assessment criteria, except in relation to criterion A which referred to a general requirement on all ACPC areas to update their child protection procedures in line with *Working Together* (DOH, 1991). This regional pattern was echoed in the average number of relevant lines of text per ACPC report within each region, with Central, Southern and Northern Region ACPC annual reports averaging seven, six and eight lines respectively, but London Boroughs Region ACPC annual reports only averaging three lines of relevant text.

ACPC Region	A	B	C	D	E	F	G	H	I	J	K	Key
Central Region (17) Average number of lines of text - 7	12 (71%)	5 (29%)	8 (47%)	2 (12%)	1 (6%)	0 (0%)	4 (24%)	2 (12%)	1 (6%)	3 (18%)	2 (12%)	A Revised Child Protection procedures implemented in 1992-3. B Specific mention of policy and procedures re child and adolescent abusers in place.
Southern Region (21) Average number of lines of text - 6	19 (90%)	1 (5%)	10 (48%)	3 (14%)	1 (5%)	0 (0%)	5 (24%)	2 (10%)	0 (0%)	4 (19%)	1 (5%)	C Subgroup/working party of ACPC established to develop policy/procedures
Northern Region (37) Average number of lines of text - 8	33 (89%)	12 (32%)	20 (54%)	4 (11%)	3 (8%)	2? (5%)	9 (24%)	5 (14%)	3 (8%)	10 (27%)	6 (16%)	D Reference to Child Protection and Juvenile Justice Issues. E Recognition of problem of ASOS but no other action in evidence
London Boroughs Region (30)* Average number of lines of text - 3	28 (90%)	0 (0%)	8 (26%)	2 (6%)	1 (3%)	0 (0%)	4 (13%)	0 (0%)	1 (3%)	5 (16%)	1 (3%)	F Evidence of Juvenile Justice representation on ACPC. G Reference to prevention/treatment programmes - multi-agency. H Reference to prevention/treatment programmes - single agency. I Reference to hospital based treatment.
Totals (105)	92 (88%)	18 (17%)	46 (44%)	11 (10%)	6 (6%)	2? (2%)	22 (21%)	9 (9%)	5 (5%)	22 (21%)	10 (10%)	J Training courses run re child and adolescent abusers or planned. K Particularly active areas in work with child and adolescent abusers, judged by the report

Table 5.1 Comparison of contents of ACPC Annual reports for 1992-1993 across the four DOH regions in numbers and (percentages)

\* excluding London Borough of Haringay



Nevertheless, what Table 5.1 also shows is that, with the exception of criterion C, the percentages of references in ACPC annual reports within each region against my criteria B - J never exceeded 32% and were usually considerably lower. Thus, for example, in relation to criterion B, 29% of Central Region ACPC annual reports, 5% of Southern Region reports, 32% of Northern Region reports and no London Boroughs Region reports referred to having policy and procedures about child and adolescent abusers in place. Put another way, by far the majority of ACPC annual reports (88 or 83%) made no reference to having policy and procedures in relation to young sexual abusers in place.

Criterion C did, however, provide some evidence that developments were underway in at least three of the regions. 47% of Central Region reports, 48% of Southern Region reports and 54% of Northern Region reports reported having a subgroup or working party of their ACPCs established to develop policy and procedures in respect of young sexual abusers. In contrast only 26% of London Boroughs Region ACPC annual reports reported a similar development. In total 46 ACPC reports (44%) were reporting that they had an ACPC subgroup working party working on developing policy and procedures.

Other findings of interest based on my analysis comprised:

- 92 of the ACPC reports (88%) had revised their child protection procedures in line with *Working Together* (DOH, 1991) (criterion A);

- very few reports made specific reference to child protection and youth justice issues (11 out of 105 reports or 10%) (criterion D);
- six ACPC reports (6%) made mention of the problem of child and adolescent sexual abusers but without indicating any further action was being taken (criterion E);
- though this was very hard to judge, it appeared that only two ACPC areas (Rotherham and Sheffield) might have had youth justice representation on their ACPCs (criterion F);
- there were some references to various kinds of treatment facilities (criteria G, H and I), however the ticks may have over-represented the number of treatment facilities available because I noticed that some neighbouring ACPCs mentioned the same facilities being available to workers in their respective domains;
- out of 105 reports, 22 (21%) mentioned that training courses had run or were to be run in relation to child and adolescent sexual offenders (criterion J).

The criteria I used to judge the text from the ACPC reports provide a good indication of the matters referred to in the reports. However, in addition, and on the basis of further re-reading of the report extracts, the following issues (some of them familiar from discussions earlier in this thesis) were alluded to in at least two of the reports:

- the complexities involved, for example, in responding to the needs of abusers who may well also have been abused (11 references);
- concerns about the risk of young abusers growing into rather than out of their abusive behaviour (six references);
- the resource implications, particularly for the child protection system, of bringing young sexual abusers into its orbit (four references);
- Concerns about peer abuse, particularly within residential establishments (four references);
- definitional problems and issues of denial and minimisation (three explicit references and a number of implicit references);
- an increasing number of referrals of youngsters under 10 years of age (two references).

As regards criterion K, my judgement as to which ACPC areas seemed 'particularly active', I identified only 10 out of the 105 ACPC areas (10%) as meeting this criterion:

Central Region - Coventry and Shropshire

Southern Region - Kent

Northern Region - Lancashire, Rotherham, Sheffield, Stockport, Sunderland and  
Wakefield

London Boroughs - Camden

Table 5.2 lists these 10 areas, the information being extracted from the Tables contained in Appendix 8. In all these ACPC areas, as indicated by the ticks against at least four criteria, various activities were underway in respect of young sexual abusers. In addition, the annual reports of all these ACPC areas contained above average content in terms of relevant text. However, a note of caution should be sounded. As will be evident from the analysis of the average number of lines of relevant text extracted from the reports, the total amount of space within the reports devoted to the problem of children and young people who sexually abuse was limited. The contributions of the 'particularly active' areas made a significant difference to the averages across the regions but even the reports of these ACPC areas generally contained only modest content. Therefore, 'particularly active' has to be understood within a context of most ACPC areas apparently being very inactive in respect of young sexual abusers.

### **Comparing my Analysis of ACPC Annual Reports for 1992-3 with Pont's Summary of Reports for 1990-2**

Pont's summary of 1990-1992 ACPC annual reports (Pont, undated) only considered the reports in respect of my criteria B and C. Thus, Table 5.3 compares Pont's evaluations of the 1990-2 reports with my assessment of ACPC annual reports for 1992-3 against these criteria only.

ACPC Report	A	B	C	D	E	F	G	H	I	J	K	Key
Coventry Lines of text - 43	✓	✓	✓				✓				✓	A Revised Child Protection procedures implemented in 1992-3.
Shropshire Lines of text - 16	✓		✓	✓			✓			✓	✓	B Specific mention of policy and procedures re child and adolescent abusers in place.
Kent Lines of text - 38	✓	✓					✓			✓	✓	C Subgroup/working party of ACPC established to develop policy/procedures.
Lancashire Lines of text - 31	✓	✓	✓	✓			✓			✓	✓	D Reference to Child Protection and <u>Juvenile Justice Issues.</u>
Rotherham Lines of text - 31	✓		✓			✓?			✓	✓	✓	E Recognition of problem of ASOS but no other action in evidence.
Sheffield Lines of text - 65	✓	✓	✓			✓?	✓				✓	F Evidence of Juvenile Justice representation on ACPC.
Stockport Lines of text - 23	✓	✓	✓	✓			✓			✓	✓	G Reference to prevention/treatment programmes - multi-agency.
Sunderland Lines of text - 32	✓		✓					✓			✓	H Reference to prevention/treatment programmes - single agency.
Wakefield Lines of text - 16	✓	✓	✓				✓	✓			✓	I Reference to hospital based treatment.
Camden Lines of text - 23	✓			✓			✓		✓		✓	J Training courses run re child and adolescent abusers or planned.
												K Particularly active area in work with child and adolescent abusers, judged by report

Table 5. 2 Particularly active ACPC areas, based on 1992-1993 reports

<b>Name of Region</b>	<b>Criterion B 1990-1992 reports</b>	<b>Criterion B 1992-1993 reports</b>	<b>Criterion C 1990-1992 reports</b>	<b>Criterion C 1992-1993 reports</b>
<b>Central</b>	7%	29%	14%	47%
<b>Southern</b>	0%	5%	11%	48%
<b>Northern</b>	27%	32%	27%	54%
<b>London Boroughs</b>	0%	0%	9%	26%

**Table 5.3**      **Comparison of Pont's analysis of 1990-1992 reports with my analysis of 1992-3 ACPC annual reports against criteria B and C, in percentages**

Bearing in mind, as already indicated, that ACPC reports do not necessarily provide information on all the work going on within an ACPC's boundaries, nevertheless, Table 5.3 appears to indicate that the 1992-3 ACPC annual reports were evidencing greatly increased activity in this area of work as compared with the reports from 1990-1992. Specifically, there had been a dramatic increase in the percentage of ACPC areas in Central Region reporting that they had relevant policies and procedures in place and, in respect of all four DOH regions, there had been substantial increases in the percentages of ACPC reports recording that they had subgroups or working parties developing such policies and procedures.

In terms of the value of reading and analysing the 1992-3 ACPC annual reports I felt that I had gleaned some interesting data which provided evidence of increased activity in this area of work. Given the number of ACPCs which had reported that they had working parties in place with the job of developing policies and procedures in relation

to children and adolescents who abuse other children, I thought that I had also made the correct decision to analyse ACPC annual reports for 1993-1994 in order to evaluate subsequent reported developments over time.

### **ANALYSING ACPC ANNUAL REPORTS FOR 1993-4 AND COMPARING THEM WITH ACPC ANNUAL REPORTS FOR 1992-3**

For the purposes of analysis of the 1993-1994 reports I ignored criterion A because this referred to the DOH requirement that the revised *Working Together* (DOH, 1991) be implemented for October 1992. It did not seem relevant, therefore, to include this criterion in the analysis of 1993-4 reports. Criteria B - J remained the same but criterion K was only used to identify particularly active areas in addition to those already identified as a result of my analysis of the 1992-3 reports. Thus, Table 5.4 provides a summary of the data collected from all ACPC annual reports enabling comparison across the four DOH regions.

Table 5.4 indicates that, as with my analysis of 1992-3 reports, there was considerable variability across the four regions in terms of the average number of lines of text per ACPC report and in terms of the percentages of ACPC reports within each region reporting developments as measured against my criteria B - J, inclusive. Central, Southern and Northern Region ACPC reports appeared to continue to evidence considerably more activity in relation to young sexual abusers than London Boroughs Region ACPC reports.

ACPC Region	A	B	C	D	E	F	G	H	I	J	K	Key
Central Region ACPCs (17) Average number of lines of text - 14.6		4 (24%)	7 (41%)	0 (0%)	1 (6%)	1 (6%)	6 (35%)	1 (6%)	0 (0%)	1 (6%)	3 (18%)	B Specific mention of policy and procedures re child and adolescent abusers in place.
Southern Region ACPCs (21) Average number of lines of text - 7		5 (24%)	13 (62%)	2 (10%)	1 (5%)	1 (5%)	6 (29%)	1 (5%)	0 (0%)	4 (19%)	3 (14%)	C Subgroup/working party of ACPC established to develop policy/procedures.
Northern Region ACPCs (37) Average number of lines of text - 10.7		10 (27%)	17 (46%)	7 (19%)	2 (5%)	0 (0%)	10 (27%)	4 (11%)	0 (0%)	8 (22%)	1 (3%)	D Reference to Child Protection and Juvenile Justice Issues. E Recognition of problem of ASOS but no other action in evidence.
London Boroughs ACPCs (31) Average number of lines of text - 6		3 (10%)	10 (32%)	0 (0%)	4 (13%)	0 (0%)	2 (6%)	1 (3%)	2 (6%)	6 (19%)	0 (0%)	F Evidence of Juvenile Justice representation on ACPC. G Reference to prevention/treatment programmes - multi-agency.
Totals (106)		22 (21%)	47 (44%)	9 (8%)	8 (7%)	2 (2%)	24 (23%)	7 (6%)	2 (2%)	19 (18%)	7 (6%)	H Reference to prevention/treatment programmes - single agency. I Reference to hospital based treatment. J Training courses run re child and adolescent abusers or planned. K Additional particularly active areas in work with child and adolescent abusers, judged by report.

Table 5.4 Comparison of contents of ACPC annual reports for 1993-1994 across the four DOH regions in numbers and (percentages)



**Other findings of interest comprised the following:**

- **slightly increased numbers of ACPC annual reports (22 or 21%) were reporting that policies and procedures were in place in their areas as compared with 1992-3 reports (18 or 17%) (criterion B);**
- **virtually the same numbers of ACPC areas were reporting that they had a subgroup or working party developing policies and procedure (47 in the 1993-4 reports as compared with 46 in the 1992-3 reports) (criterion C);**
- **again very few reports made specific reference to child protection and youth justice issues (nine out of 106 reports or 8%) (criterion D);**
- **eight (7%) of ACPC annual reports made mention of the problem of young sexual abusers but provided no evidence of any other action in respect of this problem (as compared with six of the 1992-3 ACPC annual reports (Criterion E);**
- **though this was very hard to judge, it appeared that a further two ACPC areas (Cambridgeshire and Essex) might have youth justice representation on their ACPCs (criterion F);**

- there were continuing references to various kinds of treatment facilities (criteria G, H and I), however again the ticks may have over-represented the number of treatment facilities available;
- out of 106 reports 19 (or 18%) mentioned that training courses had run or were to be run in relation to child and adolescent sexual offenders (criterion J).

In addition the following issues were again alluded to in at least two of the reports:

- the complexities involved, for example, in responding to the needs of abusers who may well also have been abused (15 references);
- concerns about the risk of young abusers growing into rather than out of their abusive behaviour (eight references);
- the resource implications, particularly for the child protection system, of bringing young sexual abusers into its orbit (five references);
- Concerns about peer abuse, particularly within residential establishments (four references);
- increasing number of referrals of youngsters under 10 years of age (three references);
- definitional and incidence issues (two references).

Finally, there were references to the following new issues:

- concerns about young people being labelled as Schedule 1 offenders (one reference);
- concerns about the Crown Prosecution Service not prosecuting even when recommended to do so by a specialist panel (one reference).

In four of the reports, too, for the first time, some very basic monitoring data was included about the (usually small) numbers of referrals, the circumstances they covered and disposal.

In terms of particularly active areas (criterion K), and on the basis, as before, of evaluating the number of criteria ticked and the volume and content of their report extracts, I judged that the following ACPC areas should probably be added to the list of particularly active areas commenced as a result of my study of 1992-3 reports (see Table 5.2 earlier):

Central Region	-	Cambridgeshire, Norfolk and Suffolk
Southern Region	-	Essex, Northamptonshire and Oxfordshire
Northern Region	-	Wigan

(London Boroughs Region - none)

Table 5.5 on page 157 lists these seven additional areas, the information being extracted from the tables contained in Appendix 8. As will be noted, in five of these cases the number of ticked criteria was less than four. However, the annual reports of

all of these ACPC areas contained considerable content in terms of relevant text and I judged that they warranted a 'particularly active' rating.

### **Comparison of 1992-3 and 1993-4 Reports**

Armstrong (1994) commented in her analysis of the 1992-1993 reports that, as ACPC reports are required annually, they probably do not fully represent an ACPC's work but focus on changes that have occurred in the intervening period. My reading of the 1993-4 annual reports suggested that this was probably the case but I wanted to establish more conclusively whether my findings from the 1993-4 reports comprised new data altogether (which would indicate more developments than the snapshot provided by Table 5.4 would suggest) or whether there were repetitions which would be suggestive of less overall change.

Appendix 9 comprises a set of tables in which my findings from the 1993-4 ACPC annual reports are transposed onto those of the 1992-3 reports. What this exercise indicated was that there was considerable overlap in the data across the two years suggesting that there had only been modest additional change in levels of activity in the 1993-4 reports as compared with the 1992-3 reports.

Table 5.6 on page 158, therefore, compares the four DOH regions on the cumulative, percentage data for the 1992-3 and 1993-4 ACPC annual reports as extracted from the final rows of the tables in Appendix 9 which record the percentage of ACPC areas within each region meeting each of criteria B-J.

ACPC Report	A	B	C	D	E	F	G	H	I	J	K	Key
Cambridgeshire Lines of text - 25		✓	✓			✓	✓				✓	A Revised Child Protection procedures implemented in 1992-3.
Norfolk Lines of text - 80							✓			✓	✓	B Specific mention of policy and procedures re child and adolescent abusers in place.
Suffolk Lines of text - 82		✓									✓	C Subgroup/working party of ACPC established to develop policy/procedures.
Essex Lines of text - 22			✓			✓	✓	✓			✓	D Reference to Child Protection and <u>Juvenile Justice Issues.</u>
Northamptonshire Lines of text - 21		✓	✓	✓							✓	E Recognition of problem of ASOS but no other action in evidence.
Oxfordshire Lines of text - 18		✓	✓				✓				✓	F Evidence of Juvenile Justice representation on ACPC.
Wigan Lines of text - 130		✓	✓							✓	✓	G Reference to prevention/treatment programmes - multi-agency.
												H Reference to prevention/treatment programmes - single agency.
												I Reference to hospital based treatment.
												J Training courses run re child and adolescent abusers or planned.
												K Particularly active area in work with child and adolescent abusers, judged by report

Table 5.5 Additional particularly active ACPC areas, based on 1993-1994 reports

	B	C	D	E	F	G	H	I	J
Central Region	35%	65%	12%	12%	6%	41%	18%	6%	18%
Southern Region	28%	71%	19%	9%	5%	38%	9%	0%	33%
Northern Region	46%	65%	27%	11%	5%	40%	16%	8%	43%
London Boroughs Region	10%	42%	6%	10%	0%	16%	3%	6%	32%

- B. Specific mention of policy and procedures re child and adolescent abusers in place.
- C. Subgroup/working party of ACPC established to develop policies and procedures.
- D. Reference to Child Protection and Juvenile Justice issues.
- E. Recognition of problem of ASOS but no other action in evidence.
- F. Evidence of Juvenile Justice representation on ACPC.
- G. Reference to prevention/treatment programmes - multi-agency.
- H. Reference to prevention/treatment programmes - single agency.
- I. Reference to hospital based treatment.
- J. Training courses run re child and adolescent abusers or planned.

Table 5.6 Comparison of regions against cumulative, summary percentage data for ACPC annual reports for the period 1992-1994

This table seems to suggest that, by the time of the completion of the 1993-1994 ACPC annual reports, only a minority of ACPC areas had policies and procedures in place (criterion B), although, in Northern Region, the percentage does reach 46%. On the other hand, with the exception of the London Boroughs ACPC areas, the majority of ACPC areas did have sub-groups or working parties addressing the topic (criterion C). Small percentages of ACPC annual reports were making explicit reference to the child protection/youth justice interface (criterion D) with only minimal evidence of any youth justice representation on ACPC committees (criterion F). Small and similar percentages of ACPC areas across the regions appeared to be acknowledging the existence of the problem of young sexual abusers but taking no other action (criterion E). There was some evidence of the development of single or multi-agency prevention or treatment programmes developing (criteria G, H and I) although, again, approximately half of all ACPC reports made no reference to such initiatives. Between 18% and 43% of ACPC reports across the four regions referred to relevant training events happening or being planned (criterion J).

Against all my criteria, percentages of relevant references were as high or higher for Northern Region ACPC areas as compared with the other three regions, with London Boroughs Region ACPC reports evidencing much lower levels of activity in relation to children and young people who sexually abuse others.

Finally, as a result of my analysis of ACPC reports for the two years 1992-1994, I had identified what seemed to be the particularly active areas across the four regions,

although I was very conscious that the term 'particularly active' might signify more than intended. These 17 areas (16% of all 106 ACPC areas) comprised:

**Central Region** - Cambridgeshire, Coventry, Norfolk, Shropshire and Suffolk (29% of all Central ACPC areas);

**Southern Region** - Essex, Northamptonshire, Kent and Oxfordshire (19% of all Central ACPC areas);

**Northern Region** - Lancashire, Rotherham, Sheffield, Stockport, Sunderland, Wakefield and Wigan (19% of all Northern ACPC areas);

**London Boroughs Region**- Camden (3% of all London ACPC areas).

## **DISCUSSION AND CONCLUSION**

In summary, then, and using Pont's overview of 1990-1992 ACPC annual reports as a baseline, my study of ACPC annual reports for the years 1992-1994 indicated that during 1992-1993 there was a noticeable rise in the amount of attention being paid to the problem of children and young people who sexually abuse, although there was evidence from the 1993-4 reports that this rise was then levelling off. Thus, for example, in relation to my criteria B and C, Table 5.7 below indicates that, between 1990 and 1994, there were increasing levels of activity in ACPC areas in relation to the development of policies and procedures for responding to young sexual abusers but with the 1993-4 reports indicating a much slower rate of increase.



	1990 - 1992	1992 - 1993	1993 - 1994
Number of ACPC reports indicating procedures in place (in %)	9%	15%	20%
Number of ACPC reports indicating procedures being developed (in %)	16%	43%	44%

**Table 5.7** Percentages of ACPC annual reports across 1990-1994 indicating that policies and procedures were in place or were planned

The increase in attention in the period 1992 to 1993 can be explained, I would suggest, by the publication of the two documents published in 1991 and 1992 which were the subject of detailed analysis in Chapter 4: the revised edition of *Working Together* (DOH, 1991) and the NCH Committee of Enquiry Report (NCH, 1992), both of which were widely distributed and advertised during 1992-3.

Looking at the data extracted from the ACPC annual reports it also appeared that Northern Region ACPC areas had been more active in terms of developing responses to young sexual abusers early on in the decade, for reasons which I would connect to the geographical origins of ROTA/NOTA. However, data from the 1993-4 ACPC annual reports indicated that Central and Southern Region ACPCs had, by then, largely caught up in levels of activity. Thus, for example, as regards the 17 'particularly active' areas I identified, Central, Southern and Northern Regions appeared to have similar proportions of such ACPC areas within their boundaries (29%, 19% and 22% respectively). In contrast, in terms of levels of activity as evidenced in ACPC annual reports and in terms of particularly active areas, London Boroughs Region ACPC areas were trailing badly. Indeed, across all regions there

was also evidence from the ACPC annual reports which suggested that very little or nothing was happening about children and young people who sexually abuse in a substantial minority of ACPC areas in England as a whole.

Most of the activity that was going on seemed centred on the development of policies and procedures in relation to children and young people, a much lower percentage of ACPC areas claiming such policies and procedures were already in place, the overall percentage claiming the latter being just 30% by the time of the 1993-4 ACPC annual reports. The development of prevention or treatment programmes and of relevant training also seemed quite high on ACPC agendas although the overall percentages of ACPC areas in any region involved in such developments rarely reached 40% (see tables in Appendix 9).

Lacking any contrary evidence, it also seemed that ACPC areas might be following *Working Together's* guidance in paragraph 5.24 (DOH, 1991) that children and young people should be dealt with within existing child protection arrangements, with only a very small minority making any reference to youth justice complications in respect of children over the age of criminal responsibility or to youth justice representation on ACPCs.

As indicated in the presentation of my results, various other issues had surfaced in a small number of ACPC reports, including fundamental issues of definition, recidivism and resourcing, as well as concerns about the number of referrals of very young children for alleged sexual abuse; denial and minimisation processes; worries about

labelling children as Schedule 1 offenders; peer abuse in residential accommodation and the problems of engaging with the Crown Prosecution Service at ACPC level. These were all matters which had been addressed, not necessarily conclusively, in the NCH Enquiry Report (NCH, 1992).

For two years after the period of my own data collection in relation to ACPC annual reports I studied the summary documents prepared by Armstrong for subsequent years of ACPC annual reports in order to expand the longitudinal aspect of my work. Thus, I accessed her reports for 1994-5 and 1995-6 through the DOH (Armstrong, 1996 and 1997) and read through them to identify any references to my topic of interest.

In relation to her report for the period 1994/5, based on 89 reports, Armstrong (1996) commented that, although the issue of children and young people who sexually abuse remained contentious, it did not have the high profile of the previous two years. Interestingly, as an exemplar of the contentious nature of the problem, she quoted Wiltshire's comment that:

There are complex issues about the appropriate response to perpetrators and serious questions about whether a system designed for child victims of adults is the appropriate mechanism for dealing with child perpetrators.  
(Armstrong, 1996: 55).

By the time I was reading this summary document, and as a result of the later stages of my research, I had already discovered that similar concerns were high on the agendas of many other professionals and agencies as I discuss in Chapters 6 - 8.

Turning to Armstrong's summary report for the 1995-6 ACPC annual reports (Armstrong, 1997) there were, apparently, only two references to the topic of children and young sexual abusers, neither of which shed further illumination on my own findings. It is worth noting that these annual reports were written in the wake of the publication *Messages from Research* (DOH, 1995) and contained much discussion of the ensuing 'refocusing' debate. Interestingly, too, Armstrong only had 74 reports to report on which she conjectured might be due to a number of factors such as: the possibility that annual reports might have become subsumed into Children's Services plans; that unresolved discussions around the 'refocusing debate' might be causing delay in completion of reports; that a loss of confidence in ACPCs' functions and direction was being experienced locally, for which she suggested she found some evidence in the reports she analysed; or that local government reorganisation was having an effect. I was left reflecting that I had chosen my moment to study ACPC annual reports well but that this subsequent tracking of reports through Armstrong's later summaries had also been useful in indicating that the focus of ACPCs had shifted somewhat since my own research.

Nevertheless, as I have emphasised at a number of points, I was very conscious of the possibly partial nature of the data extracted from ACPC annual reports, given the purposes of such reports, the audiences to which they are usually directed, the less than satisfactory circumstances in which they are often produced and their unknown authorship. It could well be, for instance, that there might have been interesting developments in local ACPC areas which were overlooked or excluded from the reports for one reason or another. Conversely ACPC report writers might have

exaggerated the levels of activity in respect of young sexual abusers in order to convey an image of being a pro-active, up-to-date local area. Notwithstanding these provisos, however, I judged that my analysis had been worthwhile as a starting point for my research, to be complemented by the other aspects of my research design outlined in Chapter 3.

## **CHAPTER 6 ANALYSING ACPC INTER-AGENCY GUIDANCE**

This chapter begins with a brief explanation of the significance of ACPC inter-agency guidance within official systems for child protection before an overview is provided of how I accessed and analysed this material. The results of my data collection and analysis are then presented in three parts. Firstly, I report on the nature and extent of the guidance against a number of chosen criteria. Secondly, I focus on my attempt to categorise the various models of policy and procedure which seemed to be emerging, comparing these with the existing official and semi-official guidance discussed in Chapter 4. In the third part of my results additional issues around accommodated children are discussed as well as the emphasis on issues of risk and risk assessment which also became apparent from my study of inter-agency guidance. Having outlined the results of my analysis of ACPC inter-agency guidance, an attempt is then made to compare these results with my findings from my study of ACPC annual reports about particularly active areas before the chapter concludes with a summary and reflection on my overall findings.

### **CONTEXTUALISING ACPC INTER-AGENCY GUIDANCE**

Much of the political context already discussed in relation to ACPC annual reports also applies to ACPC inter-agency guidance, the parameters of which are heavily prescribed. The first task of an ACPC, as stated in *Working Together* (DOH, 1991), was to establish, maintain and review local inter-agency guidelines on procedures to be followed in individual cases and, indeed, Campbell (1994) recorded that the ACPC chairs he surveyed (a 61% sample) all felt that this task was done either well or

adequately. These local procedural handbooks had to be derived from, and consistent with, the contents of *Working Together* (DOH, 1991) and an outline of the basic content and format was set out in Appendix 6 of that publication. They were often produced in loose leaf format to facilitate subsequent review and up-dating processes. Campbell's research (1994) suggested that, typically, a range of individuals, often organised into a multi-disciplinary sub-committee and not necessarily comprising just members of the ACPC, was involved in drafting and up-dating a handbook and that its contents were then ratified by the full ACPC before publication. My analysis of ACPC annual reports in Chapter 5 confirmed that many ACPC areas had created just such working groups to forward the development of policy and practice in relation to young sexual abusers.

So far as professionals in a local authority area are concerned ACPC inter-agency guidance is often the most visible proof of the existence of an ACPC and all members of staff in constituent agencies must have access to it, as well as:

independent practitioners in direct contact with children and families, including independent schools, day care centres and appropriate local voluntary organisations. (DOH, 1991: 8, paragraph 2.19)

The remaining tasks of ACPCs (as set out in paragraph 2.12 of *Working Together*, DOH, 1991) were inevitably conducted within the framework of this central procedural handbook, thus, an ACPC's inter-agency guidance is an important child protection document within a given local authority area.

## **ACCESSING AND ANALYSING ACPC INTER-AGENCY GUIDANCE**

In order to obtain access to ACPC inter-agency guidance I initially asked my contact in the DOH if she could supply me with a list of the names and addresses of ACPC chairs. Her response was that this was confidential information, however, I was subsequently able to obtain the list from NSPCC headquarters where it was seemingly regarded as more public information. In June 1994 I wrote to all ACPC chairs in England and asked them for:

- i) copies of their ACPC inter-agency guidance on children and adolescents who sexually abuse children; and
- ii) the names, contact addresses and telephone numbers of any professionals involved in work with young sexual abusers in their geographical area whom I might contact for further information. My plan was to use these contacts as the basis for my sample for my intended survey by questionnaire. (Letter included as Appendix 10.)

In readiness for at least some response from ACPC chairs I prepared a recording sheet on which, in relation to each ACPC, I noted:

- who had replied and, where this was clear, their post or position;
- what (if any) policy or procedures had been sent and whether these documents included a section on children and young people who sexually abuse;
- details of any contact names, addresses and telephone numbers which had been supplied.



For each respondent ACPC I then completed an 'Analysis of ACPC Guidance' form, a copy of which is included as Appendix 11. This form enabled me to record and summarise, in a consistent manner, whatever material I had been sent against a number of questions related to my research questions and aims, thus allowing for easier comparison across ACPC areas. The forms for all respondent ACPC areas were stored in plastic sleeves in alphabetical order according to ACPC area name within each DOH region, in two lever arch files. Any material that had been sent was included in the sleeves or, where it was too bulky, in large plastic indexed boxes. This careful processing and storage made the task of further analysis later on, after the questionnaire survey, much easier. This further analysis was delayed until then because I hoped to increase the volume of inter-agency guidance I could analyse by also requesting such information from the respondents to whom I sent my questionnaire over a year later. In the event, a small amount of additional and useful material was forwarded as a result of this request.

The extracts, or sets of guidance, were finally analysed across nine criteria, seven drawn from the 'Analysis of ACPC guidance form' (Appendix 11) and two arising out of my study of paragraph 5.24 of *Working Together* (DOH, 1991). These nine criteria comprised:

- the extent to which the issue of children and young people who sexually abuse was addressed in the guidance; and, if addressed, the amount of space allocated to the issue (Questions 1 and 2, Appendix 11);

- whether the inter-agency guidance was addressing child-on-child abuse generally or whether it was specifically focusing on sexual abuse by children and young people (arising out of my study of paragraph 5.24 (DOH, 1991));
- how far the guidance reflected paragraph 5.24 of *Working Together* and the NCH Enquiry Report (Questions 3 and 4, Appendix 11);
- whether a definition of juvenile sexual abuse was provided (Question 5, Appendix 11);
- whether any other guidance was given on how to define juvenile sexual abuse (Question 6, Appendix 11);
- whether any guidance on the most appropriate forms of intervention and legal disposal was provided (Question 9, Appendix 11);
- how ACPC areas were dealing with the issue of child protection registration (arising out of my study of paragraph 5.24 (DOH, 1991));
- which agencies were seen as significantly involved in decisions about juvenile sexual abusers (Question 10, Appendix 11);
- what systems and procedures had been established for inter-agency co-ordination and liaison particularly at the points of referral, investigation and assessment (Questions 7 and 8, Appendix 11).

In relation to each of these criteria I noted the number of sets of guidance which provided some reference to, or illumination of, the issues I was exploring, as well as analysing the messages from the relevant sections of text. Through this process I was able to draw out the similarities and differences in ACPC responses to the problem of

children and young people who sexually abuse, based on their sets of inter-agency guidance.

### **Identifying Models of Policy and Procedures**

In relation to the last criterion listed above, I read and re-read the material I had been sent and compared it with my extracts from ACPC annual reports for 1992-3 and 1993-4, with a view to attempting to identify what (if any) model of policy and procedure seemed to be emerging in a given area. I did not have any pre-existing classificatory system on which to base this analysis and so had to generate my own categories based on the information I had and on my reading of the recommendations included in *Working Together* (DOH, 1991) and the NCH Committee of Enquiry Report (1992). Thus, I hypothesised (correctly in the event) that there would be at least some areas attempting to respond to children and young people solely within existing child protection procedures, as indicated by paragraph 5.24 of *Working Together* (DOH, 1991), and so tested this out against the data. When it became apparent that an area was following a somewhat different model to this I then tried to capture the essence of its approach, thus creating a new category, repeating this process every time the material from an ACPC area was unclassifiable against one of my previously generated categories.

I asked questions of these various models in terms of what perspectives were evident, what was assumed and/or missing from these accounts and what consequences followed (to my mind) from adopting a particular model of practice. I attempted to compare the models that seemed to be emerging against the elaborated guidance

which had emanated from the NCH Enquiry Report (NCH, 1992). I also reflected on the emerging ACPC models in the context of the guidance prepared by a joint Interdepartmental sub group on Juvenile Sexual Abusers which I have discussed in Chapter 4, guidance which had never been published.

I was also interested to explore how far the particularly active areas identified in Chapter 5 tended to have more elaborated or sophisticated models than other ACPC areas. I judged that this exercise might also provide further evidence as to how worthwhile my study of ACPC reports had been, how valuable a source of information they had been in relation to the issue of children and young people who sexually abuse others.

## **RESULTS**

### **Response Rates**

72 or 68% of ACPC chairs responded (or responded via someone to whom the task had been delegated), a healthy response rate (May, 1993). In terms of the representation of these responses, and based on Department of Health regional boundaries, the following percentage response rates from each region were achieved: Central Region 94%, Southern Region 67%, Northern Region 70%, and London Boroughs Region 52%. Who responded, and their positions, were analysed with the results summarised in Table 6.1 below.

<b>DOH Regional area</b>	<b>N (%)</b>	<b>N (%) Child Protection co-ordinator or principal (SSD)</b>	<b>N (%) Chair of ACPC</b>	<b>N (%) Administrative assistant to ACPC</b>	<b>Other</b>	<b>Not clear, not known</b>
<b>Central</b>	16 (22%)	8 (50%)	6 (38%)	2 (12%)	-	-
<b>Southern</b>	14 (20%)	9 (64%)	4 (29%)	-	1 (7%)	-
<b>Northern</b>	26 (36%)	16 (62%)	8 (31%)	2 (7%)	-	-
<b>London Boroughs</b>	16 (22%)	10 (63%)	4 (25%)	-	-	2 (12%)
<b>Totals</b>	72 (100%)	43 (60%)	22 (31%)	4 (5%)	1 (1%)	2 (3%)

**Table 6.1**      **Analysis of the backgrounds of respondents replying to my request for copies of ACPC inter-agency guidance**

As will be evident from Table 6.1 most responses across the regions came from child protection co-ordinators or principal officers from within social services departments, with most respondents making explicit that my letter to the ACPC chair had been forwarded to them for reply. How significant this route of response was became clearer as the analysis progressed but at this point I hypothesised that this might signify that ACPC areas were seeing children and young people who sexually abuse others as primarily or firmly a child protection issue. A more mundane explanation would, however, be that as most ACPC chairs are Directors or Assistant Directors of Social Services, then, asking their senior manager (child protection) would be, from the chair's point of view, the easiest way to delegate the work of reply. Similar, but much smaller percentages of ACPC chairs across the regions replied themselves, although Central Region's profile was slightly different from the rest, with a higher percentage of chairs or their assistants replying directly.

57 of the 72 respondents (79%) sent extracts from their ACPC inter-agency guidance, comprising 88% of all respondent Central Region areas, 62% of all respondent Southern Region areas, 54% of all respondent Northern Region areas and 29% of all respondent London Boroughs Region ACPC areas. The remaining 15 of the respondents either replied that they were not willing to co-operate (three out of the 15) or did not send any extracts of material from their inter-agency guidance for a variety of reasons (e.g. it was too expensive to produce to send it to people like myself; they had no procedures in place anyway; or, in two instances, they simply forgot to send it with their covering letter).

### 1. Extent and Nature of Guidance

In all of the 57 sets of guidance there was reference, to a greater or lesser extent, to the issue of children and young people who sexually abuse. Table 6.2 notes the amount of text per set of guidance and includes comparison of these results across DOH regions.

<b>DOH Region</b>	<b>N (%)</b>	<b>N (%) ½ page or less</b>	<b>N (%) ½ page-1 page</b>	<b>N (%) 1-2 pages</b>	<b>N (%) More than 2 pages</b>
<b>Central</b>	12 (21%)	-	3 (25%)	2 (17%)	7 (58%)
<b>Southern</b>	16 (28%)	2 (12%)	6 (38%)	2 (12%)	6 (38%)
<b>Northern</b>	20 (35%)	1 (5%)	3 (15%)	1 (5%)	15 (75%)
<b>London Boroughs</b>	9 (16%)	2 (22.2%)	3 (33.3%)	1 (11.1%)	3 (33.3%)
<b>Totals</b>	<b>57 (100%)</b>	<b>5 (9%)</b>	<b>15 (26%)</b>	<b>6 (10%)</b>	<b>31 (54%)</b>

**Table 6.2** The amount of space allocated to the issue of sexual abuse by children and young people in 57 sets of ACPC inter-agency guidance

Paragraph 5.24 in *Working Together* (DOH, 1991) comprised 30 lines of text within a page of 50 lines and so would have been logged under the column ½ page to 1 page. Using this as a bench mark, Table 6.2 above indicates that 75% of Central Region ACPC areas, 50% of Southern Region ACPC areas, 80% of Northern Region ACPC areas and 44% of London Boroughs Region ACPC areas had forwarded text in excess of that amount, in total 64% of all 57 sets of guidance. This gave me some hope that I would find some evidence of the development of models of policy and practice beyond the limited advice contained in paragraph 5.24.

### *Focus of the Guidance*

When discussing paragraph 5.24 of *Working Together* (DOH, 1991) I noted that this portion of text was not so worded that the guidance related solely to young sexual abusers although much of its contents seemed to be drawn from current thinking about that group. I became interested, therefore, to check whether ACPC areas were interpreting the paragraph as solely referring to sexual abuse by children and young people, or to child-on-child abuse more generally.

Table 6.3 summarises my analysis of the 57 sets of inter-agency guidance in relation to this issue. On the basis of the title given to their policy and procedures and their contents, just over half of the 57 sets of guidance (30 or 53%) were focusing only on children and young people alleged to have sexually abused others. Another five (9%) of the ACPC sets of guidance (those of Birmingham; Lincolnshire; Shropshire, Suffolk and Dorset) comprised texts which were exclusively about child sexual abuse by children and young people although the titles of their policy and procedures

referred more broadly to abuse alleged to have been caused by another child or young person. In the remaining 22 sets of guidance (39%) the titles of their policy and procedures and their contents evidenced that they were referring to all kinds of potentially abusive situations between children, although much of the content was framed within the context of child sexual abuse cases.

<b>DOH Region</b>	<b>N (%)</b>	<b>N (%) Referring to child abuse generally</b>	<b>N (%) Referring only to child sexual abuse by children and young people</b>	<b>N (%) Title of guidance referring to child abuse generally but text addressing child sexual abuse only</b>
<b>Central</b>	12 (21%)	4 (33%)	4 (33%)	4 (33%)
<b>Southern</b>	16 (28%)	5 (31%)	10 (63%)	1 (6%)
<b>Northern</b>	20 (35%)	7 (35%)	13 (45%)	-
<b>London Boroughs</b>	9 (16%)	6 (67%)	3 (33%)	-
<b>Totals</b>	57 (100%)	22 (39%)	30 (53%)	5 (9%)

**Table 6.3** Numbers and percentages of 57 sets of ACPC guidance referring to child abuse generally or more specifically to child sexual abuse by children and young people

As examples of those trying to address broader aspects of child abuse, Nottinghamshire's guidance expended a modest amount of text on distinguishing between physical, emotional and sexual abuse by youngsters and Essex's and Sandwell's included short sections on how to process allegations of child physical and emotional abuse, including bullying by other children. Lancashire's guidance and Harrow's guidance were claimed to address all kinds of abuse but it was also made



clear in both texts that their primary focus was on child sexual abuse by children and young people.

Given this variability across the sets of guidance, I wondered whether these ambiguities would perhaps contribute to professional uncertainties about how to respond to alleged abuse (or sexual abuse) by children and young people. For example, and as will be evidenced shortly (see Table 6.7), most sets of guidance were promulgating the notion that policies of minimal intervention (the juvenile offending orthodoxy at the time) might not be appropriate 'in these cases' but this assumption had certainly not been claimed about forms of child abuse other than sexual abuse. How far, then, was this (anyway debatable) prescription applicable in the case of physical or emotional abuse by children and young people?

***How far the Guidance Submitted Reflected the Recommendations of Paragraph 5.24 of Working Together (DOH, 1991) and the NCH (1992) Enquiry Report***

51 (89%) of the 57 sets of guidance showed at least some reflection of the guidance in the NCH Enquiry Report (1992), hardly surprising given the wide-ranging nature of that document. Table 6.4 focuses, then, on my assessment of how far the guidance in the 57 sets reflected paragraph 5.24 of *Working Together (DOH, 1991)*. I defined the three categories thus:

*not at all* - no reflection in inter-agency guidance of the recommendations contained within paragraph 5.24 of *Working Together (DOH, 1991)*;

*some reflection* - recommendations of paragraph 5.24 in evidence, but with significant qualification and/or elaboration of them;

*close reflection* - recommendations of paragraph 5.24 completely followed, with or without further elaboration.

Whilst acknowledging that these distinctions were not the most rigorous, I judged that they would provide a valid scene-setter to my subsequent, more detailed, analysis of models of policy and procedures.

DOH region	N (%)	N (%) - Not at all	N (%) - Some Reflection	N (%) - Close Reflection
Central	12 (21%)	-	6 (50%)	6 (50%)
Southern	16 (28%)	2 (13%)	8 (50%)	6 (37%)
Northern	20 (35%)	-	13 (65%)	7 (35%)
London Boroughs	9 (16%)	-	5 (55%)	4 (45%)
Totals	57 (100%)	2 (3%)	32 (56%)	23 (41%)

**Table 6.4** Numbers and percentages of 57 sets of ACPC inter-agency guidance reflecting paragraph 5.24 of *Working Together* (DOH, 1991)

As will be seen, all but two of the 57 sets of guidance provided evidence of either some or close reflection to the contents of paragraph 5.24 in *Working Together* (DOH, 1991). This is hardly surprising given the semi-statutory nature of this publication. Eight out of the 23 sets of guidance (41%) which closely reflected the *Working Together* guidance (one from Central Region, three from Southern Region, two from Northern Region and two from the London Boroughs Region) contained either a faithful reproduction of paragraph 5.24 and nothing else, or a slightly truncated version of that paragraph. I realised that these eight areas, at least, were not going to

be of any further illumination as regards my aim of identifying emerging models of policy and practice.

As regards the two 'rogue' sets of guidance, interestingly both from the Southern Region and both areas I had identified as particularly active, one set of guidance (Kent's) evidenced a very determined youth justice approach to the processing of adolescent sexual offenders. In the second area (Northamptonshire) three complex routes of response were being developed, dependent on a variety of circumstances relating to the alleged offence. These variations are more fully addressed shortly as part of my more detailed analysis aimed at identifying emerging models of policy and practice.

The analysis in Table 6.4 also suggests that Northern Region sets of guidance were more likely to provide 'some' rather than a 'close' reflection of paragraph 5.24, as compared with the sets of guidance available from the other three regions. I would suggest that this is because, as Table 6.2 demonstrated, Northern Region sets of guidance tended to be longer, in other words they tended to elaborate on, and qualify, paragraph 5.24 more so than the sets of guidance from the other three regions. Perhaps this could be taken as a sign of their developing practice wisdom based on their greater experience of trying to implement *Working Together* and enhanced awareness of the complexities that needed to be negotiated? The reader will recall that, in my analysis of 1992-1994 ACPC annual reports, I noted that Northern Region ACPC areas seemed to be further down the road of developing policies, procedures and

services for young sexual abusers and I suggested that this might be connected with the fact that NOTA's origins were in the north-west of England.

### ***Defining Juvenile Sexual Abuse***

Paragraph 5.24 was silent on the issue of how to define what constitutes sexual abuse by children and young people, although the NCH (1992) Enquiry Report spent some time on this problem, so I was interested to explore whether any of the ACPC sets of guidance provided definitions or advice to local practitioners. As Table 6.5 below indicates very few did:

<b>DOH Region</b>	<b>N (%)</b>	<b>N (%) including a definition</b>
<b>Central</b>	12 (21%)	2 (17%)
<b>Southern</b>	16 (28%)	5 (31%)
<b>Northern</b>	20 (35%)	4 (20%)
<b>London Boroughs</b>	9 (16%)	1 (11%)
<b>Totals</b>	57 (100%)	12 (21%)

**Table 6.5      Numbers and percentages of the 57 sets of guidance which included a definition of juvenile sexual abuse**

Of those few sets of guidance which did venture a definition three main approaches were in evidence. As an example of the first approach, Sheffield and Wakefield ACPC guidance simply quoted the brief definition in Ryan and Lane (1991):

The juvenile sex offender is defined as a minor who commits any sexual act with a person of any age (1) against the victim's will, (2) without consent, or (3) in an aggressive, exploitative, or threatening manner.

(Ryan and Lane, 1991: 3)

In the second approach definitions were given which provided virtually no further illumination at all. Thus, Harrow's definition was:

'...a young abuser is anyone under the age of 18 years who is involved in sexually abusive and/ or physically abusive activity with a child or young person.

Avon's definition was equally simple and uninformative on the subject:

Children and young people aged 17 or less, either male or female, who have had sexual contact with a child which is deemed to be abusive.

In contrast, as a third approach, some ACPC areas came up with their own complex definitions, although these inevitably contained a number of uncertainties within them. Thus, Lincolnshire defined sexual abuse by another child as:

An incident, or incidents, involving acts which are sexual in nature and involve parts of the body, where one child or young person can be seen to hold the balance of *power* and can therefore be seen to be *exploiting* another child who is either unable or unwilling to give true and/or informed *consent*.  
(my italics)

Cleveland's definition was similar as well as somewhat different:

Young people (below the age of 18 years) and children who engage in any form of sexual activity with another individual, that they have *power* over by

virtue of age, emotional maturity, gender, physical strength, intellect and where the victim in this relationship has suffered sexual *exploitation* and betrayal of trust. We would also include young people and children who engage in any form of sexual activity with an animal. (my italics)

Finally Dorset's definition was:

Sexual activity with or toward the child by another child or young person when the sexual relationship is based upon the perpetrator implicitly or directly *coercing* the child into sexual compliance or where the victim is *subordinate* or relative to the perpetrator, developmentally immature. The victim is unable to fully comprehend the activity or does not or cannot give informed *consent*. (my italics)

As my italics indicate these all referred, to a greater or lesser extent, to the kinds of factors which Ryan and Lane (1991) allude to in their own definition: issues of power, exploitation and consent. As is evident from my analysis of the sets of guidance against my next criterion, these factors also figured significantly in additional guidance on how to define sexual abuse by children and young people.

### ***Guidance on Defining Juvenile Sexual Abuse***

Although few ACPC sets of guidance provided an explicit definition of what constituted sexual abuse by children and young people much greater numbers discussed the factors that, they claimed, could or should be taken into account when coming to decisions about what was and was not abusive. Table 6.6 summaries the data:

<b>DOH Region</b>	<b>N (%)</b>	<b>N (%) providing additional guidance on factors to be taken into account</b>
<b>Central</b>	12 (21%)	5 (42%)
<b>Southern</b>	16 (28%)	5 (31%)
<b>Northern</b>	20 (35%)	10 (50%)
<b>London Boroughs</b>	9 (16%)	4 (44%)
<b>Totals</b>	57 (100%)	24 (42%)

**Table 6.6      Numbers and percentages of the 57 sets of guidance which included additional guidance on factors to be taken into account**

Thus, 42% of all the 57 sets of guidance provided further guidance on the factors that should be taken into account when considering allegations of juvenile sexual abuse, with somewhat varying percentages across the four DOH regions.

Some sets of guidance (for example, those of Nottinghamshire, Northamptonshire, Surrey, Manchester and Hammersmith and Fulham) attempted to distinguish between normal, inappropriate, abusive, and illegal sexual behaviours. However all the sets of guidance identified a variety of factors that needed to be considered in coming to a conclusion about the abusiveness, or otherwise, of an incident. It was clear that, in identifying these factors, the authors of the guidance had attended to literature such as Ryan and Lane (1991) and the NCH Enquiry Report (1992) and in a number of cases these influences were made very explicit. Not surprisingly, therefore, the factors included:

- issues around power differentials based on age, gender, size, developmental maturity;
- whether exploitation, aggression and/or bribery was involved;
- whether informed consent had been given;
- victim perspectives and the impact of the incident(s) on the victim;
- the persistence of the activity over time and its intensity;
- whether secrecy was involved and the alleged perpetrator's intentions (e.g. whether fantasies and victim targeting were present).

It was often acknowledged, too, that deciding what was or was not sexually abusive behaviour, in the case of children and young people, was not a straightforward task and that such decision making should be shared by professionals, both intra- and inter-agency.

### ***Guidance on Interventions and Legal Disposal***

Paragraph 5.24 of *Working Together* (DOH, 1991) made an oblique reference to prevailing youth justice philosophies when it was stated that:

Experience suggests that in many cases, policies of minimal intervention are not as effective as focused forms of therapeutic intervention which may be under orders of the civil or criminal courts. (DOH, 1991: 37)

The NCH (1992) Enquiry Report also debated the pros and cons of securing a legal mandate for treatment and other purposes but came to no firm recommendation about this aspect, acknowledging the ongoing debates between traditional youth justice



perspectives to offending by young people and rather different perspectives about the preferred approach towards young sexual abusers. I was interested, therefore, to explore whether the ACPC inter-agency sets of guidance expressed any views on this matter. Table 6.7 provides summary data about how many of the sets of guidance directly quoted or supported the message contained in the above extract from *Working Together*.

<b>DOH Region</b>	<b>N (%)</b>	<b>Numbers (%) directly quoting the extract from <i>Working Together</i> or explicitly supporting its message</b>
<b>Central</b>	12 (21%)	7 (48%)
<b>Southern</b>	16 (28%)	12 (75%)
<b>Northern</b>	20 (35%)	14 (70%)
<b>London Boroughs</b>	9 (16%)	5 (55%)
<b>Totals</b>	57 (100%)	38 (67%)

**Table 6.7** Numbers and percentages of the 57 ACPC sets of guidance making reference to the *Working Together* statement about ‘policies of minimal intervention ...’

Thus, in all but one DOH region the majority of the sets of guidance was promulgating *Working Together’s* statement to a greater or lesser degree.

Thirteen sets of guidance directly quoted the extract from *Working Together* including the eight sets which had simply quoted the whole of paragraph 5.24 (or a slightly truncated form of it). The remaining five sets of guidance which had quoted the

extract from paragraph 5.24, those of Cleveland, Dorset, Harrow, Salford and Suffolk, elaborated at some length on its theme that young sexual abusers were a special category of young offender who may well require a special response.

Most of those supporting the message, but not actually quoting the extract contained in *Working Together* (DOH, 1991), made only brief statements supportive of the view being expressed that young sexual abusers were a rather different kind of offender. A few elaborated, with the following extract from the London Borough of Wandsworth's guidance a good exemplar of the kinds of confident (but unproven) statements that were often in evidence:

In contrast to other forms of adolescent offending sex offending is a form of behaviour which young people are likely to 'grow into' rather than out of. Sex offences are rarely isolated 'one off' incidents and sex offending tends to become more entrenched over time and patterns of escalating seriousness are not unusual. Sex offending by young people (i.e. over the age of criminal responsibility and under twenty one) therefore requires a very different response to other forms of juvenile offending behaviour. It must also be recognised that even children under 10 are capable of acts of sexual abuse and aggression and successful treatment outcomes are more likely with early intervention.

Seven (12%) of the sets of guidance (Shropshire in Central Region; Cheshire, Manchester, Rochdale and Rotherham in Northern Region and Harrow and Islington from the London Boroughs Region) also included text which suggested the circumstances in which 'no further actions', police cautions or prosecution should be pursued.

The findings in relation to this criterion were especially interesting in that they provided the first indication that many ACPC areas were addressing both child protection and youth justice issues in respect of children and young people who sexually abuse.

***How ACPC areas were Dealing with the Issue of Child Protection Registration***

Paragraph 5.24 of *Working Together* (DOH, 1991) had not provided any illumination on the subject of whether, and on what basis, children and young people who sexually abuse should be registered under child protection procedures. My subsequent discussions with an SSI at the Department of Health in 1995 had indicated that the official DOH view was that such children and young people should only be registered if they were themselves victims of abuse. I was interested to check, therefore, whether the sets of guidance would shed any light on what local ACPCs should be doing.

Table 6.8 summarises my findings.

<b>DOH region</b>	<b>N (%)</b>	<b>N (%) registering child as an abuser or victim</b>	<b>N(%) registering child only if also a victim</b>	<b>Not clear from the guidance</b>
<b>Central</b>	12 (21%)	1 (9%)	4 (33%)	7 (58%)
<b>Southern</b>	16 (28%)	2 (13%)	5 (31%)	9 (56%)
<b>Northern</b>	20 (35%)	-	9 (45%)	11 (55%)
<b>London Boroughs</b>	9 (16%)	-	3 (33%)	6 (67%)
<b>Totals</b>	57 (100%)	3 (5%)	21 (37%)	33 (58%)

**Table 6.8      Numbers and percentages of the 57 sets of guidance registering children under child protection procedures and on what basis**

As will be noted from the above table, it was not clear from over half of the 57 sets of guidance what approach should be taken to child protection registration, with similar percentages across the four DOH regions evidencing this lack of clarity. 21 (37%) of the sets of guidance made it clear that young sexual abusers should only be child protection registered if they were also victims of some form of abuse, in line with DOH guidance. Even so, a minority of these (four or 20% of the 21) explicitly stated that, even when a youngster was not registered, their case would still be reviewed through child protection procedures, with core groups and child protection plans convened in the usual way.

Of the only three sets of guidance which explicitly stated that the child or young person could be registered as an abuser, two different approaches were in evidence. Firstly, Cornwall ACPC had established a fifth category for the registration of such young people, the definition being:

Children who have sexually abused other children. Names will be included on the Child Protection Register in this category when the abuse is admitted or where there is a reasonable supposition on the basis of a balance of probabilities that it has occurred and has been perpetrated by a given child.

In contrast, Norfolk's and Northamptonshire's guidance stated that such youngsters could be registered under the DOH sexual abuse category on the basis that their abusive behaviour caused them (and their families) significant harm.

Thus, within these 57 sets of guidance there was considerable variation about how the issue of child protection registration was being addressed and in over half the sets of

guidance no direction appeared to have been given at all. Where no guidance was in evidence this would be likely to create uncertainty for those involved in child protection case conferences and, at a broader level, the variability of guidance would make the possibility of local and national monitoring of responses to young sexual abusers even more problematic than is usual. In addition, and perhaps most importantly, from the perspectives of the children concerned and their families, what seemed to emerge from this analysis was that, depending on where they lived, they might or might not be registered under child protection procedures with all the implications that can follow from such registration. These include, on the one hand, the increased likelihood of ongoing support, follow-up and access to resources and, on the other, the perceived stigma and surveillance associated with child protection.

### *Agencies which were Seen as Significantly Involved in Decisions about Juvenile Sexual Abusers*

Table 6.9 records which agencies the sets of guidance referred to as being significant in the process of dealing with children and young people who sexually abuse others. In this instance the eight sets of guidance which contained merely a regurgitation of paragraph 5.24 or something less were excluded from the analysis, as no agencies were explicitly addressed therein.

Perhaps not surprisingly, all sets of guidance across all four regions identified social services departments and the police as playing a significant role in the processing of referrals of allegations of sexual abuse by children and young people. Of much more interest was the finding that, in three of the four regions (that is, apart from Southern

Region), large majorities of the sets of guidance also identified youth or juvenile justice agencies as playing an important role. Further evidence, therefore, that many ACPC areas were addressing both child protection and youth justice issues in respect of young sexual abusers. Of related interest were the references to the Crown Prosecution Service in connection with decisions on prosecution.

As regards the rest of the data in Table 6.9, I was interested in the size of the percentages across all the sets of guidance which referred to the need for psychological and psychiatric input. This was further evidence, I would suggest, of the key role these professional groups were playing in the development of the awareness of the problem of young sexual abusers. Where NCH, Barnardos or NSPCC involvement was explicitly acknowledged this was in connection with joint funded special projects.

DOH region	N (%)	N (%) referring to Social Services	N (%) referring to Police	N (%) referring to Youth Justice/Juvenile Justice	N (%) referring to Psychologists, Psychiatrists, Paediatricians	N (%) referring to Probation	N (%) referring to Crown Prosecution service	N (%) referring to NSPCC, NCH, Barnardos	N (%) referring to Other*
Central	11 (22%)	11 (100%)	11 (100%)	9 (82%)	5 (45%)	4 (36%)	1 (9%)	-	1 (9%)
Southern	13 (27%)	13 (100%)	13 (100%)	7 (54%)	5 (38%)	3 (23%)	5 (38%)	3 (25%)	2 (14%)
Northern	18 (37%)	18 (100%)	18 (100%)	16 (88%)	7 (39%)	11 (61%)	5 (28%)	3 (17%)	1 (5%)
London Boroughs	7 (14%)	7 (100%)	7 (100%)	5 (72%)	5 (72%)	2 (28%)	3 (42%)	2 (28%)	1 (14%)
Totals	49 (100%)	49 (100%)	49 (100%)	37 (75%)	22 (45%)	20 (41%)	14 (28%)	8 (16%)	5 (10%)

\* Other comprised:

FSU (x two references - used by two ACPC areas in CP investigations)

Education/Schools (x two references)

Legal representation from within Social Services (x one reference)

Table 6.9 Analysis in numbers and percentages of which agencies referred to in 49 sets of ACPC inter-agency guidance

## **2. Emerging Models of Policy and Procedures**

At the outset it is worth making clear the inevitable limitations of my analysis in respect of emerging models of policy and procedure. Aside from the obvious fact that my 57 sets of guidance comprised only about half of all possible sets of ACPC inter-agency guidance, the texts I had to analyse varied considerably in terms of level of detail and clarity of expression. As, no doubt, practitioners were also finding when trying to interpret their contents, I felt that I was having to read meaning into them on occasions or make assumptions about their intended messages. In addition, as the sets of guidance were both different and similar in various respects, identifying distinct and defensible models of policies and procedures was not an easy task. At one point I decided that there were probably seven models but subsequent re-analysis led me to revert to the four models which I had originally identified and which I set out below. I am conscious that they are not mutually exclusive in some respects but they do, I would argue, reflect significant differences of approach to the problem of children and young people who sexually abuse.

### ***Four Models of Policy and Procedure***

My analysis of the 57 sets of guidance indicated that there were four somewhat differing models of policy and practice emerging:

**Model 1** - where policies and procedures were outlined purely within the context of child protection systems of response;



**Model 2** - where policies and procedures attempted to synchronise child protection and youth justice systems of response, with child protection procedures usually taking precedence over youth justice process;

**Model 3** - where policies and procedures were making explicit distinctions between the processing of children under and over the age of criminal responsibility;

**Model 4** - where policies and procedures were providing an alternative route to child protection processes, via meetings held under Section 17 of the Children Act 1989 (children in need).

Table 6.10 below summarises my analysis of how the sets of guidance were distributed across these four models.

<b>DOH Region</b>	<b>N (%)</b>	<b>Model 1 N (%)</b>	<b>Model 2 N (%)</b>	<b>Model 3 N (%)</b>	<b>Model 4 N (%)</b>
<b>Central</b>	12 (21%)	2 (17%)	6 (50%)	4 (33%)	-
<b>Southern</b>	16 (28%)	8 (50%)	4 (25%)	2 (12.5%)	2 (12.5%)
<b>Northern</b>	20 (35%)	3 (15%)	13 (65%)	3 (15%)	1 (5%)
<b>London Boroughs</b>	9 (16%)	5 (56%)	3 (33%)	-	1 (11%)
<b>Totals</b>	57 (100%)	18 (31%)	26 (46%)	9 (16%)	4 (7%)

**Table 6.10** Numbers and percentages of the 57 sets of ACPC guidance, across DOH regions, analysed by the four models of policy and procedures

What Table 6.10 indicates is great variability in policy and procedures both within and across DOH regions. Thus, for example, 26 out of the 57 sets of guidance (46%) seemed to be following a model 2 approach (trying to dovetail child protection and youth justice approaches, with child protection processes usually taking precedence over youth justice process) but across regions there was variation as regards how far this model was being pursued, ranging from 25% in Southern Region sets of guidance to 65% in Northern Region sets of guidance. 18 (31%) of the sets of guidance evidenced a purely child protection route (model 1) though, again, with considerable variation across the four regions. Finally, much smaller numbers and percentages of the sets of guidance evidenced models 3 and 4 although, again, there was variation across the four regions.

### *Model 1 Exemplar and Critique*

Model 1 included the eight sets of guidance which merely reproduced paragraph 5.24 of *Working Together* (DOH, 1991) or a somewhat truncated form of it. The other 10 sets of guidance varied in length and detail but none made any reference to attending to processes outside of the child protection system. The guidance from Hammersmith and Fulham ACPC was indicative of the style:

#### *Hammersmith and Fulham - exemplar of model 1*

##### ***10.6 Children/Young People Who Victimise Other Children Sexually***

*This is an area where knowledge and ways of working are still developing and care must be taken not to label children unnecessarily as 'abusers'. Children/young people who victimise others have often suffered abuse themselves, or may be at serious risk of continuing their abusive behaviour.*

*In a child protection investigation involving children/young people who victimise other children/siblings sexually it is essential to consider the difference between sexual victimisation and acceptable 'play' and exploration between children/young people.*

*Areas to consider are the nature and level of activity that has occurred and the age difference of the children/young people. Appropriate play and exploration can be described as where children or young people of similar age and size are basically involved in information gathering. Exploration is either visual or tactile and of limited duration. Abusive behaviour, however, has a compulsive quality to it and uses aggression and force. Coercion is used as is an exploitation of the authority and/or size of an older to a younger child in order to obtain participation.*

*Research indicates that many such children have themselves been abused and will need multi-disciplinary assessment and a carefully planned programme of treatment and help.*

*All such young people are to be conferenced under the Child Protection Procedures. Conferences will particularly need to address their current knowledge of:*

- ◆ *the child who it is alleged has victimised other children sexually.*
- ◆ *their family circumstances.*
- ◆ *the offence committed.*
- ◆ *the level of understanding she or he has of the offence and the need for further work.*
- ◆ *whether the child is him/herself being abused.*

*Any assessment should ideally involve a child psychiatrist to look at issues of risk, treatment and interventions designed to dissuade the victimiser from committing further abusive acts.*

*(ACPC procedures, undated, pages 105 - 107)*

Thus, these 18 sets of guidance appeared to be following the approach recommended in *Working Together* (DOH, 1991), constructing the problem of children and young people who (sexually) abuse as a child protection issue. Those framing the eight sets of guidance which merely reproduced paragraph 5.24 might not have given matters any more thought than that there was a requirement to revise their ACPC inter-agency

guidance in line with the 1991 second edition of *Working Together*. However, the other 10 ACPC areas which had produced somewhat different texts had presumably given further consideration to the issues and had still decided to prepare guidance which located responses to young sexual abusers only within their existing child protection systems.

All these sets of guidance, not surprisingly, exhibited the same problems which I had identified in relation to paragraph 5.24 of *Working Together* (DOH, 1991). In general, they provided very little guidance, the matter of child protection registration was often not made clear and they did not address the interests of the youth justice system in respect of children over 10 years of age. I was left hypothesising that where a referral about a child aged over 10 years of age surfaced, whether this be in the local social services department or in the police service, this would significantly influence what subsequently happened to that referral. If the former, the referral might follow a purely child protection route, if the latter, a youth justice route with, potentially, neither system aware of each other's interest in this area of work.

### *Model 2 Exemplar and Critique*

Whilst promulgating the use of child protection procedures when dealing with allegations of (sexual) abuse by children and young people, these sets of guidance attempted to dovetail with youth justice processes in the case of children over the age of criminal responsibility. However, it was made clear in all but four of these sets of guidance that child protection concerns had to be addressed in advance of youth

justice considerations. Coventry's ACPC guidance provided a typical example of this model:

### ***Coventry - Exemplar of Model 2***

#### ***Stage 1***

*Where there is any suspicion/allegation of a child/young person having sexually abused or being likely to sexually abuse another child/young person and it is reported to the statutory agencies it will be necessary to refer the matter immediately to the relevant Social Services Children and Families Team and the Police Child Protection Unit. A formal child protection investigation will commence and consultation between the Social Services and the Police will take place.*

*If the referral has been made as a result of information from a Child Protection Investigation of a child who is alleged to have been sexually abused, the investigating social worker for that child should not be allocated to the new and separate investigation. It is important that each child/young person is investigated and assessed as an individual.*

#### ***Stage 2***

*In the cases where an interview under the PACE Act regulations is required, the Children and Families Team responsible for the investigation must inform the Social Services Youth Justice team who will, on a duty-rota basis, provide a trained worker to attend the interview.*

*In some cases an interview may not be required - the initial consultation between the investigating social worker and the police officer from the Child Protection Team will decide which course of action to implement.*

#### ***Stage 3 - Planning Meeting***

*A PLANNING MEETING should be convened within 5 working days of the initial referral.*

*The Planning Meeting will be convened and minuted by the Social Services Child Protection Unit and a Child Protection Officer will chair the meeting. Attendance at the Planning Meeting should involve:*

- *the investigating social worker*
- *the investigating police officer*
- *a Youth Justice worker, if a PACE interview has taken place*
- *other significant professionals as appropriate.*

*Information from the PACE interview should be available to the Planning Meeting either as a report or in the format of the Witness Statement.*

*The purpose of the Planning Meeting is to co-ordinate and plan the investigation and a preliminary assessment to inform the Child Protection Case Conference.*

*If at this stage no further action is concluded the investigation will end and all agencies who have been involved should be informed in writing.*

#### ***Stage 4 - the Child Protection Case Conference***

*The Case Conference should take place within 15 days of being requested.*

*The Case Conference should consider:*

- *the nature of the incident/concerns*
- *whether or not responsibility has been accepted for the incident*
- *the willingness of the child/young person to engage in an agreed intervention strategy*
- *the family background; the family's attitude to the incident/concerns and to the child/young person*
- *patterns of behaviour/sexual development of the child/young person*
- *the level of risk or dangerousness to him/herself or other children*
- *exploring strategies to ensure that the child/young person co-operates with the proposed intervention.*

*A representative from the NSPCC "Children and Adolescents Sexual Offences Project" should be invited to provide advice to Conference. A Youth Justice representative should be invited when there are issues related to Court processes.*

*The Case Conference should consider the need for Registration, and if the child is placed on the Child Protection Register a Child Protection Plan should be identified and reviewed in accordance with the Inter-Agency Procedures for Reviews.*

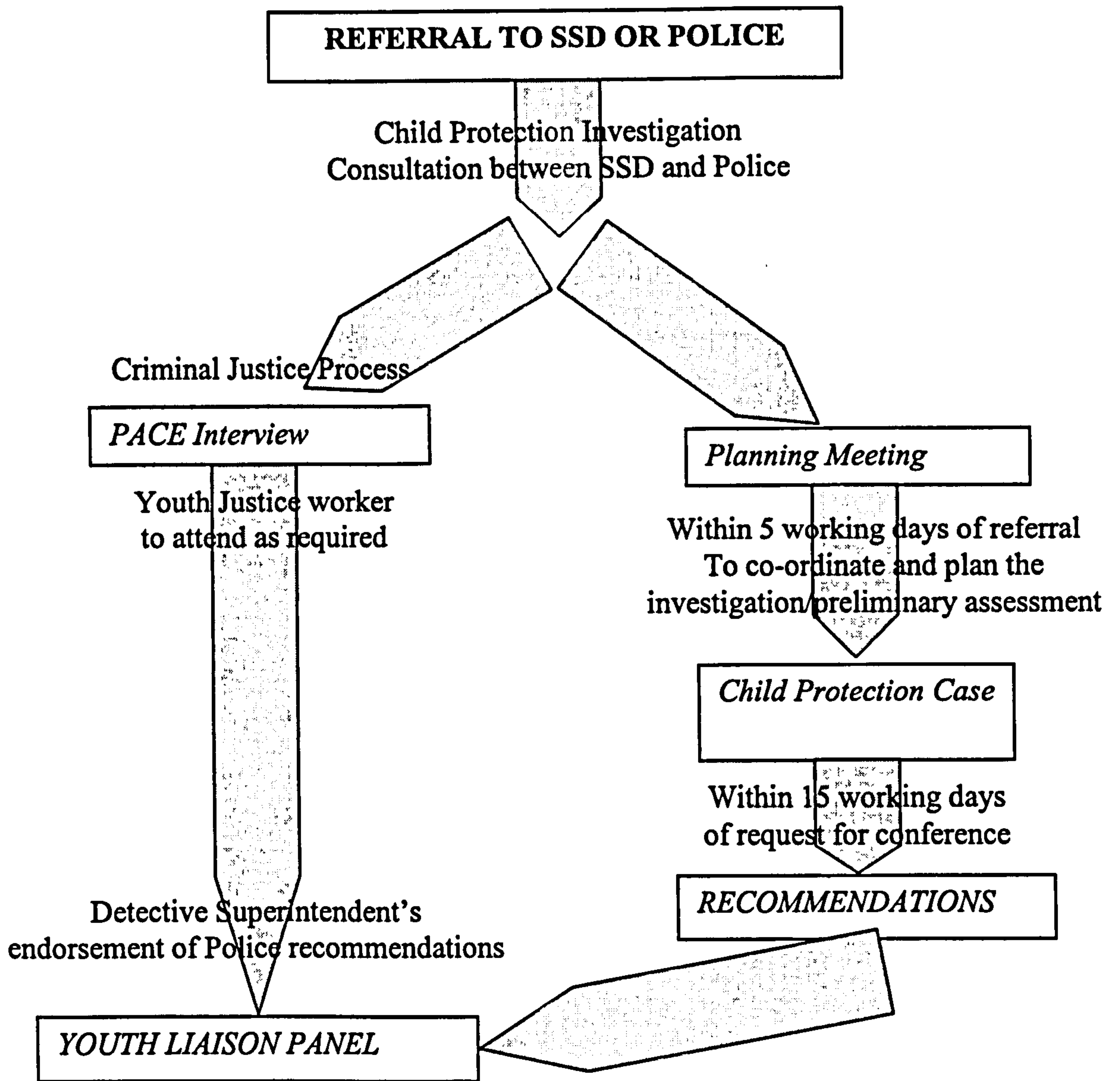


Figure 6.1 Coventry ACPC procedures (Section 6, page 20 Insert pages 1 - 2, November 1993)

In the other four sets of guidance (East Sussex, Shropshire, Sheffield and Wakefield) there was evidence of concerted efforts to devise a system which allowed child protection and youth justice processes to run more in parallel with, as one child protection worker in East Sussex commented in correspondence with me:

a clear boundary between tasks appropriate to the juvenile panels and ones which properly lie in the domain of the case conference.

(Personal communication, 8 July 1994)

Nevertheless, all these four sets of guidance were explicit that victims and children and young people alleged to have perpetrated sexual abuse had to be dealt with under child protection procedures.

Reflecting on all these 26 sets of guidance, they comprised almost half of the 57 sets of guidance I had been able to access. Whilst supporting the construction contained in paragraph 5.24 of *Working Together* (DOH, 1991) that children and young people who sexually abuse were a child protection issue, these sets of guidance were, realistically in my estimation, recognising that the youth justice system had interests in those aged 10 years and over. In this sense the contents of these sets of guidance were at odds with the message of *Working Together* and with the view expressed in the NCH Enquiry Report (1992) that systems such as Shropshire's had been superseded by paragraph 5.24.



There was, however, considerable similarity between the processes suggested in these texts and those outlined in the draft paper on juvenile sex offenders prepared by the sub-group of the Inter-Departmental Working Party on Sex Offenders which had never been published and to which I referred in Chapter 4. The reader may recall the working party's implications for good practice which included the recommendations that:

- \* there should be initial consideration in child protection conferences of the needs of both victim and alleged perpetrator in terms of protection and implications of prosecution;
- \* the child protection conference on the abuser should consider the availability and need for intervention or treatment schemes;
- \* reports of conferences should be sent to the police and juvenile liaison panels;
- \* there should be liaison between named people from child protection and youth justice agencies from the beginning;
- \* clear inter-agency and multi-disciplinary frameworks were needed.

It appeared that the 26 sets of ACPC inter-agency guidance making up my model 2 had come to similar conclusions about how policy and procedures should be developed.

In other respects, though, and as with all four of my models, these sets of guidance varied importantly in a number of ways: in their relative lengths; as to whether child-

on-child abuse generally was being addressed as opposed to just child sexual abuse; whether definitions and/or guidance were provided about what should be construed as abusive; their relative clarity or lack of clarity about child protection registration; and, as regards their philosophies about whether policies of minimal intervention were appropriate or not. Nevertheless, if the processes recommended in these sets of guidance worked well in their implementation, then it seemed to me that professionals, children and young people and their carers would be somewhat more likely to receive a consistent service, compared with model 1 approaches.

### *Model 3 Exemplar and Critique*

In these nine sets of guidance distinctions were being drawn between the procedures to be adopted in the case of children under 10 years of age and those to be followed in the case of those over the age of criminal responsibility. In three cases (Norfolk, Solihull and Tameside) this distinction was made very explicitly. Thus, Tameside prefaced its guidance with the following statement:

Following deliberations within Tameside it was felt that the protocol should be divided into two distinct parts:

- (a) children over the age of criminal responsibility (10 plus)
- (b) children under 10, as it would appear that there are some significant differences in the way in which intervention should progress these two groups.

In contrast, the other six sets of guidance (those of Cheshire, Kent, Lincolnshire, Northamptonshire, Sandwell and Stockport) made the distinction less explicit. Kent's

guidance referred to procedures for dealing with 'adolescent sex offenders' only and followed a largely youth justice process, leaving me to guess that children under 10 years would be dealt with via child protection procedures. Similarly, Northamptonshire's guidance was also just directed at 'Procedures for young people (10-17 years) who are alleged to have committed a sexual offence'. Interestingly, Stockport ACPC's guidance began with a section which explicated a significantly modified form of paragraph 5.24 stating that 'it is important that child protection *issues* (my italics) are considered in respect of both the victim and the alleged abuser'. This is rather different from *Working Together* (DOH, 1991) which states that child protection *procedures* should be followed. Section 2 of Stockport's guidance was entitled 'The Assessment of Young Sexual Offenders', the word 'offenders' being critical in this respect as the subsequent guidance clearly just referred to children aged 10 years and over.

As regards the model recommended by these nine sets of guidance, Kent's and Northampton's models for responding to allegations against children under 10 years of age were implicit (as discussed above). In the other seven sets of guidance child protection procedures only were recommended for children under the age of criminal responsibility. In the case of those aged 10-17 years somewhat differing approaches were then in evidence. Norfolk, Solihull and Tameside were adopting a model 2 approach, whereas, the other six sets of guidance were recommending a model of response in which youth justice processes took precedence, with child protection procedures coming into play later, usually as a result of evidence emerging at the

point of initial or later assessment that the young person was also a victim of abuse.

An example of this approach is Stockport's very detailed and prescriptive guidance.

### ***Stockport CPC's guidance - exemplar of model 3***

#### ***Section 1 SEXUAL ABUSE BY CHILDREN OR YOUNG PEOPLE***

- (a) When a child is alleged to have been sexually abused by another child or young person, it is important that child protection issues are considered in respect of both the victim and the alleged abuser.***
- (b) As regards the victim, the focus will appropriately be on the protective capacity and commitment of parents/carers and the child's and family's need for therapy and support.***
- (c) Work with adult abusers has shown that many start to abuse during their childhood or adolescence. Significant numbers have suffered from abuse themselves.***
- (d) It is therefore important to ensure that such behaviour is treated seriously and is subject to appropriate professional assessment/s.***
- (e) The need to convene a Child Protection Conference should always be seriously considered. The purpose would be to address current knowledge of:***
  - the alleged abuser***
  - their family circumstances***
  - the offence committed***
  - their level of understanding of the offence***
  - the need for further work.***
- (f) It will be necessary to consider possible arrangements for accommodation, education and supervision and whether referral for a psychiatric assessment would be appropriate.***
- (g) The conference may be reconvened to review progress and agree further plans.***

#### ***Section 2 THE ASSESSMENT OF YOUNG SEXUAL OFFENDERS***

##### ***1. INTRODUCTION***

- (a) There is a need for a clear and consistent approach to the assessment of young sexual offenders. This is with a view to a proper consideration of child protection and justice issues and of an effective approach to treatment.***

- (b) *This procedure is acknowledged to be only the starting point in an attempt to develop such an approach. It may well require considerable refinement in the light of further experience.*
- (c) *It does not set out the precise practice methods to be employed, neither does it deal with treatment issues. These matters are left to the discretion of the practitioners and managers involved and are dependent upon the resources available.*
- (d) *This is a framework for practice within which professional skill, judgement and effective inter-agency working are essential requirements.*

## **2. APPLICABILITY**

*Young people over the age of ten years and below the age of eighteen years who have admitted to the police that they have committed a sexual offence and where the police have not made a decision to charge.*

## **3. REFERRAL**

- (a) *The investigating police officer/s will inform the young person that a decision about charge or caution will be made by the Cautioning Panel, taking into account an assessment to be undertaken jointly by Social Services and NSPCC.*
- (b) *The young person's details will then be forwarded to the Juvenile Offenders Officer who will communicate with the Social Services Youth Justice Team using form 309D. The investigating officers may assist rapid progress by making immediate contact with the Youth Justice team but the 309D should still be sent as confirmation.*
- (c) *The Youth Justice team, which will take administrative responsibility for the assessment process, will inform both NSPCC and the Area Social Services team of the need to undertake an assessment.*

## **4. TEAM ROLES AND TASKS**

- (a) *Where there is direct Social Services involvement with the young person, their social worker will be invited to join the assessment team. In order to ensure clarity of professional roles, the social worker responsible for working with the victim should not be included in the assessment team.*
- (b) *The youth justice worker and either the young person's social worker or the NSPCC worker would undertake family interviews with the third team member taking a supportive role, for example acting in a consultative capacity.*
- (c) *The assessment team will consult the investigating police officers, social workers and other professionals as appropriate.*

*They should be allowed access to all relevant police and social work records (including video or audio tapes) in the course of the assessment.*

- (d) The assessment team will interview the young person, parents or carers and other family members as necessary. The team will decide, in each particular case, the precise approach to be taken.*

## **5. THE ASSESSMENT REPORT**

- (a) The team will submit a written report to the Cautioning Panel within three weeks of the referral being received. Copies of the report will be forwarded to the Child Protection Manager and the Social Services Team Leader in the Area.*
- (b) The report will make a recommendation to the Panel as to whether charge or police caution is more appropriate. Where the team are not in agreement, this should be clearly indicated to the Panel.*
- (c) The Cautioning Panel will decide whether to charge or caution, taking the assessment team's recommendations and any other relevant information fully into account.*
- (d) The team should also identify any child protection concerns which may not have been considered previously. The Child Protection Manager will consult the Area Team Leader about the need for investigation and/or Child Protection Conference if this has not already happened.*
- (e) Finally, the assessment team will draw some conclusions about the form and extent of therapeutic intervention required and discuss potential source of help with the Area Team Leader.*

## **6. INFORMATION**

- (a) Copies of the assessment report should be sent to the Cautioning Panel, the Area Team Leader and the Child Protection Manager.*
- (b) Details of the Panel's decision should be sent to the Child Protection Manager who will ensure that this information is distributed appropriately.*

## **7. MANAGEMENT**

- (a) Management responsibility of the assessment process is with the line managers of those directly involved but the Child Protection Manager will undertake to monitor the inter-agency process on behalf of Stockport Child Protection Committee.*
- (b) In the event of disagreement about the assessment process, which could not be resolved by the team, the matter should be referred to their line managers.*

- (c) *The two, or three, line managers will attempt to resolve the difficulty. This might be through discussion between themselves or by one of them chairing a meeting of the assessment team.*

*(Stockport CPC guidance, January 1995, pages 43 - 45)*

Thus, the common feature of these nine sets of guidance was their implicit or explicit differentiation between children under or over 10 years of age. Child protection procedures were to be employed to respond to children under 10 years of age but two different models of response were in evidence as regards children over the age of criminal responsibility. Whereas three ACPCs were following a model 2 approach, it was explicitly stated in the other six sets of guidance that children aged 10 years and over would be processed through youth justice procedures (albeit, as in the case of Stockport, a rather modified form of such procedures). Child protection issues needed consideration but there would not always be a child protection case conference. In this sense these ACPC areas were not constructing allegations of sexual abuse perpetrated by children over the age of criminal responsibility as a child protection issue. And from the perspective of the children and young people concerned and their carers, the service offered to them would, therefore, mirror the experience of all children alleged to have committed offences and subject to the arbitrary cut off date of 10 years. On the basis of age some would progress through a child protection route, others a youth justice one.

### *Model 4 Exemplar and Critique*

The four examples of this last model started to emerge either as a result of new or revised guidance being forwarded to me as part of my 1995-6 questionnaire survey or as a result of communications with relevant professionals in the local areas since that time. This timing was significant in the sense that, as is discussed more fully in Chapter 10, from the autumn of 1995 onwards a refocusing debate had emerged in relation to child protection, with calls to adopt a less heavy handed investigative approach to allegations of concern about children. Instead, it was being recommended that agencies should take a more holistic and lower key approach based on the notion of 'children in need', a phrase in Section 17 of the Children Act 1989. Paragraph 1 of that section states:

It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)-

- (a) to safeguard and promote the welfare of children within their area who are in need; and
- (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of services appropriate to those children's needs. (Children Act, 1989: 12)

This proposed shift in policy appeared to have influenced the deliberations of, for example, West Sussex ACPC who, in early 1996, considered three options of response towards 'young perpetrators of sexual abuse', all based on an initial assessment of their situation and risk issues. Option 1 followed a purely child protection route. Option 2 also began with processing through to a child protection



conference but with youngsters only registered and followed up through the case conference review process if they were registered 'at risk of significant harm'. All other youngsters would then be subject to a 'child in need multi-agency meeting' where plans would be formulated to intervene with the abusive behaviour, with follow-up review meetings. It was not made clear which agencies would be involved. However, the ACPC actually opted for option 3 which required all young perpetrators to be the subject of a 'child in need multi-agency meeting', with initial child protection case conferences only being held on those thought to be 'at risk'.

Surrey ACPC, which was originally requiring child protection case conferencing of all children and young people against whom allegations of sexually abusive behaviour had been made, was, by early 1997, pursuing a similar approach to West Sussex, as their procedures below explain:

#### ***Surrey CPC procedures - exemplar of model 4***

##### ***Children or young people who (are alleged to) have sexually abused others***

1. *When abuse of a child is alleged to have been carried out by another child or young person, it is important that the appropriate child protection procedures should be followed in respect of both the victim and the alleged perpetrator.*

*It should be recognised that disclosure of inappropriate or sexually abusive behaviour by a young person can be extremely distressing for their parents or carers. Typically parents/carers may deny or minimise the behaviour. The importance of engaging with parents or carers at this early stage is crucial to ensure co-operation throughout the intervention process. This may be achieved by acknowledging the feelings of guilt, shame and responsibility they often face.*

2. *Work with adolescent abusers has shown that many of them begin committing their abusing acts during childhood or adolescence, and has further indicated that significant numbers have suffered from abusing acts themselves. It is therefore an important child protection function to ensure that such behaviour is treated seriously and is always subject to a referral to child protection agencies. Such adolescent abusers may themselves be in need of protection and/or services.*
  
3. *Upon receipt of such a referral there should be child protection enquiries in the same way as for all allegations or disclosures of abuse. This would include strategy discussions between the police, social services and ACT, about whether and how to conduct an investigation.*
  
4. *The investigation will address:*
  - 4.1 *\* the alleged incident*
  - 4.2 *\* the circumstances of both the alleged perpetrators and the victim*
  - 4.3 *\* whether or not the incident should be considered abusive (see appendix for guidance)*
  - 4.4 *\* an initial evaluation of risk to self or others*
  - 4.5 *\* any immediate child protection actions needed.*

*Note: where abuse is intra-familial, or where the suspected young person is living in the same household as other younger, or more vulnerable, children, the protection of the victim or potential victims will require that consideration is given to the need for removal of the young perpetrator from the household, at least in the short term.*

5. *The investigation into the circumstances of the alleged perpetrator will need to focus on:*
  - 5.1 *\* the abusive behaviour, including any pattern that may have developed*
  - 5.2 *\* the alleged perpetrator as a child in need, who might have been, or continue to be, the subject of abuse.*
  
6. *The investigation will determine whether a Child Protection Case Conference, or an Inter-agency Planning Meeting will be held.*
  
7. *The 'child protection' route*  
*If the alleged perpetrator is a member of the same family or household, the needs of that child or young person can be considered in the same conference. If the alleged perpetrator is not a member of the same family or household as the victim, but is judged to be at risk of significant harm in his/her own right, then a separate conference will*

*be convened in relation to him or her, and the normal child protection procedures will apply.*

8. *The 'child/young person in need' route*

*If the investigation concludes that the (alleged) perpetrator is not at risk of significant harm themselves, a separate procedure is to be followed. The relevant Team Manager or Area Team Manager (Family support) should convene an Inter-Agency Planning Meeting, the purpose of which is to assess the needs of the child/young person and to agree a Care Plan. This Care Plan should be reviewed at least six monthly, and other relevant agencies must be involved in such meetings and reviews. Parental attendance and attendance of the young person will be subject to the same principles as apply in CP Case Conferences.*

9. *The Inter-Agency Planning Meeting/Child Protection conference in relation to an (alleged) perpetrator should consider:*

9.1 *the nature of the concerns and whether there is reasonable cause to assume the allegations are valid*

9.2 *the degree to which responsibility for the behaviour has been accepted by the young person*

9.3 *the need to share relevant information with the wider community, e.g. schools, on a confidential basis to ensure continued safety of the young person and others from him/her*

9.4 *the level of risk/dangerousness posed to him/herself and others*

9.5 *the family background*

9.6 *the family's attitude to the concerns including their level of co-operation*

9.7 *the agreed intervention strategy and what appropriate services are available*

9.8 *the likelihood of the child or young person to engage in the therapeutic process including the exploration of strategies to ensure co-operation*

9.9 *the management of risk on a community basis (for instance, limiting access to potential victims) in the light of denial and non co-operation from the young person and/or his/her family.*

10. *In all cases where it is clear that the behaviour has been abusive the need for a comprehensive assessment will be considered.*

11. *Those involved in investigation, assessment or therapeutic work with alleged perpetrators must ensure that they are familiar with current research findings and with the available resources for assessment and treatment in this specialised area of work.*

12. *The role of ACT:  
For each case investigated under these procedures, ACT should be consulted as part of the investigation phase: they may be directly or indirectly involved in the case.*
13. *Police officers involved in joint investigations will need to comply with the rules of the Police and Criminal Evidence Act in regard to the interviews of a child over the age of criminal responsibility (ten years) as a suspect of committing abuse on another child. The interview will first focus upon the involvement of the child in a criminal offence. Consideration should then be given to interviewing the child as a child in need who might have been, or continues to be, the subject of abuse. In certain circumstances social services may have to continue this part of the investigation alone.*
14. *Intervention programmes need to be available on both a 'voluntary' and legally mandated basis either under the 1989 Children Act or the Criminal Justice Act. Without some form of sanction, young people may drop out of treatment. Any intervention or treatment plan will be clearly identified in the Child Protection Plan (in the case of a Child Protection Conference) or in the Care Plan (in the case of an Inter-agency Planning Meeting).*
15. *Information and recommendations from these meetings will be available to the relevant Case Referral Panel to assist in their decision making if criminal justice proceedings are being considered. Case Referral Panels are weekly meetings held in each police division attended by a Police Inspector, Youth Justice Representative and an Education Welfare Officer. The Panels consider all cases of young offenders who have not been immediately cautioned or charged with an offence, and they make a recommendation whether to caution or prosecute. The police have agreed that where a young person is subject to the above procedures, the Case Referral Panel will allow four weeks so that the Child Protection/Care Plan can be made available to them and inform their decision. It will be the responsibility of the Chair of the Child Protection Conference/Inter-Agency Planning Meeting to ensure that the minutes of the meeting are forwarded to the relevant Case Referral Panel.*

**PROCEDURES RELATING TO YOUNG PEOPLE WHO ARE SUSPECTED  
TO HAVE SEXUALLY ABUSED OTHERS**

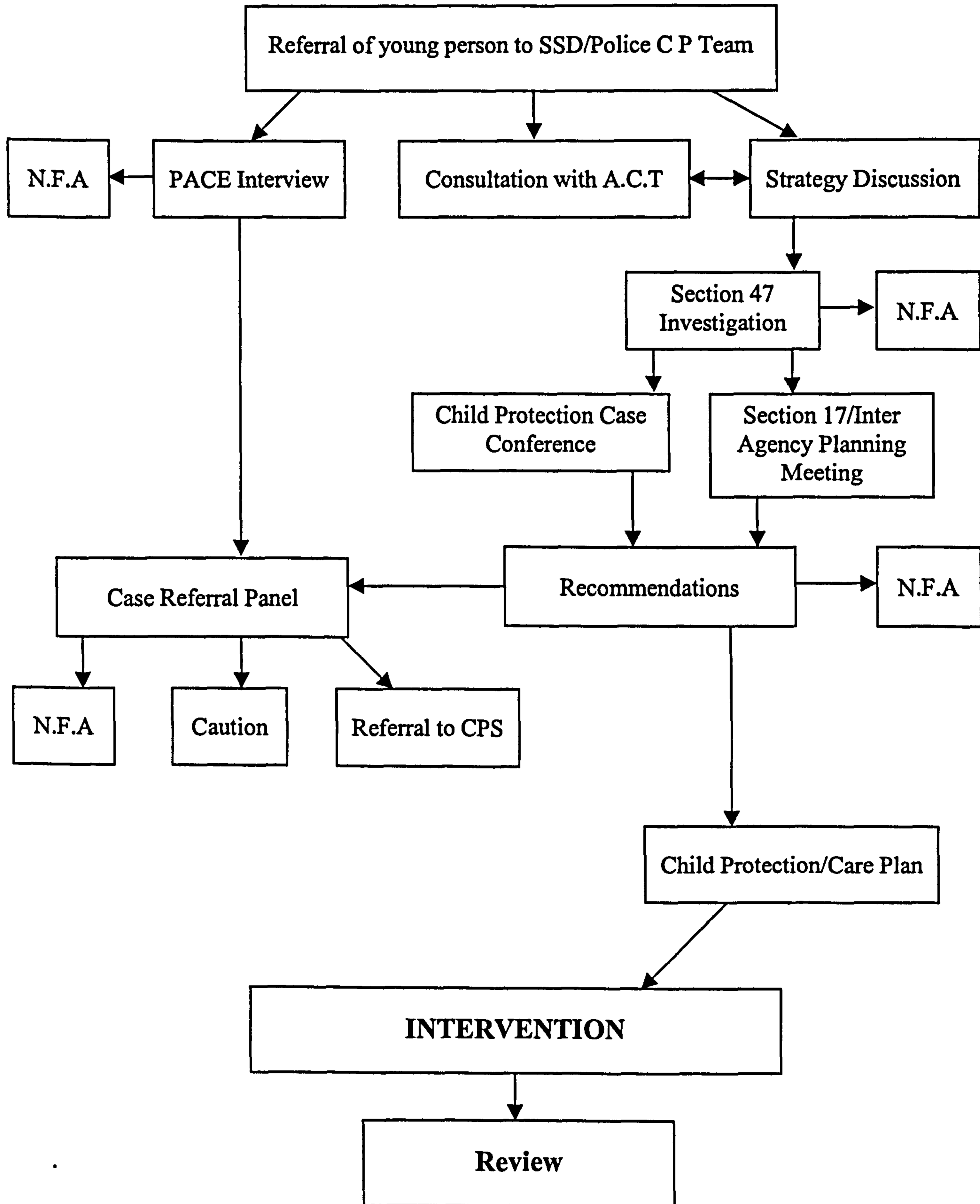


Figure 6.2 Surrey CPC Guidance Part C: C15 - 17

However, what was of particular interest to me was the history behind this change which indicated that this model was not the first choice of some of those professionals most closely involved in work with young sexual abusers. I was able to tease out some of this history at the conference I attended in Surrey in November 1996 and in subsequent discussion and correspondence with the team manager of a social services funded service (ACT) offering advice, consultation and training in relation to young sexual abusers.

At the conference a number of the eight independent chairs which Surrey employed to chair child protection conferences attended a workshop I ran. All of them expressed reluctance to hold such conferences on all young sexual abusers, partly because of the increased workload resulting from doing so and also because very few were subsequently registered. They reported that they would only register such youngsters if there were issues of significant harm and parental failure to protect. It was, therefore, they argued, an inappropriate use of expensive child protection resources. The team manager, in discussion afterwards, was aware of this resistance but was very keen to hold to the policy of child protection conferencing on all young abusers in order to keep them high on agencies' agendas and because of the increased likelihood of obtaining much needed resources for this group of children and young people. He was concerned that multi-agency meetings would be perceived as a poor second option. However, in January 1997 he sent me a copy of Surrey's proposed (and subsequently adopted) revised procedures (set out above). These he described as 'very much watered down to cater for various pressure groups'.

Thus, in the four ACPC areas which were, perhaps for a variety of philosophical and pragmatic reasons, adopting a model 4 approach, guidance had been developed which significantly differed from the semi-statutory and semi-official guidance published in the early 1990s. I wondered whether, over time, more ACPC areas might move towards Section 17 multi-agency meetings, instead of child protection conferences for most young sexual abusers, as a result of these kinds of pressures and/or in response to the refocusing debate. Much later, at NOTA's Annual conference in October 1999, for example, I gathered, via a workshop, that Lancashire ACPC might be planning the same shift in policy and procedure, moving from a model 2 to a model 4 approach.

### **3. Other Findings**

Although the nine criteria against which I analysed the sets of inter-agency guidance proved helpful in enabling me to summarise and understand the majority of their contents, I also noticed two other common issues or themes emerging from the analysis. These are briefly discussed below with my analysis contextualised within current literature on both subjects.

#### ***Where Children are 'Looked After'***

The guidance in *'Working Together'* (DOH, 1991) referred to the need to consider the accommodation needs of young sexual abusers and the NCH Committee of Enquiry Report (1992), whilst advocating the development of community based and residential provision, also emphasised the need to take particular care around the issue of the placement of young abusers where there were other non-abusing and/or younger children. Since then Farmer and Pollock (1998) have published the results of their

research into sexually abused and abusive children in substitute care, results which have clearly indicated that both these groups are particularly disadvantaged in the 'looked after' system. The abusers were described as having the most behavioural, emotional and educational problems and were felt to be at high risk of sexually abusing other children in their placements. As regards their management Farmer and Pollock evidenced many problems, including low level use of existing child protection procedures to investigate and manage further instances of abusing behaviour.

Some ACPCs may have been recognising similar issues when developing their local guidance because 16 out of the 57 sets of guidance (28%), drawn from across the four DOH regions, contained explicit reference to 'looked after' children. The message was that their guidance should always be followed in the case of allegations of sexual abuse against children or young people being 'looked after'. Thus, Norfolk stated that, where an alleged abuser was looked after by Norfolk County Council, the investigation must be carried out by staff independent of both the child victim and the child's alleged abuser. Similarly Buckinghamshire commented:

Any suspicion of actual or likely sexual exploitation of a child or young person in a social services placement and under the age of sexual consent should be reported to a senior manager and investigated under child protection procedures. There should be no 'grey areas' and if there is any doubt whatsoever, staff should report the circumstances to their line manager, who will then be responsible for passing on these concerns to allow a departmental response to be decided.



### ***The Language of Risk and Dangerousness - the Lure of Risk Assessment***

Paragraph 5.24 of *Working Together* (DOH, 1991) stated that a comprehensive assessment of an alleged abuser should ideally involve a child psychiatrist to look at issues of risk and treatment and the NCH Enquiry Report (1992) advocated that the assessment process should take into account:

The level of risk or dangerousness that a young person poses to others as well as to him/herself. (NCH, 1992: 32)

The above statements have to be understood in the context of a growing emphasis on notions of risk and risk assessment in a wide range of welfare settings. Thus, during the 1990s there had been a steady flow of publications articulating good practice in risk assessment approaches to work with service users in mental health, community care, criminal justice and child protection settings (see, for example, Stone, 1993; Kemshall and Pritchard 1995 and 1997). Similar literature had been published in relation to work with young sexual abusers (O'Callaghan and Print, 1994; Calder, 1997 and Hoghughi et al, 1997).

I was interested, therefore, to discover that the language of risk and risk assessment was in evidence in the sets of guidance I was able to analyse and set out to measure this more systematically. Thus, I read through all 57 sets of guidance and noted any instances where the words 'risk' or 'risk assessments' were used in relation to young sexual abusers. Table 6.11 provides a summary of my findings.

<b>DOH Region</b>	<b>N (%)</b>	<b>N (%) of sets of guidance where language of risk and risk assessment explicit in the guidance</b>
<b>Central</b>	12 (21%)	9 (75%)
<b>Southern</b>	16 (28%)	10 (62%)
<b>Northern</b>	20 (35%)	16 (80%)
<b>London boroughs</b>	9 (16%)	5 (55%)
<b>Totals</b>	57 (100%)	40 (70%)

**Table 6.11      Numbers and percentages of 57 sets of ACPC guidance evidencing use of language of risk and risk assessment**

Thus, 70%, or over half of the sets of guidance from all four DOH areas, were advocating an assessment based on notions of risk and trying to identify those at most risk of re-offending, those who were most dangerous. So, for example, Suffolk's guidance stated:

Regardless of whether or not the criteria for registration is met, where the child protection conference identifies the need for further assessment, an assessment of the level of risk that the young person poses to others will be undertaken, leading to an appropriate treatment plan. In cases of registration the assessment of risk should be included as part of the protection plan and incorporated in the assessment recommended by the child protection conference.

Wandsworth's guidance, in language very reminiscent of that used in texts about adult sex offenders, stated:

It is vital that the treatment needs of young people at risk of becoming adult sex offenders are properly addressed. This assessment should ideally involve a child and adolescent mental health team to look at issues of risk and suitable treatment aimed at confronting the abusive behaviour, enabling the young person to accept responsibility for the abuse, and helping him/her find ways of controlling their unacceptable behaviour.

However, such assessment work in other welfare fields was increasingly being perceived as too narrowly focused on assessing (negative) risk rather than needs and potential benefits (Carson, 1995; Corby, 1995; Kemshall et al, 1997; Milner and O'Byrne, 1998; Parton, 1998). Summarising the considerable literature available, the emphases on risk, risk assessment and risk management in welfare practice were being conceptualised and critiqued as new ways of thinking in welfare which lent themselves to a climate of practice characterised by audit and managerialism. Such a climate had, it was argued, emerged as a result of a growing distrust of professionals, unrealistic efforts to control normal uncertainty and relatively unpredictable events, and attempts to allocate blame (when things went wrong). Similarly, a focus on risk was also conceived as being about the allocation of scarce resources, with a drive to identify 'high risk' individuals on whom to target resources, with lower level responses for those deemed 'not high risk'.

At a more specific level it was also being argued by critics that attempts to develop scientific, technical models of risk were essentially flawed. Risk assessment models, when deconstructed, often revealed dominant professional and, hence, partial representations of situations. Thus, they regularly failed to get at the complex interaction of factors over time associated with problematic behaviour, whose definition anyway might well be contested (Corby 1995; Katz, 1997; White, 1997).

Such models were criticised, therefore, as having limited value as predictors of future behaviour and likely to produce false negative and false positive results. Risk assessment approaches also begged other questions about, for example, the nature of risk, for whom and in what circumstances; the assumed relationship between risk and dangerousness and, in relation to the criminal justice field particularly, about prevailing (faulty) assumptions that the most serious offences were associated with high risk (Carson, 1995; Kemshall et al, 1997). Finally, concerns were being expressed about the impact on the rights and welfare of individual perpetrators when risk minimisation decisions to avoid harm (to current and future victims) might well take priority over (positive risk) policies of normalisation and partnership with service users (Kemshall and Pritchard, 1995 and 1997; Turnell and Edwards, 1997 and 1999).

In respect of work with children and young people who sexually abuse many of the above points are applicable. Located within child protection and youth justice work and drawing from models derived from interventions with adult sex offenders, work with young sexual abusers can be seen as subject to all the pressures and consequences of the new welfare thinking. The only notable aspect which had thus far been missing was the equivalent of the high profile media coverage of infamous adult sex offenders and of child abuse tragedies leading to allocations of professional blame. It had, however, been put to me on more than one occasion by professionals wanting to secure additional resources for their work with young sexual abusers that a few major cases hitting the headlines might, ironically, lead to just such an improvement in the resource base.

As regards the specifics of the risk assessment models available to professionals working with young sexual abusers, these were varying enormously from crude checklists and measures with little explanation of their use and limitations, to much more thoughtful expositions of their uses and potential abuses. Calder's (1997) publication, which includes approximately 60 measures covering over 150 pages, and which is presented with limited preamble and guidance as to their application and meaning, can be seen as representing the worst kind of risk assessment model which is available. This can be contrasted with much more sophisticated, social interactional models in other publications (see, for example, Epps, 1997 and 1999; Lane, 1997b; and Will, 1999) where efforts are made to ground their models within prevailing understanding of the complexities of risk and risk assessment work. These models also emphasise the importance of undertaking an assessment of the alleged perpetrator as a whole person with developmental needs, rights and complex social circumstances which change over time.

However even the best risk assessment models have only limited predictive value, anyway. As Ryan has commented (1997):

... every risk factor identified to date is also experienced by many who do not become abusive. (Ryan, 1997: 434)

Similarly, Beckett (1999) has stated that, on the basis of current research, it may only be possible to identify factors associated with persistent, general antisocial behaviour including sexual reoffending. Moreover, there are theories about sexual abuse by children and young people which are suggestive of a developmental component to

such behaviour anyway (Glasgow et al, 1994; ATSA, 1997), as already discussed in Chapter 1.

## **COMPARING MY RESULTS WITH MY FINDINGS ABOUT PARTICULARLY ACTIVE AREAS**

I was interested to check whether the areas I had identified as particularly active in Chapter 5 figured within the results of my analysis of the sets of guidance I had been sent. The reader may recall that I had identified 17 such areas from across the DOH regions. Of these 17, all but one ACPC area (Sunderland) had forwarded a set of guidance so I was able to track the remaining 16 across the questions I had asked of the guidance. I hypothesised, for example, that these areas would have relatively more policy and guidance to disseminate than areas which I had not identified as particularly active and I also wanted to investigate whether, as a group, these 16 sets of guidance differed in other ways from the rest.

Starting with the simple measure of length of guidance, and cross referencing with the findings summarised in Table 6.2, it emerged that 15 out of the 16 particularly active areas had guidance of more than two pages in length. As regards the other questions I asked of the sets of guidance, the 16 particularly active areas which had sent guidance figured thus:

- five (31%) had guidance which addressed child abuse by other children and young people generally; nine (56%) had guidance addressing child sexual abuse by children and young people only and two (12%) had guidance whose

titles referred to child abuse generally but whose contents only discussed child sexual abuse by children and young people, these being similar percentages as compared with the 57 sets of guidance overall (Table 6.3);

- two out of the 16 sets (12%) provided a definition of juvenile sexually abusive behaviour, a somewhat lower percentage compared with the other sets of guidance (Table 6.5) and six (37%) provided additional guidance on how to define such abuse, similar to the findings from my analysis of all 57 texts (Table 6.6);
- 12 out of the 16 sets of guidance (75%) alluded to the message in paragraph 5.24 of *Working Together* (DOH, 1991) about policies of minimum intervention ..., the remaining four (25%) made no such reference, similar percentages when compared with the analysis of all 57 texts (Table 6.7);
- two (12%) of these areas were explicitly registering children and young people as abusers, seven (43%) were only registering them if they were themselves victims of abuse and it was not clear from the guidance of the other seven areas (43%) what they were doing (Table 6.8). These findings are only slightly different from those in respect of all 57 sets of guidance, with the particularly active areas somewhat less likely to have guidance that was unclear;
- In relation to the four models of policy and response, Camden's was model 1 (6%); 11 were model 2 (69%), and four were model 3 (25%), a somewhat different pattern from the findings summarised in the table where the respective percentages were 31% (model 1), 46% (model 2), and 16% (model 3) (Table 6.10);

- five out of the 16 sets of guidance (31%) explicitly addressed their procedures in relation to 'looked after' children, similar to the percentage of all 57 reports;
- 13 (76%) of the sets of guidance used the language of risk and risk assessment within their guidance, again little different from the percentage of all 57 sets of guidance so doing (Table 6.11).

Thus, in common with all 57 sets of guidance, the texts of my particularly active areas varied in all kinds of ways from each other. However, as a group they differed from the other 40 sets of guidance in that much higher percentages had guidance which attempted to address the relationships between child protection and youth justice systems of response, this difference being reflected in their higher representation in models 2 and 3 of my categorisation of emerging models of policy and procedures, with model 2 approaches predominating. Supportive evidence, I would suggest, that they justified my label of 'particularly active'.

Not obvious from the above analysis, and perhaps providing a clue as to why they had become particularly active, there was one additional striking difference between my particularly active areas as a group and the other sets of guidance. The former often referred to the existence of some kind of special project, dedicated to developing services for children and young people who sexually abuse. Often, these projects involved collaboration between a social services department and one of the main voluntaries, NCH, Barnardos or NSPCC, involving additional funding. Thus, 12 out of my 16 (75%) particularly active areas had such projects, whereas, in contrast, out of the other 40 sets of guidance I was sent (that is, excluding the 17 sets from my



particularly active areas) there were references to special projects in only five cases (12%). It certainly appeared that, not surprisingly, the existence of a focused and often funded project of some kind seemed to be associated with more rapid progress in terms of the development of policies, procedures and services.

## **CONCLUSION**

In summary, I had been able to access just over half of ACPC inter-agency guidance, with representation from all the DOH regions, ranging from 29% of London Boroughs to 88% of Central Region ACPCs. Who had responded to my requests for information and material was of interest, my respondents being predominately from social services child protection backgrounds. The small number of youth justice respondents to whom I was referred was surprising, although this may be explained by the route I took for gathering data. Certainly, in the inter-agency guidance itself, the importance of youth justice involvement figured in the majority of texts, together with staff from social services and the police. On the other hand, the number of respondents from a psychiatric and psychological background to whom I was referred seemed surprisingly high but understandable in the context of the role of such professionals in the construction of the problem of young sexual abusers.

Varying amounts of text had been forwarded and their contents had varied considerably, too. Thus, it was not always clear whether the guidance referred just to child sexual abuse or to child-on-child abuse generally; there was great variation over what (if any) definition of juvenile sexual abuse had been provided and whether any other guidance had been included; different ACPCs were making different decisions

about child protection registration and there was varying ownership of the claim that young sexual abusers were different from most young offenders and that policies of minimal intervention might be less appropriate in their case. There were also concerns in a minority of the ACPC sets of guidance about the need to ensure that 'looked after' children should receive the same service as children not in local authority care.

The majority of the ACPC sets of guidance I studied included the language of risk and risk assessment, as in other fields of welfare activity at the time. The apparently self-evident and confident assertions of the need to assess risk, however, failed to address the complexities associated with the concept of risk and the criticisms of risk assessment and risk management approaches which were beginning to be voiced by various commentators. I wondered, therefore, about what supplementary information, training and supervision was available to practitioners to support informed and critical applications of such approaches. How far, for example, were checklists and procedures likely to be lulling practitioners into a false sense of security about the validity and effectiveness of their work (Prins, 1996)?

As a result of my analysis of ACPC inter-agency guidance, four main models of response to allegations of sexual abuse by children and young people had been identified. Two of these (models 1 and 2) were taking a predominantly child protection approach to the issues raised, thus following the recommended path set out in *Working Together* (DOH, 1991). Models 3 and 4, in contrast, had developed rather different policies and procedures although a child protection conference was an option, usually if it became clear that the young person was also a victim of abuse.

Three of the models (2, 3 and 4) evidenced more or less detailed attempts to synchronise child protection and youth justice processes in respect of those children and young people above the age of criminal responsibility.

Comparing the particularly active areas I had identified via my study of ACPC annual reports with my analysis of ACPC inter-agency guidance had provided supportive evidence for the validity of my original assessments. Of particular interest were the findings that the particularly active areas were more likely to have a special project of some kind progressing work with children and young people who sexually abuse and that they were more likely to have guidance which sought to synchronise child protection and youth justice systems of response.

As a result of studying ACPC inter-agency guidance I was left with the following overall impressions. Firstly, it appeared that developmental work was going on in some ACPC areas but that this was often embryonic and very variable across England as a whole, this finding echoing the conclusion of my study of ACPC annual reports. Secondly, as evidenced by my four models, different approaches to responding to young sexual abusers were being adopted resulting, to modify Evan's and Wilkinson's quote (1990) slightly, in 'justice and/or protection by geography'. However, thirdly, and in contrast to my findings in Chapter 5 about the lack of reference to youth justice issues in ACPC annual reports, what had clearly emerged from my study of ACPC inter-agency guidance was that developing policy and procedures which attended to both child protection and youth justice systems was a central task for many ACPCs.

Fourthly, there was also evidence of considerable variability around important issues associated with the development of policies and procedures in relation to children and young people who sexually abuse. These included the complexities of defining sexual abuse by children and young people, uncertainties about recidivism and mandated intervention and concerns about 'looked after' children. These issues had also emerged during my study of ACPC annual reports. Fifthly, and what had not shown up during my perusal of ACPC annual reports, was that perhaps naïve statements were being made about the ease with which high risk individuals might be identified and resources targeted at them. Similarly, and finally, it had also become apparent from my study of ACPC inter-agency guidance that setting up a special project dedicated to some aspect of work with this service user group (often with special funding and led by a few enthusiastic individuals) was associated with accelerated developments in an ACPC area.

Thus, many of the issues raised in the NCH Enquiry Report (1992) were still very much in existence and contested. I was, therefore, interested to explore these matters in more detail via semi-structured interviews in six local areas and via my survey by questionnaire.

## **CHAPTER 7 SEMI-STRUCTURED INTERVIEWS IN SIX NORTHERN REGION ACPC AREAS**

Chapter 3 provided a brief overview of methodological issues in relation to the use of interviews as a method of data collection and, in broad terms, outlined my aims for conducting semi-structured interviews within a limited number of ACPC areas. That chapter also contained a description of how I finalised the interview schedule I would be using (Appendix 1) and how I then identified and made contact with my interviewees. This chapter begins with some reflection on how I prepared for, and conducted, the interviews and my plan for analysing the data is also detailed. A description and discussion of the results of my interviews comprise the substantive parts of the chapter, before, in my conclusion, I summarise the main findings from this phase of my data collection.

### **PREPARATION AND PROCEDURE**

I was conscious that my respondents were all busy professional people and that I would need to keep the interviews focused and time-limited. I planned to increase the co-operation of the respondents through careful listening, valuing their views, managing the interview process professionally and being prepared to share the results of my research if requested.

One decision I had to make was whether to tape record my interviews or rely on written notes scribbled at the time of the interviews and written up more fully afterwards. As regards tape-recording I was concerned that this would have an inhibiting effect on my respondents who might not wish their comments to be

recorded. In addition, I had no resources to undertake the transcription of the interviews which would have been costly and/or time consuming. However, I was also well aware of the benefits of tape-recording in terms of, for example, avoiding problems of researcher bias at the point of writing up which might result in respondents' accounts being misrepresented. In previous research work I had had experience of using both tape-recorders and hand written notes to good effect and I also felt confident about my ability to manage the interviews and take some detailed notes at the same time, using a personal shorthand I have developed. In the end, then, I decided to take notes during each interview and ring-fence time within the following 24 hours to write up my notes fully whilst the event was still fresh in my mind.

By way of preparation for each interview I re-read the information I already had for each area, drawing on ACPC annual reports, inter-agency guidance where available and any other documentary material I had been given, and I rehearsed the layout of the semi-structured interview schedule. All interviews were conducted in the workplaces of those interviewed and took place as pre-arranged. As I had anticipated, the length of interviews varied between 60 and 90 minutes. My interview schedule was useful, providing me with an 'aide memoir' as to the areas I wanted to cover, but I was also sensitive to my interviewees as regards the order in which topics and questions were covered, in order to maintain the conversational flow of our exchanges. My hand-written notes, taken during the interviews, were typed up within the timescales I had set for myself.

## **ANALYSIS**

The first step in the analytical process was to create a summary table of my respondents' replies in relation to the nine questions contained in the interview schedule (Appendix 1). This summary is included as Appendix 12. Undertaking this task proved very useful in structuring the work I then undertook to analyse the more detailed write up of each interview against the questions I had covered in the interviews. Thus, I was able to generate a picture of policy, procedural and service developments in each of the six ACPC areas based on my respondents' replies, but more fully understood in the context of any documentary information I already held about a given area.

The summary table located in Appendix 12 also facilitated the process of comparing and contrasting the replies of my respondents across the six areas. How far my respondents presented different maps of their world (Parker, 1992) was of as much interest as any similarities in their accounts. I was interested, too, to test my categorisation of models of policy and practice to see whether it was effective in distinguishing between the six areas. To do this I compared the findings from my interviews in each of the six areas against my four category classification of models to see if I could locate each of the six areas clearly within a particular model.

The final stage of the analytical process involved comparing the results from my interviews with my assessment of each area based on my study of ACPC annual reports. Specifically, I wanted to check whether my earlier estimation of these areas' relative activity or inactivity in relation to children and young people who sexually

abuse, based on ACPC annual reports, appeared justified on the basis of what I had gleaned from my interviews. This involved creating a table for the six areas based on my analysis of 1992-1994 ACPC annual reports and comparing the summary data therein with the results of the interviews.

## **RESULTS: GENERATING A PICTURE OF DEVELOPMENTS IN EACH OF SIX ACPC AREAS**

### **ACPC Area A**

Area A's ACPC annual report for the period 1992-3 had made reference to the fact that, as part of its work to revise its child protection procedures, guidance had been included on abuse carried out by children and young people, drawing on the NCH Committee of Enquiry Report (NCH, 1992), *Working Together* (DOH, 1991) and lessons from the work of the Young Sex Offenders Case Review Panel which was described as a permanent sub-committee of the ACPC.

The 1993-4 ACPC report had made clearer than the previous year's report that this panel reviewed all cases of children and young people reported for sexually abusive behaviour and made recommendations as to the most appropriate course of action that should be taken within the criminal justice system. The report had also included a report on the first year of operation of a specialist funded project which had been set up.

Area A's ACPC inter-agency guidance comprised 9 pages. This followed paragraph 5.24 of *Working Together* (DOH, 1991) in recommending that child protection



procedures should be used in respect of both victims and alleged perpetrators and in commenting that young sexual abusers might grow into their offending behaviour unless treated, rather than out of it unlike most other young offenders. Considerable space (51 lines) was devoted to a consideration of how to come to decisions about what was and was not abusive behaviour, drawing on the NCH Enquiry Report (1992). The investigative procedure to be followed in cases of alleged sexual abuse by children and young people was outlined, involving the police but with social work involvement under PACE legislation and in support of the child and his or her family. In addition, almost three pages of space were devoted to a discussion of the procedures to be followed in the case of children and young people who abused other children whilst in residential or foster care. A very clear overview was given of the pros and cons of adopting a child protection, legally mandated approach to work with young sexual abusers, as opposed to a traditional youth justice approach, and the guidance was favouring having treatment available on both voluntary and legally mandated bases. The work of the Young Sex Offender Case Review Panel (by then renamed MAP, multi-agency panel) was described in some detail.

*Interview on December 2<sup>nd</sup> 1994 with the Project Leader of a Specialised Service Dealing with Young Sexual Abusers, based in a City in Northern England*

Thus, I had considerable amounts of background information to draw on in preparing for my interview with the project co-ordinator and I anticipated that I would find a well-resourced and busy project office when I visited. The reality was rather different in that I discovered that the project co-ordinator and a half-time secretary were the only members of staff on the project and they, plus their very modest room in a local

social services area office, were the sum total of the project's resources. Nevertheless, the co-ordinator himself, who came from a youth justice background, impressed as an enthusiastic and committed individual who was working hard to set up city-wide systems of response to children and young people who sexually abused others.

### *History of the Project*

In terms of the history of the origins of the project, the co-ordinator explained that concerns about young people who committed sexual offences had first been raised in the city in 1987 when two juvenile sex offenders had been referred to an Intermediate Treatment Programme as an alternative to custody. The workers in the programme had been unsure whether they were the best people to undertake work with the young people, or indeed what the basis of the work should be. Surveys of juveniles sentenced for sexual offences in Area A's courts at around this time had also shown wide disparities in sentencing practices, with significant numbers of young people being sentenced without information from social enquiry reports. In addition, the police were providing anecdotal evidence that some youngsters were being cautioned for very serious sexual offences.

Parallel concerns had also, apparently, been emerging in the region. Thus, in 1988 a regional Intermediate Treatment Association had held a two day conference entitled 'Picking up the Pieces'. It had been argued there that juvenile sex offenders seemed to necessitate much earlier and more intensive intervention than was the case with other juvenile offenders. Linked to this was the clear assumption that sex offending was a type of behaviour that young people did not grow out of.

Thus, in January 1991 the Young Sex Offender Case Review Panel (MAP) had been set up in Area A and by July 1993 a partnership between the ACPC (sic) and a national voluntary agency had resulted in the appointment of the project co-ordinator.

The project's objectives were, my respondent explained:

- to develop assessment and treatment programmes for young abusers;
- to develop and co-ordinate staff input from the relevant agencies and to support and advise the staff involved;
- to establish appropriate training for staff;
- to establish consistent referral procedures and to ensure consistency within the criminal justice and child protection systems when dealing with young abusers;
- to build effective liaison with all relevant agencies;
- to develop the appropriate monitoring and evaluation of the project and the work being done, and to establish relevant research;
- to promote the work of the project so as to increase the understanding of sexual abuse by young people and the need for intervention.

### *Statistical Information*

The co-ordinator provided me with some overall statistics for the period 1991-1993. Thus, there had been 99 referrals to the project, involving 104 offences and 103 victims. The outcomes of the 99 referrals had been:

no further action	- 52
cautions	- 29
prosecution	- 18

Of those cases where intervention (some form of treatment work) had taken place this had been on a voluntary basis in 26 cases and with a legal mandate in eight cases.

Very few of the youngsters comprising the above referrals were known to have re-offended. I was interested to explore this issue as both the co-ordinator and myself had recently attended the NOTA annual conference and had heard Professor Rutherford from Southampton University propound his views that there should be far more cautioning of young sexual offenders (Masson, 1995b). The co-ordinator did not agree with Professor Rutherford's views although he thought the pendulum had swung too far towards legal mandate and treatment in all cases. Nevertheless, he thought young sexual abusers were at a higher risk of re-offending than other juvenile offenders and he stressed the importance of undertaking a risk assessment.

*Managing Referrals about Children and Young People who Sexually Abuse*

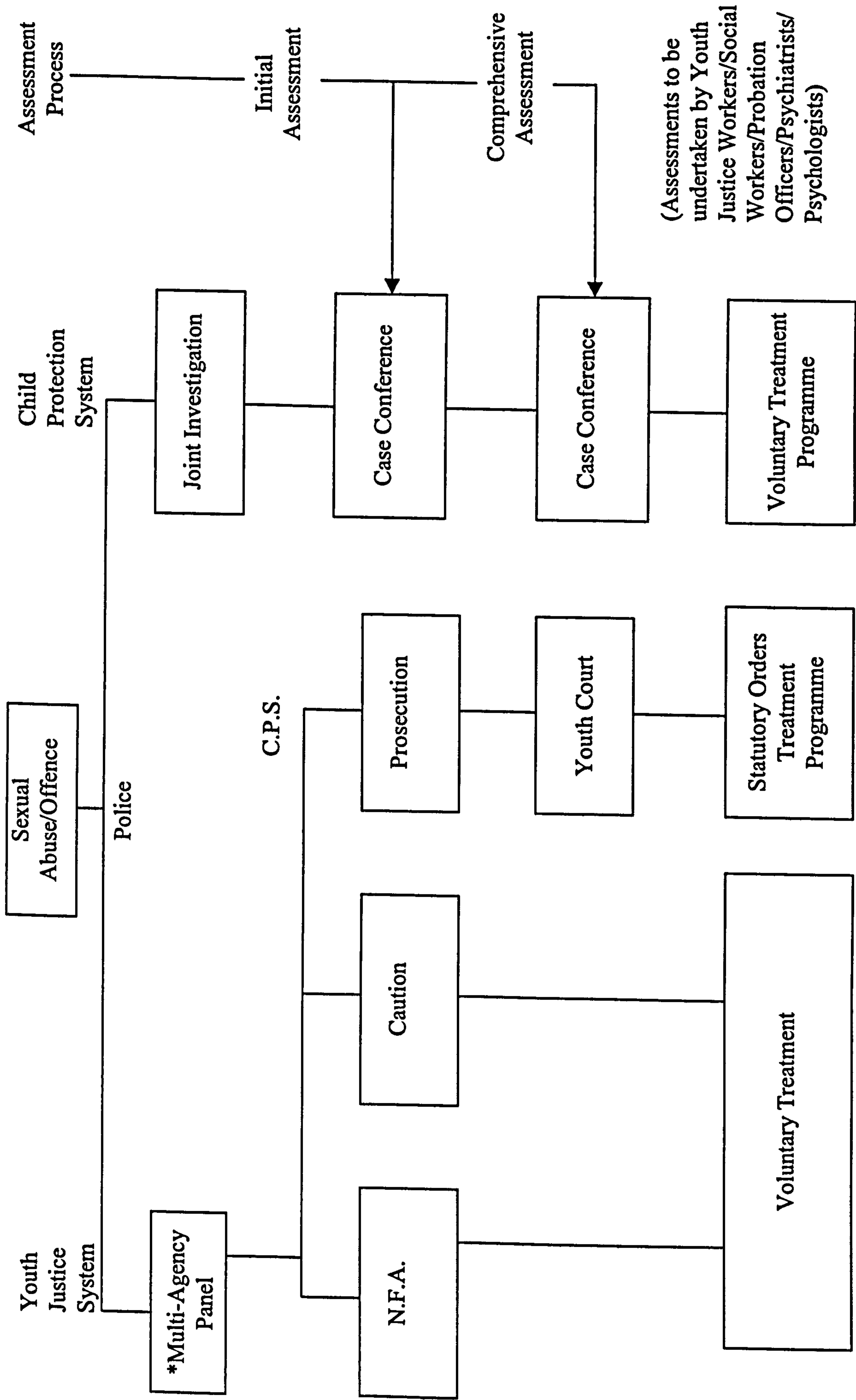
As regards the process by which young sexual abusers were managed in Area A the co-ordinator took me through the diagram which is included as Figure 7.1.

As regards youth justice processes (left-hand side of Figure 7.1), he explained that the MAP was completely separate from the city's cautioning panel, having been specifically set up via the ACPC to deal with young sexual abusers. Through this

means, the co-ordinator felt, arguments about, for example, issues of diversion had been resolved, with different personnel and philosophical underpinnings informing the work of the MAP.

The co-ordinator estimated that approximately 96% of known adolescent sexual abusers were considered by the MAP. Nevertheless, it became clear from our discussion that the police at least were filtering some cases out before they ever reached the MAP by never logging them (for example, when a situation involved two 15 year olds having sexual intercourse). The co-ordinator maintained, however, that as most young sexual abusers were investigated by the police's child protection unit then only inappropriate referrals were being filtered out. Normally, if the police logged anything, then a referral would reach the MAP via the Ethnic Minority Unit of the Police to which they were directed. (There was no good reason why referrals were going through the Ethnic Minority Unit apparently but this was the arrangement which had been set up by the police.) No instant cautions were taking place, the deputy chief constable having issued a notice prohibiting such action at the start of the project's life.

**FIGURE 7.1 ACPC AREA A FLOWCHART - RESPONDING TO SEXUAL ABUSE/OFFENDING BY A YOUNG PERSON**



\* Sub-group of ACPC, Police Inspector, Probation, ESW, Youth Service, Youth Justice, SS (field and res), Court Services reps. Chaired by Project Co-ordinator, meets every 2 weeks. Deals with police cases, under 10s and young people in residential accommodation where police do not want to be involved.

Generally the co-ordinator found the police positive in their attitudes to the project, they came to the MAP with information, he said, not with pre-judged ideas about what should happen. However, if they had already had to refer the matter to the Crown Prosecution Service (CPS) because of its seriousness, it seemed that the CPS view carried more weight with the police than the MAP on occasions. When I asked the co-ordinator about any problems the MAP had about defining what was sexually abusive behaviour he said they did not have disagreements about what was, or was not, sexually abusive, but they did debate issues of seriousness and, hence, how best to respond to any given referral. Clearly, this comprised a fairly fundamental aspect of professional decision making which I tried to explore later via my survey by questionnaire.

The CPS was not represented on the MAP, to the co-ordinator's regret, the Service having said it wished to maintain a 'disinterested stance'. However, this had led to some difficulties. Since the beginning of the project the MAP had recommended prosecution to the CPS more frequently than the CPS had agreed to take offenders to court. Typically the CPS had argued in the cases they were not prepared to take to court that there was insufficiently strong evidence or that 'it was not in the public interest to do so'. As regards getting the Youth Court to make orders, this had also been a struggle. The co-ordinator had undertaken some training sessions with local magistrates and acted as consultant when pre-sentence reports were being prepared.

The child protection system (the right hand side of Figure 7.1) should be working alongside the youth justice system, the co-ordinator explained, and it became apparent

that he had a crucial role in tracking referrals through both systems and 'tweaking' them, as he described it, when necessary. In this respect he felt it was important to have a designated person co-ordinating matters. Thus, when he got a referral he wrote to the relevant social services manager to ask for a child protection investigation and case conference, or a review if a youngster was already in residential accommodation. The project co-ordinator was either invited or asked to be invited to those subsequent meetings. The MAP usually happened first, but not always, but the co-ordinator always acted as a reporter between it and child protection focused meetings.

#### *Assessment and Treatment Facilities*

Whereas the co-ordinator was reporting that he felt systems for the management and monitoring of referrals were becoming reasonably sophisticated, he felt constrained by a lack of resources in terms of assessment and treatment work. Ideally, he thought that, in terms of good practice (based on Ryan and Lane, 1991), the following targets should be being reached: 90% of referrals having an initial assessment (looking at the nature of offence, the young person's attitude, and risk factors); 50% of those 90% progressing to a comprehensive assessment; and 50% of those being offered treatment.

The reality, however, was that nothing like those targets were being reached even though two local clinical psychologists had agreed to undertake 12 comprehensive assessments in the coming year. His available treatment facilities included staff from the local Youth Justice team (which dealt with children up to, and including, 15 year olds); staff in the social services department's intensive Intermediate Treatment



Centre; and staff from the probation Youth Court Team (who worked with 16 and 17 year old offenders). However, none of these staff was formally attached to the project and they had very little time to offer. The social services department had recently set up a children's residential unit for adolescent sexual offenders but the staff had had no relevant training.

### *Funding Issues*

This was where, as he then explained, the project was experiencing difficulties. He and his half-time secretary were funded for three years by the national voluntary agency, but no other agency had contributed resources in terms of additional workers. He was bidding via Safer Cities and joint social services/health monies for two full time practitioners who would be involved in initial and comprehensive assessments possibly co-working with probation, social services and youth justice staff. He was not very hopeful, however, about getting them and he was doubtful about whether the voluntary agency would fund him beyond the three years. Securing future funding and obtaining additional staff resources were, not surprisingly, the main items on the project co-ordinator's agenda for the foreseeable future.

### **ACPC Area B**

In contrast to the significant amount of information I had about ACPC Area A, prior to my interview there, I had very little background detail about ACPC Area B. Specifically, at the end of the 1992-3 ACPC annual report, as part of the ACPC's plans for 1993-4, it had been recorded that:

the ACPC will continue to monitor the worrying and expanding problem of abuse by young people of other children. This area of concern is a national issue. ACPC will keep abreast of local and national developments.

Exactly the same sentence had been repeated in the ACPC annual report for 1993-4 when outlining its plans for 1994-5 leaving me to conjecture that, perhaps little, had happened in the meantime. In addition, I had not been sent a copy of Area B's ACPC inter-agency guidance, although a copy had been promised.

*Interview on March 23<sup>rd</sup> 1995 with a member of the Child Protection and Support Unit of a Social Services Department in a Metropolitan Area in Northern England*

At the commencement of the interview my respondent revealed that he was from a youth justice background and that he had been interested in the problem of children and young people who sexually abuse others for some while since, in fact, he had attended a workshop by Wolf in the USA in the mid 1980's. He now had responsibility for developing responses to this user group in Area B and he remained greatly influenced by Wolf's approach (Wolf, 1984).

*Problems in Raising Awareness*

According to my informant, raising awareness about the problem in the locality was not proving easy, despite efforts by himself and a few colleagues from youth justice, the police and a local residential establishment to do so via training events. The issue of juvenile sexual abusers was not addressed in Area B's ACPC inter-agency guidance but he was wanting to work towards developing a strategy for the management of young sexual abusers from first report to final disposal and treatment

(which he envisaged was not about therapy but damage limitation and relapse prevention).

His first task, he thought, was to find out about the extent of the problem. He and an interested police officer had tried to analyse police data for some statistics but had failed to extract anything meaningful. He was next intending to address the child care managers' group in the social services department to enlist their support in undertaking a questionnaire survey of all child care staff. They would be asked if they had youngsters on their caseloads who had exhibited any sexually abusive behaviour and to provide information about those youngsters' characteristics. Then he wanted to apply under joint funding structures to develop a co-ordinated package of response. However, he thought his ideas would not be easily accepted, partly because the directive, mandated approach which he was advocating was alien to a lot of current social work practice.

### *The State of Current Practice*

The previous paragraphs outline my interviewee's plan for the future. However, the current position was that there was no co-ordinated, strategic response in Area B to the problem of children and young people who sexually abuse others. Thus, the police were giving instant cautions and dealing with referrals as they saw fit. If the matter should be referred to social services (although this was unlikely) then 'the department would have to look at' it but they would not necessarily hold a child protection case conference on the young person. Such a case conference would only be held and

registration considered if the youngster was in need of protection themselves, that is, if he/she was a victim too.

### *Assessment and Treatment Facilities*

As regards assessment and treatment work no one was trained to undertake the risk assessments which, my respondent felt, were necessary in the case of young sexual abusers. Similarly, there was no recognised treatment group in Area B and no systematic approach to individual work with juvenile sexual abusers. My interviewee said he had, on occasions, offered consultation to individual workers in field and residential settings and he thought that most of the impetus for something to be done was coming from front-line practitioners who were trying to cope with complex cases involving child-on-child abuse. Nor was there any specialist residential accommodation for juvenile sexual abusers in the area. Such children (especially those under 10 years old) were often placed with foster parents. My interviewee doubted if these carers knew what they were letting themselves in for, and he felt they were ill-equipped for the task.

### *Youth Justice Versus Child Protection Approaches*

There had been a debate in Area B about youth justice versus child protection approaches but he thought this debate had been concluded, with youth justice workers accepting that these youngsters were not straightforward 'TWOCCers' (youngsters who take cars without their owners' consent) and that they needed a different response. However, he thought the police, magistrates and the Crown Prosecution Service still

needed persuading. He also thought that there was some continuing uncertainty about how to define what was sexually abusive behaviour by children and young people.

### **ACPC Area C**

Based on the information I already had about ACPC Area C I was hopeful that this interview would generate much positive data about developments in relation to young sexual abusers. In the 1992-3 ACPC report there had been reference to the 'Joint Action concerning Victims and Abusers' Working Group' (JAVA), a sub-group of the ACPC, which was looking at ways in which services for abusers (both adult and adolescent) and services for victims could be integrated to provide a more comprehensive multi-agency approach to the problem. As part of the local social services department's contribution to the report, reference had been made to a Suspect Person's Steering Group which was actively seeking to identify the differing and complex paths of management and intervention in relation to juvenile abusers and victims. Mention had also been made of the department's specialist child care team which had a particular responsibility for adolescent sex offenders at risk of a custodial sentence and which had run individual and group work programmes as alternatives to custody for this service user group. The 1993-4 ACPC annual report had noted that JAVA had launched a 'Directory of Therapeutic Services' which referred to six kinds of services for young abusers, including hospital, probation and social services department based assessment and treatment services and a therapeutic service provided by a voluntary trust.

***Interview on March 29<sup>th</sup> 1995 with two Staff Members from a Social Services Department in another Metropolitan Borough in Northern England***

It became apparent in discussion with my respondents, the department's child protection co-ordinator and a specialist child care social worker, that there was a current position within the ACPC area for dealing with juvenile sexual abusers and a position to which they wanted the inter-agency system to move. Currently, a largely youth justice path was followed. My interviewees were sure that the police were filtering cases (giving instant cautions in some cases) and that only some youngsters' cases were referred to the cautioning panel for decisions on whether to caution, take no further action or recommend for prosecution. During 1994, 21 cases had been considered at the panel, resulting in either court action or a caution. The offences had included rape, gross indecency and unlawful sexual intercourse. The child protection co-ordinator acknowledged the debate about whether there should be automatic prosecution in the case of juvenile sexual abusers, but generally he felt that each case should be dealt with on its merits.

Of the 21 cases considered at the cautioning panel seven had also been conferenced under child protection procedures although my interviewees were unable to provide me with information about why these cases had gone down this route as well, nor whether any child protection registrations had resulted.

As regards assessment of juvenile sexual abusers, this would often be included as part of the preparation of a pre-sentence report in the case of prosecution and would be undertaken by a social worker, possibly co-working with a member of the specialist

child care services over a three to four week period. If the offence was 'a very serious matter', then the specialist worker might prepare a separate report for the court, outlining a treatment programme for the youngster.

If sentenced to a period of supervision, then the youngster would be supervised in the community and be involved in some kind of programme, possibly involving psychological or psychiatric input. The work was usually undertaken on a one-to-one basis although two groups had been run in the past. Specialist child care workers were involved, sometimes co-working with, for example, a probation officer. Elements of a cognitive behavioural approach were used, but the specialist child care worker was rather dismissive of too much theory, preferring to 'play it by ear'. As regards young sexual abusers who were not prosecuted, I was unable to obtain any information from my interviewees as to whether they were offered assessment or treatment although the 'Directory of Therapeutic Services' already referred to had indicated that there were some services available.

### *Planned Developments*

As regards plans for improving policy and procedures for dealing with children and young people who sexually abuse, the child protection co-ordinator explained that he was a member of an ACPC working party trying to develop guidance on how to respond to sex offenders. They had decided to start with juvenile sexual abusers and with the 'worst case scenario' of a victim and abuser living in the same home. From this starting point they had developed a flowchart (see Figure 7.2 below) and accompanying text for inclusion in the ACPC inter-agency guidance document.

I remarked that it was interesting that these documents seemed to refer to abuse generally, at which point the co-ordinator had become quite embarrassed and said this was an error - the path analysis referred only to sexual abuse allegations.

It appeared that there were six stages in the path analysis (far left hand column of Figure 7.2). At each stage there were activities to be undertaken and decisions made, with the working party wanting to ensure that the professionals involved always considered what was happening in relation to the abuser when considering the victim, and vice versa. If there was any conflict of interest at any stage then the interests of the victim were to take precedence.



SUSPECT PERSONS STEERING GROUP

JUVENILE ABUSERS AND VICTIMS MANAGEMENT AND INTERVENTION PATH ANALYSIS

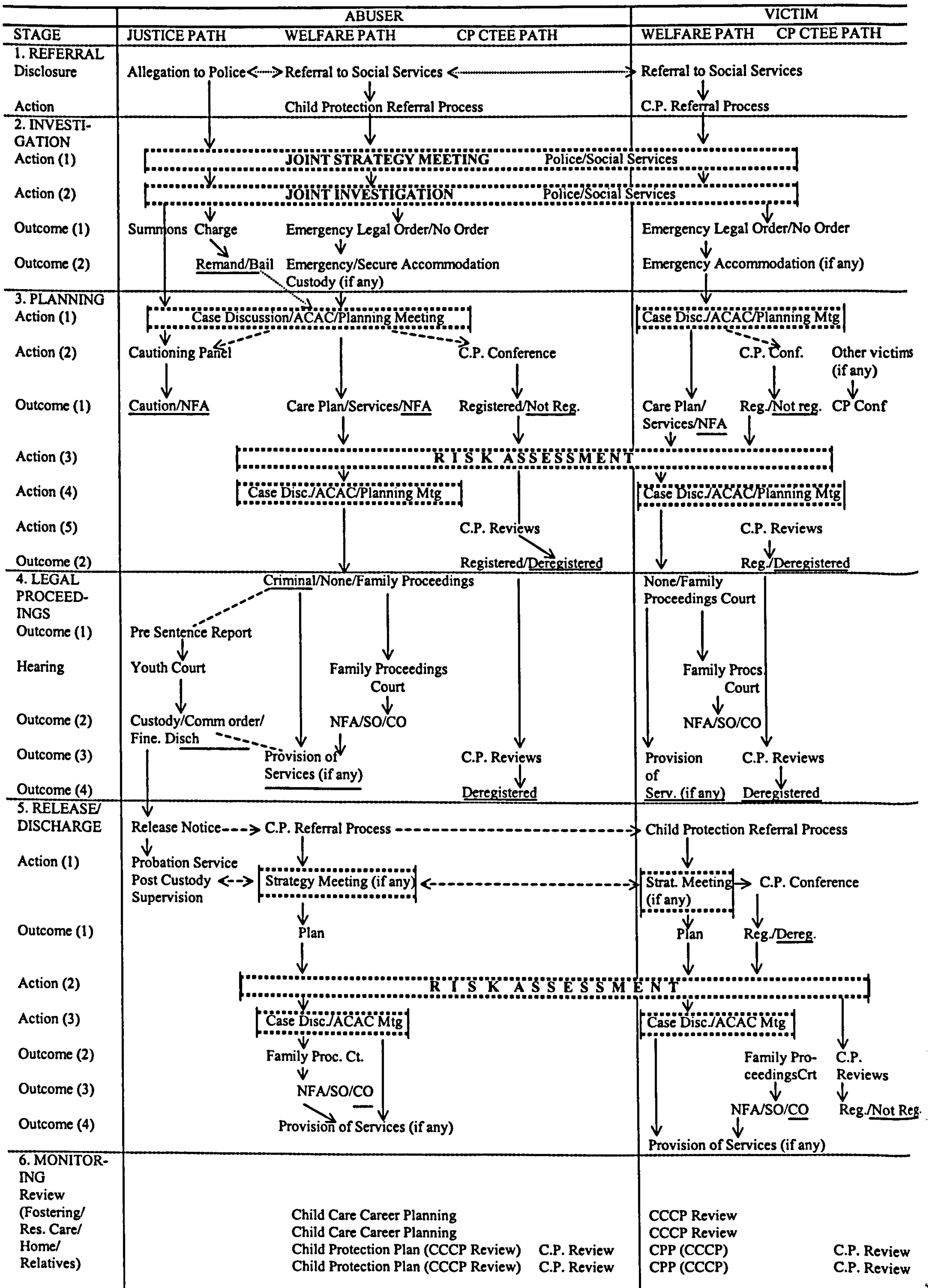


Figure 7.2

ACPC Area C Flowchart

As regards the abuser, (middle section of Figure 7.2) there were three possible paths: a justice path, a welfare path and a child protection path. It was planned that child protection procedures would be considered as a possibility for all juvenile sexual abusers, but only on the basis that they might have been abused themselves. Therefore, when a police referral arrived, the plan was that the relevant community team manager and specialist child care team would also be alerted and a strategy meeting or telephone discussion would be held to discuss how to proceed. At any subsequent child protection conference a decision would have to be made about registration. In Area C they worked to 21 categories of registration, all connected to one of the four official DOH categories. Thus, for example, in relation to the DOH category 'sexual abuse' there were six sub-categories in use:

- actual sexual abuse
- suspected sexual abuse
- likelihood of sexual abuse
- lifestyle of carer
- living with a person who has sexually abused a child
- contact with a suspect person.

A child protection case conference would not register a juvenile sexual abuser just because he/she was an abuser, he/she would have to be registerable under one of the 21 possibilities.

An added complication in Area C was that there were four standing child protection committees (two for the east and two for the west of the area), each chaired by a social services department operations manager who was not involved operationally in the cases brought before the committee. The committees met one day a week to hold initial case conferences and review meetings. Their standing memberships comprised a principal or senior education welfare officer, a police representative, a probation officer, a clinical medical officer, a senior nurse (child protection) and a social services department child protection worker, supplemented by the parents and professionals involved in the particular case being discussed. The core committee members, however, made decisions about registration.

The new guidance had yet to be included in the inter-agency guidelines and the child protection co-ordinator expected that there would have to be some induction for staff at that point. Other than that, there was no training in place at the time of the interview about children and young people who sexually abused. Similarly, as regards accommodation for young sexual abusers I was told there was no specialist facility and foster parents might well have to be used.

### **ACPC Area D**

Prior to my interview with the Principal Officer (Child Protection and Reviews) in ACPC Area D I reviewed the limited information I already held on this metropolitan borough in relation to young sexual abusers. The ACPC 1992-3 annual report had recorded that an extensive revision of the ACPC inter-agency guidance had taken place, including the incorporation of new procedures for dealing with child-to-child

abuse. Paragraphs 5.20 and 7.2.12 of the ACPC's inter-agency guidance (issued January 1993 but still current by the time of my interview) actually comprised 42 lines of guidance, quoted almost verbatim from paragraph 5.24 of *Working Together* (DOH, 1991). In addition, paragraph 5.18.1 referred to the need to follow child protection procedures in the case of allegations of abuse by children in residential homes. However, in the 1993-4 annual report it had been noted that the ACPC was concerned that its policies and procedures regarding child to child abuse were not as effective as they might be.

*Interview on March 29<sup>th</sup> 1995 with the Principal Officer (Child Protection and Reviews) of a Social Services Department based in another Metropolitan Borough in Northern England*

My interview with the social services department's Principal Officer (Child Protection and Reviews) was the shortest of all my interviews. This might be a reflection of my assessment upon completion of my interview with him, that policy and procedures within this area were fairly embryonic but I also felt that my interviewee was only prepared to provide brief replies to my questions. Whether this was through defensiveness, a lack of knowledge about or interest in the topic, or whether his interview style was typically unforthcoming was impossible to judge.

*Current Policy*

What quickly became apparent, however, was that, although the ACPC guidance stated that there should be a child protection conference in respect of an alleged child or adolescent abuser, my interviewee was, in fact, interpreting the guidance much

more narrowly. Thus he expected that relevant professionals (be they field social workers, police officers or youth justice staff), at the point of receiving a referral about an alleged young sexual abuser, should consider whether child protection procedures ought to be followed. This consideration might be conducted via a strategy meeting or telephone discussions. Child protection procedures would, however, only be activated if it appeared that the alleged abuser might themselves be a victim of abuse. Thus, any child protection investigation would only focus on whether the alleged abuser was himself/herself also a victim of abuse and a child protection case conference would only be held if evidence emerged that this was the case. Similarly, the youngster would only be registered under child protection procedures on such a basis. He estimated that three to four case conferences a year were being held on young abusers because of their own victim status. Otherwise, young sexual abusers, he thought, would be processed purely through the youth justice system.

### *Child Protection Registration*

My interviewee was clearly very resistant to the idea of registering children or young people as abusers and commented that he thought no local authority wanted to be the first to do so, in contrast to my evidence that a small number of authorities were doing precisely that. However, he indicated that other professionals did not necessarily share his views and he mentioned a youth justice specialist locally who felt that more young sexual abusers should be registered. I gained the clear impression that my interviewee was somewhat fearful of the resource implications of case conferencing and providing a child protection service to all such youngsters. (Interestingly, two years after this interview, I received a letter from a different youth justice worker in ACPC Area D

explaining that her service was looking at formulating youth justice draft procedures for dealing with young perpetrators of sexual abuse. She particularly wanted evidence about what other areas were doing about child protection registration and stated that there was no registration for young people in her authority. Clearly the debate around this issue remained contested.)

### *Assessment and Treatment Facilities*

As regards assessment and treatment services for young sexual abusers my interviewee was only able to tell me about the more general child protection resources his department could call on. Only 'Orange book' assessments (DOH, 1988b) were being completed and nothing specific had been devised to help with the assessment of teenage abusers. With younger children there were 'the usual' fieldwork assessments, plus assessments undertaken by family aides and nursery staff. The social services department had a contract with the local team of a national voluntary organisation to undertake counselling work with more difficult child protection cases and the department sometimes used a private facility in southern England for residential placements and treatment. None of these had been developed in response to, or modified in the light of, existing literature about the assessment and treatment needs of children and young people who sexually abuse. Similarly, specific training on the subject of children and young people who sexually abuse had not been provided.

### **ACPC Area E**

In the ACPC annual report for 1992-3, in a section written about the social services department's work, it had been recorded that the department's social workers had

contributed to a groupwork project for juvenile sex offenders. However, the local probation service, in its part of the report, had also mentioned that proposals for inter-agency working with youth perpetrators continued to be worked on but had not secured funding. It was not, therefore, very clear what might be in place or planned.

In the 1993-4 ACPC annual report there had been further references to work with young sex offenders, firstly, in relation to the 'pioneering work' already undertaken in respect of young sexual abusers, secondly, to plans to develop a multi-agency strategy and, thirdly, to the need to deal with young sexual abusers as

both perpetrators of abuse, but also as likely victims and in need of protection themselves.

Finally, as part of my interview with staff in ACPC Area C, I had been given a most interesting document which had, in fact, related to Area E. It was a report of a multi-agency planning group entitled *Systematic Approach to Working with Juvenile Sex Offenders*. The report had not been dated but, based on the material contained therein, I judged that it had probably been written during 1992. The report was 18 pages long including appendices.

The writer of the paper had argued that juvenile sex offenders were not being offered systematic assistance in addressing their offending and had pointed out that, although treatment services had developed, whether young sex offenders and their families had received help:

has depended on the vagaries of the referral system and the initiative and commitment of professionals and families.

A systematic process had been proposed for dealing with all referrals, via a case referral panel, an assessment/treatment team and child protection conferencing. A very clear child protection focus had been taken in assuming that young sexual abusers would continue their offending unless treated and the report had quoted at length from paragraph 5.24 of *Working Together* (DOH, 1991).

It had been explained in the report that a bid for funding from the Home Office had failed (a bid for £100,000 a year for a three year period starting 1992-3 had been made) and the planning group was requesting the ACPC to support the proposal through established joint planning structures. Included with the report had been the results of a six month survey of social workers' cases involving children aged 10-16 who had sexually abused others. The details of 20 such cases had been summarised. The report had also alluded to the uncertainties within Paragraph 5.24 of *Working Together* (DOH, 1991) about registration, the ongoing debates about the need for a legal mandate in all cases and the training needs of staff.

*Interview on May 5<sup>th</sup> 1995 with two Members of a Social Services Department serving a City Area in Northern England*

I was unsure whether I should have had such easy access to this report so, in my interview with the child protection co-ordinator (who had been a member of the planning group) and his colleague, the principal caseworker (child protection) in ACPC Area E I did not reveal that I had had sight of it. I was very much hoping,



however, that they would refer to it at some point in our meeting, which they did. Both my interviewees came across as very knowledgeable and exercised about issues relating to children and young people who sexually abuse others. Given what they had to tell me about the situation in ACPC Area E, it was not surprising that they also gave me the impression of being increasingly frustrated by their perception of a lack of progress in relation to the development of co-ordinated and appropriately resourced approaches to this service user group.

### *Child Protection Registration of Young Sexual Abusers*

At the start of the interview they were keen to sound me out about the issue of child protection registration for young sexual abusers. They had recently been in correspondence with their Social Service Inspector (SSI) who had provided the latest DOH advice that young sexual abusers should only be registered if they were also victims of abuse. My interviewees' view was that this effectively undermined their work to get child abusers (interestingly, they emphasised, not just sexual abusers and not just juveniles) onto the ACPC agenda, into the child protection system and properly resourced. As members of an ACPC working party they had been drawing up policy and guidance for inter-agency procedures for children who abuse and they had had in mind the creation of special categories linked to existing DOH categories (e.g. offender (sexual abuse)). However, they now felt that they had to go back to the drawing board on this issue. They were concerned that, if young abusers were only registered as victims, this contributed to their denial and minimisation of their behaviour and that child protection investigations terminated early when it became clear that registration was not a possibility.

I was able to tell my interviewees about my own explorations on this issue and they repeated their disappointment that clear DOH guidance on young sexual abusers and the need to register them as offenders was not going to be forthcoming. They hypothesised that there was a political agenda around about getting children off child protection registers and re-designated as children in need. In a clear reference to the survey work they had undertaken they hazarded the view that if they were in a position to register young abusers as offenders this would increase the numbers on Area E's child protection register by 75 a year (or by about 8%).

#### *Area E's Plans for Developing Policies and Procedures*

When asked about the ACPC's policies and procedures in relation to children and young people who sexually abuse, my interviewees said they were conscious that their inter-agency guidance needed a complete overhaul, but they did not have the time to do this.

In 1992 there had been some work on procedural guidance and a bid for some joint funding to develop services (that which I had already read about) but this had come to nothing. A new working party had been set up in 1993-1994 to develop new guidance and this group had been re-titled the 'Therapeutic Services Group', a permanent subgroup of the ACPC. Their latest recommendation was to pilot an 18 month project in two city areas which would involve specialist social workers (three men and three women) taking referrals about alleged young sex offenders (and young perpetrators of physical abuse), undertaking investigations and risk assessments, attending child protection conferences and then developing therapeutic packages of approximately 12

months' duration, involving individual and groupwork approaches. Thus, the 'Therapeutic Services Group' was trying to get some resources under the umbrella of the increasing emphasis on therapeutic and preventive services - the social services department was putting some extra resources into this area. However, my interviewees were still not sure how this project would dovetail into local youth justice/panel processes and they were doubtful whether the bid would be approved, anyway. They felt that the problem of young sexual abusers had 'gone off the boil' of late.

### *Current Practice*

In terms of how referrals were handled currently, my interviewees thought this was very hit and miss because of the context of a lack of policy and procedures. During 1993-1994 they had gathered information which indicated that 63 juvenile sexual abusers had been cautioned and 10 had been prosecuted. The child protection co-ordinator, however, had no idea whether any of these had been investigated under child protection procedures by area teams or with what outcomes. There was still some debate about child protection versus youth justice approaches with the child protection approach being seen by some as 'heavy-handed'. However, my interviewees felt there was now more of a consensus that juvenile sexual abusers did need a different response. Even so, youth justice teams were strapped for resources and did not want to get involved in new work, seeing their main function as the preparation of pre-sentence reports.

This concern about taking on additional responsibilities, my interviewees felt, was a general worry - a worry that if agencies really got 'stuck in' to this area of work there would be an explosion of demand for services. Thus, for example, the education department and schools were reporting concerns about sexualised behaviour in schools and wanting training and consultation. Concerns were also being expressed about the needs of children involved in sexually aggressive behaviour who were under the age of criminal responsibility.

### *Assessment and Treatment Issues*

So, what services were there in the area currently? It seemed that a few interested individuals - for example, the child protection co-ordinator himself, a child psychiatrist at a local hospital, two local paediatricians, and a senior social worker, together with a few other individuals - were playing a major role in supporting a groupwork programme for young sex offenders which had existed since approximately 1986, based on an addictive cycle of abuse model. The project saw 10-15 youngsters a year, usually in the 13-16 age range. Referrals came to the child protection co-ordinator from a variety of sources, usually from those interested in the problems of young sexual abusers. Originally a 16-20 week set programme, the groupwork offered now comprised a rolling programme, where youngsters attended for a year to 18 months. This groupwork should, I was advised, be complemented by individual work but this did not always happen (hence the proposed pilot). The project had been located in various premises and was currently in some rent free health premises. The group had been run by a variety of professionals over the years (field social workers, youth justice staff, health visitors, child psychiatric students), often in

their own time, but at the time of the interview someone was being paid £8 a session to run it! There were also plans to set up a post groupwork support group.

### **ACPC Area F**

ACPC Area F was another area where I had been able to glean very little information prior to my interview with the Child Protection Co-ordinator and the Principal Officer (Youth Justice) in September 1995. In relation to the 1993-4 ACPC annual report there had been a one sentence reference to social services being involved with other agencies in the provision of a groupwork project for young people who abused other young people and/or children. I had not been able to obtain a copy of ACPC Area F's inter-agency guidance.

### ***Interview on September 25<sup>th</sup> 1995 with two Members of a Social Services Department serving another City Area in Northern England***

I was rather expecting, therefore, an interview on the lines of the one I had conducted in Area D. However, my interviewees in Area F, the co-ordinator of the department's child protection unit and the co-ordinator of the department's youth justice service, were well aware of and interested in issues pertaining to young sexual abusers and relevant developments in Area F. What they did reveal was considerable cynicism about, and irritation with, some of the pronouncements made by, for example, the Department of Health, the Home Office and some voluntary agencies. In addition, the child protection co-ordinator expressed strongly held and somewhat contradictory views at times about how juvenile sexual abusers should be managed. These views were much in sympathy with the child protection perspective I have previously

described but he was mainly arguing that a youth justice route should be followed in all cases.

### *A Youth Justice Approach*

At the outset of the interview the child protection co-ordinator explained that young sexual abusers were dealt with by the youth justice team, one of the few centralised services left within the social services department in Area F, the others being the child protection unit and fostering and adoption. 10 juvenile sexual abusers had been dealt with by the youth justice team in 1993, with most of the referrals coming from the police. The youth justice co-ordinator believed there were good working relationships with the police locally and that any case which got to the point of being considered for a caution went to the youth liaison/cautioning panel. He was concerned, however, about recent Home Office guidance (Home Office, 1994) that young offenders should not have many cautions and thought this might threaten the work of this panel in the future. The new policy, he understood, might well result in a young offender being given one caution only before then facing automatic prosecution for any subsequent offences.

Once a case was referred to the cautioning panel, a risk assessment was undertaken by a youth justice worker who reported back to the panel, which then made a recommendation to the police about cautioning or prosecution. Interested staff within the youth justice team, often working jointly with a social worker from a local voluntary agency with whom the social services department had a service contract, would then provide any treatment work needed. Such treatment work was largely one-

to-one work. No groupwork was being undertaken because the numbers of juvenile sexual abusers were too small and there had been resistance from parents who had been worried about their offspring being 'contaminated' by others. If residential accommodation was needed this would be with foster parents (or possibly extended family) or a youngster might be sent to the local remand centre. There had been an attempt to set up a residential resource locally but this had failed because it had been seen as stigmatising, and anyway it had filled up with other children. In the past the social services department had paid a voluntary agency to use an out of area foster parent, partly for the protection of the victims and partly for the protection of the abuser.

*But Also a Child Protection Approach*

Notwithstanding the child protection co-ordinator's statement at the beginning of the interview that juvenile sexual abusers were dealt with 'exclusively within a youth justice framework', he then went on to describe some significant exceptions to this 'rule'. Thus the child protection unit dealt with all incidents of juvenile sexual abuse or other child on child sexual abuse which occurred in foster or residential homes. A social services meeting (not a child protection conference) would be held to consider what had happened, whether it could have been avoided and any care, treatment and therapy issues. In the case of the abuser there might be a joint social services department/police investigation. Other children known to the department would be referred to the police for investigation. There might be a social services/police strategy meeting, but then the young abuser would be referred on to the youth justice team.

### *Child Protection Versus Youth Justice Perspectives*

As regards the rather differing child protection and youth justice perspectives on whether treatment should be legally mandated, the child protection co-ordinator took the view that juvenile sexual abusers should all be 'banged' on an order and it was 'tough' if this then meant they were a Schedule 1 offender as a result. He thought sexual abuse of others was addictive behaviour and so an order was needed because these youngsters would not grow out of their behaviour. The youth justice co-ordinator said very little at this point but looked less convinced. What he did suggest was that there was a differential response within the youth justice team to sexual offenders, but he was vague about the details of this differential response. He was unable to identify any theoretical approach underlying the team's approach and when I referred to risk assessment work he said there was no specific guidance on this.

### *Irritation with the DOH and its Expectations of ACPCs*

At one point I mentioned the doomed central government inter-departmental working party (referred to in Chapter 4) which had been charged with developing further guidance on how to deal with juvenile sexual abusers and which would have made recommendations about, for example, the Crown Prosecution Service having representation on an ACPC. This prompted the child protection co-ordinator to launch into a tirade against the Department of Health. He emphasised that ACPCs had no basis in law and, hence, no ultimate power and yet the DOH persisted in seeing them as a key body. Recently, the trend had been for ACPCs to become small, strategic bodies involved in policy making but the DOH still expected more and more representatives to be added to them.



### *Continuing Debates*

Summarising the current state of provision in Area F the child protection co-ordinator referred to his previous work experience in the north west of England where he had drawn on a well established model of practice in a local social services department and on a specialist project in another city area when working with juvenile sexual abusers. He commented that Area F's provision was not at the level of those areas in that there were no stand alone, designated staff and detailed planning and execution was not as far on. In addition, there was an ongoing debate in Area F about whether responsibility for the work with these youngsters should be broadened beyond the youth justice team into the social work teams and the child protection unit. The arguments against the idea were that the numbers involved were small (although no formal monitoring systems were in place), that specialist workers were needed and that this area of work should be kept 'tight'. Those wanting a broadening of focus argued that many of these youngsters were victims themselves and in need of a child protection service. We had a discussion about the fact that numbers of youngsters referred seemed small but yet the NCH report (NCH, 1992) had estimated that between a quarter to a third of reported sexual offences were committed by people under 18. The child protection co-ordinator took the view that organisations like NCH and NSPCC were in the business of drumming up work for themselves and so exaggerated the figures.

### **IDENTIFYING SIMILARITIES AND DIFFERENCES**

A number of common themes emerged from my semi-structured interviews in the six ACPC areas. These comprised the following:

- problems of raising awareness amongst agencies, including the police, courts and the Crown Prosecution Service, about the particular needs of young sexual abusers;
- issues of staff training;
- tensions between child protection and traditional youth justice approaches towards young sexual abusers;
- inadequate local inter-agency guidance on policy and procedures in relation to children and young people who sexually abuse and hence inconsistent approaches to their management;
- the practical problems of dovetailing child protection and youth justice systems of response at the point of referral and subsequently;
- the circumstances in which child protection case conferences should be held on young sexual abusers and issues of child protection registration;
- the lack of specialist staff and residential resources to support (risk) assessment work and treatment programmes;
- the need to monitor the extent of sexually abusive behaviour by children and young people, how such cases are managed and the outcomes of intervention;
- underlying concerns about opening up an area of work which might result in demands for increased resources which were unlikely to be forthcoming.

However, in addition to these similarities in my respondents' accounts there were also striking differences in developments across the six ACPC areas which appeared related to a wide range of historical, organisational and personal/professional

differences at the local level. Thus, in Area A it was noticeable that the ACPC itself appeared to have been very pro-active in developments, unusually so I suspected, having a direct hand in setting up the MAP and in negotiating the project funded by a voluntary agency. It seemed that such a top down inter-agency initiative may have made a difference to the speed and shared ownership of developments in the area. Nevertheless, the reality was that the project more or less comprised the project leader, the ACPC and the voluntary agency being fortunate in having appointed someone who had energy, ability and a clear vision about what he wanted to achieve in terms of policy, procedure and services. Unfortunately he was pre-occupied with ensuring the longer term survival of the project and frustrated by a lack of staff resources to develop assessment and treatment work. (Three years later, in 1997, I learned that two project social workers had just been appointed and that the project itself was moving to new premises, into offices owned by the local probation service.)

Systems for managing and monitoring referrals had been established in Area A, with the project leader playing a key role in dovetailing youth justice and child protection processes. It seemed that the MAP provided an ingenious means of dealing with the debate about whether young sexual offenders should, or should not, be treated like any other young offenders. They were to be treated differently. On the other hand, it was not being assumed that all such youngsters needed treatment under a legal mandate and the language of risk and risk assessment was very evident in my interviewee's responses.

Developments in Area B were in marked contrast to those in Area A. Change and development were not being driven by the ACPC, what energy there was for making a difference appeared to be coming from my interviewee (who seemed to hold very strong views about the theoretically 'correct' way to respond to young sexual abusers) and a small number of colleagues in other settings and agencies. It seemed, however, that they had little power and authority to achieve much. Thus, their efforts to raise consciousness and to monitor the extent of the problem had been largely unsuccessful. Policy and procedures for dealing with referrals had not yet been put in place and risk assessment and treatment approaches were non-existent.

ACPC Area C was rather a puzzle. There had been some developments over the previous few years in terms of assessment and treatment facilities and some efforts had been made to pull together information about available services for victims and perpetrators of sexual abuse. Young sexual perpetrators had been recognised as needing a special focus but the current position was that they were being dealt with through a traditional youth justice process with, my interviewees had explained to me, various deficiencies associated with it.

Thus, the ACPC had set up a sub-group to develop policy and procedures but I found the written material which the child protection co-ordinator was proposing to include in ACPC inter-agency guidance very indigestible, particularly in comparison, for example, with the flow chart Area A was working to (Figure 7.1). I had had the benefit of one of the authors of the material taking me through Figure 7.2 and still found it relatively difficult to follow and I was left wondering how far-flung staff in

various agencies in Area C would react to it. The process of implementing this guidance was also going to be rendered even more problematic by the complex arrangements for child protection case conferencing and registration in the area.

Interviewing the child protection co-ordinator in ACPC Area D had proved to be the most difficult of my interviews because my interviewee had provided what I felt to be minimal answers to my questions. Indeed, I was left doubting whether he had been the best person to help me develop a reasonable appreciation of what was going on in Area D in relation to children and young people who sexually abuse others. He had mentioned at least one youth justice professional in the area who seemed to be wanting change (to whom I later sent a questionnaire) but, as it was, my interviewee gave the impression of not being particularly interested in the topic and certainly not wanting to broaden the scope of the area's child protection services to include the problem of sexually abusive children and young people.

Thus, it appeared there was no monitoring going on in Area D about the numbers of cases of sexual abuse by young people being dealt with, or through which systems. Paragraph 5.24 of *Working Together* (DOH, 1991) was included in ACPC inter-agency guidance but was being interpreted very much more narrowly, by the child protection co-ordinator at least, and there appeared to be a dearth of specialist assessment and treatment facilities. There did not appear to be any impetus, either, to change this state of affairs, certainly as far as my interviewee was concerned.

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In contrast, my interviewees in ACPC Area E were obviously deeply frustrated by what they perceived as a lack of progress towards developing effective systems for the management, assessment and treatment of children and young people who sexually abuse in their area. They were constructing such youngsters as a 'real' problem and one of them, together with a few other individuals from a range of professional backgrounds, had been working for a number of years on effecting change and in running what sounded likely a very under-resourced treatment programme. Much of my interviewees' energies had gone into trying to generate funds to establish a special project but without success and, in the meantime, time had not been available to produce up-dated inter-agency guidance on policy and procedure. At the time of interview referrals were being processed in a variety of inconsistent ways although it appeared from the written material I had had sight of that a system similar to that in ACPC Area A was planned.

Many issues were of concern to my interviewees, not least of which had been the issue of child protection registration which they obviously saw as a means of putting the problem on everyone's agenda and possibly a means of accessing resources. They were conscious that there might be resistance in the area to opening up an area of work which would demand a refocusing of what limited staff and other resources local agencies had.

ACPC Area F was the only area I visited where I was able to interview the two people charged with co-ordinating child protection and youth justice services in the locality. They seemed to share much the same views on how young sexual abusers should be

managed, assessed and treated and notions of risk certainly figured in their discussion. However, I thought I picked up some unspoken divergence of opinion when the tensions between child protection and youth justice perspectives had been raised.

It was only in ACPC Area F that my interviewees were claiming that the numbers of children and young people who sexually abuse were being exaggerated by some organisations for their own income generating purposes but the statistics they provided me with were much lower than those produced by Areas A, C or E. Of course there are problems with making such comparisons as I had no way of knowing the basis on which any ACPC area's statistics had been collected, even at the level of what definition of sexually abusive behaviour was being employed. My interviewees also had no plans to elaborate on the very limited ACPC inter-agency guidance available although they acknowledged that there was some debate in the area about whether existing arrangements should be altered. (Four years later, when working on a NOTA working party trying to produce detailed guidance on how to respond to young sexual abusers the Child Protection Co-ordinator from Area F, who was the convenor of the working party, produced a draft set of procedures which made no reference at all to child care legislation or child protection processes. It appeared that his views that young sexual abusers should follow a youth justice route had not altered much in the meantime.)

As regards the emerging models of practice which I had identified from my study of inter-agency guidance (Chapter 6), it did not appear that ACPC Area B had any formal model of policy and procedure, the issue not being addressed in ACPC inter-

agency guidance. ACPC Area D was an exemplar of my model 1, on the basis that its inter-agency guidance contained paragraph 5.24 of *Working Together* (DOH, 1991) and nothing else. The other four ACPC areas were all exemplars of model 2, but they evidenced very different approaches to the issue of synchronising child protection and youth justice systems of response. Nothing from these interviews caused me to reflect that my four model categorisation was significantly flawed although I became even more conscious of the fact that model 2 was a broad category including within it a whole range of policy and procedural arrangements.

#### **COMPARING MY ASSESSMENT OF PARTICULARLY ACTIVE AREAS WITH THE INTERVIEW DATA**

My study of ACPC annual reports for 1992-4 had produced the information set out below in Table 7.1 on the six ACPC areas within which I subsequently conducted my semi-structured interviews.

I had identified ACPC areas A and C as particularly active as a result of my analysis of ACPC annual reports. Having conducted my interviews I felt supported in my original assessment of ACPC Area A as particularly active though I had obtained information from the interview about their project's resources which cast some doubt on how far developments in this area might be sustained. However, as a result of my interview, I was less impressed by the state of policy and procedure in ACPC Area C than I had expected to be, given the background information I had accessed. In addition, I had some serious doubts about how easily and effectively their new procedures might be implemented. Considerable developmental work was,



ACPC Report	B	C	D	E	F	G	H	I	J	K	Key
											B. Specific mention of policy and procedures re child and adolescent abusers in place.
											C. Subgroup/working party of ACPC established to develop policy/procedures.
ACPC Area A	✓	✓			✓?	✓				✓	D. Reference to Child Protection and Juvenile Justice Issues.
ACPC Area B				✓							E. Recognition of problem of ASOS but no other action in evidence.
ACPC Area C	✓	✓				✓	✓			✓	F. Evidence of Juvenile Justice representation on ACPC.
ACPC Area D	✓										G. Reference to prevention/treatment programmes - multi-agency.
ACPC Area E		✓				✓	✓		✓		H. Reference to prevention/treatment programmes - single agency.
ACPC Area F						✓					I. Reference to hospital based treatment.
											J. Training courses run re child and adolescent abusers or planned.
											K. Particularly active areas in work with child and adolescent offenders i.e. policy, procedures in place, assessment and treatment schemes etc., judged by report.

Table 7.1 ACPC annual reports for 1992-4 for the six ACPC areas in which semi-structured interviews were conducted

nevertheless, being pursued under the aegis of the ACPC which could justify a rating as particularly active, although I was less comfortable with this rating than previously.

As a result of my study of ACPC annual reports, ACPC Areas B, D and F had not seemed particularly active and my subsequent interviews did not make me want to revise those assessments. However, within two of these areas (B and F) I had found interviewees who were cognisant of the issues and who had clear views about how young sexual abusers should be managed from referral onwards. In one of these areas, Area B, efforts to initiate relevant developments were being attempted. In the other, there appeared to be less impetus to change what was already in place.

However, in all of these three areas what I had not picked up from my interviewees was any evidence of substantial ACPC interest and involvement in developments, a factor which might have been making the difference in Areas A and C. Thus, Morrison (1994) has commented on the crucial role of ACPCs in promoting policies, procedures and services in respect of sex offenders generally. One of my interviewees in Area F had been vocal in expressing his views that ACPCs' powers were very limited and that they could not be expected to meet, for example, Department of Health expectations of their role. And yet the evidence from Areas A and C was that their ACPCs seemed to have provided the necessary authority and shared commitment to support the work of key individuals. Presumably, ACPCs are only as effective as their constituent parts allow them to be?

ACPC Area E narrowly missed being deemed particularly active as a result of my study of ACPC annual reports and my interview had left me feeling that this assessment was probably about right. There were a number of interested and active professionals in the area trying to put children and young people who sexually abuse on the agenda locally and considerable efforts were going into obtaining funding for a special project but, thus far, with little of substance to show for their efforts.

On balance then, my interviews in ACPC areas A - F had broadly validated my judgement as to which of these areas were particularly active or not.

## **CONCLUSION**

Thus, in summary, my interviews in six local ACPC areas had revealed that there were a number of similar issues and practical problems facing my interviewees as regards the development of policy, procedures and services for children and young people who sexually abuse. On the other hand, striking differences had emerged as to whether and how any such developments were being progressed due, it seemed, to a whole range of factors including the circumstances in which the problem had emerged: the role of the local ACPC; organisational differences; and, personal and professional differences between individuals in key positions to affect change. My initial assessments, based on study of their ACPC annual reports, of these six ACPC areas as particularly active or not had largely been supported by the evidence from my interviews and my categorisation of emerging models of policy and procedure had assisted in the process of differentiating between the six areas. Resources, or rather the lack of them, were a problem for most areas.

Obviously, questions can be asked about the information I obtained from my interviewees in the six ACPC areas. How far, for example, did their accounts reflect the reality beyond the interview situation? However, perhaps there was no one external reality I could discover, anyway? However many people I had interviewed, they would only have been able to represent their own construction of events and I would have ended up with many realities. Given the relatively senior positions and responsibilities of my nine interviewees I surmised that, at least, they were reasonably well placed to be able to provide an overview of developments in their areas, beyond the confines of their immediate work place.

Evaluating this phase of my data collection in relation to my overall research design lead me to conclude that undertaking interviews in a small number of local ACPC areas had been a worthwhile exercise. The information provided by my interviewees had usefully complemented the findings from my documentary analysis and had enabled me to build up a more detailed picture of the similarities and differences in developments in a limited range of particularly active and less active ACPC areas. Much the same philosophical issues and practical problems of implementation had emerged from my semi-structured interviews as from my study of ACPC annual reports and inter-agency guidance, so I felt reasonably confident that, for the purposes of my larger survey, I had identified the main areas which needed exploring.

## **CHAPTER 8     A NATIONAL SURVEY BY QUESTIONNAIRE**

The reader will recall from Chapter 3 my introduction to questionnaires as a method of data collection and my brief outline of the work I undertook to conduct a national survey of professionals involved in work with children and young people who sexually abuse. Chapter 3 also contained an overview of how I generated my sample and its limitations in terms of generalisation or external validity. Chapter 8, therefore, begins with a description of how I piloted and finalised the questionnaire and of the measures I adopted to try and ensure a good response rate. My procedures for analysing the data from the questionnaires are outlined before the results from the survey are described and discussed in what is the main body of the chapter.

### **PILOTING AND FINALISING THE QUESTIONNAIRE**

A draft of the questionnaire was piloted with a small group of five professionals locally in April 1995. They were asked to provide the following feedback:

- how long it had taken them to complete the questionnaire;
- whether they had been able to follow the instructions;
- whether they had understood the meaning of the questions;
- their reactions to the vignette exercises (question 6);
- their opinion on the logical ordering (or otherwise) of the questionnaire's contents;

- whether there were glaring omissions as regards issues or aspects covered by the questionnaire, i.e., had they wanted to communicate about other important matters but the questions asked had not provided them with the opportunity to do so.

Those undertaking the pilot work, who had found the questionnaire 'interesting' to complete, agreed about the length of time it took to fill it in (35-40 minutes) and they confirmed that the instructions for, and meanings of, the questions were clear. They reported that the vignettes exercise had been difficult but, as one commented, 'it still makes one think, even on the basis of minimal information'. As a result of piloting, questions were added to elicit more specific information about the nature of professionals' involvement in work with children and young sexual abusers and a question was also inserted to elicit data about the focus of any training professionals had received in this area of work. This was because one of the pilot respondents had hypothesised that people might have had training on assessment work, but were less likely to have had training in treatment work. Thus, their suggestions for improvements in relation to the content of the questionnaire were incorporated in the final version, with no major reworking needed in respect of the questionnaire instructions and structure.

The finalised questionnaire comprised 17 main questions (with numerous sub questions), arranged in sections focusing on:

- gathering information on the respondents themselves, as a check on whether their responses differed according to factors such as age, sex, ethnic group, professional background and job (Questions 1-5);
- their responses to two lists of vignettes of potential incidents of sexual abuse by a child to explore respondents' opinions on the incidents' seriousness or otherwise (Question 6);
- the extent and nature of respondents' involvement in work involving sexual abuse by children and young people (Questions 7-11);
- post-qualifying training opportunities which had been available to respondents (Questions 12-14);
- information and respondent views on local policy and procedure in relation to children and young people who sexually abuse (Question 15);
- respondent views on child protection and youth justice perspectives on work with children and young people who sexually abuse (Question 16); and
- issues that were of concern and/or priority for respondents in this area of work (Question 17).

A copy of the final questionnaire is included as Appendix 3.

### **SURVEY PROCEDURE - ENCOURAGING A HEALTHY RESPONSE RATE**

111 questionnaires were originally dispatched in September 1995, with a second mailing to 52 non-respondents later in the autumn in order to try and combat the problem of low response rates from questionnaires which can lead to problems of bias

in the data collected (Denscombe, 1998). Questionnaires were also mailed to 85 forensic psychologists in December 1995. A covering letter was sent with each questionnaire, explaining what my research was about, reassuring respondents about how long the questionnaire would take to complete and providing guarantees about the security and anonymity of their responses because I was keen that respondents should feel free to respond frankly. In this last respect I was able to explain in my covering letter to each respondent that although the number noted on each questionnaire was linked to his or her name and address this data was being kept by a research secretary who was helping me with mailing and she would destroy the mailing list after the survey had been completed. My letter also included a promise that I would circulate all respondents with a summary of the survey findings and a stamped self-addressed envelope to facilitate the process of the questionnaire's return.

## **DATA ANALYSIS**

Following coding of the information provided on the completed questionnaires, the largely nominal data was analysed using StatView. The results were displayed and summarised using frequency distributions and, in relation to question 6, a box plot design (Bryman and Cramer, 1990; Robson, 1993). Chi-squared was used to explore whether there were any relationships between the respondents' replies to some questions and their age, sex, ethnicity or occupation, although this was problematic at times due to the small expected frequencies in some cells.

To assist with the analysis of the relatively modest amount of text contained in the completed questionnaires (where respondents had made use of the spaces in the



questionnaire to elaborate on their answers) all such additional data were typed up separately under the appropriate question number.

## **RESULTS**

Using chi-squared, no statistically significant differences in respondents' replies were found based on their age, sex, ethnicity or occupation.

### **Sample Characteristics**

Excluding the forensic clinical psychologists, 74 or 67% of the 111 people to whom the questionnaire was sent responded with a completed questionnaire (59 arriving after the first mailing and the rest thereafter), a response rate which compares very favourably with expected percentage rates of return (May, 1993). Only 28 out of 85 questionnaires (32%) were returned by the forensic consultant psychologists. However, this was understandable as a large proportion of the listing for this group was known by the 'keeper' of the mailing list not to be involved in work with young sexual abusers. She was unwilling, however, to go through the list to target only those with such a focus, only having time to dispatch questionnaires to the whole of her mailing list.

Thus, in total, 102 completed questionnaires were received by early 1996. Table 8.1 compares the occupational backgrounds of the respondents with those in the original sample.

<b>Occupation (ordered alphabetically by occupation)</b>	<b>Total sent N (%)</b>	<b>Returns N (%)</b>
Forensic clinical psychologists	85 (43%)	28 (27%)
NSPCC/Therapeutic	15 (8%)	10 (10%)
Paediatricians	5 (2%)	3 (3%)
Police	3 (1%)	2 (2%)
Psychiatrists/psychotherapists	8 (5%)	6 (6%)
Social Services (Child Protection) staff	54 (28%)	33 (32%)
Youth Justice and Probation staff	20 (10%)	16 (16%)
Others (3 independent trainers and one respondent from an education department)	6 (3%)	4 (4%)
<b>Total</b>	<b>196 (100%)</b>	<b>102 (52%)</b>

**Table 8.1** Occupational groupings of respondents, compared with the occupational backgrounds of those in the original sample

As will be apparent, with the exception of the forensic clinical psychologists, respondents were reasonably representative of the total sample, although, as stressed in Chapter 3, I am not able to claim that my total sample was representative of all practitioners/professionals working with this field in England, given the means by which I had had to generate it.

### *Sex and Ethnicity of Respondents*

53% of the respondents were female and 47% were male (Question 2), with all but two respondents (98%) in the sample describing themselves as white (Question 3).

### *Age of Respondents*

Table 8.2 shows the age distribution of the sample.

Age range	N (%)
25 -29	3 (3%)
30 - 39	35 (34%)
40 - 49	56 (55%)
50+	8 (8%)
<b>Total</b>	<b>102 (100%)</b>

Table 8.2      Numbers of respondents in each of four age ranges

The fact that the majority of the respondents were in the older age ranges was not surprising because, when asked to describe their job titles (Question 4.1), respondents

often indicated that they held principal officer or management positions in their places of work, sometimes managing front line staff, sometimes managing managers.

***Work Focus***

96 out of the total 102 respondents completed Question 4.2 about their work focus, the results being summarised in Table 8.3.

<b>Work Focus</b>	<b>N(%)</b>
Child Protection specialist	45 (47%)
Youth Justice specialist worker	11 (11%)
Children and families worker more generally (fieldwork based)	8 (8%)
Children and families worker more generally (residential based)	-
Other professional focus	32 (34%)
<b>Total</b>	<b>96 (100%)</b>

Table 8.3      Respondents' work focus

Those replying 'other professional focus' were asked to elaborate. Their replies included 24 of the forensic clinical psychologists; two respondents who identified themselves as specialising in work with sex offenders, five respondents who saw their specialism as linked to child psychotherapeutic or child and adolescent mental health work and one who identified himself as a 'manager - child care'. Comparing the findings from Question 4.2 with those provided in response to Question 4.1 indicated that a respondent's official job title did not always provide a clear indication of that professional's specialism, as self-defined. Thus, for example, one of the two police

respondents described himself as a child protection specialist, as did a consultant paediatrician.

### ***Qualifications***

As regards training and qualifications (Question 5) all but one respondent had a professional qualification, almost 50% had first degrees, and a substantial number had (often various) postgraduate and post-qualifying professional qualifications. Table 8.4 provides summary data.

<b>Nature of Qualification</b>	<b>N (%)</b>
Professional qualification	101 (99%)
First degree	48 (47%)
Post-graduate and/or postqualifying awards	64 (61%)

**Table 8.4      Respondents' qualifications**

### **Extent and Nature of Respondents' Involvement in Work with Children and Adolescents who Sexually Abuse Others**

Table 8.5 summarises respondents' estimates as to how much of their working time in the previous three months had been spent on matters involving children and young people as abusers.

<b>Amount of working time spent in last 3 months</b>	<b>N(%)</b>
None	8 (8%)
Less than a day a month	23 (23%)
1 - 2 days a month	18 (18%)
3 - 4 days a month	24 (24%)
5 - 6 days a month	12 (12%)
7 - 10 days a month	6 (6%)
More than 10 days a month	10 (9%)
<b>Total</b>	<b>101 (100%)</b>

**Table 8.5      Amounts of time spent on matters involving children and young people as abusers**

This table shows that the majority of respondents spent only fairly modest amounts of their working time on matters to do with children and young people who sexually abuse. 73 of the respondents (72%) had spent no more than three to four days a month in this area of work in the previous three months, with 31 of the respondents (31%) having had no such involvement at all or less than a day a month. Only 28 respondents (28%) had spent more than a quarter of their working time on matters related to young sexual abusers.

***Typicality***

Table 8.6 summaries replies to Question 7.2 which asked respondents to indicate whether the expenditures of time described above were typical for them.

<b>Typicality of time expenditure</b>	<b>N(%)</b>
Lower than normal	11 (11%)
Typical	81 (81%)
Higher than normal	7 (7%)
Don't know	1 (1%)
<b>Total</b>	<b>100</b>

Table 8.6      Typicality of time expenditure

Thus, for the great majority of respondents these time expenditures were typical. For those respondents who replied that their involvement over the previous three months had been atypical there were a range of reasons. Those whose involvement had been lower than usual often reported that this was a normal phenomenon:

Fluctuates. Some months no such issues raised. Other times, lots of activity.  
(Respondent 244, Principal Officer, Child Protection)

Depends on the workload. My workload has more recently consisted of therapeutic work of children who have been abused and assessment of adults (including offenders).  
(Respondent 53, NSPCC Project Manager)

On the other hand, those reporting more involvement than they had experienced previously often commented that they thought this was a general trend. For example:

I would like to comment that time spent involving children/young people as abusers has been consistently increasing during the last 12-18 months.  
(Respondent 5, Social Worker)

Not typical because it includes a study day on this topic. However policy is beginning to be developed by ACPC, therefore this may become typical.  
(Respondent 41, Child Protection Manager)

Results from new initiatives looking at policy and procedure and then treatment models and systems for the county.

(Respondent 94, Principal Officer, Child Protection Adviser)

### *Specialisation*

Question 8.1 asked respondents if their particular work unit specialised in work with children and young people who sexually abuse. Table 8.7 summarises their replies.

<b>Extent of specialisation of work unit</b>	<b>N (%)</b>
Yes, exclusively	2 (2%)
Yes, largely	7 (7%)
No, part of our general duties	90 (91%)
<b>Total</b>	<b>99 (100%)</b>

Table 8.7      Respondents' replies on specialisation

Thus, 91% of respondents indicated that work with children and young people who sexually abused others was just a part of their work unit's general duties. Only 2% of respondents' work units worked exclusively with this service user group, with 7% saying it was a large part of their unit's work.

### *Types of work*

The results of Question 9.3, which had asked respondents to indicate what type(s) of work they were usually involved in with children and young people who sexually abuse, are summarised in Table 8.8.



Type(s) of Work	N (%)
Investigations of allegations of abuse	19 (20%)
Initial risk assessments of abusers	45 (46%)
Comprehensive assessments of abusers	42 (43%)
Treatment work with abusers	42 (43%)
Residential care of abusers	7 (7%)
Manager of front line workers	15 (15%)
Other	25 (26%)

**Table 8.8      Types of Work**

(NB The percentages add up to more than 100% because respondents were often involved in more than one area of work)

Thus, almost half of the respondents were involved in initial risk assessment work, comprehensive assessments and treatment work, with smaller percentages involved in the remaining activities. Respondents who replied 'other' were asked to elaborate on their replies, although other respondents also took this opportunity to expand on the nature of their work. Thus, 53 respondents provided written elaboration. It emerged that these other functions mainly focused on providing consultancy to other staff and their managers on case management; chairing case conference and/or strategy meetings; contributing to the development of local policy and procedure; providing court reports as experts; and some training and local research activities. Clearly these activities reflected the seniority and management responsibilities of many of the respondents.

**Post Qualifying Training Opportunities in this Area of Work that had been available to Respondents**

On the assumption that very few basic qualifying courses yet provide training in work with young sexual abusers and were certainly not doing so when my respondents had originally trained, respondents were asked to indicate what post-qualifying training had been available to them in relation to this area of work. Specifically, they were asked to estimate the total amount of any post-qualifying or in-service training, short courses and conferences, that they had attended dedicated to the topic. Table 8.9 includes the numbers and percentages of respondents indicating varying amounts of post qualifying training.

<b>Total amount of post qualifying or in-service training, short courses or conferences</b>	<b>N(%)</b>
None	15 (16%)
Less than a week	31 (33%)
1 - 2 weeks	23 (25%)
3 - 4 weeks	16 (17%)
1 - 3 months	5 (5%)
More than 3 months	2 (2%)
Don't know	1 (1%)
<b>Total</b>	<b>93 (100%)</b>

Table 8.9      Post qualifying training opportunities

As can be seen, 46 (49%) of the 93 respondents answering this question had had no specialist input on this topic area or less than one week of such training and only 24% of the 93 respondents had had three weeks or more of such input.

### ***Focus of Training***

Table 8.10 provides a summary of respondents' replies to Question 13.1 which had asked them to identify the main focus of any specialist training they had received. They often identified more than one aspect.

<b>Main focus of training</b>	<b>N (%)</b>
Assessment issues	67 (78%)
Treatment issues	56 (67%)
Other	11 (13%)

**Table 8.10**     **Focus of post qualifying training**

Thus, the input respondents had received had mainly focused on assessment and treatment issues. Those respondents indicating 'other' foci identified the following aspects to their training or conference opportunities:

- working with the families of young sexual abusers (x 3 respondents)
- general overview of the area of work (x 3 respondents)
- issues of definition and policy (x 3 respondents)
- research and theoretical issues (x 2 respondents).

### ***Multi-disciplinary Training***

For the majority of respondents any specialist input they had received had been undertaken in a multi-disciplinary context and, when asked to identify which groups of professionals had been involved (Question 13.3), the following rank order emerged.

<b>Professional groupings involved in multi- disciplinary training</b>	<b>N (%) identifying each grouping</b>
Social workers	71 (90%)
Police	55 (71%)
Psychologists	47 (61%)
Health visitors	36 (47%)
Psychiatrists	30 (39%)
Teachers	24 (32%)
School social workers	24 (32%)
Paediatricians	19 (25%)
School nurses	17 (22%)
Probation/youth justice	14 (19%)
Lawyers	12 (16%)
General practitioners	5 (6%)

**Table 8.11** Groupings involved in multi-disciplinary training

Thus, it appeared that social workers, police officers and psychologists were most often involved in such training, with small percentages of other professional groupings also involved.

### ***Helpfulness of Multi-disciplinary Training***

On the whole the respondents had found such multi-disciplinary learning helpful. Table 8.12 summarises the replies of those 69 respondents who answered Question 14.1 on this aspect.

<b>Respondents' ratings of their multi-disciplinary training</b>	<b>N (%)</b>
Very helpful	37 (54%)
Helpful	30 (43%)
Unhelpful	2 (3%)
Very unhelpful	-
<b>Total</b>	<b>69 (100%)</b>

**Table 8.12      Helpfulness of multi-disciplinary training**

Thus, 67 (97%) of those responding to this question had found multi-disciplinary training helpful. Respondents gave various reasons for their views. These included having the chance to share knowledge and skills, to air differing perspectives on key issues, to network across agencies and to raise awareness of the need to work collaboratively. The comments below are typical.

The value of the debate between criminal prosecution versus child protection. Benefit of the skills and experience of professionals who work with adult offenders. Sharing the problem.

(Respondent 1, Child and Adolescent Psychiatrist)

Opportunity for sharing different opinions and understanding the very different agendas we work to, e.g., police.

(Respondent 24, Child Sexual Abuse Therapeutic Project Manager)

Raising awareness across as well as within agencies. Taking on board a range of professional perspectives, opportunities and constraints. Providing a shared base for policy development and service development ...

(Respondent 41, Child Protection Manager)

This kind of work can only be undertaken by and with the support of the entire system. Other professionals have valued expertise in these areas.

(Respondent 70, Social Work Team Leader in Child Psychiatry)

It gave an opportunity to explore peoples (i.e., other agencies) perceptions and ways of dealing with young people who abuse others.

(Respondent 73, Reviewing Officer, Child Protection)

Not an area which has been absorbed into mainstream social work thinking - still a venue for finding out.

(Respondent 90, Manager, Services for Young People)

As with all Child Protection issues, an inter-agency approach is necessary.

(Respondent 102, Child Protection Co-ordinator)

Sharing of experiences, ideas, beliefs. No one group has a complete grasp of the issues involved and there is need for close inter-agency collaboration.

(Respondent 312, Forensic Clinical Psychologist)

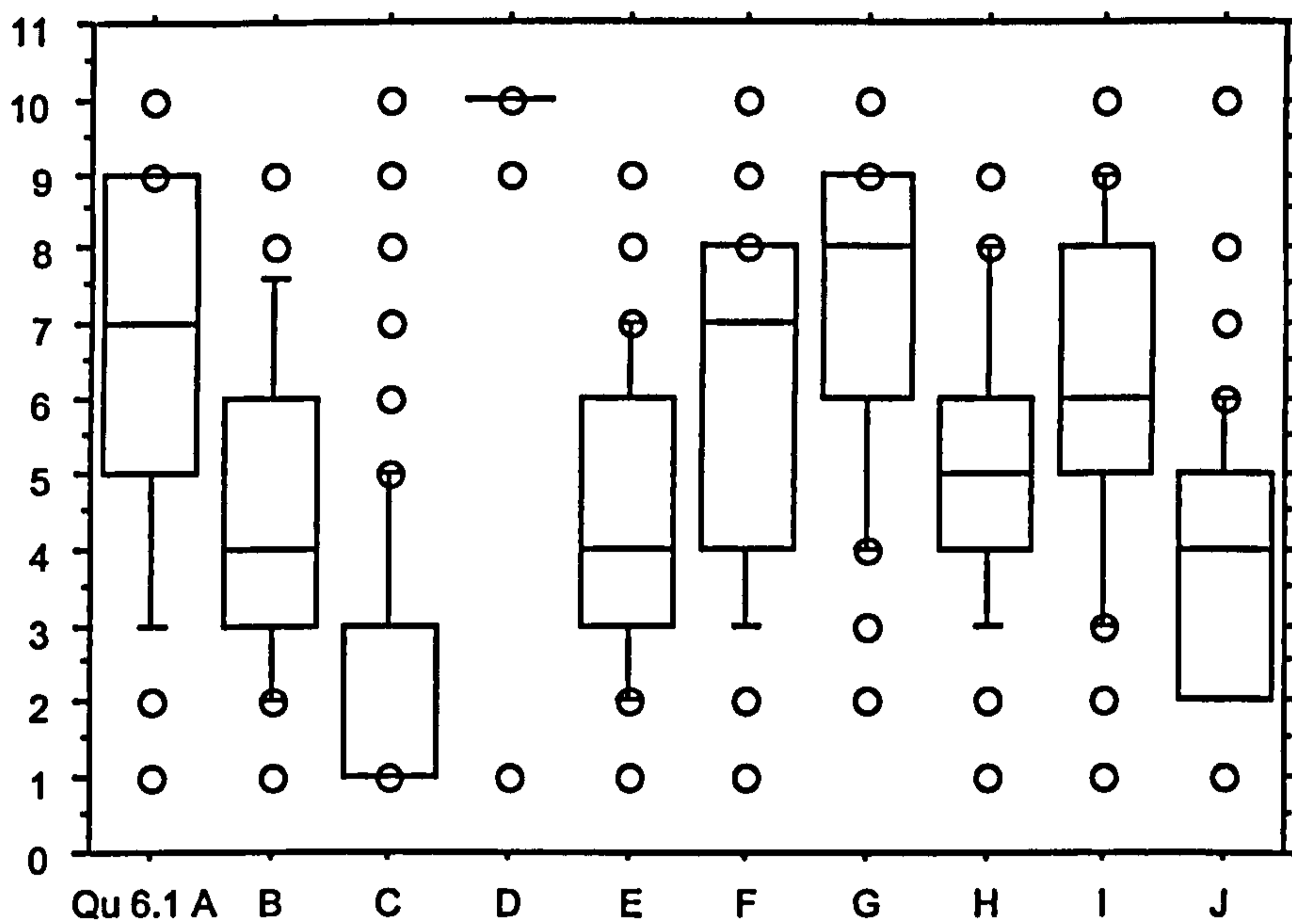
### **Exploring Respondents' Opinions on Issues of Seriousness via Brief Vignettes**

Question 6 of the questionnaire comprised two lists of 10 vignettes each involving children or adolescents in possibly abusive situations. Respondents were asked to rank each list of vignettes in what they perceived to be their relative order of seriousness, up to a ranking of 10 as the most serious. Thus Question 6.1 comprised the following instructions and list of vignettes:

**Instructions:** In the following list are 10 items, each item comprising a short passage describing a potential incident of sexual abuse by a child or young person. Please rank the items on a scale of increasing seriousness from 1 to 10, so the item you give a ranking of 10 to is the incident you consider to be the most serious incident out of the 10 items, with lower rankings indicating which you believe are not so serious. Base your rankings on your professional experience with children and adolescents. Whilst there is not enough information included to make a decision about the appropriate professional action, your opinions are still important. You may have seen a variety of cases similar to this one, but please make your rating on the basis of the average case.

Order	Rank
a) A 16 year old boy in Local Authority Accommodation is found in bed with an 11 year old boy	_____
b) A 6 year old boy who has repeatedly touched the genitalia of a 6 year old girl at school	_____
c) A gang of four 11 year old boys who mutually masturbate	_____
d) A 15 year old boy who has raped an 8 year old girl at knifepoint	_____
e) A 10 year old girl is caught touching the genitals of her 7 year old sister	_____
f) A 17 year old boy accused of making obscene telephone calls to girls at his school	_____
g) A 16 year old girl who has allowed two 13 year old boys to simulate sexual intercourse with her, in return for money	_____
h) A 13 year old boy has been accused of indecently exposing himself to his younger brothers aged 10 and 8	_____
i) An 8 year old girl who is "acting out" her own abuse in sexual play with her 4 year old brother	_____
j) An 11 year old boy who encouraged his 8 year old friend to compare and touch each other's penises	_____

A summary of respondents' replies to this first list (Question 6.1) is provided in Table 8. 13 which comprises a box plot overview of the data, where the units on the vertical axis are the rankings of seriousness and the 10 columns marked A - J on the horizontal axis represent the vignettes.



**Table 8.13** Box plot of respondents' rank ordering of seriousness of sexual abuse vignettes (Question 6.1)

At the extreme end of the vignettes there was considerable agreement between respondents about levels of seriousness. So, for example, all but two respondents had rated the vignette D 'a 15 year old boy who has raped an eight year old girl at knifepoint' as the most serious of the incidents in the list of ten. (One respondent had rated this the least serious of the incidents but I think this may indicate a misunderstanding of the instructions.) In contrast, respondents demonstrated a much wider range of opinion regarding their ranking of seriousness for the vignette F 'a 17 year old boy accused of making obscene telephone calls to girls at his school'. Specifically, in relation to this vignette, the range of rankings varied from 1 (least serious of the 10 vignettes) to 10 (most serious) with 50% of respondents placing their rankings of the vignette between 4 and 8, the median value being 7 (with 50% of the ratings below 7 and 50% above 7).



In terms of the median values associated with the 10 vignettes the following order of respondents' rankings of their seriousness can be calculated from the box plot above:

<b>Vignette</b>	<b>Median Value</b>
D	10
G	8
A	7
F	7
I	6
H	5
B	4
E	4
J	4
C	1

This seemed to indicate that, in broad terms, the following factors may have been influencing respondents' judgements about the relative seriousness of the incidents:

- the age of the alleged abuser
- the age differential between alleged abuser and victim
- whether the activity seemed consensual as opposed to coerced
- the nature of the alleged abuser's behaviour and whether violence was involved.

However, it is also apparent from the box plot that there was a considerable range of opinion in relation to all of the vignettes, with 50% of the rankings spanning at least three units in the five out of 10 vignettes and four units in two of the vignettes (A and F).

**Second list of vignettes**

Question 6.2 asked respondents to complete the same exercise, but with a different list of vignettes, to explore issues of consistency. Identical instructions were included with the following list of vignettes.

**Instructions:** In the following list are 10 items, each item comprising a short passage describing a potential incident of sexual abuse by a child or young person. Please rank the items on a scale of increasing seriousness from 1 to 10, so the item you give a ranking of 10 to is the incident you consider to be the most serious incident out of the 10 items, with lower rankings indicating which you believe are not so serious. Base your rankings on your professional experience with children and adolescents. Whilst there is not enough information included to make a decision about the appropriate professional action, your opinions are still important. You may have seen a variety of cases similar to this one, but please make your rating on the basis of the average case.

Order	Rank
a) A 15 year old boy who bullies two 10 year old boys into masturbating him	_____
b) A 16 year old boy with learning difficulties who has admitted having sexual intercourse with a 13 year old girl	_____
c) Two 10 year old boys who have indecently assaulted a 2 year old boy	_____
d) A 12 year old girl who is often left to look after her younger siblings and who is discovered to have repeatedly touched their genitals whilst undressing them	_____
e) Sexual intercourse between a 17 year old boy and a 14 year old girl	_____
f) A 15 year old boy who, whilst babysitting, persuaded his 8 year old, female cousin to kiss and cuddle him	_____
g) A 16 year old boy who entices little girls aged about 4 years to go with him to a secluded place and then exposes himself to them	_____
h) A 14 year old boy who has had a long term incestuous relationship with his 16 year old sister	_____
i) Two 9 year old girls playing 'doctors'. One of the girls has a mild learning disability	_____
j) A 12 year old boy who repeatedly attempts to engage in sexually explicit conversation with his peers against their will	_____

A summary of respondents' replies to this second list (Question 6.2) is provided in Table 8. 14 which comprises a box plot overview of the data, where again the units on the vertical axis are the rankings of seriousness and the 10 columns marked A - J on the horizontal axis represent the vignettes.

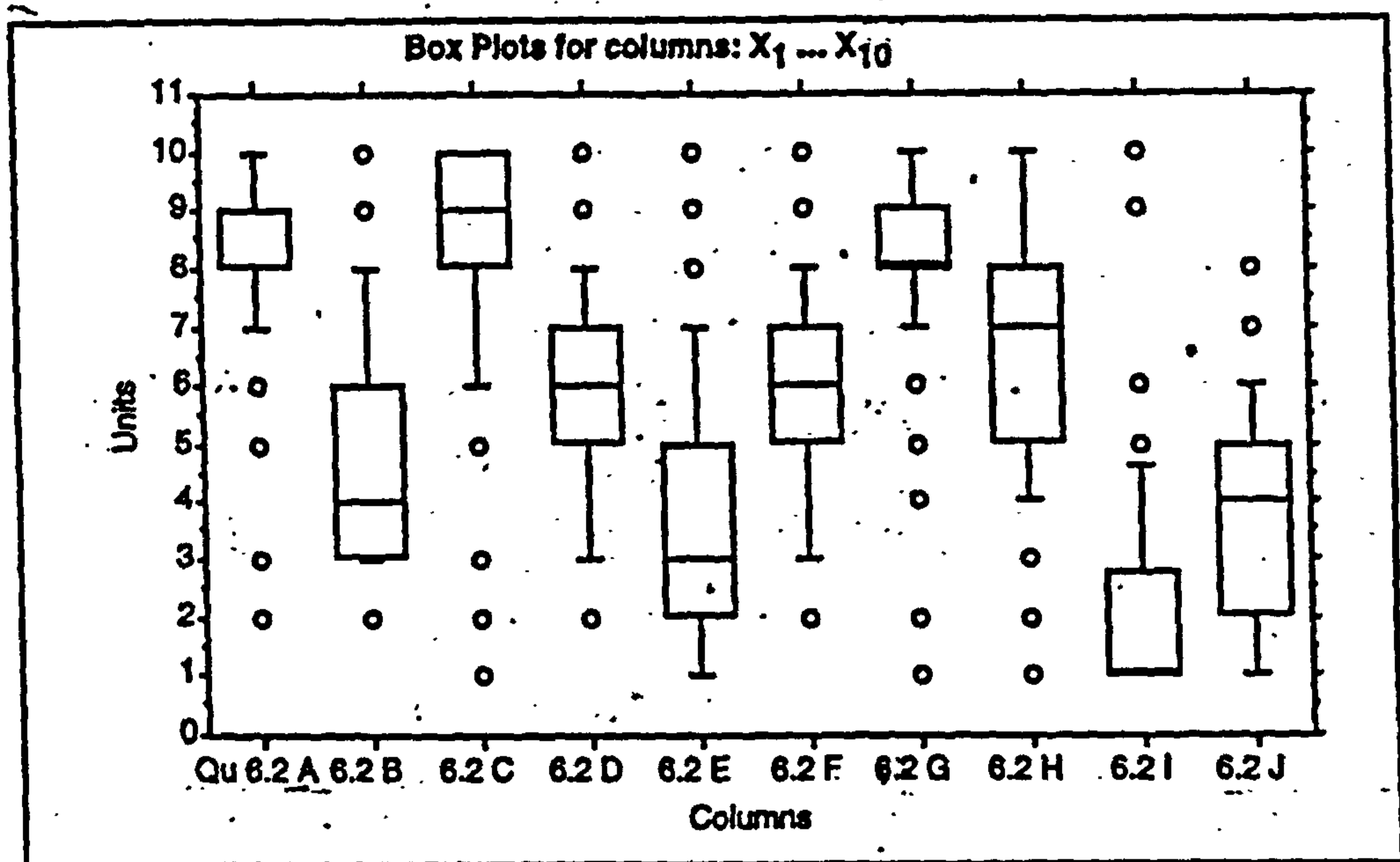


Table 8.14 Box plot of respondents' rank ordering of seriousness of sexual abuse vignettes (Question 6.2)

There appeared to be somewhat more agreement amongst the majority of respondents as regards their perceptions of the seriousness of this second list of vignettes. Thus, 50% of the respondents' rankings spanned just one unit in vignettes A and G (which were also judged to be at the more serious end of the vignettes), 50% of rankings spanned two units in four out of the 10 vignettes and three units in the remaining four vignettes. Nevertheless, in the case of all the vignettes rankings varied from at least 2-10.

In terms of the median values associated with the 10 vignettes the following order of respondents' rankings of their seriousness can be calculated from the box plot above:

<b>Vignette</b>	<b>Median Value</b>
C	9
A	8.5
G	8
H	7
D	6
F	6
B	4
J	4
E	3
I	1

This suggested that much the same factors as previously might be impacting on respondents' judgements about the relative seriousness of the incidents. As with the first list of vignettes the following factors seemed to be influential:

- the age of the alleged abuser
- the age differential between alleged abuser and victim
- whether the activity seemed consensual as opposed to coerced
- the nature of the alleged abuser's behaviour and whether violence was involved.

### **Local Policy and Guidance**

Respondents were asked if they were aware of paragraph 5.24 in *Working Together* (DOH, 1991). All 102 respondents replied, 81% in the affirmative, 12% in the

negative, with 7% not sure. They were then asked if other policy and guidance had been developed locally to assist and co-ordinate professional responses to this service user group. Table 8.15 summarises their replies:

<b>Whether local inter-agency policy and guidance had been developed</b>	<b>N (%)</b>
Yes	53 (54%)
No	19 (19%)
Don't know	26 (27%)
<b>Total</b>	<b>98 (100%)</b>

Table 8.15      Existence of local inter-agency policy and guidance

Thus, slightly more than half the 98 respondents who replied to this question indicated that other policy and guidance had been developed locally to assist and co-ordinate professional responses to this service user group.

### ***Usefulness of Own Agency's Policy and Procedures***

Respondents were then asked to offer an opinion on the usefulness of their own agency's policies and procedures in carrying out their work with children and young people who sexually abuse. The replies of the 99 people who responded to Question 15.4 are set out in Table 8.16:

<b>Ratings</b>	<b>N (%)</b>
Poor	22 (25%)
Adequate	48 (54%)
Good	17 (19%)
Very good	2 (2%)
<b>Total</b>	<b>99 (100%)</b>

**Table 8.16      Usefulness of own agency's policies and procedures**

Only 21 % of the respondents described their agency's policies and procedures as 'very good' or 'good' in terms of their usefulness, whereas a quarter of the sample described them as 'poor' and 54% rated them 'adequate'.

### ***Model of Practice Locally***

Respondents were then asked to identify the model of practice for dealing with the initial management of cases of children and young people who sexually abuse which most closely equated with the model in their area. They were given a list of five possible models from which to choose, plus an 'other models' choice. These options were generated from my preliminary analysis of ACPC inter-agency guidance. Table 8.18 summarises the 78 replies to Question 15.6.

<b>Model of Practice</b>	<b>N (%)</b>
Specialist project (often with special funding), offering initial assessments and recommendations to child protection conferences and/or juvenile liaison panels	24 (31%)
Model based on child protection conferences taking precedence, with conference reports available to juvenile liaison panels	18 (23%)
Model based on child protection conference following juvenile liaison panels and any decisions about prosecution	9 (12%)
ACPC mandated special panel making recommendations to CP conferences and YJ panel meetings	2 (2%)
Child Protection and Youth Justice liaison panel meeting combined	-
Other models	25 (32%)
<b>Total</b>	<b>78 (100%)</b>

Table 8.17    Models of Practice

Thus, of the 53 respondents who identified one of the five listed models of practice as existing in their area, almost half indicated that specialist projects of some kind were in existence which were undertaking initial assessments and forwarding information to child protection and/or juvenile liaison panels; with the majority of the rest (18 respondents) reporting that, in their areas, child protection conferences were taking precedence over juvenile liaison panels. Nine respondents chose the third model in the list (where juvenile liaison panels took precedence and where decisions about prosecution were take before a child protection case conference occurred). Finally, two respondents identified the use of ACPC mandated special panels which

considered young sexual abusers first before making recommendations to child protection and/or juvenile liaison panels.

Of the 25 respondents who indicated that 'other' models were in place 13 respondents said they had no model at all in their area and that initial management of such cases was ad hoc and variable. Seven respondents did not know what, if any, model there was in their area, and the rest commented that it depended on who got the referral first, whether the case then went through the child protection or youth justice system. The comments below are typical of those made.

We have no system at all! (Respondent 12, Child Protection Consultant)

The model will vary according to whether the referral is first received by the Youth Justice team or the Child Protection team.

(Respondent 19, Social Work Consultant)

Can't answer - multiple models as multiple social services departments covered. (Respondent 31, Consultant Forensic Clinical Psychologist)

No co-ordination of CPC and Youth Justice panel. Ad hoc! Some policy guidelines and some treatment resources available.

(Respondent 91, Head of Social Work, Voluntary Agency)

Patchy service across the city - great variability. Some CPCCs, some to Youth Justice.

(Respondent 115, Consultant Child and Adolescent Psychiatrist)

Decision regarding each case dependent upon attitudes of those who process the initial referral. (Respondent 207, Senior Social Worker)

### ***Child Protection Case Conferences***

When asked if child protection case conferences were held on children and young people who sexually abuse in their area there was a considerable range of response which is summarised in Table 8.18.



<b>Child Protection case conferences held on young sexual abusers</b>	<b>N (%)</b>
Always	24 (25%)
Sometimes	56 (58%)
Never	2 (2%)
Don't know	14 (15%)
<b>Total</b>	<b>96 (100%)</b>

**Table 8.18**     Whether child protection case conferences held

Just a quarter of the respondents reported that child protection case conferences were always held on young sexual abusers, the majority (58%) reporting that this happened 'sometimes'. Respondents were asked to amplify when they had replied 'sometimes'. Of those who did elaborate a fascinating range of replies were given which are summarised in the list below:

- no guidelines or policy in this area about whether such youngsters should be case conferenced/random decisions made about conferencing, often by individual professionals with a special interest in this area of work (x 23 respondents)
- when the young abuser is also thought to be a victim (x 12 respondents)
- in the case of intra-familial abuse (x 6 respondents)
- when child protection issues need to be considered (x 8 respondents)
- when there's a significant age gap between the abuser and their victims, e.g., a teenager abusing much younger children (x 4 respondents)

- when the referral comes either directly to the social services department or the police child protection team otherwise, if coming via a different route, may not be conferenced (2 respondents)
- when practice is at a good level and sufficient skill/knowledge is in place in front line social workers and managers (1 respondent).

### ***Child Protection Registration***

Respondents were then asked ‘Where a young sexual abuser is the subject of a child protection conference on what grounds might registration be based?’ Respondents could choose more than one answer to this question and Table 8.22 demonstrates that many did:

<b>Grounds for child protection registration</b>	<b>N (%)</b>
As an abuser in need of services	39 (42%)
As a victim of sexual abuse	64 (70%)
Other grounds	24 (28%)

**Table 8.19      Grounds for child protection registration**

As the table indicates children and young people who were sexually abusing other children were likely to be registered under child protection procedures on a number of different bases. A significant proportion of respondents (38 or 37%) provided written, and sometimes illuminating elaboration on their replies. Thus, some described what a contentious issue this was, others indicated that consideration was being given to creating a new category for young sexual abusers, others quoted the latest DOH

guidance and yet others reported on varying approaches within and across local authorities. Finally, some respondents indicated that, in their area, such youngsters would probably not be registered but would be responded to as a child in need. The quotes set out below are typical.

Generally the case conference is convened as part of a protection plan for the victim, the abuser is not registered. However we have had one young man registered for emotional abuse on the basis that his mother was denying the possibility of future abusive behaviour.

(Respondent 16, Young Abuser's Project Worker)

We are currently changing our procedures to have a separate category for young sexual abusers. Currently they are conferenced and reviewed under CP procedures but only registered if they are known victims. From October they will be registered as abusers.

(Respondent 19, Social Work Consultant)

Always produces an argument. They are reluctant to register. I point out the NCH (1992) guidelines, no adequate category ...

(Respondent 20, Consultant in Child, Adolescent and Family Psychiatry)

Varies according to the LA. We work with a number of social services departments.

(Respondent 31, Consultant Forensic Clinical Psychologist)

.....'s policy is not to register - unless themselves a victim. But interagency conference is reconvened at three monthly, then routinely at six monthly intervals to check plans etc.

(Respondent 68, Locum Learning Development Officer - Child Protection)

Would not be registered as in need of services, but might be assessed as a child in need.

(Respondent 83, Team Leader, Child Protection Duty Team)

I have particular problem with registration of an abuser who is not himself at risk of significant harm - criteria not met when he/she is registered due to his/her needs. We are proposing to avoid the initial CP conference unless s/he is deemed to be likely to be at risk him/herself. Rather we are hoping to take the child in need approach - to be discussed at ACPC. Current position is that some offices do conference via CP system and some don't.

(Respondent 94, Principal Officer, Child Protection Adviser)

We have been advised by SSI that a conference can only be called if there is evidence that the abuser is likely to have been abused themselves and therefore could be registered under one of the DOH categories.

(Respondent 106, Child Protection Training Co-ordinator)

### ***Involvement in Child Protection Meetings***

Question 10 was designed to discover respondents' own involvement in initial and review child protection case conferences, including 'core group' meetings in respect of children and young people who sexually abuse. Table 8.20 provides data on respondents' involvement in such meetings during a) the previous three months and b) the previous year, as evidenced by their replies to questions 10.1 and 10.2.

<b>Number of child protection meetings involved in</b>	<b>a) in the last 3 months N (%)</b>	<b>b) in the last year N (%)</b>
0	42 (45%)	26 (28%)
1 - 4	40 (43%)	31 (33%)
5 - 19	9 (10%)	18 (20%)
10 - 19	2 (2%)	14 (15%)
20+	-	1 (1%)
40+	-	1 (1%)
No firm estimate	-	1 (1%)
Don't know	-	1 (1%)
<b>Total</b>	<b>93 (100%)</b>	<b>93 (100%)</b>

**Table 8.20      Involvement in child protection case conferences, including core group meetings**

A significant minority (26 respondents or 28%) had not been involved in such meetings during the previous year and 42 respondents (45%) had not participated in a child protection conference or core group meeting in the previous three months. Of those respondents who had, 40 of them (74% of the 54 who had) had attended 1-4 such meetings in the previous three months whereas over the previous year as a whole 31 respondents (48% of the 65 who had) had attended 1-4 such meetings.

### ***Involvement in Cautioning or Youth Justice Panels***

By way of comparison respondents were asked to indicate how much involvement they had had in cautioning or youth liaison panels in connection with cases involving children and young people as sexual abusers. Table 8.21 provides this data.

<b>Number of cautioning or youth liaison panels involved in</b>	<b>a) in the last 3 months N (%)</b>	<b>b) in the last year N (%)</b>
0	89 (95%)	84 (88%)
1- 4	3 (3%)	8 (8%)
5 - 19	2 (2%)	-
10 -19	-	2 (2%)
20+	-	1 (1%)
40+	-	-
No firm estimate	-	-
Don't know	-	-
<b>Total</b>	<b>94 (100%)</b>	<b>95 (100%)</b>

**Table 8. 21      Involvement in cautioning or youth liaison panels**

Thus, much smaller percentages of respondents had attended cautioning and youth liaison panel meetings than they had attended child protection focused meetings. I suspected that this finding was a function of my sample, which contained many more child protection specialists than youth justice specialists and respondents' replies to Question 10.9, which asked them to indicate their reasons for not attending any cautioning or youth liaison in the previous three months or a year, rather supported my hypothesis. Thus, 16 out of 92 respondents (17%) reported that such meetings had not involved their cases and 61 out of 96 respondents (64%) reported that it was not

their job to attend. Interestingly, 20 out of the 92 respondents (22%) did comment that they had not been invited to such meetings, although, in written comments, three respondents said they had been asked for written reports but had not actually participated in the panel discussions.

***Young Sexual Abusers subject to both Child Protection Conferences and Youth Justice/cautioning Panels***

Thus, in terms of which professionals attended which meetings, I gained an impression of two very distinct systems functioning quite independently. On the other hand, when respondents were asked what percentage of their cases involving young sexual abusers respondents had been the subject of both child protection conferences and youth justice/cautioning panels in the previous year (Question 11.1) it was evident that quite a large number of children and young people were being processed through both systems. Table 8.22 summarises the replies of the 71 respondents who answered Question 11.1.

<b>Percentage of cases in the past year subject to both CP and YJ meetings</b>	<b>N (%)</b>
None	26 (37%)
0 - 20%	30 (42%)
21 - 40%	7 (10%)
41 - 60%	1 (1%)
61 - 80%	2 (3%)
more than 80%	5 (7%)
<b>Total</b>	<b>71 (100%)</b>

**Table 8.22      Cases being processed through both child protection and juvenile liaison panels**

Thus, 30 (42%) respondents estimated that up to 20% of young sexual abusers on their caseload had been the subject of both child protection case conferences and youth justice/cautioning panels in the previous year, seven (10%) had estimated that this had occurred in respect of 21-40% of their cases and eight (11%) had estimated that this had been the outcome in over 41% of their cases.

### **Respondent Views on Child Protection versus Youth Justice Perspectives**

I had particularly wanted to test respondents' views on the debate between child protection and youth justice philosophical perspectives on how to respond to children and young people who sexually abuse, a debate which I discussed in Chapter 4 as part of my analysis of the NCH Enquiry Report (1992) and which had surfaced in the findings from earlier phases of my research. Respondents were asked, therefore, in Question 16.1, how far they agreed with the statement that 'all juvenile sexual abusers should be the subject of a legal mandate and directed towards treatment'. Table 8.23 summarises their replies.

<b>Extent of agreement</b>	<b>N (%)</b>
Completely agree	31 (31%)
Agree	46 (46%)
Disagree	24 (23%)
Completely disagree	-
<b>Total</b>	<b>101 (100%)</b>

**Table 8.23**      **Responses to the statement 'all juvenile sexual abusers should be the subject of a legal mandate and directed towards treatment'**

Thus, there was a range of response, with the majority agreeing or completely agreeing with the statement (77%), and 23% of respondents disagreeing with it. It was in relation to this question only that some differences of views were noticeable depending on whether the respondents came from a youth justice/probation background, a forensic clinical psychology background, or a social work/child protection background. Specifically, whereas a third of each of the first two groups disagreed with the statement, less than a fifth of the respondents from a social work/child protection background disagreed with the statement. Given the preponderance of respondents with social work/child protection backgrounds in my sample, this largely explains the sizeable majority supporting the statement's sentiments.

When respondents agreed or completely agreed with the statement they provided various, linked rationales for their position. Some thought that a legal mandate was needed to ensure the young person's co-operation with treatment, others that the fact of a court order assisted in challenging denial or minimisation of the abuser's behaviour, whilst a few respondents suggested that having a legal mandate was the only way of unlocking resources. The following quotes are typical of their replies.

Effective treatment is 'most likely' with a legal mandate. The form of the legal mandate could be looked at creatively.

(Respondent 5, social worker - senior practitioner)

In my experience without the legal mandate offenders withdraw from treatment when it gets difficult.

(Respondent 24, Child Sexual Abuse Therapeutic Project Manager)

I've found it helpful for young people to have a mandate in therapeutic work. This helps to redress issues of denial.

(Respondent 53, NSPCC Project Manager)



Legal mandate can initially enhance process of engagement of both adolescent and carers and access resources. Also prosecution can have therapeutic value for both abuser and victim(s).

(Respondent 111, Sex Offenders Project Co-ordinator)

Only way at the moment anyway of getting 'treatment'. I do not agree that the judicial system should be used in this way.

(Respondent 266, Detective Inspector)

In contrast, those who disagreed with the statement often did so on the grounds that the circumstances of children and young people who sexually abused varied considerably and that a legal mandate was not always necessary. Assessment work, they argued, was crucial to try and distinguish those youngsters who should be the subject of a legal mandate and directed towards treatment, from those who should not.

These quotes below were broadly representative:

The decision should be made on the basis of the abuser's age, whether or not the abuser was/is a victim and whether he/she is motivated to change.

(Respondent 8, Consultant Paediatrician)

Each case needs assessing in accordance with the crime committed, attitudes etc.

(Respondent 18, Project Leader, Specialist Therapeutic Project for Young Sexual Abusers)

Assessment should be a tool for making these difficult decisions.

(Respondent 82, Team Leader, Youth Justice)

I think each case needs to be assessed individually, rather than having too global a rule.

(Respondent 324, Head of Clinical Psychological Unit)

Difficult to be absolute - going to depend on individual circumstances of each case. Have to consider extent to which individuals are motivated to address their offending and able to use treatment.

(Respondent 349, Forensic Clinical Psychologist)

It is important that assessment takes place, sometimes to prevent or deal with concerns (such as adolescents who always retain Schedule 1 status and are automatically considered a risk to children). Early assessment would identify those who really do present future risks - and hopefully treat them so as to prevent further abuse.

(Respondent 352, Consultant Forensic Clinical Psychologist)

A few respondents struggled with the statement on the grounds that the term 'sexual abusers' begged a lot of questions about definitional issues:

Depends upon definition of 'sexual abuser' - I would agree to the above statement if based upon the Ryan and Lane (1991) definition.

(Respondent 30, Principal Officer, Youth Justice)

All? underlined because of the problem of definition. Some inappropriate sexual behaviour has been dealt with, without legal sanctions, depends on the behaviour, age of the client etc.

(Respondent 230, Principal Child Protection Officer)

Some respondents challenged the implicit thinking behind the statement that, unless made to have treatment, young abusers would become adult sex offenders. Thus two respondents commented:

My personal experience is that a legal mandate is not needed for successful treatment, other mandates can work. Working with the 'grain' of juvenile justice systems - there are sound philosophies behind the practice of diversion and juvenile justice workers are not going to change their views without similarly good reasons. (Respondent 237, Principal Social Worker)

I don't think the evidence is clear yet about whether child perpetrators are at particular risk of becoming adult abusers, or whether in common with other juvenile offenders, the majority will cease to offend in early adulthood.

(Respondent 326, Consultant Forensic Clinical Psychologist)

Others disagreed with the statement on the basis of their perceptions of the legal system:

Currently legal mandate in this part of the world is very punishment orientated and less likely to lead to treatment.

(Respondent 19, Social Work Consultant)

Naïve to believe that legal mandate is obtainable. Most cases would not achieve this. (Respondent 31, Consultant Forensic Clinical Psychologist)

Important that cases are not 'lost'. However, I'd be concerned about the potential for punitive authoritarian and stigmatising approaches - not easy to avoid with current Home Secretary (*Michael Howard*)!

(Respondent 64, Consultant Forensic Clinical Psychologist) (my italics)

### ***Factors Influential in Prosecution Decisions***

Question 16.2 asked respondents to indicate the factors which might be influential in making decisions about whether to prosecute juvenile sexual abusers. Respondents could choose from 13 possibilities, derived from my analysis of current literature and research, and could choose as many factors as they wanted. Table 8.24 lists the factors which respondents chose, set out in overall rank order.

<b>Influential factor</b>	<b>N (%)</b>
Nature of the offence	94 (95%)
Whether violence or threats of violence involved	89 (90%)
Evidence of previous offending	84 (85%)
Age differential between abuser and victim	81 (82%)
Age of abuser	77 (78%)
Perceived risk of re-offending	75 (76%)
Attitude of abuser	69 (70%)
Likelihood of prosecution	68 (69%)
Attitude of abuser's family	49 (49%)
Motivation to attend treatment	45 (46%)
Inter-agency policies in these cases	36 (37%)
Victim's views	31 (32%)

**Table 8.24      Factors likely to be influential in prosecution decisions**

Thus, large percentages of respondents (69% or above) identified eight factors as influential in making decisions about prosecution. Interestingly, victim perspectives were perceived as much less likely to impact on such decision making. 13 respondents

identified other factors they felt were influential. These included whether the young person had admitted the offence; police attitudes; the discriminatory impact of geography, class, race and a previous history of being in local authority care; and the determination of the victims and their families to make sure a case was brought.

***Where Decisions about Prosecution are Made***

Respondents were also asked in which forum(s) recommendations were made about whether or not to prosecute juvenile sexual abusers. Table 8.25 provides a summary of respondents' replies. Again they were allowed to tick more than one box if appropriate.

<b>Forum where recommendations made about prosecution</b>	<b>N (%)</b>
Child protection case conferences	16 (17%)
Police independently	26 (28%)
Youth justice liaison panel or equivalent	52 (55%)
Other	8 (9%)
Don't know	31 (33%)

Table 8.25      Where recommendations for prosecution were made

From my respondents' replies it appeared that recommendations about prosecution were made in a variety of arenas, presumably involving largely different sets of personnel, with rather different official functions, professional backgrounds and philosophies.

## **Monitoring the Problem of Children and Young People who Sexually Abuse**

I was interested to try to find out if there was any monitoring of sexual abuse by children and adolescents going on in respondents' areas. Question 16.3 addressed this issue and Table 8.26 summarises the findings.

<b>Whether monitoring of the problem in place</b>	<b>N(%)</b>
Yes	38 (38%)
No	27 (27%)
Don't know	35 (35%)
<b>Total</b>	<b>100 (100%)</b>

Table 8.26 Extent of Monitoring

As will be noted, a substantial minority of respondents (38%) claimed that monitoring of the problem was in place. This would be potentially encouraging, except that those respondents who had indicated that there was monitoring going on in their area were also asked to specify what system was in place. Their replies revealed that what they were calling monitoring usually comprised very basic and uncoordinated approaches such as:

There are working practices as regards case management and treatment - hope all are collecting statistics.

(Respondent 1, Child and Adolescent Psychiatrist)

By me - but this is rather ad hoc. (Respondent 21, Child Protection Adviser)

Agency monitoring based on referrals received and official crime statistics.

(Respondent 16, Young Abuser Project Worker))

But only in respect of adolescents through Youth Justice system.  
(Respondent 34, Senior Practitioner, Child Protection)

Trying to best it, is difficult because the police, social services and probation figures don't correlate.  
(Respondent 70, Social Work Team Leader in Psychiatry)

Only via register numbers/categories.  
(Respondent 247, Senior Social Worker)

Just two respondents mentioned dedicated projects underway trying to monitor the introduction of new policies and procedures, with the numbers of youngsters being processed through these new systems part of the data being collected.

### **Overall Levels of Satisfaction with Local Area Arrangements**

Not surprisingly, given all the results outlined thus far, when asked under Question 15.7 how generally satisfied or dissatisfied they were with their local area arrangements, responses were variable. Table 8.27 summarises the data from the 83 respondents who replied.

<b>Level of satisfaction with local area arrangements</b>	<b>N (%)</b>
Very satisfied	1 (1%)
Satisfied	24 (29%)
Dissatisfied	48 (58%)
Very dissatisfied	10 (12%)
<b>Total</b>	<b>83 (100%)</b>

Table 8.27      Levels of satisfaction with local area arrangements

Thus, 70% of those who replied said they were either dissatisfied or very dissatisfied with their local area arrangements. Many reasons were given for such dissatisfaction. Some complained that there was no model for consistently dealing with young sexual abusers, others focused on the lack of connection between child protection and youth justice processes. The differing perspectives in evidence in child protection and youth justice approaches were also mentioned as complicating factors. Some respondents bewailed the lack of appropriate assessment and treatment facilities, others the perceived reluctance of others to get involved in a new area of work because of the resource implications. Denial and minimisation of the problem was mentioned by a few and the fact that what policy, procedural and service developments had occurred had often been the result of the energies of a few committed individuals. The following comments attempt to represent the many and detailed views of respondents who were dissatisfied:

There is no proposed or operational model for consistently dealing with either assessment or (particularly) treatment of this group of children/young people. Overall a lack of policy and guidance.

(Respondent 5, Social Worker, Senior Practitioner)

There is no effective system for linking criminal process with the child protection system.

(Respondent 12, Child Protection Consultant)

Much more work needs to be done to co-ordinate the different approaches of the Youth Justice team (+ somewhat punishment oriented Home Office guidelines) and the C.P. team which is a treatment oriented model.

(Respondent 19, Social Work Consultant)

Assessment poor. Risk assessment ill informed. Philosophy not thought through. Absence of treatment resources. Training non-existent.

(Respondent 31, Consultant Forensic Clinical Psychologist)

Only a small proportion of cases come to SSD attention. No ACPC policy about whether schools should refer indecent assaults and if so in what circumstances. No policy regarding the involvement of the Police Child Protection team, rather than the CID. Fear of being overwhelmed stops policy development.

(Respondent 41, Child Protection Manager)

Worrying abusive behaviour is ignored - even a child of 15 caught attempting to bugger a 13 year old (with a mental age of 4) was not charged because no complaint was made. No child protection conference was called. Both children were in local authority care! The youngest child was on a care order and, as his parents, it was not felt to be in his interest. So we have a high threshold. Boys will be boys.

(Respondent 70, Social Work Team Leader in Psychiatry)

We have had two working parties on this in five years. Recommendations for a co-ordinated system between agencies and an assessment team have been ignored. If several key people leave the authority the provision will reduce dramatically. (Respondent 106, Child Protection Training Co-ordinator)

Though changes are being piloted, response is erratic and attitudes still tend toward minimisation - chronic shortage of treatment facilities.

(Respondent 112, Child Protection Manager)

Piloting new procedure, because existing one not totally effective. Feel there is still a lot of ignorance about, a lack of willingness to see victims as 'abusers'. Treatment and assessment facilities either in infancy or not present at all. Expertise generally bought for individual offenders.

(Respondent 230, Principal Child Protection Officer)

High levels of minimisation/collusion ... low levels of awareness. Unclear systems. Poor monitoring. However things are better than they were - we'll get there!

(Respondent 237, Principal Social Worker)

## **Issues of Concern**

The final section of the questionnaire gave respondents the opportunity to identify their issues of concern in relation to children and young people who sexually abuse others. Table 8.28 lists the 17 issues respondents could choose from (choosing as many as they wanted) and the numbers and percentages of respondents so doing. The 17 options were generated both from my survey of literature and research and from earlier stages of the research.



<b>Issues</b>	<b>N (%)</b>
Lack of treatment facilities	78 (77%)
Problems of victims and abusers being accommodated in the same residential facilities	76 (76%)
Lack of suitable accommodation/suitably qualified staff	76 (76%)
Lack of support/supervision/consultation	66 (66%)
Dearth of evaluation studies	67 (66%)
Lack of comprehensive assessment facilities	65 (64%)
Insufficient training opportunities	62 (61%)
Lack of clarity about what is normal and abnormal sexual behaviour at different stages of child development	59 (58%)
Use of instant cautions and of cautioning generally	59 (58%)
Problems of co-ordinating youth justice and child protection systems	58 (57%)
Lack of initial assessment facilities	55 (54%)
Problems of influencing Crown Prosecution policy and practice	49 (49%)
Lack of knowledge about how far juvenile sexual offenders will 'grow out' of their behaviour	47 (47%)
Problems of influencing sentencers	38 (38%)
Ongoing problems of definition	38 (38%)
Children who are 17, who therefore come within the CP system but who are treated as adults by the Police	37 (37%)
Problems of co-working with the police/police attitudes	28 (28%)

**Table 8.28**      **Issues of concern**

Thus, high percentages of respondents selected many of the issues in the list as matters they were concerned about, 13 out of the 17 issues being identified by at least 47% of the sample. It was interesting, but not surprising, that concerns about a lack of treatment facilities and training, support, supervision and consultation opportunities were high on respondents' agendas but I had not expected issues around residential accommodation to be quite so prominent, although the earlier phases of my research had indicated that this was a significant issue in some ACPC areas.

Respondents were also provided with space to identify other issues and the following were noted by at least one respondent:

- concerns about conferring Schedule 1 status in an uncertain research field;
- differential responses to children of different ages - under 10's being perceived as victims but evidence of more negative attitudes to over 10's;
- problems of engaging with families, especially where intra-familial abuse has occurred;
- working with alleged abusers with learning difficulties, with female abusers and youngsters from ethnic minority groups;
- funding for treatment often a problem;
- lack of clarity about child protection registration;
- minimisation and denial of the extent of the problem.

## **DISCUSSION**

My survey of professionals in England about their involvement in, and views on, work with children and young people who sexually abuse had, I felt, been reasonably successful. Through the means already described I had achieved a satisfactory response rate to my mailed questionnaire and analysis indicated that my respondents seemed reasonably representative of the original survey sample, although I was not in a position to claim that my sample was representative of all professionals in England engaged in this area of work.

On the contrary, my sample was probably rather unbalanced. My respondents were qualified and mature people who were often in senior and management positions in their organisations and, in terms of their professional backgrounds, social workers and child protection specialists were probably over-represented. It would have been useful to have had more respondents from youth justice, probation, education and police backgrounds and, more obviously, front-line workers. Nevertheless, it could be argued that my sample respondents, given their seniority, should have been well placed to be able to take a strategic overview of what was going on in their respective areas, more so, perhaps, than main grade professionals.

### **Nature and Extent of Involvement in Work with Children and Young People who Sexually Abuse**

As regards the nature and extent of their involvement in work with children and young people who sexually abuse, most respondents had reported spending only modest amounts of their time on this area of work although a few had suggested that the

proportion of their time spent on this aspect of work was increasing. Certainly, this would be in accordance with my findings from ACPC annual reports which indicated increased activity in relation to young sexual abusers in the early 1990s. Most respondents were also sited in work units where handling cases of sexual abuse by children and young people was only a part of wider duties.

### **Relevant Post Qualifying Training**

Although respondents had indicated that they were undertaking a range of activities in respect of children and young people who were sexually abusing others, what they had also shown was that very few of them had accessed substantial amounts of relevant post qualifying training. Given that many of the respondents were senior people offering consultation to others, managing the work of practitioners and/or developing policies and procedures, their relative lack of training could be seen as worrying. Respondents were generally well qualified in academic and professional terms and, I would expect that, if given the opportunity, they would have wanted to make full use of specialist training in this area. The NCH Committee of Enquiry (NCH, 1992) had devoted a chapter of its report to training and supervision issues, recommending that proposals should be drawn up for various levels of training. It had recommended that relevant organisations and training institutions should develop appropriate training courses, with ACPCs co-ordinating training opportunities at the local level through a lead officer. My survey had not evidenced developments on these fronts.

## **Issues of Seriousness**

Asking my respondents to rank brief vignettes of possible incidents of sexual abuse by children and young people in terms of their relative seriousness had indicated that respondents' judgements were being influenced by at least some of the factors described in literature in this area (Ryan and Lane, 1997 and NCH, 1992). However, what these exercises had also shown were quite wide divergences of opinion amongst my respondents. These findings are, perhaps, not surprising given what has been written earlier about the difficulties of defining what is sexually abusive behaviour or not and, as was noted later in my results, a majority of respondents expressed concern about their lack of clarity about what was normal and abnormal sexual behaviour at different stages of development. Professional judgements are involved in coming to conclusions about what is, or is not, abusive behaviour and its relative seriousness (Corby, 1993) and it may be that this is an area where further research and training might enhance levels of confidence in the professional judgements being made and make for greater consistency in such judgements.

## **Local Policy and Procedure**

Most respondents had indicated that they were aware of paragraph 5.24 of *Working Together* (DOH, 1991) but the majority had also reported that child protection case conferences were held only sometimes in respect of children and young people alleged to be sexual abusers, thereby being at odds with the recommendations of paragraph 5.24. Their written elaboration on this aspect of case management had provided clear evidence of varying practice both within and between local areas.

Similar variations in practice in relation to the child protection registration of children and young people who sexually abuse was also clearly indicated.

54% of survey respondents had reported that local policy and procedure had been developed to assist and co-ordinate professional responses to children and young people who sexually abuse. It was not valid to compare this finding with the results of my analysis of ACPC annual reports for the period 1992-4 given that it had not been possible to design my survey sample to be representative of all ACPC areas, whose boundaries anyway had altered due to the creation of new unitary authorities. However high levels of dissatisfaction with the usefulness of their local policies and procedures had been expressed by survey respondents, with very similar comments being made to those expressed by those with whom I had conducted semi-structured interviews (Chapter 7). What also seemed to emerge from the survey were the haphazard attempts being made to monitor the extent of the problem of children and young sexual abusers.

### **Models of Practice**

At the point of developing the questionnaire for use in the survey I had not completed my analysis of ACPC inter-agency guidance on policy and procedures in respect of young sexual abusers which is described in Chapter 6. This was because I was hoping that respondents to the survey might forward additional inter-agency guidance which I could add to my existing sample. Hence the five possible models of practice from which survey respondents had chosen were somewhat different from the 4 models of practice, policy and procedure which finally emerged. By then I had realised that,

although specialist projects with dedicated staff and funding often facilitated the development of policy, procedure and services in a local area, such projects often displayed very different models of policy and procedure. Hence, I had had to re-analyse my data and had generated the four category model classification described in Chapter 6, into which any specialist projects had been located, as appropriate. Thus, straight-forward comparison of the results of my survey with the results of my study of inter-agency guidance as regards emerging models of policy and procedure was not feasible. Nevertheless, the evidence from the survey supports my contention in Chapter 6 that different models were emerging, presumably with different consequences for children and young people being processed through them and their carers. Evidence from respondents also seemed to indicate that, in some areas, there was no model at all, again an echo of my findings elsewhere.

### **Involvement in Child Protection and Cautioning or Youth Justice Panels**

When respondents had been asked about their involvement in child protection and cautioning or youth justice liaison panels it was striking how few respondents had attended the latter in the previous year (11%), in comparison with much greater attendance rates at child protection focused meetings. It may well be that this finding was a function of my sample but I suspect that it also illustrates the separation of child protection and youth justice systems in terms of their respective personnels and processes. In contrast, the survey findings also indicated that a substantial minority of young people were having to navigate both systems.

## **Child Protection and Youth Justice Perspectives**

Later, when respondents were asked about where they stood in relation to the statement that all young sexual abusers should be the subject of a legal mandate and directed towards treatment, differences of response seemed to be partly associated with differences in professional background. Specifically, youth justice, probation and clinical forensic psychologists had been less likely to agree with the statement than social workers and child protection professionals. Given the then prevailing youth justice narrative about adopting a down tariff, diversionary approach to young offenders, I was not surprised by the responses of youth justice and probation professionals. Similarly, in the case of the forensic clinical psychologists I wondered if their well reported faith in risk assessment approaches (see, for example, Hoghugh et al, 1997; Erooga and Masson, 1999) could explain their resistance to the statement. As regards the social work/child protection professionals, it might be conjectured that their greater tendency to agree with the statement might be being influenced by the contents of paragraph 5.24 in *Working Together* (DOH, 1991). In respect of child protection issues, generally, I would have expected a different response given the clear direction in the Children Act 1989 that court action should be used only as a last resort. Even so, notwithstanding these intriguing differences, respondents' elaborations on their replies still evidenced a wide range of perspectives on the issue, not necessarily linked to professional background.

## **Factors Influencing Decisions about Prosecution**

As regards the factors that respondents had thought would influence decisions about prosecution of a young person alleged to have sexually abused another person, a



constellation of factors had emerged which the majority of respondents had thought would be taken into account:

- nature of the offence
- whether violence or threats of violence were involved
- evidence of previous offending
- age differential between abuser and victim
- age of the abuser
- perceived risk of re-offending
- attitude of abuser
- likelihood of prosecution.

These included the factors the respondents seemed to be using to try and make their judgements about the relative seriousness of the vignettes in Question 6 and, indeed, they figure in most risk assessment frameworks (Hoghugi et al, 1996; Erooga and Masson, 1999). Interestingly, what seemed to be much less attended to was the victim's perspective and views.

### **Issues of Concern**

Finally, survey respondents had many issues of concern about all aspects of the management, assessment and treatment of children and young people who sexually abuse other children and, overall, were dissatisfied with their local area responses to what they clearly felt was a serious problem. These findings again mirrored my findings from my semi-structured interviews in local ACPC areas (Chapter 7).

## **CONCLUSION**

Virtually all the philosophical and practical issues and concerns identified in this chapter were also addressed in the NCH Report (1992) but, for many professionals in this survey, they still seemed to be problematic. In addition, there appeared to be considerable synchrony between the results of this stage of the research and results arising out of the other phases of my research work.

In child abuse and child protection work, generally, detailed central government and other guidance have been made available to ACPC areas, agencies and professionals so that co-ordinated and relatively well-resourced responses have developed. However, in the case of children and young people who sexually abuse others, such coherent and comprehensive approaches have largely failed to develop and, indeed, the evidence I had collected was suggesting that any developments in this area were often the result of the drive and imagination of a few committed professionals who faced many obstacles in their efforts to implement consistent and coherent systems of response.

In order to try and understand this state of affairs Chapter 9, which begins with a detailed overview of the results of my research, seeks to contextualise my cumulative findings theoretically, through a further discussion of sociological analyses of childhood and of childhood sexuality which were introduced in Chapter 1. This is then followed by a related discussion of the origins of the child protection and youth justice welfare systems in place at the time of my research. Through such theorising I attempt to explain why developing policy, procedures and services for children and

young people who sexually abuse has, thus far, proved to be so problematic. Moreover, as becomes apparent in Chapter 10, the complexities of responding to children and young people who sexually abuse have probably increased as a result of a number of policy and legislative changes in child protection and youth justice which are only now unfolding.

## **CHAPTER 9 THEORISING THE RESEARCH FINDINGS: CONTEXTUALISING THE COMPLEXITIES OF WORK WITH CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE**

### **INTRODUCTION**

Having presented in Chapters 4-8, inclusive, the detailed findings of the research I undertook, the first part of this chapter provides an overview of these results in the context of my original research aims. The overview indicates that, during the period of my research, there were many uncertainties and complexities facing professionals and agencies engaged in developing appropriate systems of response to children and young people who sexually abuse. These uncertainties and complexities had existed since the early 1990s and were still very much in evidence in 1996 without, apparently, a shared conceptualisation emerging about how to manage and respond to these young people.

Reflecting on the available literature on young sexual abusers, which I have reviewed in Chapter 1, I realised that my findings, focusing as they do on policy, procedural and service developments in relation to young sexual abusers, were not usefully illuminated by current, largely clinical theorising which has concentrated on the individual characteristics of these youngsters, issues of causation and treatment approaches. I, therefore, decided to turn to alternative literature for inspiration. What I discovered was that my findings could be more fully understood when contextualised within wider social and conceptual frameworks which, up until that point, had not been used to explore the problem of children and young people who sexually abuse.

Thus, in this chapter, the difficulties of developing professional and agency responses to children and young people who sexually abuse are reviewed in the light of current debates about social constructions of childhood and about childhood sexuality, debates which were introduced in Chapter 1. It is suggested that responses over the last decade to children and young people who have sexually abused others reflect broader and varying adult conceptualisations of children generally and how they are expected to behave, particularly sexually. As well as affecting our reactions to children and what they do, these fluctuating social constructions have impacted, and continue to impact, on how our child-focused policies and legislation have developed over time, with interesting consequences for the development of services for children, particularly for those who do not fit easily into prevailing conceptualisations.

## **OVERVIEW OF THE RESEARCH FINDINGS**

The reader may recall from Chapter 2 that my research aims were as follows:

1. to collate and analyse official and semi-official guidance existing in England since the early 1990s on how welfare agencies should respond to the problem of children and young people who sexually abuse and to explore and understand the process of its emergence;
2. to explore and analyse the development of policy, procedure and services in local ACPC areas in England during the 1990s, and to theorise about the slow and uncertain nature of such developments via:
  - a 100% sample survey of ACPC annual report for the period 1992-4;

- exploration and analysis of ACPC inter-agency guidance;
- semi-structured interviews with professionals in a small number of ACPC areas;
- a national survey by questionnaire of professionals involved in this area of work.

### **Analysis of Official and Semi-official Guidance**

The initial phase of my research, collating and analysing official and semi-official guidance available in the early 1990s on how welfare agencies should respond to children and young people who sexually abuse, involved the analysis of two texts: the 30 lines of paragraph 5.24 of *Working Together* (DOH, 1991) and the much more substantive enquiry report published by the NCH (1992). In Chapter 4 of this thesis my account of how these texts came about outlined the important roles played by certain individuals and organisations in creating what I described as a child protection discourse on the problem of young sexual abusers and how they should be managed. Specifically, young sexual abusers were being conceptualised as different from other juvenile offenders in that they were perceived as tending to grow into their behaviour, rather than out of it. Thus, there were fears that, unless managed and treated, they would become the adult sex offenders of the future. Clear statements were being made that all such young people should be dealt with under existing child protection procedures and that a legal mandate might well be required to ensure co-operation with treatment. Area Child Protection Committees (ACPCs) were also being identified as bodies which should be leading and co-ordinating the development of appropriate systems of response to children and young people who sexually abuse.

Critical analysis of these sets of guidance highlighted their respective assumptions and limitations, an important aspect being the complete neglect in paragraph 5.24 and the relative neglect within the NCH enquiry report of the existence of alternative youth justice systems for the processing of children and young people over the age of 10 years who were alleged to have committed sexual offences. Chapter 4 also noted that subsequent attempts by a central government inter-departmental working party to develop more extensive guidance to address this complication appeared to have fallen victim to increasingly hostile and punitive statements emanating from the Home Office about serious offenders generally and about sex offenders in particular.

As a result of studying these texts I was left with many questions about whether, and how, professionals and agencies might be addressing the messages and recommendations contained in the guidance. For example, was there a shared consensus developing about there being a problem of children and young people who sexually abuse and its parameters? Were local areas aware of the official and semi-official guidance in existence? Was the child protection discourse I have outlined uncontested? Was there agreement that all such youngsters should be dealt with within existing child protection procedures? How were issues of child protection registration being negotiated? What about youth justice procedures in respect of children over the age of criminal responsibility? Were models of policy and procedure emerging? Were assessment and treatment facilities being established? What issues in relation to young sexual abusers were uppermost for professionals, agencies and ACPCs? The second phase of my research, therefore, aimed at exploring and

analysing the development of policy, procedures and services in local ACPC areas in England in relation to children and young people who sexually abuse.

#### **Study of ACPC Annual Reports 1992-4**

Based on a 100% sample of 106 ACPC annual reports for each of the reporting years 1992-3 and 1993-4, and set in the context of official summaries of reports for earlier and subsequent years (Pont, undated; Armstrong, 1995, 1996 and 1997) I was able to show that during 1992-1993 there was a noticeable rise in the amount of attention being paid to the problem of children and young people who sexually abuse, although there was evidence from the 1993-4 reports that this rise was then levelling off. This increased attention, I hypothesised, was due to the publication and dissemination of *Working Together* (DOH, 1991) and the NCH Enquiry Report (1992).

My research also demonstrated some interesting regional variations in levels of activity in respect of the problem of young sexual abusers. Specifically, DOH Northern Region ACPC areas had been more active in terms of developing responses to young sexual abusers early on in the decade, for reasons which I connected with the geographical origins of ROTA/NOTA, the *National Organisation for the Treatment of Abusers*. However, by the middle of the decade it appeared that Central and Southern Region ACPCs had, largely, caught up in levels of activity. Thus, of the 17 'particularly active' areas I identified, Central, Southern and Northern Regions appeared to have similar proportions of such ACPC areas within their boundaries (29%, 19% and 22% respectively). In comparison with the other three DOH regions, London Boroughs Region ACPCs evidenced low levels of activity in relation to the



problem of children and young people who sexually abuse. Moreover, across all regions, there was apparent evidence which indicated that very little or nothing was happening about the children and young people who sexually abuse in a substantial minority of English ACPC areas.

The 1993-4 ACPC annual reports indicated that approximately 30% of all ACPC areas were reporting that they had policies and procedures in place to manage children and young people referred because of their sexually abusive behaviour, with 59% claiming that they were in the process of developing them. As far as I could tell from these reports it appeared that such policies and procedures were being developed within the context of paragraph 5.24 of *Working Together* (DOH, 1991), with very few references in the ACPC annual reports to the relevance of youth justice systems of response in respect of children aged over 10 years.

A small number of the ACPC reports I studied referred to issues that were exercising professionals in their areas: how to define what constituted sexual abuse by children and young people; whether it was valid to assume that young sexual abusers were likely to grow into rather than out of their behaviour; concerns about the number of referrals of very young children for alleged sexual abuse; worries about, on the one hand, issues of denial and minimisation and, on the other hand, of labelling children as Schedule 1 offenders; concerns about peer abuse in residential accommodation and complaints about having insufficient resources to develop appropriate services.

## **Analysing ACPC Inter-agency Guidance**

I was able to access just over half (57 or 54%) of a possible 106 ACPC inter-agency guidance documents, with variable representation across the four DOH regions. The amount of text devoted to the subject of children and young people who sexually abused varied considerably, from ½ a page or less in 9% of the 57 documents I studied to more than two pages in 54% of the documents, as did their contents.

Thus, it was not always clear whether the inter-agency guidance I studied had been drawn up to address just child sexual abuse or child-on-child abuse more generally. Similarly, there was great variation over what (if any) definition of juvenile sexual abuse or other related guidance was provided. The claim that young sexual abusers were different from other young offenders and that policies of minimal intervention might be less appropriate in their case also appeared to be contested, judged by the evidence from the texts, and ACPC areas were taking varying positions on whether young sexual abusers should be registered under their existing child protection arrangements. In a minority of the ACPC sets of guidance there were also clear statements that 'looked after' children should receive the same service as children not in local authority care, with the possible implication that they had not done so previously.

In terms of the similarities in the sets of guidance, what emerged from my reading of ACPC inter-agency guidance was a central focus on trying to identify those children and young people at (high) risk of re-abusing in order to target resources on them. There was evidence of a somewhat uncritical acceptance of the effectiveness of

available risk assessment models and my analysis in Chapter 6 indicated how the popularity of such notions reflected a more widespread application of the language of risk, dangerousness and risk assessments in other areas of social welfare provision. Finally, the sets of guidance were similar in containing evidence of considerable debate around issues associated with the development of policies and procedures in relation to children and young people who sexually abuse, issues which had also surfaced during my study of ACPC annual reports and which were briefly referred to above.

In my analysis of ACPC inter-agency guidance I found that different models of policy and procedure were emerging and I used a four model categorisation in order to summarise key aspects of this variability. 18 (31%) sets of inter-agency guidance had policies and procedures which were outlined purely within the context of child protection systems of response. 26 (46%) sets of guidance had developed policies and procedures which attempted to synchronise child protection and youth justice systems of response, with child protection procedures usually taking precedence over youth justice process. Nine sets of guidance (16%) had elected to develop policies and procedures which made explicit distinctions between the processing of children under and over the age of criminal responsibility, and an even smaller number (four or 7%) were pursuing policies and procedures which provided an alternative route to child protection processes, via meetings held under Section 17 of the Children Act 1989 (children in need). Thus, what became clear from the inter-agency guidance, which was not obvious from the ACPC annual reports, was that the majority of these ACPC

areas were actively trying to dovetail child protection and youth justice systems of response in respect of children aged 10 years and over.

The strengths and limitations of these various models were assessed and the results of my analysis of these texts were compared with the results of my study of ACPC annual reports, especially in relation to the 17 particularly active areas I had identified. It became apparent that such particularly active areas often supported a project specialising in work with young sexual abusers, although the future funding and staffing of such projects did not always seem secure.

#### **Semi- structured Interviews in Six Northern Region ACPC Areas**

During 1994-5 semi-structured interviews were held with nine child protection or youth justice professionals in six ACPC areas, most of them in senior management positions in their respective agencies. The aims of these interviews were to develop a more detailed picture of developments in a small number of areas, to complement the documentary research I had undertaken in respect of all ACPC areas in England.

There were striking variations in developments across the six ACPC areas, variations which seemed to be associated with historical, organisational and personal/professional differences at the local level, these being detailed in Chapter 7. However, what also emerged were a number of common themes, many of which echoed the findings from my study of documents. These included continuing debates about how to define sexual abuse by children and young people, the problems of raising awareness amongst agencies, including the police, courts and the Crown Prosecution

Service, about the particular needs of young sexual abusers and issues of staff training. Tensions between child protection and traditional youth justice approaches towards young offenders were in evidence, as well as the practical problems of dovetailing child protection and youth justice systems of response at the point of referral and subsequently.

Most of my interviewees had concerns about inadequacies in their local inter-agency guidance on policy and procedures in relation to children and young people who sexually abuse and, hence, about inconsistent approaches to their management. The circumstances in which child protection case conferences should be held on young sexual abusers and issues of child protection registration were a major issue for at least some of my interviewees, as well as concerns about a lack of specialist staff and residential resources to support (risk) assessment work and treatment programmes. The need to monitor the extent of sexually abusive behaviour by children and young people, how such cases were managed and the outcomes of intervention was seen as of importance, in contexts where there were underlying concerns about opening up an area of work which might result in demands for increased resources which were unlikely to be forthcoming.

### **National Survey of Professionals by Questionnaire**

102 professionals across England, from a number of disciplines and identified as having particular knowledge of, or involvement in, work with young sexual abusers, responded to a questionnaire sent to them in late 1995 which was designed to gather a range of information. Data was collected on the respondents themselves, the extent

and nature of their involvement in work involving sexual abuse by children and young people and the extent to which post-qualifying training opportunities on the subject had been available to them. Their responses to two lists of vignettes of potential incidents of sexual abuse by a child were elicited in order to explore their opinions on the incidents' seriousness or otherwise. Information about, and respondent views on, policy and procedure in relation to children and young people who sexually abuse in their local area were then collected and respondent views were sought on child protection and youth justice perspectives in relation to this field of work. Finally, there was space for respondents to identify issues that were of concern and/or priority for them in relation to work with young sexual abusers.

Most respondents, who were almost all white and often in senior practitioner or management positions, reported only modest amounts of involvement in work with children and young people who sexually abuse, although it appeared that, for some, the proportion of their workload focusing on this service user group was increasing. Although generally well qualified individuals, they also reported having had only very limited amounts of post-qualifying training in this area of work.

When asked to rank brief vignettes of possible incidents of sexual abuse by children and young people in terms of their relative seriousness, respondents provided evidence that they were often using similar criteria when deciding about the abusiveness or otherwise of a given set of circumstances, criteria which were also alluded to in professional literature. However, it was also clear that there were wide

differences of opinion between respondents about the relative seriousness of any given incident.

As with my semi-structured interviews, when asked about local policy and procedures, respondents provided ample evidence of considerable variation in the models of policy and procedures in respect of young sexual abusers which were developing in their respective areas. Moreover, 58% of the respondents expressed themselves dissatisfied or very dissatisfied with their local area arrangements for dealing with children and young people who sexually abuse, again identifying very similar concerns and issues to those which emerged from my documentary research and semi-structured interviews.

Very few respondents attended both child protection and youth juvenile liaison meetings in respect of young sexual abusers, typically attending one or the other kind of meeting. In contrast, a substantial minority of the young sexual abusers were being processed through, and therefore having to cope with, both systems. Considerable differences of view were highlighted when respondents were asked about child protection versus youth justice perspectives on how young sexual abusers should be managed, with some of this difference of view perhaps accounted for by professional background.

### **Overarching Themes**

Thus, overall, my research indicated that, during the early 1990s in England, there was a growing, although by no means unanimous, perception that there was a problem

of children and young people who sexually abuse, about which something needed to be done. However, as my results Chapters 4-8 clearly demonstrate, the official or semi-official child protection discourse on the nature of the problem and how it should be handled was not universally shared. Indeed, what emerged from my field research, and from my earlier study of documentary data sources, was that this area of work was characterised both by a lack of resources and by significant issues and uncertainties which are outlined below.

As regards resources, there were concerns about a lack of initial and comprehensive assessment facilities, about too few treatment services and about poorly trained and unsupported staff. Particular worries were raised about the lack of placement options which often resulted in victims and abusers living in the same residential accommodation, with the vulnerability to abuse of 'looked after' children often highlighted. Doubts were also being expressed about the appropriateness of existing assessment and treatment facilities in the context of little monitoring, evaluation and research.

Public expenditure cuts were having impacts on a whole spectrum of welfare services during the 1990s and, therefore, concerns about resource issues can perhaps be explained relatively easily as one aspect of a more general problem. However, it could be conjectured that, in some areas, a lack of progress in accessing appropriate resources might be indicative of denial and minimisation of the problem on the part of those holding the purse strings. Certainly, this was implied by a few of my respondents although others commented that failure to secure resources merely



reflected more general concerns about opening up new areas of work in a climate of resource constraint.

However, in addition to the resource problems, my data sources had also highlighted professional concerns about more fundamental and conceptual issues which connected to ongoing problems associated with the implementation of policy and procedures and the development of services. Thus, issues which were regularly raised included the extent to which the problem really existed; whether it was possible to agree what was sexually abusive behaviour as compared to sexual experimentation or sexually inappropriate behaviour; whether this was behaviour that youngsters would grow out of or into; whether and how responses should be tailored to the age of the child; and how young abusers should be reacted to: as victims/abusers or both. The more pragmatic but associated issues that were regularly identified centred on the difficulties of dovetailing child protection and youth justice systems and the problems raised when processing 'abusers' through child protection systems created for children as victims.

As already indicated, the majority of these issues and concerns were addressed by the NCH Enquiry Report (1992) yet it appeared that, four years later, they were still high on professional agendas with limited evidence of a shared perception emerging. As I have suggested, in order to understand the contested nature of the issues that were being voiced and the problems of dealing with young sexual abusers within existing child protection and youth justice systems, I decided that excursions were needed into

the broader conceptual frameworks which were introduced in Chapter 1 and to which I now return.

## **CONCEPTUALISING CHILDHOOD**

### **The Emergence of Childhood**

Aries (1962) argued that, up to and including the Middle Ages, children were invisible in the sense that there was no shared perception of children as being a specific group differentiated from other human groupings. He and others (for example, Robertson, 1976) went on to suggest that modern social constructions of childhood first emerged in the eighteenth century, with considerable debate since about the significance of this development. As outlined in Chapter 1, the construction of a category of childhood can be viewed as symbolic of a more caring society wishing to make specialised and humane provision for young people but others have argued (for example Hendrick, 1994; 1997 and McGillivray, 1997) that this phenomenon can also be seen as the beginnings of more pervasive (modern) forms of social control or regulation of children and (particularly poor) families. Both these assessments are relevant when discussing the particular case of young sexual abusers and associated policy and legislative developments.

### **Deprived or Depraved?**

More recent sociological studies of childhood (see, for example, James and Prout, 1997) emphasise that childhood as a social construction must be analysed in relation to variables of class, gender, ethnicity and power and that, in this process, children's

own perceptions of their lives and social relationships must be heard. However, up until the emergence of these modern sociological analyses of childhood, conceptualising childhood has been very much the domain of adults who have largely ignored such variables in their analyses. These adult conceptions of the nature or principal identities of children have fluctuated in detail over time in response to significant events, political imperatives and the interests of dominant (primarily white, middle class, western) groups such as religious leaders, educationalists, medics, psychologists and others. However, as previously discussed in Chapter 1, Jenks (1996) argues that, throughout history and across cultures, there appear to have been two over-arching or dominant ways of conceptualising or imagining the child: what he calls the Dionysian conception (the child as initially evil, corrupt and in need of surveillance and curbing) and the Appollonian conception (the child as innocent, untainted, needing nurturance, caring and protection). He comments:

... these images are immensely powerful, they live on and give force to the different discourses that we have about children; they constitute summaries of the way we have, over time, come to treat and process children 'normally'.  
(Jenks, 1996: 74)

Jenks argues that the Appollonian child has been the dominant conception in modern society, perhaps enshrined currently in the Children Act 1989 and he explains the emergence of child abuse as a 'new' problem since the 1970s and 1980s within this context. Thus, although there is well documented evidence of chronic exploitation of and violence against children throughout history, he argues that current preoccupations with the problem of child abuse are associated with increased levels of concern and caring for children and lower tolerance for their mistreatment. He claims,

in some synchrony with the account provided in Chapter 1 of this thesis, that the heightening of concern for children as innocent victims of abuse was originally driven by two primary agencies: the women's movement's discourse on male violence and the child protection movement's construction of dysfunctional families and cycles of abuse. Continuing Appollonian conceptions, together with even more recent post modern nostalgic perceptions of children as unequivocal sources of love and trust, as constants in a world full of uncertainty and transitory relationships and as our investment in the future, have resulted in increasingly negative reactions to child abuse and maltreatment. As Jenks comments:

To abuse the child today is to strike at the remaining, embodied vestige of the social bond and the consequent collective reaction is, understandably, both resounding and vituperative. (Jenks, 1996: 109)

If Jenk's argument that Appollonian social constructions of children have been dominant through much of the late twentieth century is accepted, then the 'discovery' of sexual abuse by children and young people in the early 1990s can be seen as problematic in a context where children are predominantly seen as innocent, angelic and untainted. Outrage and punitive responses against adult perpetrators of child abuse are common but how does one react to children accused of the same kinds of behaviour? In such circumstances, I would suggest, denial and minimisation of what has happened, or punitive, rejecting responses can easily be extremes along a continuum of anxiety driven adult coping strategies. My own research has indicated that issues of denial and minimisation were perceived both as commonplace and of concern by many of my respondents. As regards the other end of the continuum,

perhaps the demonising of Jon Venables and Robert Thompson, the young killers of Jamie Bulger, as monsters and evil freaks by the media and members of the public alike (Franklin and Horwarth, 1996; Jenks, 1996; McGillivray 1997; Muncie, 1999a) provides a good illustration of the punitive, rejecting responses of commentators who could only conceive of these two children as something other than human.

This is despite an increasing body of evidence which suggests that exploitative and violent behaviour against children is regularly perpetrated by their peers, both by family members and by strangers (see, for example, O'Brien, 1989; Ambert, 1995; Fineran and Bennet, 1998, Gelles, 1997; Varma, 1997; Wiehe, 1997) and that, perhaps, more measured responses might be appropriate. However, whilst it has long been acknowledged that children are capable of harming each other, at least emotionally and physically, this behaviour has usually been labelled as something other than child abuse, for example, bullying (Olweus, 1978 and 1993; La Fontaine, 1991; Department for Education, 1994) and a part of normal childhood development. Parents are typically urged to curb the excesses of such behaviour as part of their efforts to discipline their offspring and to bring them up to maturity, and others involved in the care of children, such as teachers, are also expected to be vigilant about dealing with such ordinary problems.

In the last few years literature has begun to appear which attempts to reconstruct some of this child-on-child behaviour as abusive and, hence, implicitly or explicitly, as a child protection matter. Thus Ambert (1995) proposes a theory of peer abuse (verbal, physical and sexual), arguing that such abuse has to be explained and responded to in

terms of individual/psychological factors and in terms of social and cultural environments which condone and reward it. Similarly, Dutt and Phillips (1996) present a powerful case for redefining racial harassment in general (but including attacks by children on their peers) as child abuse and, hence, something requiring a child protection response. Blyth and Cooper (1999) have also argued that bullying in schools might be addressed as a child protection issue and the Department for Education and Employment (1995) has already suggested that in extreme circumstances bullying could represent significant harm as defined by the Children Act, 1989, hence, requiring a response within child protection procedures.

Ryan's attempt (1999) to broaden discussion of sexually abusive youth to cover the whole range of what she describes as 'abusive disorders', is of a similar construction. It can be argued, perhaps, that what is emerging here is a new discourse on child abuse which takes into account abuse by people under the age of majority. Whether these kinds of re-conceptualisations take hold in public and professional imaginations and what their impacts might be on how children and young people are responded to, remain to be seen, researched and analysed.

## **CHILDHOOD SEXUALITY**

The difficulties of conceptualising children and young people as abusers in a context where children are constructed as dependent innocents and of developing appropriate responses to them may be further compounded when sexual abuse is involved. Summarising what has already been discussed in Chapter 1, little has been written about childhood sexuality, in contrast to the considerable literature on adult sexuality,

and what has been written has often been inadequate, making assumptions about the asexuality of at least pre-adolescents and associating childhood sexuality with pathology. The proper adult role has also often been conceptualised as protecting children from sexual matters, thus leaving children to develop sexual knowledge and understanding for themselves, in relative secrecy, with parents and other carers often feeling ill-equipped to respond to young people's questions and concerns. This despite the fact that there is now some research evidence, as discussed in Chapter 1, which seems to show that children are sexual beings, that sexual development takes place throughout the life cycle and that, as with other aspects of development, children and adolescents exhibit a wide range of normal sexual behaviours, influenced by variables such as age, class and gender.

Given the above, one can appreciate how professionals may struggle, for example, to come to shared agreements about the differences between sexual experimentation, sexually inappropriate and sexually abusive behaviour in situations where sexual abuse by children and young people is alleged. Similarly it is also probably not surprising if some children and young people grow up with both low levels of sexual knowledge and/or with attitudes and perceptions which may be of concern to many carers and welfare professionals.

Green (1998), for example, in her ethnographic study of two residential children's homes discusses the often inaccurate and distorted sexual knowledge which the children and young people displayed, which they had learned from their peers, the media and sometimes from their own sexual victimisation. She argues that their sexual attitudes and behaviour appeared inextricably linked to their views on gender

and how they thought men and women should naturally behave. Specifically, she perceived the young males in these homes as tending to objectify and sexually harass women and to talk about sexual matters in very physical, conquestual ways.

Obviously, the above illustration refers to youngsters in local authority accommodation who had been removed from their families for a variety of reasons and who evidenced various emotional and behavioural problems. One cannot argue, therefore, that their levels of sexual knowledge and their attitudes and behaviour are representative of those of all children and young people. However, the kinds of knowledge, attitudes and behaviour described by Green (1998) can perhaps be seen as extremes of more widespread social constructions of masculinity which result in 'normal' male sexual aggression against females (Kelly et al, 1992; Meyer, 1996), constructions which thrive in the contexts of prohibition, secrecy and adult discomfort in relation to children's sexuality and sexual development outlined above.

Thus, what emerges here and from the more detailed discussion in Chapter 1, is that matters of childhood sexuality and development are highly complex and charged with both emotion, prescription and proscription. Recognising the sexuality of children and young people may be problematic in itself, given notions of childhood innocence and asexuality, and working with children and young people whose behaviour has been deemed to be sexually abusive readily leads into much wider and contested debates about normal child sexual development and gender relationships - a veritable minefield of argument and uncertainty.



## CHILDHOOD INNOCENCE AND CHILD SEXUALITY - LIVE ISSUES

A recent article written by Birkett in the *The Guardian* weekend magazine (February 12 2000) and subsequent correspondence from the NSPCC provide an up-to-date and interesting illustration of the live nature of the debates which have been discussed thus far in this chapter. Birkett's article is entitled *The End of Innocence* with the front page containing a painting of two cherubic-looking children. Interspersed amongst the text are further photographs of young boys either holding footballs or a teddy, one of the youngsters also wearing an 'alien' mask. After quoting NSPCC statistics about the amount of child abuse committed by other children, criminal statistics about young sexual offenders and media coverage of alleged sexual abuse by young children Birkett asks:

In this new, unsettling moral universe, is our children's normal sexual development being criminalised? Does touching your sister's genitals, once, become an abusive act? Is experimentation between children being unnecessarily seen as a mighty problem that needs to be tackled? Is an over-zealous interest in Postman's Knock really the signature of an apprentice paedophile? Is French kissing another six year old assault? Is 'show me yours and I'll show you mine' a sexually inappropriate request? Is the unimaginable really happening in the enchanted land? Is this the end of innocence?  
(Birkett, 2000: 15)

Birkett describes at considerable length the case of a 10 year boy (whom she describes as a 'Lilliputian Sex Offender') accused of molesting a little girl with whom he played football, detailing the trauma experienced by the boy and his family occasioned by the subsequent court proceedings when he was eventually found guilty of an indecent assault. This story is written in a tone that suggests the way the case was handled was heavy handed and an instance of the criminalisation of normal

horseplay or sexual experimentation. Other cases of alleged sexual abusers are detailed in a similar fashion.

Birkett goes on to report on an increasing number of (NSPCC) projects working with young sexual abusers in 'this new and burgeoning professional field', planned, she comments, 'to stop young abusers becoming the serial paedophiles in the future' (Birkett, 2000: 17). Then, after illustrating the uncertainties about our knowledge of child sexual development which I have already discussed, she expresses considerable doubt about the job of providing signposts through this:

murky emotional landscape ... (which is) being increasingly handed over to the young abuser professionals who decide what is acceptable and what is not. There's an understandable desire among these experts to get to grips with the grey area of nascent sexual development. They want to draw up some harder and faster rules. (Birkett, 2000: 19)

Thus, Birkett appears to be suggesting that a moral panic about what is essentially innocent child behaviour is being whipped up and driven by professionals wedded to a child protection orthodoxy which claims that, unless identified and treated, young sexual abusers will become the adult sex offenders of tomorrow, a discourse I have discussed in earlier chapters. She concludes the article:

Once upon a time, we believed in and trusted our children. Can we ever return to this enchanted land? Can childhood be reclaimed? Or are our little angels forever branded little devils? ... We seem to have forgotten that we were once young, and lived in a messy emotional world, where we struggled to find out what we wanted to do and what we wanted to have done to us. We have forgotten what it is like to trespass gingerly into a place, that we hadn't yet charted, whose rules we hadn't yet learned - the world of grown-up sexuality. (Birkett, 2000: 20)

The NSPCC, whose projects were referred to and whose staff gave (I gather, unauthorised) interviews to Birkett, was so alarmed by the impression conveyed by the article that the Director of Public Policy put his name to a letter which appeared in *The Guardian* on February 14<sup>th</sup>, a letter which conveys a certainty which is not supported by my own research findings or by existing literature on child sexual development. Thus what he wrote includes the following:

When working with the serious issue of abusive behaviour by children, the NSPCC's response is informed by our understanding of child development. In doing so we address these serious concerns without confusing them with normal, healthy child development ... Children involved in 'horseplay or 'kiss chase' or normal playground behaviour are not referred to us. Natural sexual curiosity and experimentation is a healthy part of growing up. In attempting to link this unrelated subject with serious sexual abuse by children, the article denigrates a very real problem ... It has taken all of us a long time to grasp that sexual abuse of children does happen. Now we need to grasp that sometimes children do this to children. (Noyes, 2000: 19)

Although there are some serious points made in Birkett's article, its tone and the language used are emotive and dramatic. It provides, I would argue, a pertinent illustration of the application of the Appollonian construction of childhood discussed by Jenks (1996), with its repeated references to the innocence of children and its claim that the significance of some childhood behaviours is being misinterpreted. In contrast, the article contains a barely disguised attack on professionals who are portrayed as powerful experts who are redefining, on the basis of a rigid and flawed moral orthodoxy, the innocent activities of children who are consequently being traumatised and oppressed by child protection and court processes. As I shall discuss later in this chapter, perhaps an alternative construction of children as both innocent

and capable of abusive behaviour would serve the needs of young sexual abusers better?

Thus far in this chapter I have tried to show how issues of concern and uncertainty in relation to children and young people who sexually abuse can be more fully understood with reference to social constructions of childhood (innocence) and to existing literature on child sexuality. Now my attention focuses on a key issue for many professionals: how to dovetail the workings of child care/child protection and criminal justice systems in respect of young sexual abusers. What becomes clear is how changing opinions or perspectives about how children who break the law should be managed and whether they should be treated differently from other children in difficulty have had a major influence on the development of children's and criminal justice legislation during this century. In turn, this has had consequences for how easily or otherwise the problem of children and young people who sexually abuse might be addressed.

### **CRIMINAL YOUTH: DEPRIVED OR DEPRAVED?**

In contrast to Jenks (1996), who claims that Appollonian conceptions are currently dominant, Hendrick (1994 and 1997) argues that notions of children as (unprotected, deprived) victims and as (delinquent, depraved) threats have actually co-existed uneasily for at least this century. He traces the history of legislation about children and youth crime since the 1908 Children Act which established juvenile courts separate from adult courts and which placed limits on the imprisonment of children, as reflecting rapidly fluctuating perceptions about how to deal with neglected and

delinquent children, either together (because their needs are the same) or as separate categories of child (the deprived and the depraved). Muncie (1999a), making much the same point as Hendrick, goes on to identify four distinct but over-lapping strategies for dealing with young offenders - welfare-based, justice-based, diversionary and custodial interventions - and comments that studying the impact of these strategies on youth justice policy is:

predominantly a history of political and professional debate, in which diverse and competing discourses of welfare, justice, diversion and custody have come to do battle over their respective places in the management of the 'delinquent body'.  
(Muncie, 1999a: 254)

I do not have the space here to track this history in detail, my focus is on certain, more recent aspects of this history which are helpful in illuminating my hypothesis about why those professionals responding to young sexual abusers over the age of criminal responsibility have struggled to develop coherent systems of response.

### **The Welfare Discourse**

Muncie (1999a) outlines how the period between the implementation of the 1908 Children Act and the 1970's saw the growing ascendancy of the welfare discourse: that children in trouble (the depraved), whose criminal behaviour was viewed as firmly linked to social, economic and physical disadvantage, were as much in need as neglected (deprived) children and that they required rehabilitation and re-integration into society, managed by a range of professionals. Muncie and many other commentators (see, for example, Hendrick, 1994; 1997; Anderson, 1999; Goldson, 1999; Tutt, 1999) have all argued that the Children and Young Person's Act 1969

(CYPA 1969) which was implemented in January 1971 was a particularly significant milestone in this welfarist approach to juvenile delinquency and children generally. Thus the Act was designed to increase the effectiveness of the measures available to combat juvenile delinquency via alternatives to detention, based on treatment, non-criminal care proceedings and care orders. Approved schools were to be abolished, compulsory removal of a child from his or her home was to take the form of a committal to the care of the local authority, supervision of all children under the age of 17 was to be by the local authority and new forms of treatment intermediate between long term residential and community provisions were envisaged. Included in the Act, too, was the provision to raise the age of criminal responsibility incrementally to 14 years of age.

Muncie (1999a) argues that as a result of the CYPA 1969 the primary duties of juvenile courts became those of care, protection and provision for all children, as opposed to making decisions about innocence or guilt within a criminal justice context based on individual responsibility and punishment. Moreover, social workers were to play a key role in making decisions about how delinquents should be treated.

He comments:

Authority and discretion were notably shifted out of the hands of the police, magistrates and prison department and into the hands of local authorities and the Department of Health and Social Security. As Thorpe et al declared, 'the hour of the "child savers" had finally arrived (Thorpe et al, 1980, p.6).

(Muncie, 1999a: 259)

Had the problem of children and young people who sexually abuse been 'discovered' at this time then I suspect that the task of developing policy and procedure in respect

of this group might have been a great deal easier for professionals and agencies as the Act, thus, virtually obliterated any distinctions previously made between deprived and depraved children and gave local authorities the prime responsibility for young offenders. Similarly, the child protection discourse I have described about how young sexual abusers should be managed, perhaps under a legal mandate and treated for their pathological behaviour, would have sat quite easily with the provisions contained in the Act.

However, whether the best interests of children and young people and their rights to natural justice would have been served is debatable because the 1970s, partly as an unintended consequence of the welfarist ideology just described, were characterised by substantial increases in children being removed to residential care and imprisoned in detention centres or borstals (Goldson 1997; 1999; Tutt, 1999). Ironically the CYPA 1969 was, also, always under attack from those who felt it was too permissive and the Conservative government elected in 1970 announced that it would not be raising the age of criminal responsibility or replacing criminal with care proceedings. Detention centres and attendance centres were never phased out and approved schools remained, though under the guise of a new title: community homes with education. Magistrates continued to punish traditional, usually older, male offenders within criminal proceedings with the welfarist ideology of the Act tending to be targeted on other groups: young women; chronic truants and others thought to be at risk. Certainly, as indicated in Chapter 2, my own memory of practice in those days was of using, for example, often minor incidents as a means of obtaining a Care Order in

order to remove children from families whose dynamics were seen to be damaging their children's best interests.

Thus, during the 1970s the welfare strategy for dealing with juvenile delinquents came under increasing criticism. Muncie (1999a) suggests that this critique had three main and somewhat contradictory elements: commentators on the right were arguing that once again the system was being too soft on crime (despite the clear evidence noted above that increasing numbers of children and young people were being taken into care or imprisoned); strong attacks were being made on the arbitrary power of social workers to make decisions which greatly restricted the liberties of children whose crimes were often of a minor nature; and others were expressing concern about young people being denied their legal rights and due process in court.

### **The Justice Ideology**

Thus, by the early 1980's, as previously outlined in Chapter 4, youth justice approaches had re-emerged, based on a justice ideology (Goldson 1997 and 1999; Tutt, 1999), which advocated equality before the law, the importance of due legal process and the need for determinate sentences based on the seriousness of an offence not on individual need. However, interestingly, the 1982 Criminal Justice Act which gave magistrates further powers to sentence people to youth custody, for example, also endorsed the expansion of schemes to divert juveniles from crime, prosecution and custody. Diversion was repeatedly affirmed in government documents (e.g. Home Office, 1980) consultative documents (Home Office, 1984) and the Code of Practice for Prosecutors (Crown Prosecution Service, 1986). It was made clear that prosecution



should not occur unless it was absolutely necessary or as a last resort and that the prosecution of first-time offenders where the offence was not serious was unlikely to be justifiable unless there were exceptional circumstances. These principles were echoed in local police force procedures.

The result was that the proportion of 14-16 year olds cautioned for indictable offences increased from 34% in 1980 to 73% in 1992 and for 10-13 year old boys from 65% to 92%. Home Office Circular 14/1985 (Home Office, 1985) explicitly referred to the dangers of net-widening and encouraged the use of no further action or informal warnings instead of even formal cautions. In many police areas instant cautions were also introduced. Thus, between 1982 and the early 1990s there was a substantial decline both in the number of juveniles prosecuted and in the rate of known juvenile offending (DOH, 1994). The 1988 Criminal Justice Act, which introduced strict criteria before custody was to be considered, continued these trends, as did the 1991 Criminal Justice Act, which established a range of (Intermediate Treatment) community sentences within a broad philosophy of 'punishment in the community' (Muncie, 1999a).

McLaughlin and Muncie (1993) have charted how the role of social workers and social work departments in relation to youth crime changed correspondingly during this period. Agreeing with critiques of the welfare approach adopted by social workers previously, many social work departments, with Department of Health and Social Security encouragement, embraced the new justice and alternatives to custody models for young offenders which were being promulgated. Youth justice teams within social

work departments, separate from teams involved with children in need of care and protection, were created based on policies of minimum intervention and maximum diversion. Thus, for example, Muncie (1999a) comments that:

social enquiry reports, were no longer constructed around the treatment model of delinquency and notions of family pathology, but focused more closely on the offence and the offender. (Muncie, 1999a: 283)

In addition, systems for interagency consultation involving youth justice staff, probation, other social services staff, education and the police became well established, where decisions were taken at the pre-court stage to maximise the potential for diversion (Davis et al, 1989). Considerable success was, thus, being achieved by managing to keep most juveniles out of the system (Nellis, 1991), with custody reserved for the few deemed to be hardened criminals and high risk (a process often described as *bifurcation*).

The changes and central principles of the 1989 Children Act were also of significance. The care order was no longer available to the court in criminal proceedings and the offence condition was removed from care proceedings. The change recognised the decline in the use made of the order, youth justice arguments about its inappropriateness anyway in criminal proceedings, and popular principles of determinacy in sentencing and of parental responsibility, partnership, family support and voluntary agreements (Harris, 1991). New rules provided for the transfer of care proceedings from the juvenile court to the renamed family proceedings court, while the newly named youth court only dealt with criminal proceedings. Thus, a much

clearer demarcation between the deprived young person in need of care and protection and the depraved youngster who had broken the law had re-emerged, with separate systems in place for the processing of youngsters deemed to fall within these respective categories.

It is hardly surprising then, when the problem of children and young people who sexually abused emerged in the early 1990s, that professionals would struggle to integrate a system for dealing with young offenders with another system responsible for children in need of care and protection, systems which had become increasingly demarcated from each other, not only in terms of personnel but also in terms of approach and philosophical underpinnings. Indeed, some commentators have looked back nostalgically on the older welfarist ideology of only a few years previously as providing a much more workable framework within which to develop responses to young sexual abusers. Thus, for example, the abolition of the criminal care order brought about by the Children Act 1989 was seen by some of those involved in the construction of the problem of young sexual abusers as an unfortunate consequence of the new legislation, Morrison, one time Chair of NOTA, commenting:

With regards to juvenile sex offenders, the main effect of the Act has been to end criminal care orders, at a point where some would argue, a real purpose has been found for them. (Morrison et al, 1994:37)

## **CONCLUSION: CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE - DEPRAVED AND DEPRIVED?**

In keeping with the rapidly changing fortunes of the various discourses around about how to deal with young people who break the law, justice based models for tackling youth crime have themselves been criticised by those with a more welfarist focus for neglecting the particular circumstances and needs of individual offenders (Muncie, 1999a). Indeed, as various commentators have argued (see, for example, Crisp, 1994; Hendrick, 1994 and 1997), whether children are perceived as innocent victims or uncontrollable threats, there are, in fact, few objective differences in their characters and needs. Boswell's (1995) study of violent and very disturbed young people detained under Section 53 orders of the Children and Young Persons Act 1933 (as amended by subsequent criminal justice legislation) for children convicted of offences for which an adult may be sentenced to 14 years' imprisonment or more, provides ample supportive evidence of these ideas. She clearly documents the prevalence of childhood abuse and/or loss within this group of youngsters and, indeed, she suggests that their subsequent violent behaviour can be seen as manifestation of post-traumatic stress disorder requiring counselling and support, not punishment. Similarly, despite societal preoccupations with the threat that James Bulger's killers presented, there was also clear, well publicised evidence that these were two unhappy and disturbed people, in need of nurturance, caring, protection and control.

In the same way, as my overview in Chapter 1 of available theory and research on the needs and characteristics of young sexual abusers appeared to indicate, children and young people who sexually abuse others can be disturbed and troubled children

themselves. They may have been abused in their own childhood, they often come from problematic family situations, they may lack social skills and be doing poorly in school, a constellation of factors which is also common in the backgrounds of other violent and non-violent youngsters (Beckett, 1999). Thus, in simplistic terms, they may be both deprived and depraved, and, hence, in need of services which can address both aspects. In this sense it would appear that they are little different from other young offenders, all of whom might benefit from more integrated approaches to their management. However, as Muncie comments:

The two philosophies of criminal justice and welfare remain incompatible, because while the former stresses full criminal responsibility, the latter stresses welfare and treatment to meet the needs of each individual child. The defining of what constitutes 'need' was, and remains problematic. Welfarism, it seems, is just as capable of drawing more young people into the net of juvenile justice as it is of affording them care and protection. Moreover the very existence of a system legitimised by 'welfare' is always likely to come under attack from those seeking more retributive and punitive responses to young offending. (Muncie, 1999a: 257)

As I will discuss in Chapter 10, subsequent developments within youth justice and the child protection/child welfare systems during the later 1990s, which are resulting in a widening gap between child welfare and youth crime services are, in many ways, only serving to increase the complications for professionals and agencies trying to develop consistent and coherent services for children and young people who sexually abuse others. It may well be that the broader conceptual frameworks which were introduced in Chapter 1 and which I drew on in this chapter to understand my research findings will also prove useful in making sense of future developments in this area of work.

## **CHAPTER 10 POLICY AND LEGISLATIVE DEVELOPMENTS SINCE THE MID 1990S: THE COMPLICATIONS INCREASE**

The aim of Chapter 10 is to bring the reader up-to-date with changes in policy and legislation since the mid 1990s, that is, since the main period of my own research, all of which have potential impacts on policy, procedures and services for children and young people who sexually abuse. Thus, the complexities of responding to young sexual abusers which were theorised and analysed in Chapter 9 are further considered within the context of developments in youth justice and child care/child protection services, as well as new legislation in respect of adult sex offenders. These changes comprise:

- the enactment of the 1998 Crime and Disorder Act;
- the 'refocusing debate' within child protection systems; and the revision of *Working Together* (DOH, 1991);
- increased public and political attention on adult sex offenders and the passing of the Sex Offenders Act, 1997, together with related provisions within the 1998 Crime and Disorder Act.

Each of these developments is explored in turn, together with their implications for those working with the problem of young sexual abusers. It is argued that, whilst there may be some potentially positive aspects in these changes for developments in work with young sexual abusers, nevertheless, the overall picture has probably become even more complicated.

## **DEVELOPMENTS IN APPROACHES TO YOUTH CRIME AND THE 1998 CRIME AND DISORDER ACT**

In Chapter 9 my account of policy and legislative developments in relation to youth crime concluded with a brief reference to the Criminal Justice Act 1991 which Goldson (1997) and Muncie (1999a), for example, have argued was the final piece of a jigsaw of legislative measures passed during the previous decade which supported the 'justice' approach to youth crime, with its principles of diversion, decriminalisation and decarceration. However, hardly had the Act been passed than the public and political climate changed, with developments during 1993 in particular being seen by many commentators as something of a watershed in this process (Crisp, 1994; Goldson, 1994; 1997; Sone, 1994; Muncie, 1999a; Payne, 1999;). Thus, Goldson has commented:

... in 1993 - against what appeared to be a backdrop of political consensus regarding the legitimacy and efficacy of the 'justice' directed policy and practice - a reactionary U turn was launched which rapidly dismantled the successful practice orientation of the previous decade and set a harsh new tone in relation to state responses to children in trouble. (Goldson, 1997: 79)

Similarly Muncie (1999a) has made the point that:

... the period 1991-3 may well go down in the chronicles of youth justice as yet another watershed when the public, media and political gaze fixed upon the perennial issue of juvenile crime and delivered a familiar series of knee-jerk and draconian measures. (Muncie, 1999a: 286)

## **A more Punishment Oriented Approach to Youth Crime**

Various factors have been credited with contributing to this tougher youth crime offensive. Firstly, there were the public and political reactions to the James Bulger murder in early 1993, albeit an exceptional case, which fed into growing but empirically unsupported media and public conceptions of increasing childhood lawlessness and Dionysian portrayals of children in trouble as evil and alien 'joy riders', ram raiders', 'bail bandits' and 'miscreants' (Crisp, 1994; Franklin and Petley, 1996; Muncie 1999a; Payne, 1999). Secondly, there was increasing pressure from the courts and others who thought that penal policy had become far too liberal. The courts, in particular, were not happy with the constraints placed on their sentencing powers by the Criminal Justice Act 1991 (Goldson, 1997). Finally, there was an embattled Conservative government desperate to improve its image with the public with its new morality and 'back to basics' rhetoric. Thus, Michael Howard, then Home Secretary, addressed the Conservative Party Conference in October 1993 and, to great applause, said, 'We are all sick and tired of young hooligans who terrorise communities' and promised that 'we will get on, pass legislation, build these centres and take these thugs off the streets' (Crisp, 1994; Goldson 1994; 1997; Anderson, 1999; Muncie, 1999a).

The consequence of this about-turn in public and political perceptions has been the passing of a series of Criminal Justice Acts during the 1990s which provide evidence of a much tougher, retributive, punishment oriented approach to youth crime, albeit with preventive strategies also included in recognition of growing evidence that such strategies appear to be effective in reducing youth crime (Audit Commission 1996 and



1998). Even these preventive measures, however, have become increasingly intrusive and stringent. Thus, the 1993 Criminal Justice Act seriously weakened the impact of the 1991 Criminal Justice Act by relaxing the criteria restricting the use of custodial sentences and the 1994 Criminal Justice and Public Order Act introduced, amongst other provisions, secure training centres for children as young as 12, a doubling of the maximum sentence of custody permitted within a young offender institution and American style 'boot camps' (Nathan, 1995).

Nor did this trend alter with the election of the first Labour government for 18 years in May 1997. As Shadow Home Secretary, Tony Blair had vowed to be 'tough on crime and tough on the causes of crime' in the 1997 Labour Party Manifesto and the youth justice provisions within the Labour Government's 1998 Crime and Disorder Act have been described by Muncie (1999b) as 'institutionalised intolerance', targeted not just at young offenders but at young people generally. Of fundamental significance within the Act is the abolition of *doli incapax*, which had existed in English law since the fourteenth century and which assumed that children might not appreciate the difference between right and wrong. Thus, a child between the ages of 10 and 14 convicted of a criminal offence had also to be shown to understand that what he or she had done was criminally wrong. The abolition of *doli incapax* has been seen by many commentators as confirmation of the UK's current punitive stance in relation to youth crime, a legislative move which also contravenes article 40 of the UN Convention on the Rights of the Child (see, for example, Bandalli, 1998; Muncie 1999b; Payne, 2000a).

The intentions of the 1998 Crime and Disorder Act were clearly expressed in the White Paper *No More Excuses* (Home Office 1997), published thirty years after the *Children in Trouble* White Paper of the 1960s (Home Office, 1968). The contents and language used in the latter White Paper supported the view that children in trouble in the community should not be treated differently from other deprived children, their behaviour being seen as resulting from social disadvantage. In contrast, *No More Excuses*, as its title suggests, was arguing that personal responsibility and accountability should inform youth justice approaches. As Tutt (1999) has pointed out even the language had changed from 'children' to 'youth' and 'young offenders'.

Thus, the White Paper *No More Excuses* (Home Office, 1997) recommended that a clear strategy was needed to prevent offending and reoffending; that offenders and their parents face up to their offending behaviour and its effects on families, victims and communities; that offenders take responsibility for their behaviour; that earlier, more effective intervention when young people first offend should be developed, with the aim of helping young people develop a sense of personal responsibility; that there should be faster, more efficient procedures from arrest to sentence; and that closer partnerships across youth justice agencies were needed to deliver an improved system.

The subsequent 1998 Crime and Disorder Act, which received royal assent in July 1998, therefore, signalled a return to a more interventionist, punitive and net-widening approach, particularly in terms of crime prevention work (Bell, 1999; Payne, 2000b). Thus, the Act includes child safety orders and child curfew orders which can target children even under the age of 10. Cautions are replaced by reprimands and final

warnings, the latter having the potential to trigger services from the new Youth Offending Teams (see later).

The emphasis on accountability and personal responsibility made clear in the White Paper *No More Excuses* (Home Office, 1997) was also reflected in a range of new sentencing provisions within the Act including:

- re-sentencing for an original offence on breach of a supervision order and allowing courts a full range of sentencing disposals;
- reparation orders through which offenders are expected to undertake specific reparation to their victims, including a supervised meeting with the victim;
- action plan orders - short-term task focused orders;
- parenting orders which require parents to attend a number of specified sessions aimed at improving their parenting skills.

### **Implications for Children and Young People who Sexually Abuse**

Looking at some of the provisions of the Act, and particularly from a child protection perspective on children and young people who sexually abuse, there are elements which fit reasonably comfortably with current treatment approaches to young people who commit sexual offences; for instance, the emphasis on responsibility, awareness of consequences for the victim and a new form of cautioning which can trigger service provision. In addition, one of the major consequences of the 1998 Crime and Disorder Act has been the creation, under Section 39 of the Act, of local Youth Offending Teams (YOTs), teams which are being established during 1999-2001. These teams are

responsible to a local authority's chief executive and comprise a manager, plus police, social work, probation, education and health staff. Together, their task is to prevent offending by children and young people (Home Office, 1997), drawing on the different skill bases of those involved including:

the child protection, public care and welfare expertise of social services; the assessment and supervisory role of the probation service with its knowledge of working with young offenders to change their behaviour; the community policing and crime prevention work of the police with an enhanced role for reparation and rehabilitation; the education department's links with truanting and excluded pupils and often unaddressed special educational needs; and the diagnosis and referral for substance misuse and mental health problems available from the health service. (Payne, 2000a)

In addition to the provision of direct services, YOTs are required to formulate a local youth justice plan, based on audits of the types and needs of young offenders, and services. The relevant Home Office guidance (1998b) specifically mentioned juvenile sex offenders amongst the type of offenders who can be included in this audit. The guidance also referred to the need to develop effective information systems to monitor the outcomes of intervention.

At a national level, a Youth Justice Board (an executive, non-departmental public body) has been established under Section 41 of the 1998 Crime and Disorder Act with a remit to:

- advise the Home Secretary on the operation of the youth justice system;
- establish national standards;
- maintain a rolling programme of inspections;

- approve local youth justice annual plans;
- initiate training;
- identify and disseminate good practice; and
- act as the commissioning and purchasing agent for the juvenile secure state.

Whilst the question of resources looms large over the implementation of the new YOTs, the emphasis on auditing local need, combined with the establishment of the strategic national-level Board, do, it would appear, provide a possibility of developing a more coherent set of standards and practice in relation to juvenile sexual offenders. On the other hand, the increasingly tough approach to youth crime described earlier, together with a hardening of attitudes towards adult sex offenders which will be discussed later in the chapter, may, instead, result in more young people being found guilty of sexual offences. As a consequence, they may well receive custodial and other retributive sentences which will do little to address their offending behaviour nor any underlying social and/or emotional difficulties they may have.

Thus, as Muncie (1999b) has argued, current strategies for dealing with young offenders have shifted away from even traditional welfare and/or justice approaches to youth crime, towards new, harsher, net-widening and more managerial approaches to cost effective and efficient ways of dealing with the delinquent population which have the effect of providing a less humane service to young people. Ironically, in contrast, changes in approaches to child protection work during the mid to late 1990s have moved in a very different direction as will now be discussed, changes which also

impact on policy, procedures and services for children and young people who sexually abuse.

### **'REFOCUSING DEBATE' IN CHILD PROTECTION WORK AND THE REVISION OF *WORKING TOGETHER* (DOH, 1991)**

The 'refocusing debate' in child protection had its roots in the publication of *Messages from Research* (DOH, 1995) which summarised the key findings of 20 research studies, many of which were commissioned by the Department of Health through its child protection research programme. Amongst the conclusions reached by *Messages from Research* was the view that too many children and families were being unnecessarily caught up in the child protection process, causing stress to those families and alienation from services. Thus, research had indicated that over half of the children and families who were subject to section 47 enquiries received no services, enquiries being too narrowly focused on whether abuse or neglect had occurred rather than considering the wider needs and circumstances of the child and family (Gibbons et al, 1995). On the other hand, some professionals, it appeared, were using section 47 enquiries inappropriately as a means of obtaining services for children in need. In similar vein, child protection case conferences were criticised for focusing too heavily on decisions about registration and removal, rather than focusing on the development of plans to support children and their families. The gradual process of net-widening in the child protection system was, it was being suggested, in need of reversal in order to divert families, not presenting significant risk of harm, out of the system so as to address their needs in a less invasive and less formalised manner.

## **Children in Need, not Children at Risk**

The key to this refocusing debate was a philosophical shift that would see such children as primarily 'children in need' under the Children Act, 1989 rather than 'children at risk'. The language had, thus, changed from 'risk' and 'protection' to 'need' and 'safety'. Relevant agencies, it was argued, should be promoting access to a range of services for children in need without inappropriately triggering child protection processes. Partnerships with children and families should be improved so that families were encouraged to reveal their problems and obtain the help they needed and skilled assessment by professionals, working across traditional agency boundaries, should be looking at children's developmental needs, parental capacity and wider family and environmental factors. Such assessments, it was being emphasised, should build on strengths, whilst also addressing difficulties.

Although the Department of Health published *Messages from Research* in 1995 there was then a hiatus in the sense that although revisions to *Working Together* (DOH, 1991) were promised to take on board this new philosophy, it took over four years for the new central government guidance document *Working Together to Safeguard Children* to be published (DOH, 1999). In the meantime agencies such as social services departments and ACPCs had to respond to the 'refocusing debate' as best they could. One of the authors of Masson and Morrison (1999) commented that, in his experience of working with ACPCs as a trainer and consultant, responses to the refocusing debate had:

resulted in an increased emphasis on diversionary approaches to reduce the numbers of children entering the child protection system.

(Masson and Morrison, 1999: 209)

Based on the perspective of the child protection discourse I have described earlier in the thesis, Masson and Morrison (1999) then went on to comment that such approaches might not serve the best interests of young sexual abusers in that the seriousness of their behaviour and their responsibility for it (as well as their needs) might continue to be best addressed through the invocation of child protection procedures.

Somewhat surprisingly, whilst the long-awaited consultation paper on revisions to the 1991 edition of *Working Together* (DOH, 1998) endorsed the need to avoid drawing families into the child protection system unnecessarily, in relation to abuse carried out by children and young people, it also confirmed that:

The Government continues to take the view that handling juvenile sexual abuse cases within ACPC procedures will continue to provide the most effective way of tackling the problem. (DOH, 1998: para 5.17)

However, paragraphs 5.17 and 5.18 of the consultation paper also invited discussion on if, and when, young sexual abusers should be subject to a child protection case conference or placed on a child protection register, although, the clear view was expressed that they should always be the subject of a written inter-agency plan. This provoked the following comment by Masson and Morrison (1999):



The latter suggestion could signal a loosening of the principle that young sexual abusers should be seen as children at risk of significant harm to sometimes being seen as 'children in need' under the Children Act 1989. What the wording certainly suggests is that professionals will be left to decide whether such cases should be managed through the child protection case conference process or diverted into some other form of inter-agency case planning process. (Masson and Morrison, 1999: 209)

What the consultation document (DOH, 1998) also stated was the need for new guidance in order to address the inter-relationship between child protection and the new criminal justice processes for youth crime contained within the 1998 Crime and Disorder Act. In the context of concurrent developments in relation to youth crime this seemed very timely, although, in the consultation document itself there was no indication of what the contents of this guidance might include.

### **Trying to 'join up thinking': Re-drafting Paragraph 5.24 (DOH, 1991)**

Before proceeding with my 'objective' discussion of the outcome of the consultation process and the publication of the new *Working Together to Safeguard Children* (DOH, 1999) I must declare an interest at this point, because, in the early summer of 1999, I was invited to be one of four people charged with producing a draft revision of the old paragraph 5.24 of *Working Together* (DOH, 1991). In Chapter 11, when reflecting on my research and my role in it, I discuss this turn of events more fully. However, here I describe and reflect on the redrafting process.

### **Responses to the 1998 DOH Consultation Exercise**

52 individuals and organisations had responded to the 1998 DOH consultation document's questions about the circumstances in which alleged young abusers should

be the subject of a child protection case conference and registered. Their responses contained the same range of views on these and other issues as I had found in my own research, which was heartening for me but did not provide clear direction to the work our small group had been asked to undertake to revise paragraph 5.24 of *Working Together* (DOH, 1991). Thus, 14 (26%) of the respondents had argued that all young sexual abusers should be conferenced under child protection procedures, whereas, 13 (25%) thought that, as children in need, they should be the subject of a multi-agency strategy meeting rather than a child protection case conference. The remaining respondents had not made a clear statement on the issue.

On the subject of child protection registration 13 (25%) respondents had thought that young sexual abusers should only be registered if they were themselves victims of abuse and nine respondents (17%) had recommended the establishment of a separate DOH category for registering young sexual abusers. Eight respondents (15%) had also emphasised the need for each young person to be the subject of a risk assessment and intervention plan and just two respondents (4%) specifically referred to the need to integrate child protection and youth justice systems of response.

### **Re-drafting Paragraph 5.24 (DOH, 1991)**

In our re-drafting work we realised we had to attend to the new philosophy and language emerging from *Messages from Research* (DOH, 1995) and to the subsequent 'refocusing debate'. We were also keen to provide some guidance to facilitate the development of connections between child protection and youth crime systems of response. I was asked to produce an initial draft based on what I had concluded from

my research and this was then circulated amongst, and modified by, the other three members of the group who comprised a senior manager in the voluntary agency, an independent trainer consultant and ex-chair of NOTA and the child protection co-ordinator from ACPC Area F whom I had interviewed some years before. The draft which our small working party eventually forwarded to the DOH is included in Appendix 13.

The text set out in Appendix 13, although quite detailed, had not been difficult to agree amongst ourselves and represented what we felt were the elements of good practice as currently understood. Thus, we emphasised the need for a consistent and co-ordinated approach to the management and treatment of young sexual abusers and stated our view that work with them should take place in the context of the child protection system, overseen by ACPCs. We recommended that ACPCs, through the creation of a sub-group focusing on children and young people who sexually harm others, should take a lead role in establishing joint agency protocols with YOTs. We also suggested that the membership of this sub-group would probably need to include, for example, representation from the YOT and the Crown Prosecution Service.

Our draft referred to the problems of distinguishing between normal childhood sexual development and experimentation as opposed to aggressive or abusive sexual behaviour and offered a definition of sexually harmful behaviour based on Ryan and Lane (1997). Emphasising the many factors which might contribute to children and young people sexually harming others, including their own abuse by others, we then listed key principles which we thought should guide work with all young people.

However, we then distinguished clearly between the different multi-agency enquiry and assessment processes pertaining to children aged under and over 10 years of age. In the case of those over the age of criminal responsibility we stressed, where appropriate, the importance of child protection and youth crime processes coming together to develop coherent and consistent systems of response. In the last section of our draft we concluded by recommending that appropriate training, support and supervision were required for staff involved in this relatively new area of work.

The only strategic issue where there was considerable debate amongst ourselves was in respect of child protection registration. Whilst agreeing that there were advantages in creating a separate category for young sexual abusers (and, as already stated, indeed 17% of those who had replied to the consultation exercise had advocated this), it was concluded in the end that the DOH would not be receptive to this idea, having resisted the suggestion for some years. Thus, rather than risk the credibility of the document as a whole, we decided to omit this idea. We also focused our draft only on children and young people who sexually abuse others, although the consultation document had referred to 'abuse by children and young people'. In our draft the word 'harm' rather than 'abuse' was used, too, this being the 'in' descriptor at the time, although I had some reservations about this terminology, it being even more vague and open to interpretation, I thought, than 'abuse'.

**Paragraph 6.31-6.37 of *Working Together to Safeguard Children* (DOH, 1999)**

What was finally incorporated into the *Working Together to Safeguard Children* (DOH, 1999) is set out below:

- 6.31 Work with children and young people who abuse others- including those who sexually abuse/offend - should recognise that such children are likely to have considerable needs themselves, and also that they may pose a significant risk of harm to other children. Evidence suggests that children who abuse others may have suffered considerable disruption in their lives, been exposed to violence within the family, may have witnessed or been subject to physical or sexual abuse, have problems in their educational development, and may have committed other offences. Such children and young people are likely to be children in need, and some will in addition be suffering or at risk of significant harm, and may themselves be in need of protection.
- 6.32 Children and young people who abuse others should be held responsible for their abusive behaviour, whilst being identified and responded to in a way which meets their needs as well as protecting others. *Work with adult abusers has shown that many of them began committing abusing acts during childhood or adolescence, and that significant numbers have been subjected to abuse themselves. (my italics)* Early intervention with children and young people who abuse others, may therefore, play an important part in protecting the public by preventing the continuation or escalation of abusive behaviour.
- 6.33 Three key principles should guide work with children and young people who abuse others:
- there should be a co-ordinated approach on the part of youth justice and child welfare agencies;
  - the needs of children and young people who abuse others should be considered separately from the needs of their victims; *and*
  - an assessment should be carried out in each case, appreciating that these children may have considerable unmet developmental needs, as well as specific needs arising from their behaviour.
- 6.34 ACPCs and Youth Offending teams should ensure that there is a clear operational framework in place within which assessment, decision making and case management take place. Neither child welfare nor criminal justice agencies should embark upon a course of action that has implications for the other without appropriate consultation.
- 6.35 In assessing a child or young person who abuses another, relevant considerations include:
- the nature and extent of the abusive behaviours. In respect of sexual abuse, there are sometimes perceived to be difficulties in distinguishing between normal childhood sexual development and experimentation and sexually inappropriate or aggressive behaviour. Expert professional judgement may be needed, within the context of knowledge about normal child sexuality;
  - the context of the abusive behaviours;

- the child's development, and family and social circumstances;
- needs for services, specifically focusing on the child's harmful behaviour as well as other significant needs; *and*
- the risks to self and others, including other children in the household, extended family or social network;

This risk is likely to be present unless: the opportunity to further abuse is ended, the young person has acknowledged the abusive behaviour and accepted responsibility and there is agreement by the young abuser and his/her family to work with relevant agencies to address the problem.

6.36 Decisions for local agencies (including the Crown Prosecution Service where relevant), according to the responsibilities of each, include:

- the most appropriate course of action within the criminal justice system, if the child is above the age of criminal responsibility;
- whether the young abuser should be subject of a child protection conference; *and*
- what plan of action should be put in place to address the needs of the young abuser, detailing the involvement of all relevant agencies.

6.37 A young abuser should be the subject of a child protection conference if he or she is considered personally to be at a risk of continuing significant harm. Where there is no reason to hold a child protection conference, there may still be a need for a multi-agency approach if the young abuser's needs are complex. Issues regarding suitable educational and accommodation arrangements often require skilled and careful consideration.

(DOH, 1999: 70-71)

Thus, as will be evident, much of the detail of what we had proposed was written out in the final version and the distinction between children under and over 10 years of age was lost. We were disappointed on both these counts. I preferred the use of the word 'abuse' to 'harm' in the final version but I still had reservations that the final version seemed to imply that the guidance was equally relevant to all forms of abuse by children and young people. Perhaps the procedural guidance was, but much of the text focused specifically on sexual abuse and drew on research from that field which was not necessarily so applicable. Moreover, the sentence I have italicised in

paragraph 6.32 which had been in the original paragraph 5.24 (DOH, 1991) and which we had deliberately not included in our draft because, as discussed in Chapter 1, it did not properly reflect research in this area (Beckett, 1999), had been re-introduced by whoever had had the responsibility for the final drafting. Importantly, too, paragraph 6.37 had attempted to clarify the question of the circumstances in which child protection conferences on young sexual abusers should be held. Clearly, our idea for an additional category would not have been well received.

However, the general spirit of what we had been advocating in our draft remained and we considered that what was in place was at least something of an improvement on paragraph 5.24 of *Working Together* (DOH, 1991) particularly in the sense that some 'joined up thinking' was now recommended in respect of children over the age of criminal responsibility, however elusive the achievement of 'joined up' practice might be. Moreover, in that a child protection discourse in respect of children and young people who sexually abuse was still evident in the language used and content of paragraphs 6.31 - 6.37, as well the discourse of 'need', there was the potential for a meeting of minds between those coming from a child protection perspective and those from a youth crime background.

### **CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE: 'NEED' AND 'SAFETY' VERSUS 'CONTROL' AND 'PUNISHMENT'**

Notwithstanding the potential benefits arising from the implementation of the 1998 Crime and Disorder Act and the somewhat extended and updated section in *Working Together to Safeguard Children* (DOH, 1999) it would appear, nevertheless, that

young sexual abusers are now being managed in a context in which there are increasing ideological strains, at least at a national policy level, between interventionist youth crime approaches based on accountability and retribution and lower key welfare approaches based on the 'child in need' and partnership with families. Ironically, these are, in some ways, a reversal of the state of affairs pertaining to the period of my research when justice approaches of diversion, decriminalisation and decarceration prevailed in approaches to young offenders and a more interventionist, child protection approach characterised much of the work of child care services.

Organisationally, too, the provision of services for 'deprived' children in need and 'depraved' young offenders seems to have become even more clearly demarcated than previously. The White Paper *No More Excuses* (Home Office 1997) had addressed the stereotypical view that 'welfarist' social services departments (and by implication the Department of Health) were not properly focused on the prime objective of work with young offenders - preventing offending - by effectively shifting responsibility for young offenders firmly to the Home Office, via the national Youth Justice Board and YOTs. Indeed, Tutt (1999) comments:

...the establishment of these teams has driven the final wedge between the youth justice system and the child care service. Although the *Quality Protects* programme, the government initiative for looked-after children, refers to reducing offending among looked-after children, there is increasing evidence of a widening gap between the processes for dealing with youth crime and the process for dealing with children in need. (Tutt, 1999: viii)



ACPCs and YOTs, (two very different kinds of organisations anyway) and their constituencies are going to have considerable work to accomplish before integrated and coherent policies and procedures can be established.

My concern, however, is that, given the existence of these increasingly divergent systems of response, a likely result will be the development of a double-track route so far as children and young people are concerned, with responses to themselves and their families, in effect, arbitrarily dependant on whether their cases happen to get referred to child care services or to the new youth crime service. This will have consequences not only for how their behaviour is regarded, but also for its management and the type of services that are considered appropriate. It may be that younger, less serious offenders will increasingly be responded to as children in need, with older, more serious offenders dealt with by youth crime services but, on the basis of my own research into the variable and inconsistent ways in which referrals were being dealt with in the early to mid 1990s, achieving this level of consistency will not be easy. Anyway, as discussed in Chapter 9, in common with many other types of young offenders, older, serious sexual offenders may also be very needy and socially disadvantaged. It remains to be seen if YOTs can develop services which address these needs as well as delivering on more punishment oriented government and public expectations.

Recent anecdotal evidence provides some support for the concerns expressed above. In May 1999 I was asked to make a presentation on policy and procedural issues in relation to children and young people who sexually abuse at the launch of a treatment

project in ACPC Area B. This project, joint funded by the local social services department and a national voluntary agency, was offering assessment and treatment services to children and young people up to the age of 16 years who had sexually abused but who were not on court orders. Approximately 45 professionals attended the launch, from social services, voluntary agencies, the education department, the police and including substantial representation from the local youth justice service.

In the discussion time after my presentation virtually all the questions were from the youth justice staff who were expressing frustration about the lack of services which young sexual abusers on their caseloads were receiving. The youth justice staff explained that they only had time to complete social enquiry reports and make recommendations about sentence but they considered that many of these youngsters had a number of social and emotional needs which were not being met. What about comprehensive assessments and treatment for the youngsters they were working with? What should youth justice staff do when there were child protection issues which needed addressing? Who could they refer to? The local social services department child protection co-ordinator, who was also at the launch, said that social services area teams should pick up such referrals but he readily acknowledged that, due to staff shortages, they might well be resistant to doing so. It may be that the creation of YOTs will address these kinds of demarcation problems but clearly in this local area at least, a double-track route seemed very much in existence.

Based on my telephone interviews in 1999 with some of the professionals on the NCH Committee of Enquiry (NCH, 1992) similar concerns about the current arrangements

seemed to be in evidence. Thus, in my interview with the consultant psychiatrist, she described children and young people who sexually abuse as 'dual status offenders', by which she meant child offenders who were also children in need. She considered that their dual status was not being addressed and that the 'present administration' was defensive and not willing to look at the issues involved. She said she had made various representations to ministers, including Jack Straw, the Home Secretary, (with whom she 'got nowhere'), and Paul Boateng (where she was 'given short shrift, which is usual for him'). She did not think that their lack of willingness to look at the issues was to do with 'get tough' policies as regards youth crime. Rather, she thought it demonstrated ministers' inability and unwillingness to cope with the complexity of dual status offenders. She applauded the government's approach to preventing crime but she thought that ministers were not addressing the specific needs of young sexual offenders, being apparently more comfortable dealing with straightforward young people who were involved in run of the mill burglary and car offences.

Another of my interviewees, the Director of the telephone helpline, agreed with the psychiatrist that children and young people who sexually abuse were children in need but felt they were being 'demonised' and locked into the criminal justice system (often in the adult court), inappropriately. Her opinion was that youth crime approaches, particularly since the introduction of the 1998 Crime and Disorder Act and the 1997 Sex Offenders Act (which I discuss shortly), were unhelpful, or that, at least, their implications for young sexual abusers had not been thought through. She reported that she was attending a meeting of an inter-departmental (but Home Office

convened) Sex Offenders Review Group shortly where she had been asked to speak and she planned to make her views known there.

A third interviewee, the Director of Policy Development in a national voluntary agency, commenting on the child protection narrative within the text of the NCH report (NCH, 1992), commented 'but it hasn't stuck has it?'. When asked to clarify this statement he said that the Home Office had never been willing to look at such youngsters as a separate category of children in trouble 'despite advice to do so.' He went on to comment that the 1997 Sex Offenders legislation had been rushed through and the Home Office had not been able to respond to the consultation feedback about the complexity of issues in relation to young child abusers. Because it was too complex, I wondered? He thought it was that and also because it was politically unacceptable to do so - 'the climate was against it'.

## **THE SEX OFFENDERS ACT 1997 AND RELATED PROVISIONS WITHIN THE 1998 CRIME AND DISORDER ACT, AND THEIR IMPLICATIONS FOR YOUNG SEXUAL ABUSERS**

Thus far, discussion has concentrated on the impact of major policy and legislative changes in youth justice and child protection/child welfare services on the problem of children and young people who sexually abuse. In addition, however, developing responses to this group have also been affected by a particular hardening of attitudes towards adult sex offenders. What has become a major feature of the latter half of the 1990's is the intense focusing of attention, publicly and politically, on those who abuse, in a fashion which seems to exemplify the description of a moral panic and a

concomitant role for 'paedophiles' as folk devils (Cohen, 1973). This is illustrated, for example, by widespread and vitriolic media coverage of the cases of Robert Oliver and Sidney Cooke, both convicted sex offenders released in 1998 after serving long prison sentences. Both these men had to seek refuge in police stations for a time after their release to avoid hostile public demonstrations against their presence in local communities. Two other members of their paedophile gang have since been murdered, one whilst in prison and one some while after his release as a result, it is thought, of a contract killing. In the case of the latter murder, television and newspaper reports were indicating substantial, at least tacit, public approval of the circumstances of the man's death.

My tracking of media coverage does not seem to suggest that similar attitudes are in evidence in respect of young sexual abusers. Indeed, my analysis of Birkett's article (Birkett, 2000) in Chapter 9 seems to suggest quite the opposite. However, youngsters over the age of criminal responsibility are, nevertheless, subject to the 1997 Sex Offenders Act, the aim of which is to increase the ability of criminal justice agencies to monitor and share information on sexual offenders and, by doing so, to develop more effective risk management plans in order to prevent re-offending. The Act is based on the premise of the high risk of recidivism in adult sex offenders and in some cases the Act has already resulted in the use of intensive surveillance and other methods to prevent the offender having access to potential victims. Additional provisions within the 1998 Crime and Disorder Act have much the same aims.

The 1997 Sex Offenders Act places a requirement on all those adults and juveniles, convicted or cautioned for certain sexual offences, to register with the police within 14 days:

- their names and any other names they use;
- their address and subsequently any change of address;
- their date of birth.

The Act applies to all those convicted or cautioned from the date of its implementation and to all those who, at that point, were under the supervision of criminal justice agencies, or in custody for a specified sexual offence. The length of registration depends on the nature of the original sentence, varying from five years for a caution, to life for sentences of 30 months or more, or if committed to hospital under a restriction order. Overall, taking the 1997 crime statistics (Home Office, 1998a), had the Act been implemented then it would have resulted in approximately 1100 young people between 10 and 17 cautioned for sexual offences and 400 who were convicted, being registered.

The only distinction made for juvenile offenders is that their registration periods are half the length of those aged over 18 years and there is a duty of notification on their parent or guardian. Masson and Morrison (1999) have commented on the need for further consideration about the application of the Act to juveniles. For example, wide geographical variations in cautioning and prosecution practice (Evans and Wilkinson, 1990) are likely to result in very inconsistent patterns of registration.

The Act also enables, but does not require, the police to disclose their information to third parties, mainly other professionals in criminal justice and child protection settings, but also potentially to members of the public. This provision for disclosure is linked to the police making a risk assessment to determine when, and to whom, any disclosure will be made. In many authorities, the process of disclosure has been formalised through inter-agency protocols providing for the convening of risk management panels, either by the police or probation services or sometimes social services departments.

Masson and Morrison (1999) have pointed out that, in the case of juveniles, the likely response of parents to these registration requirements, and potentially to any suggestion that there might be public disclosure, will be critical. By way of illustration they described how:

In one case the family of a 15 year old boy in a groupwork programme was subject to an attempted arson attack on their home when neighbours discovered what he had done and the family eventually had to move out of the neighbourhood. If the registration system serves to increase the apprehensions and resistance of parents to engage in treatment work because they feel it is they, as much as their child, who are being 'blamed', then the Act's potential gains will have been more than outweighed by the alienation of the group most critical to the monitoring and management of juvenile offenders, their parents. This is not to suggest that registration is inappropriate for some juveniles, but that such decisions should be made on a case by case basis, through a process of multi-disciplinary decision-making.

(Masson and Morrison, 1999: 212)

Clause 2 of the 1998 Crime and Disorder Act also makes provision for the police to seek sex offender orders on convicted sex offenders whose behaviour demonstrates a *risk* of re-offending and to obtain a civil injunction to monitor and restrain the

offender's movements. In addition, provision is made for extended sentences to be imposed on sexually violent offenders. Although these last two sex offender provisions are aimed at adults, they nevertheless have the potential to affect juvenile sexual offenders.

The Sex Offenders Act and the relevant provisions of the 1998 Crime and Disorder Act, and their lack of flexibility in the case of juveniles, demonstrate the way in which interventionist philosophies and research about adult sex offenders are permeating criminal justice approaches to juveniles. In doing so these pieces of legislation fail to recognise that juvenile offenders are also 'children in need' under the 1989 Children Act, not just offenders and, in many cases, are also victims of harm themselves. Professionals here and in North America (Brown, 1998; ATSA, 1997) have also become concerned that assumptions about adult recidivism are being used to guide legislative policy with juvenile offenders. The workings of the 1997 Sex Offenders Act and of clause 2 of the 1998 Crime and Disorder Act with regard to juveniles may well increase the potential professional tensions identified earlier between youth crime and more welfarist child care philosophies of intervention.

## **CONCLUSION**

This chapter has sought to demonstrate that increasingly divergent policy and legislative changes in relation to youth crime, child protection/child welfare work and to adult sex offenders since the mid 1990s are probably serving to increase the complexities of work with children and young people who sexually abuse others. This is all the more problematic given that my research has shown that professionals and



agencies have been struggling to develop coherent and consistent policy, procedure and services for young sexual abusers for much of the last decade already, with only limited success.

Whilst, as I have discussed in this chapter, there may be various positives in some of the new arrangements which professionals may be able to make constructive use of, nevertheless, only time and further research will tell whether these complexities can be successfully addressed. On the basis of my research into responses to children and young people who sexually abuse during the 1990s, it would appear that this work will not be easy. However, it is to be hoped that the contribution of myself and others to the drafting of paragraphs 6.31-6.37 in *Working Together to Safeguard Children* (DOH, 1999) will provide a useful framework for a way forward.

## **CHAPTER 11 FINAL REFLECTIONS ON THE RESEARCH: FROM RESEARCHER TO SHAPER?**

In this last chapter some thoughts are offered on the strengths and weaknesses of the research work I undertook and my ideas about how the research might be taken forward are discussed. In the second and final part of the chapter the process by which, as a result of my work, I became more involved as a shaper or influencer of the very developments I was trying to research is outlined, a tangible outcome of this process being, as discussed in Chapter 10, that I found myself in a small group drafting a replacement for paragraph 5.24 of *Working Together* (DOH, 1991).

### **STRENGTHS AND WEAKNESSES OF THE RESEARCH AND HOW IT MIGHT BE TAKEN FORWARD**

In the context of the constraints I identified in Chapter 3 of the thesis, in particular being a solitary researcher with few resources to draw on, I would want to claim at the conclusion of this project that I have achieved my overall purpose of trying to develop a picture and understanding of how local policies, procedures and services for children and young people who sexually abuse others have been developing in England since the publication of paragraph 5.24 in *Working Together* (DOH, 1991) and the NCH Committee of Enquiry Report (NCH, 1992). As my overview of the main research findings in Chapter 9 indicates, there clearly have been developments in policy, procedure and services in some ACPC areas but, in these and in less active parts of the country, there are significant complications, concerns and difficulties still to be resolved.

I had designed the research to draw on various sources of data in order to observe developments from a number of different angles and it is pleasing that some useful data was generated from each data source. In particular, my analysis of ACPC annual reports and ACPC inter-agency guidance provides an illustration of how such documentation might be used in the future in, for example, monitoring exercises. The findings from my study of documents, telephone and face-to-face interviews and the survey by questionnaire also complemented each other well. Thus, for example, it was possible to check and build on the inevitably 'broadbrush' results of my overview of ACPC annual reports and inter-agency guidance by conducting a small number of interviews in six ACPC areas. This more detailed information was, then, helpful in developing the questionnaire for the survey of a much larger sample of professionals.

Although the main phase of my formal data collection was concentrated around the period 1994-1996 I consider that the research as a whole was enriched by the library based and investigative work I undertook to develop a longitudinal view of developments, spanning more or less the whole of the 1990s. The problem of children and young people who sexually abuse others was an emerging problem at the beginning of the decade and I was in the fortunate position of having access to various people, welfare agencies and other organisations who have been in the forefront of developments. The more investigative aspects of my research have not been easy to write about in the confines of a traditional academic thesis but the insights gleaned from sometimes chance and more informal encounters have been valuable in illuminating the difficulties experienced by professionals in the field, difficulties which I have explored via more rigorous research methods.

Inevitably, there were a number of limitations to the research I undertook, mainly relating to the practical and other constraints within which the research had to be designed, all of which provide pointers as to how the research might be developed. For example, as I have outlined in the relevant chapters, there were aspects to the four main sources of data I drew on which mean that caution should be exercised in the interpretation of the results. Thus, for instance, in my study of documents, although I was able to access a 100% sample of ACPC annual reports, I was often dealing with very little written text from which to draw conclusions. In addition, I was always conscious that ACPC annual reports had not been generated for the purposes of my research and so their contents provided probably only a limited reflection of developments in relation to young sexual abusers, a reflection greatly influenced by whoever had penned the relevant sections of the reports. Nevertheless, by adopting a multi-methods approach to my data collection I was able to compensate for the weaknesses in some sources of data by capitalising on the strengths of the other research methods employed.

In relation to my semi-structured interviews, I was only able to conduct one interview in each of the six ACPC areas with one or two (albeit possibly key) professionals. The research could usefully be developed by studying what is going on in these areas in a great deal more detail, using a mix of further interviews across a range of personnel in different agencies, studying agency documentation, including case files, and observing instances of policy, procedure and practice in action. Similarly, by its very nature, a questionnaire does not allow one to get at detailed, rich data and so, although

many of the respondents' elaborated comments were fascinating, I was left wishing that I could have explored their perspectives more fully.

As a result of the research I have undertaken I would want to claim that I have developed a good understanding of the intent and limitations of the guidance on policy and procedure in relation to children and young people who sexually abuse which had been published in the early 1990s. In addition, my data collection has also enabled me to do some justice to what Rodwell calls, 'mandated actors' perspectives' (Rodwell, 1998: 231) or the implementation of policy by professionals. However, what was not part of my research remit was the generation of an account of the experience of those at the receiving end of policy and mandated action: children and young people themselves and their immediate carers. Thus, in any future research on this topic this aspect should be a major focus.

Through, for example, my links with a project in ACPC area B which has developed since the main period of my research, there might be an opportunity to interview children and their families who have been referred to the project for their perspectives and opinions on what has happened to them and the services they have received. This could be usefully complemented by similar work in a YOT to generate young people's and families' perspectives on their experiences of being processed via this very different route.

Another broader angle to pursue would be the views of children and young people themselves (both abusers and non abusers) on what they consider to be sexually

abusive as opposed to sexually inappropriate behaviour and where their ideas come from. These are particularly rich avenues of further research to explore which are, as yet, largely uncharted.

In addition, given my discussion in Chapter 10 on policy and legislative developments in youth crime, child care/child protection work and, in relation to adult sex offenders since the mid 1990s, other areas of research suggest themselves. These include:

- research into the impacts of new approaches to youth crime and the 1998 Crime and Disorder Act in relation to work with children and young people who sexually abuse;
- the extent to which more integrated policies, procedures and services for children and young people are developed in response to the guidance in paragraphs 6.31 - 6.37 in *Working to Safeguard Children* (DOH, 1999);
- the intended and/or unintended consequences of the provisions contained within the 1997 Sex Offenders Act and Clause 2 of the 1998 Crime and Disorder Act on juvenile sexual offenders.

These ideas for future research initiatives would usefully complement existing, largely clinical research studies into the characteristics of children and young people who sexually abuse, issues of causation and recidivism and the outcomes of treatment approaches. This research was overviewed in Chapter 1 when the point was made that there was still much to be explored and understood even within these relatively researched areas.

## **FROM RESEARCHER TO SHAPER?**

As I made clear in Chapter 2, I had every intention of breaking down the sometimes traditional barriers between the researcher and those he or she is researching, and so was very pleased to feed back the results of my research efforts as I went along. Nevertheless, I was somewhat surprised by the way, over time, I became drawn into influencing developments both locally and nationally.

### **Publications**

Under some pressure from the demands of University Research Assessment Exercises I had to neglect the write-up of my PhD thesis in favour of getting articles and books published and presenting at conferences. I was reasonably successful in these endeavours (see, for example, Masson 1995a and 1995b; 1997; 1997/1998; Erooga and Masson, 1999; Masson and Morrison, 1999) and so my work became known by professionals and interested organisations such as NOTA. What also became apparent through this process of publication and presentation was that I was virtually alone in pursuing this particular research angle and, hence, was one of the few access points for information about developments beyond an immediate locality.

### **Providing Information and Getting Feedback**

Thus, as time went on I began to receive a steady trickle of enquiries from interested professionals across England, usually those charged with the task of developing policy and procedures within their ACPC area, asking for information about what strategies were being adopted elsewhere. I was more than happy to oblige with my account of what I thought was happening in relation to, for example, child protection

registration and models of emerging practice and I used these opportunities to question my enquirers further about their perception of developments in relation to young sexual abusers. In addition, as a direct result of my research and because my university is a partner in a local Children's Research Institute I became involved in evaluating, with a university colleague, the project which has been set up in ACPC Area B, which I have already mentioned.

In late 1996 I had the opportunity to present some of the results of my research work to multi-disciplinary groups of professionals at two conference workshop presentations, one in the north of England and one in the south. Not only was I able to outline the results of my analysis of ACPC inter-agency guidance but I also shared my findings from ACPC annual reports for 1992-4 and my preliminary analysis of the findings from my survey by questionnaire.

In both workshops there was an overall positive response to my findings in terms of these elements of my research. My efforts seemed somewhat validated in that what I was reporting to my audiences was in reasonable accord with their own perceptions of the state of developments in work with children and young people who sexually abuse. A few participants wanted to alert me to developments occurring in their own area, all of which seemed to be of recent origin and general comments were made about ACPC areas in London and the south perhaps catching up with developments in northern England, comments to which I have already alluded.



However, what was of particular interest was a small number of significant comments made at the two workshops which referred to the gap between official models of policy and procedures and the perceived 'reality' of actual practice. Thus, at the NOTA conference in Chester (September 1996) two professionals from an ACPC area in the south, whilst agreeing with my picture of policy and procedure in their area, reported that there were difficulties of implementation and actual practices varied across the county. They concurred with my view that the energy and commitment of a few individuals or 'reticulists' (Hallett and Birchall, 1992) was often crucial to developments but they also thought that past history had to be contended with in introducing changes. Thus, family centres in their area, which had previously been involved in work with young sexual abusers, were resistant to the new procedures which they saw as 'poaching' work from them.

Subsequently, at a conference in Surrey in November 1996, the then chair of NOTA, and a probation officer in ACPC Area A, expressed surprise that I had seen her locality as a particularly active area. Although it had a special project and procedures for the management of young abusers, her perception was that many local practitioners were remarkably unaware and uninvolved in this area of work. She and two other probation officers had been trying to set up a group for young abusers and were struggling to get referrals. She also reported that the special project was, anyway, under threat because its funding was running out, an aspect of which I was aware.

I remember feeling somewhat deflated at these points and, as a first thought, rather wished that I could iron these discrepancies out of my account. However, I soon reflected that such dissonance (between the content of official policy and procedures and the process of implementation) was a normal feature of any human endeavour and that, in order to provide a rich and detailed analysis of developments in this area of work, such stories were valuable. Indeed, I had actively pursued such 'insight' via semi-structured interviews in six ACPC areas and via my questionnaire survey.

I was very interested, then, to hear accounts from professionals in two other of my particularly active areas, who rang me for information about how other ACPC areas were progressing work with young sexual abusers and who also told me about the difficulties of implementing policy and procedure in their areas. Thus, at the end of 1996 a professional from an ACPC area in East Anglia reported that her authority had been dealing with adolescent sexual abusers under child protection procedures since 1990 (i.e. before paragraph 5.24 in *Working Together*) but she felt that, from being a leading ACPC area as far as developments were concerned, things had 'stagnated'. Their specialist service covered only three out of the five parts of the local authority area and the local social services department was complaining that it was the sole agency providing services and could no longer afford to do so. Thus, she was trying to create partnerships with voluntary agencies locally as well as considering the possibility of sharing resources with other local authority areas.

Much later, in July 1999, a team manager of a project in the Midlands which had previously been initiated and managed by someone now seen as a national lead in this

area of work, told me that, since taking over the project three years previously, he had been constantly preoccupied with funding uncertainties because of social services department cutbacks. However, for the last year there had been increased stability because a service agreement had been signed between the social services department and a voluntary agency so that the project had become part of the voluntary agency's larger 'Inappropriate Social Behaviours' team which also covered projects in three other ACPC areas. Even with funding more secure, however, there were other problems. In particular, the problems of dovetailing child protection and youth justice approaches to work with young sexual abusers were 'a huge issue'. He noted that his predecessor's professional background in youth justice and her enthusiasm had ensured that positive working relationships had developed between individual professionals but that, with changes of personnel, these informal links had rather withered away, leaving long-standing tensions to resurface (personal communication, 16.7.99). It seemed clear, therefore, that, as Morrison commented in his keynote speech at the Surrey conference (29.11.96), the road from policy to practice was a long and winding one.

### **Involvement with NOTA**

In addition to these fairly local and limited exchanges I also found myself developing a larger role within NOTA in relation to various initiatives. Thus, I was invited to apply to become co-editor of NOTA's academic journal, *The Journal of Sexual Aggression*, and I was co-opted onto the organisation's national executive committee. Via this co-option I have also become involved in a sub-group of the committee which has been trying to progress the development of additional guidance on how to

manage, assess and treat children and young people who sexually abuse others. This has been a fascinating exercise which has highlighted the continuing tensions between child protection and youth justice/crime systems of response and which has made me feel more confident about my assessment that this remains one of the major issues yet to be resolved as regards the development of services for these children.

### **Reworking Paragraph 5.24**

However, perhaps the most tangible piece of evidence that, as a result of my research, I have become more of a shaper of developments, not just an observer and recorder of them, came in May 1999 when I was asked to contribute to the re-drafting of paragraph 5.24 for the latest edition of *Working Together* (DOH, 1991). I gathered that the SSI in the Department of Health who had had the task of this redrafting had been relocated in order to work on another government initiative (the 'Quality Protects' programme). The career civil servant who was subsequently asked to pick up the redrafting work had been out of her depth and had contacted one of the big five voluntary child care agencies for assistance. My invitation came via this route. The process and outcome of this work has been fully discussed in Chapter 10.

### **CONCLUDING THOUGHTS**

The more I have become directly involved in activities designed to improve guidance on policy, procedure and practice in relation to children and young people who sexually abuse, the more uneasy and ambivalent I have felt. I have never, in my professional social work career, had experience of working with this group of children

and I have felt diffident about offering advice and thoughts to practitioners and their managers about how they might take developments forward.

However, I have also had to recognise that, because of my role as researcher, I have had privileged access to sources of data and people which I would not have had otherwise, so I have concluded that, perhaps, I have had something useful to offer after all. Indeed, although my research was conducted some years ago now, the results of my endeavours still seem relevant today, judging by feedback from professionals in the field. It is to be hoped, however, that further research will be undertaken with the aim of illuminating the process of development of policy, procedure and services for children and young people who sexually abuse, in the context of the policy and legislative changes discussed in Chapter 10.

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## **APPENDIX 1**

### **Interview Schedule used in semi-structured interviews**

#### *Introductory remarks*

---

Introducing myself and thanking respondent(s) for being willing to see me.  
Explaining my interest in the topic of children and young people who sexually abuse and what research work I have undertaken so far. Outlining the purpose of this round of semi-structured interviews.

#### *Section on broad questions*

1. How far is the issue of children and young people who sexually abuse addressed in this ACPC area? Probe as appropriate and ask for a copy of any ACPC guidance.
2. Is there any other written guidance available to professionals working in this area locally? Probe as appropriate and ask for copies.
3. Are you aware of the NCH (1992) publication and has it informed your work? What about, for example, problems of defining what is sexually abusive behaviour by children and young people?

#### *Section on more specific questions*

4. What systems and procedures (if any) have been established for inter-agency liaison and co-ordination at the points of:

- a) referral
- b) investigation
- c) assessment?

Probe as appropriate.

5. How far are tensions between child protection and youth justice approaches in evidence in your area? Probe as appropriate.
6. Which agencies are seen as key in this area of work locally? Probe as appropriate.
7. What assessment facilities can professionals call on in this area? Probe as appropriate.
8. What treatment facilities are available for work with young abusers?  
Probe as appropriate.

*Closure section*

9. Are there any issues in relation to this topic area which we have not already discussed which you would want to raise with me?
  10. Thank you very much for helping me with my research and giving up your time to do so.
-

## **APPENDIX 2**

### **List of questions used for telephone interviews**

1. Explain the nature of my research/ issues of confidentiality.
2. How and why was the Committee was established in the first place - what events led to its setting up?
3. How were you recruited, by whom? How were others recruited?
4. What was your role on the Committee?
5. What were your motivations in becoming involved and what were your hopes and aspirations for the work of the Committee?
6. How did the Committee work? How often were meetings held? Who organised the various information gathering sessions? Who wrote the report? How was the process of writing it managed? Any contentious issues, e.g. on terminology?
7. What are your thoughts on the significance of the Report's findings at the time, and now 7 years later?
8. Any connections between the Committee of Enquiry and the 30 lines of guidance within 'Working together'?
9. What do you think are the key issues in this area of work now?

**APPENDIX 3**

**Questionnaire used in national survey**

Identity No:     /     /

**UNIVERSITY OF HUDDERSFIELD**

**SCHOOL OF HUMAN AND HEALTH SCIENCES**

**CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE OTHER  
CHILDREN, AN EMERGING PROBLEM**

**A STUDY OF OFFICIAL RESPONSES**

**QUESTIONNAIRE**

**Researcher:**

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Advice to respondents on completion of the form:

In fixed choice questions, please tick the relevant box to indicate your response. In open questions, please answer briefly in the light of your normal practice, perceptions or experience.

If descended from more than one ethnic or racial group, please tick the groups to which you consider you belong

**THESE FIRST FEW QUESTIONS ARE ASKING YOU TO PROVIDE BRIEF INFORMATION ABOUT YOURSELF:**

- 1 Age: 25-29   
30-39   
40-49   
50+

- 2 Sex M  F

- 3 Ethnic group: (please describe your ethnic origins:

Bangladeshi

Black - African

Black - Caribbean

Black - Other

Indian

Pakistani

White

Any other ethnic group (please describe):

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- 4.1 What is your job title? Please indicate occupation and rank (if applicable):

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- 4.2 Are you:

A child protection specialist

A Youth Justice specialist worker

A children and families worker  
more generally   
(fieldwork based)

A children and families worker  
more generally   
(residential based)

Other professional   
focus

If other, please describe:

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5 Please list your occupational  
training and qualifications:

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**BRIEF VIGNETTES – ISSUES OF SERIOUSNESS AND PROFESSIONAL JUDGMENT**

6 Various incidents have been classified as child on child or adolescent on child sexual abuse. Some are considered very serious acts, while others are considered not so serious. In the following two lists are 10 items, each item comprising a short passage describing a potential incident of sexual abuse by a child or young person.

Please rank the items in each of the two following lists on a scale of increasing seriousness from 1 to 10, so the item you give a ranking of 10 to is the incident you consider to be the most serious incident out of the 10 items, with lower rankings indicating which you believe are not so serious.

For example, in a list of 4 items you might end up with this:

	<u>Rank Order</u>
a Item W	3
b Item X	2
c Item Y (most serious)	4
d Item Z (least serious)	1

Base your rankings on your professional experience with children and adolescents. Whilst there is not enough information included to make a decision about the appropriate professional action, your opinions are still important. You may have seen a variety of cases similar to this one, but please make your rating on the basis of the average case.

6.1 List One

Rank Order

- a) A 16 year old boy in Local Authority Accommodation is found in bed with an 11 year old boy. \_\_\_\_\_
- b) A 6 year old boy who has repeatedly touched the genitalia of a 6 year old girl at school. \_\_\_\_\_
- c) A gang of four 11 year old boys who mutually masturbate. \_\_\_\_\_
- d) A 15 year old boy who has raped an 8 year old girl at knifepoint. \_\_\_\_\_
- e) A 10 year old girl is caught touching the genitals of her 7 year old sister. \_\_\_\_\_
- f) A 17 year old boy accused of making obscene telephone calls to girls at his school. \_\_\_\_\_
- g) A 16 year old girl who has allowed two 13 year old boys to simulate sexual intercourse with her, in return for money. \_\_\_\_\_
- h) A 13 year old boy has been accused of indecently exposing himself to his younger brothers aged 10 and 8. \_\_\_\_\_
- i) An 8 year old girl who is “acting out” her own abuse in sexual play with her 4 year old brother. \_\_\_\_\_
- j) An 11 year old boy who encouraged his 8 year old friend to compare and touch each other’s penises. \_\_\_\_\_

6.2 List Two

Rank Order

- a) A 15 year old boy who bullies two 10 year old boys into masturbating him. \_\_\_\_\_
- b) A 16 year old boy with learning difficulties who has admitted having sexual intercourse with a 13 year old girl. \_\_\_\_\_
- c) Two 10 year old boys who have indecently assaulted a 2 year old boy. \_\_\_\_\_
- d) A 12 year old girl who is often left to look after her younger siblings and who is discovered to have repeatedly touched their genitals whilst undressing them. \_\_\_\_\_
- e) Sexual intercourse between a 17 year old boy and 14 year old girl. \_\_\_\_\_
- f) A 15 year old boy who, whilst babysitting, persuaded his 8 year old, female cousin, to kiss and cuddle him. \_\_\_\_\_
- g) A 16 year old boy who entices little girls aged about 4 years to go with him to a secluded place and then exposes himself to them. \_\_\_\_\_
- h) A 14 year old boy who has had a long term incestuous relationship with his 16 year old sister. \_\_\_\_\_
- i) Two 9 year old girls, playing "doctors". One of the girls has a mild learning disability. \_\_\_\_\_
- j) A 12 year old boy who repeatedly attempts to engage in sexually explicit conversation with his peers against their will. \_\_\_\_\_

**THE NEXT SECTION OF QUESTIONS IS ASKING FOR INFORMATION ABOUT YOUR INVOLVEMENT IN MATTERS INVOLVING SEXUAL ABUSE BY CHILDREN AND YOUNG PEOPLE.**

7.1 In your last 3 working months, please estimate how much of your working time was spent on child sexual abuse matters involving children and/or young people as the abusers:

- None
- Less than 1 day per month
- 1-2 days a month
- 3-4 days a month
- 5-6 days a month
- 7-10 days a month
- More than 10 days a month
- Don't know

7.2 Was this time expenditure:

- Lower than normal?
- Typical?
- Higher than normal?
- Don't know

7.3 If this period was not typical, please give the main reason.

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8.1 Is your immediate work unit one specialising in work with children and young people who sexually abuse others?

- Yes, exclusively
- Yes, largely
- No, it's just part of our general duties

9 Please state at 9.1 and 9.2 how many child on child or adolescent on child sexual abuse cases you have been involved with.

(NB. By involvement I mean any action or judgment however small, and I want you to include new referrals and ongoing cases, suspected or confirmed.)

9.1 In your last 3 working months of 1995:

0

1-4

5-9

10-19

20+

No firm idea, estimate\*

Don't know

\* Please insert a figure if possible.

Initial risk assessments of abusers

Comprehensive assessments of abusers

Treatment work with abusers

Residential care of abusers

Manager of front line workers

Other

If other, please describe:

9.2 In the last year:

0

1-4

5-9

10-19

20-39

40+ ...\*

No firm idea, please estimate\*

Don't know

\* Please insert a figure if possible

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10 Please state how many initial and review child protection case conferences, including "Case Core Group" meetings you have attended in connection with cases involving children and young people as sexual abusers:

9.3 What type(s) of work are you usually involved in with children and young people who sexually abuse others? Please tick one or more boxes as appropriate:

Investigations of allegations of abuse

\_\_\_\_\_

10.1 In your last 3 working months of 1995:

- 0
- 1-4
- 5-9
- 10-19
- 20+
- No firm idea, estimate\*
- Don't know

\* Please insert a figure if possible.

- Never been invited
- Not important for me to attend
- Important but I haven't time
- I've sought them but they have not been convened
- They always occur at an impossible time
- I won't breach confidentiality
- Other (please specify)

10.2 In the last year:

- 0
- 1-4
- 5-9
- 10-19
- 20-39
- 40+ ...\*
- No firm idea, please estimate\*
- Don't know

\* Please insert a figure if possible

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10.4 Is fitting these meetings into your work schedule generally:

- No problem
- Possible
- Difficult
- Extremely difficult

10.5 Of the Child Protection Case Conferences you attend, how often do you initiate a request for them?

- Almost always
- Often
- Sometimes
- Never

10.3 If None, why is that?

- None have occurred in the area
- None involving my cases
- Not my job to go



10.6 Please state how many Cautioning or Youth Liaison Panels you have attended in connection with cases involving children and young people as sexual abusers:

10.7 In your last 3 working months of 1995:

0

1-4

5-9

10-19

20+

No firm idea, please estimate\*

Don't know

\* Please insert a figure if possible

10.8 In the last year?

0

1-4

5-9

10-19

20-39

40+,\*

No firm idea, please estimate\*

Don't know

\* Please insert a figure if possible

10.9 If None, why is that?

None have occurred in the area

None involving my cases

Not my job to go

Never been invited

Not important for me to attend

Important but I haven't the time

I've sought them but they have not been convened

They always occur at an impossible time

I won't breach confidentiality

Don't know

Other (please specify)

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10.10 Is fitting these meetings into your work schedule generally:

No problem

Possible

Difficult

Extremely difficult

10.11 Of the Cautioning/Youth Liaison Panels you attend, how often do you initiate a request for them?

(Please specify)

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

- Almost always [ ]
Often [ ]
Sometimes [ ]
Never [ ]

11.1 Of the cases involving children and young people sexually abusing others that you have been involved with over the last year, what proportion have been the subject of both Child Protection conferences and Youth Justice /Cautioning Panels:

- None [ ]
0-20% [ ]
21%-40% [ ]
41%-60% [ ]
61%-80% [ ]
More than 80% [ ]

11.2 Where a young sexual abuser is the subject of a child protection conference on what grounds might registration be based?

- As an abuser in need of services [ ]
As a victim of sexual abuse [ ]
Other grounds [ ]

**THIS SECTION ASKS YOU TO INDICATE WHAT POST-QUALIFYING TRAINING HAS BEEN AVAILABLE TO YOU (RELATING TO CHILDREN AND YOUNG PEOPLE WHO SEXUALLY ABUSE OTHERS)**

12 Please estimate the total amount of any post-qualifying or in-service training, short courses and conferences you have attended, dedicated to the topic of children and young people who sexually abuse others:

- None
- Less than 1 week
- 1-2 weeks
- 3-4 weeks
- 1-3 months
- More than 3 months
- Don't know

If None, please turn to Question 15

13.1 What was the main focus of this training?

- Assessment issues
- Treatment issues
- Other

If other, please specify:

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13.2 Was any of this training undertaken, in whole or in part, in interdisciplinary groups?

- No
- Yes, less than 1 week
- Yes, more than 1 week

If None, please turn to question 15.

13.3 If Yes, with whom? (Please tick all relevant groups)

- Social workers
- Health visitors
- Teachers
- Police
- General practitioners
- Paediatricians
- Lawyers
- Psychologists
- Psychiatrists
- Accident and emergency doctors
- School nurses
- School social workers/ EWO's

Other (please specify)

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14.1 On the whole, how did you find such inter-disciplinary training?

Very helpful

Helpful

Unhelpful

Very unhelpful

14.2 What are your reasons for that rating?

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**NOW THERE ARE SOME QUESTIONS ABOUT GENERAL POLICY AND PROCEDURE IN YOUR AREA.**

**FIRST SOME QUESTIONS ON INTER-AGENCY GUIDANCE**

15.1 Are you aware of the current guidance in the Central Government publication "Working Together" para 5.24 about how to respond to abuse carried out by Children or Young People?

Yes  No

Don't know

15.2 Has other policy and guidance been developed locally to assist and coordinate professional responses to children and young people who sexually abuse others?

Yes  No

Don't know

**IF YOU HAVE ANSWERED YES TO EITHER 15.1 OR 15.2 I WOULD BE MOST GRATEFUL IF YOU WOULD INCLUDE A COPY OF SUCH GUIDANCE WHEN RETURNING YOUR QUESTIONNAIRE.**

**NOW IN RELATION TO YOUR OWN AGENCY:**

15.3 In respect of your own agency, rate to what extent your agency's policies cover practice in this area of work?

Poor

Adequate

Good

Very Good

15.4 Please rate the usefulness of your agency's policies and procedures in carrying out your work with children and young people who sexually abuse others?

Poor

Adequate

Good

Very Good

**PLEASE INCLUDE A COPY OF YOUR OWN AGENCY'S GUIDANCE WHEN RETURNING YOUR QUESTIONNAIRE IF SUCH GUIDANCE EXISTS.**

15.5 Are Child Protection Case Conferences held in your area on children and young people who sexually abuse others?

Always

Sometimes

Never

Don't Know

If you have answered "sometimes" please would you indicate the reasons when you think Case Conferences are held:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15.6 Local areas seem to be developing somewhat different models of practice for dealing with the initial management of cases of children and young people who sexually abuse. Please tick the box of the models listed below which most closely equates with the model in existence in your area:

Special project established which offers initial assessments and makes recommendations to Child Protection Conferences and Youth Justice Liaison Panels

.....

Initial Child Protection case conference reports available to Youth Justice Liaison Panel meetings

.....

Initial Child Protection Case Conference follows Youth Justice Liaison Panel meetings and any decision about prosecution

.....

Child Protection Case Conference and Youth Justice Panel meetings combined

.....

ACPC mandated special panel established to deal with referrals which makes recommendations to Child Protection Case Conferences and Youth Justice Liaison Panels

.....

Other model

If you have ticked "other model" please provide brief details of that model:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**15.7 How satisfied are you with the arrangements in your area for dealing with children and young people who sexually abuse others?**

- Very satisfied
- Satisfied
- Dissatisfied
- Very Dissatisfied

If you have ticked "Dissatisfied" or "Very Dissatisfied" please indicate your reasons:

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**THIS SECTION ADDRESSES  
CHILD PROTECTION VERSUS  
YOUTH JUSTICE  
PERSPECTIVES.**

16 There is an ongoing debate about whether juveniles who sexually abuse should be the subject of legal mandate and treatment or whether, in common with other juvenile offenders, they should be kept out of the criminal justice system as far as possible and diverted into community alternatives on a voluntary basis.

16.1 How far do you agree with the statement that all juvenile sexual abusers should be the subject of a legal mandate and directed towards treatment:

Completely agree

Agree

Disagree

Completely disagree

Please indicate the reason(s) for your choice of box:

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16.2 Assuming that only some juvenile sexual abusers are prosecuted, what factors do you think are influential in the decision-making process? Please tick as many boxes as you like:

Nature of the offence

Whether violence or threats of violence involved

Age differential between abuser and victim

Attitude of abuser to offence

Attitude of abuser's family to the offence

Evidence of previous offending

Perceived risk of re-offending

Age of abuser

Likelihood of successful prosecution

Inter-agency policies in these cases

Motivation to attend treatment

Victim's views

Other reasons



If you have ticked "other reasons" please indicate what these are:

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16.3 Is there any monitoring going on in your area about the extent of sexual abuse by children and adolescents?

- Yes
- No
- Don't know

If yes, please specify

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16.4 Where are recommendations made in your area about whether to prosecute or not? Please tick one or more boxes.

- Child Protection Case Conference
- Police independently
- Youth Justice Liaison Panel or equivalent
- Other
- Don't know

If you have ticked "other" please indicate what forum etc. is involved:

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**FINALLY, HERE IS A QUESTION ABOUT THE ISSUES RAISED AS A RESULT OF MY DISCUSSIONS WITH PRACTITIONERS.**

17 Below is a list of issues in relation to responses to children and young people who sexually abuse others. Please tick one or more boxes to indicate issues that you are concerned about:

Lack of clarity about what is normal and abnormal sexual behaviour at different stages in childhood development  
.....

Ongoing problems of definition of child or adolescent on child sexual abuse  
.....

Children who are 17, who therefore come within the Child Protection System but who are treated as adults by the Police  
.....

Lack of knowledge about how far juvenile sexual offenders will "grow out" of their behaviour  
.....

Problems of coordinating youth justice and child protection systems  
.....

Problems of co-working with the Police/police attitudes  
.....

Use of instant cautions and of cautioning generally in relation to sexually offending  
.....

Problems of influencing Crown Prosecution Service Policy and Practices  
.....

Lack of initial assessment facilities  
.....

Lack of comprehensive assessment facilities  
.....

Lack of treatment facilities  
.....

Dearth of evaluation studies of treatment programmes  
.....

Insufficient training opportunities in work with young sexual abusers  
.....

Problems of influencing sentencers  
.....

Problems of victims and abusers being accommodated in the same residential facilities

.....

Lack of suitable accommodation/suitably qualified residential staff

.....

Lack of adequate supervision, support and consultation for professionals involved in this area of work

.....

18 Please list below any other issues you are concerned about:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

**THANK YOU VERY MUCH FOR REPLYING**

**CHECKLIST FOR ENCLOSURES**

Table with 3 columns: Item description, Whether included, YES/NO. Row 1: a) Inter-agency Guidance, Whether included, YES/NO. Row 2: b) Agency policy and procedural Guidance, Whether included, YES/NO.

## **APPENDIX 4**

### **Background information on child protection and youth justice systems in place in England in the early to mid 1990s**

#### **INTRODUCTION**

Systems for the protection of children from abuse have been in existence for many years but the origins of the arrangements in place during the early to mid 1990s can be found in the debates provoked by consideration of the work of Kempe et al (1962) and others since the early 1960s into the 'battered child syndrome', and in the legislative and other official responses to the findings of a whole series of child death enquiry reports from Maria Colwell (HMSO, 1974) onwards, up until the Cleveland (HMSO,1988) and Orkney (HMSO, 1992) reports into child sexual abuse.

A detailed analysis of such developments is not relevant here, developments which have been thoroughly explored elsewhere (e.g. Parton 1985; 1991), but over time an imperative, which crystallised in the 1980s, became one of aiming to strike a balance between the rights of children to express their views on decisions made about their lives, the rights of parents to exercise their responsibilities towards the child and the duty of the state to intervene where the child's welfare requires it (HMSO, 1991). This imperative resulted in the implementation in October 1991 of the Children Act 1989 which provided the legislative framework for child protection practice in England during the period of my research.

## **THE CHILDREN ACT 1989 AND CHILD PROTECTION**

The Children Act 1989, with its associated volumes of regulations and guidance, covers most aspects of public and private civil law in relation to children and young people. Issues of parental responsibility are addressed through various of its provisions, as well as the duties of others having the care of children and the duties of local authorities in relation to the support of children and their families. What the Act also includes are compulsory measures of child protection which govern much professional practice in this area of work. Only these last aspects of the Act are highlighted here, together with some reflection on their potential relevance to the management of alleged cases of abuse by children and young people.

In relation to provisions relating to the prevention of harm to children, Section 17 of the Act places a wide duty on local authorities to:

safeguard and promote the welfare of children within their area who are in need and so far as is consistent with that duty, to promote the upbringing of such by their families by providing a range and level of services appropriate to those children's needs. (Children Act, 1989: 12-13)

Within this general duty local authorities have to attend to specific duties and powers outlined in Schedule 2 of the Act such as taking reasonable steps to identify children in need, publicising services and reducing the need to bring care or supervision order proceedings with respect to children. To emphasise the point that children who misbehave should potentially be viewed as 'children in need' in the same way as children who are abused paragraph 7 of this schedule states that the local authority is also required to take:

**reasonable steps designed to reduce the need to bring criminal proceedings against children within its area and to take reasonable steps to encourage children within its area not to commit criminal offences**

**(Children Act, 1989: 109)**

**In respect of its compulsory measures on child protection, Section 47 of the Act sets out the local authority's duty to respond to concerns that children may be suffering or are likely to suffer significant harm:**

**Where a local authority**

- (a) are informed that a child who lives, or is found, in their area -
  - (i) is the subject of an emergency protection order; or**
  - (ii) is in police protection; or****
- (b) have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm,**

**the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.**

**(Children Act, 1989: 4-5)**

**Emergency provisions within the Act, available in cases where child abuse or neglect is suspected, include Child Assessment Orders and Emergency Protection Orders. Longer term legal measures which local authorities can apply for through the relevant courts include supervision and care orders (Part IV of the Act, sections 31-35) and education supervision orders (section 36). Section 31 (2) states that:**

**A court may only make a care order or supervision order if it is satisfied -**

- (a) that the child concerned is suffering, or is likely to suffer, significant harm: and**
- (b) that the harm, or likelihood of harm is attributable to -**
  - (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or**
  - (ii) the child's being beyond parental control.**

**(Children Act, 1989: 26 - 27)**

**Governing all decisions in relation to such court proceedings is the welfare of the child as set out in section 1 of the Act is the paramount consideration. Thus the court:**

**shall have regard in particular to -**

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);**
- (b) his physical, emotional and educational needs;**
- (c) the likely effect on him of any change in his circumstances;**
- (d) his age, sex, background and any characteristics of his which the court considers relevant;**
- (e) any harm which he has suffered or is at risk of suffering;**
- (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;**
- (g) the range of powers available to the court under this Act in the proceedings in question.**

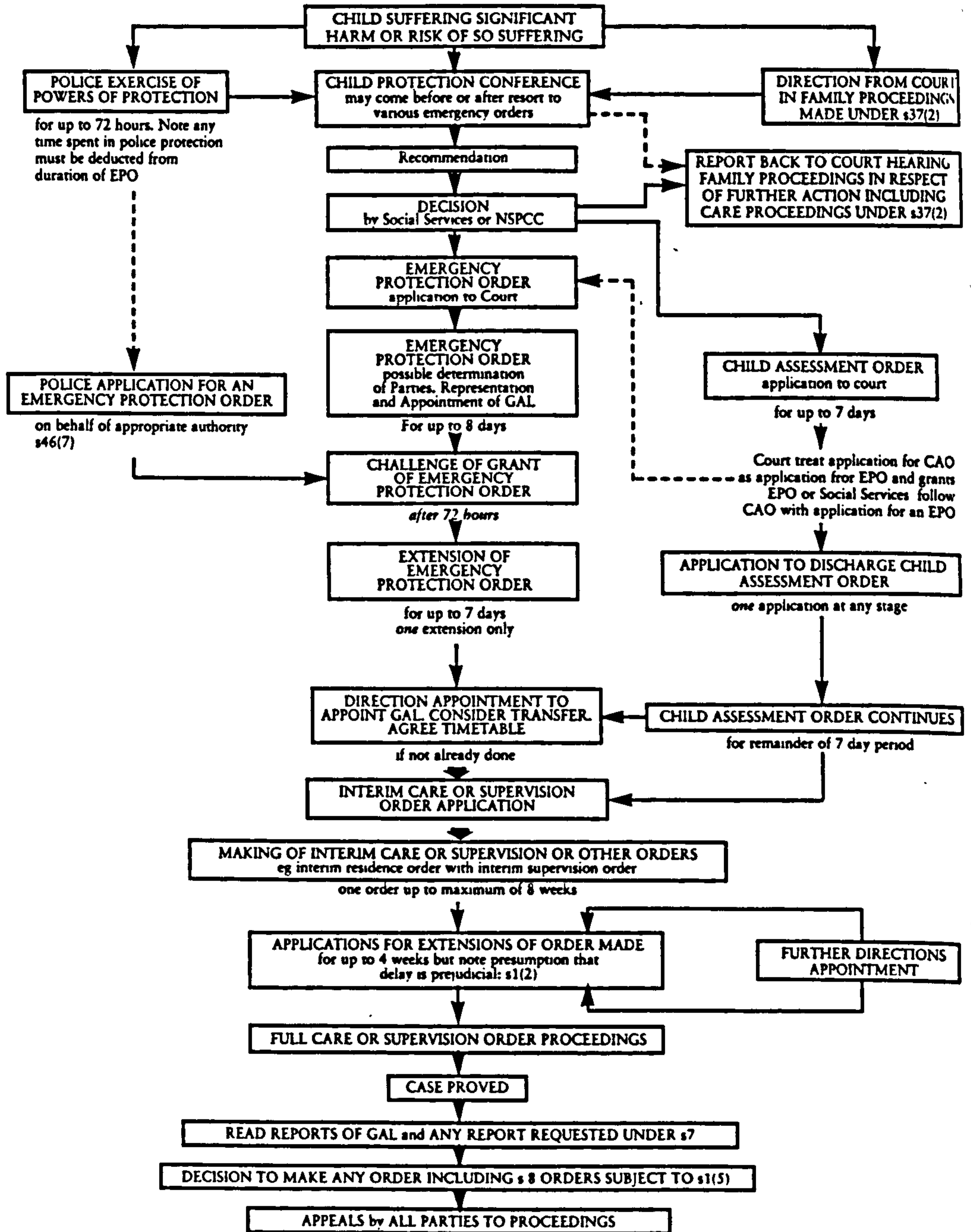
**(Children Act, 1989: 1 -2)**

**In addition the court shall not make any such orders unless it considers that doing so would be better for the child than making no order at all. Figure App 4.1 is extracted from the publication *Childhood Matters* (Report of the National Commission of Inquiry into the Prevention of Child Abuse, 1996) and sets out the steps leading to the making of these various orders in respect of abused children under the Children Act 1989.**

The Act does not specifically address itself to the problem of children and young people who sexually abuse, although various provisions within the Act outlined above may be seen as pertinent. Thus the Act's obligation on local authorities to respond to 'children in need' and to take reasonable steps to encourage juveniles not to commit offences can be seen as highly relevant, potentially, to preventive work with such youngsters. The Section 47 provisions requiring local authorities to make enquiries to enable them to decide whether they should take any action to safeguard or promote a child's welfare are more problematic, however, as all of the provisions of this section are written in terms of the protection of children as the victims of alleged abuse, rather than the perpetrators of abuse. However, it could be argued that, if abuse by children and young people is seen as evidence of some developmental difficulties or even earlier harm, as some of the research overviewed in Chapter 1 indicates, then these provisions could be equally applicable. This would be very much in the spirit of the Act which places the welfare of a child as a paramount consideration, with emphases on preventative interventions and working voluntarily with parents and others to support children and families within the community.



## Civil Proceedings



APP4.1

: Steps leading to the making of orders in respect of abused children under the Children Act 1989

**Guidance associated with the Children Act, 1989 - Working Together (DOH, 1991)**

In addition to the Children Act 1989 itself, and attendant regulations, a number of complementary volumes of guidance have been issued by the Department of Health under Section 7 of the Local Authority Social Services Act 1970 which require local authorities, in the exercise of their social services functions, to act under the general guidance of the Secretary of State. Of particular importance was the document entitled *Working Together under the Children Act 1989. A guide to arrangements for inter-agency co-operation for the protection of children from abuse* (DOH, 1991, second edition). Although not enjoying the full force of statute the preface to this document confirmed that it 'should be complied with unless local circumstances indicate exceptional reasons which justify a variation' (DOH, 1991: iii).

*Working Together* (DOH, 1991) covered many important aspects of the operation of the child protection system within the legislative framework of the Children Act 1989. Thus, for example, there were sections on ethical and legal considerations; on the role of agencies involved in child protection; on the recommended process of work with individual cases; on joint training and on case reviews. Section 6 provided specific guidance on the purpose and conduct of child protection conferences and also set out the criteria for registration of children for whom there were unresolved child protection issues and who were currently the subject of an inter-agency child protection plan. Four categories of abuse were provided for registration and statistical purposes:

- **Neglect**: The persistent or severe neglect of a child, or the failure to protect a child from exposure to any kind of danger, including cold or starvation, or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, including non-organic failure to thrive.
- **Physical injury**: Actual or likely physical injury to a child, or failure to prevent physical injury (or suffering) to a child including deliberate poisoning, suffocation and Munchausen's syndrome by proxy.
- **Sexual Abuse**: Actual or likely sexual exploitation of a child or adolescent. The child may be dependent and/or developmentally immature.
- **Emotional Abuse**: Actual or likely severe adverse effect on the emotional and behavioural development of a child caused by persistent or severe emotional ill-treatment or rejection. All abuse involves some emotional ill-treatment. This category should be used where it is the main or sole form of abuse.

(DOH, 1991: 48-49)

## **Mandated co-ordination in relation to child protection work and the role of Area Child Protection Committees**

Co-operation and co-ordination are seen as crucial elements in good child protection practice in this country even if achievement of such inter-agency work has proved difficult. Hallett and Birchall (1992) note that:

... the original impetus to co-ordination in child protection has come from the bottom-up, from professionals engaged in direct service delivery. The need for co-ordination was later endorsed and adopted as official policy, but its roots in child protection lie with clinicians and other welfare professionals.  
(Hallett and Birchall, 1992: 17).

Thus, over time, first as a result of informal inter-agency co-operation and then on a more formal basis guided by *Working Together* (DOH, 1991), systems for the investigation and management of child abuse referrals have developed which involve, in effect, the mandated co-ordinated activity of a number of welfare agencies and, in particular, social services departments and the police. *Working Together* (DOH, 1991) emphasised:

Inter-disciplinary and inter-agency work is an essential process in the task of attempting to protect children from abuse ... The experience gained by professionals in working and training together has succeeded in bringing about a greater mutual understanding of the roles of the various professions and agencies and a greater ability to combine their skills in the interest of abused children and their families.  
(DOH, 1991: 5)

As Christina Lyon in Appendix 11 of the Report of the National Commission of Inquiry into the Prevention of Child Abuse (1996) commented, '*Working Together* has, in effect, become a working bible in inter-agency co-operation' (p305).

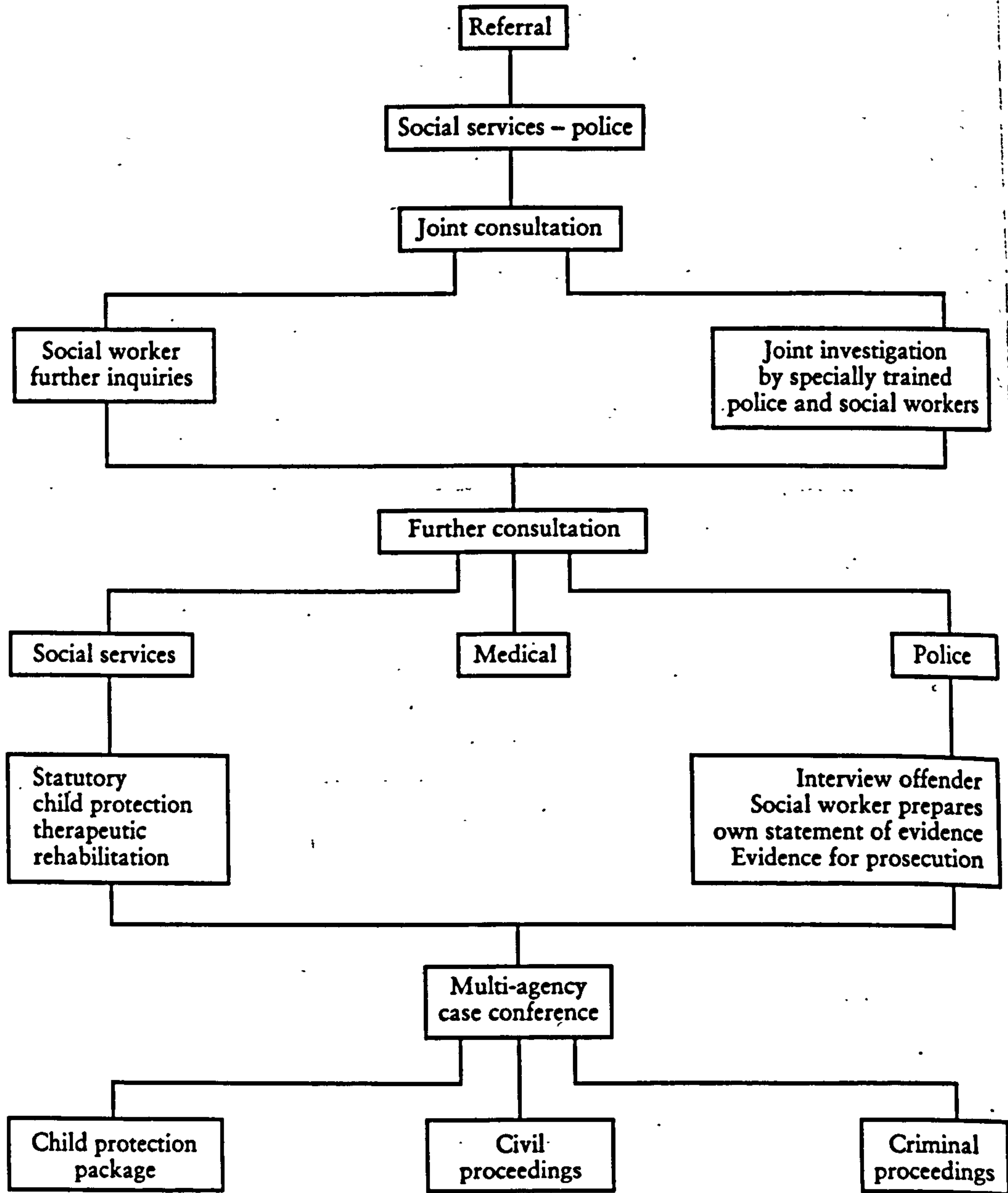
Central to the co-ordination of child protection arrangements in England are Area Child Protection Committees (ACPCs) which comprise representatives of agencies involved in child protection matters. In Appendix 5 of *Working Together* (DOH, 1991) it was recommended that formal membership of ACPCs should include senior managers or professionals representing social services, the NSPCC, health, medical and nursing authorities, GP services, education services, the police, probation service and (where appropriate) the armed forces. Lead responsibility for the appointment of the chair and the secretariat and support services for the committee rested with the social services department. Section 2 of the same document was devoted to a discussion of ACPCs and their roles and functions, which were summarised below:

- 2.12 Each ACPC should establish a programme of work to develop and keep under review local joint working and policies and procedures. The main tasks of the ACPC will be:
- (a) to establish, maintain and review local inter-agency guidelines on procedures to be followed in individual cases;
  - (b) to monitor the implementation of legal procedures;
  - (c) to identify significant issues arising from the handling of cases and reports from inquiries;
  - (d) to scrutinise arrangements to provide treatment, expert advice and inter-agency liaison and make recommendations to the responsible agencies;
  - (e) to scrutinise progress on work to prevent child abuse and make recommendations to the responsible agencies;
  - (f) to scrutinise work related to inter-agency training and make recommendations to the responsible agencies;
  - (g) to conduct reviews required under Part 8 of this guide;
  - (h) to publish an annual report about local child protection matters.

(DOH, 1991: 6-7)

Figures App 4.2 and App 4.3, extracted from the Report of the National Commission of Inquiry into the Prevention of Child Abuse (1996) provide working models

demonstrating police and social services involvement in a child abuse case and the steps leading to child protection conferences and the making of recommendations for further action in child protection cases. As will be noted, co-operation and co-ordination between various agencies is central to the various stages of the process of investigation and case management. Thus, each ACPC (of which at the time of undertaking the research there were 106 in England) had had the responsibility of drawing up its own local inter-agency guidance based on such general models and informed by guidance contained within *Working Together* (DOH, 1991).

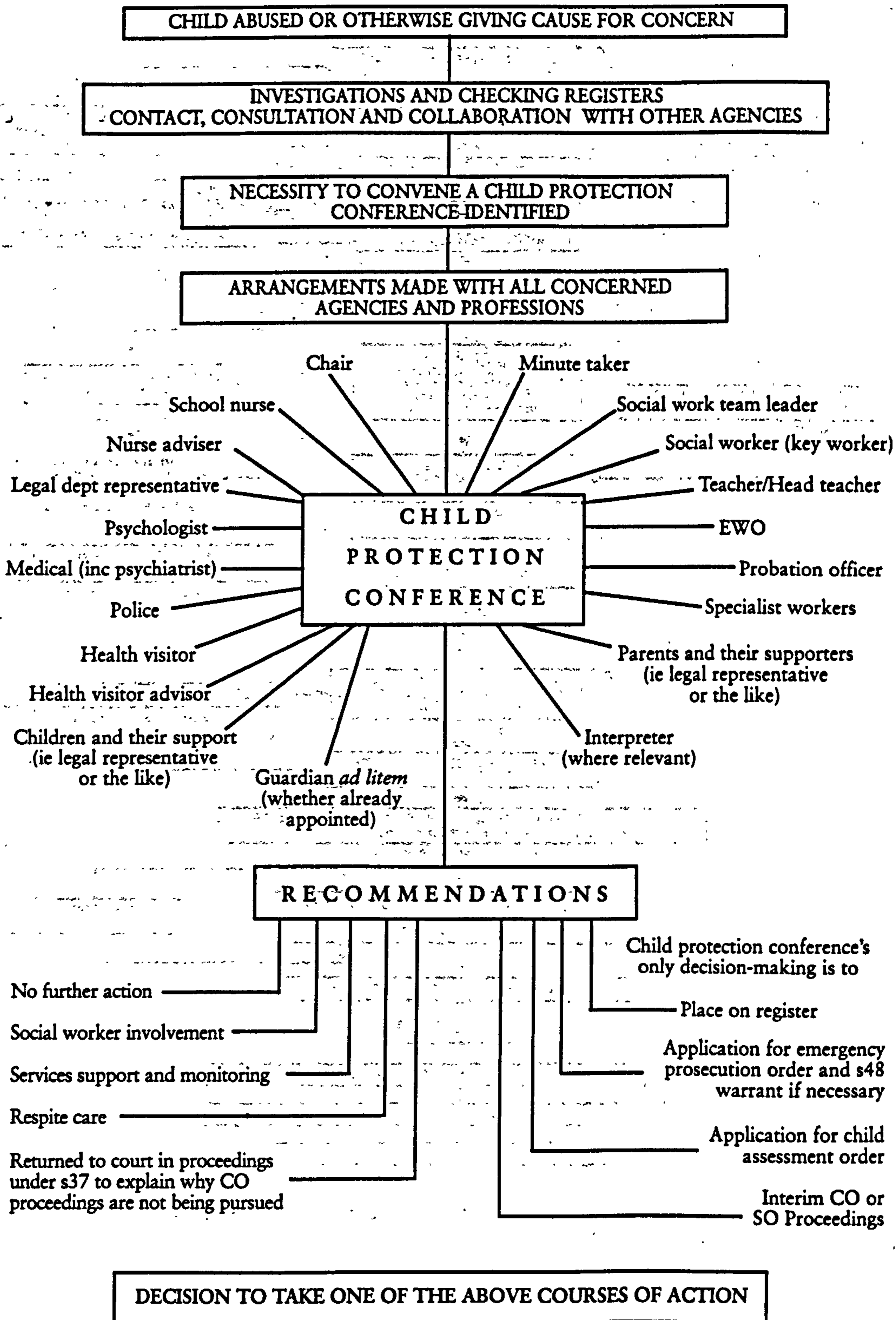


APP4.2

*A working model demonstrating police and social services involvement in a child abuse case*

# Child Abuse

Report of the  
National  
Commission of  
Inquiry into the  
Prevention of  
Child Abuse  
1996: 335



APP4.3 Steps leading to child protection conference and the making of recommendations for further action in child abuse cases



In their analysis of models of co-ordination Hallett and Birchall (1992) suggest that ACPCs fit most closely with a federative model:

In this member organisations retain their individual goals but there is also some formal organisation and formal staff structure for the accomplishment of inclusive or inter-organisational goals. While decision making is focused on a specific part of the inclusive structure, it is subject to ratification by members and authority remains at member level. In such a context a moderate degree of commitment to the inclusive decision-making structure is expected but considerable member autonomy is retained.

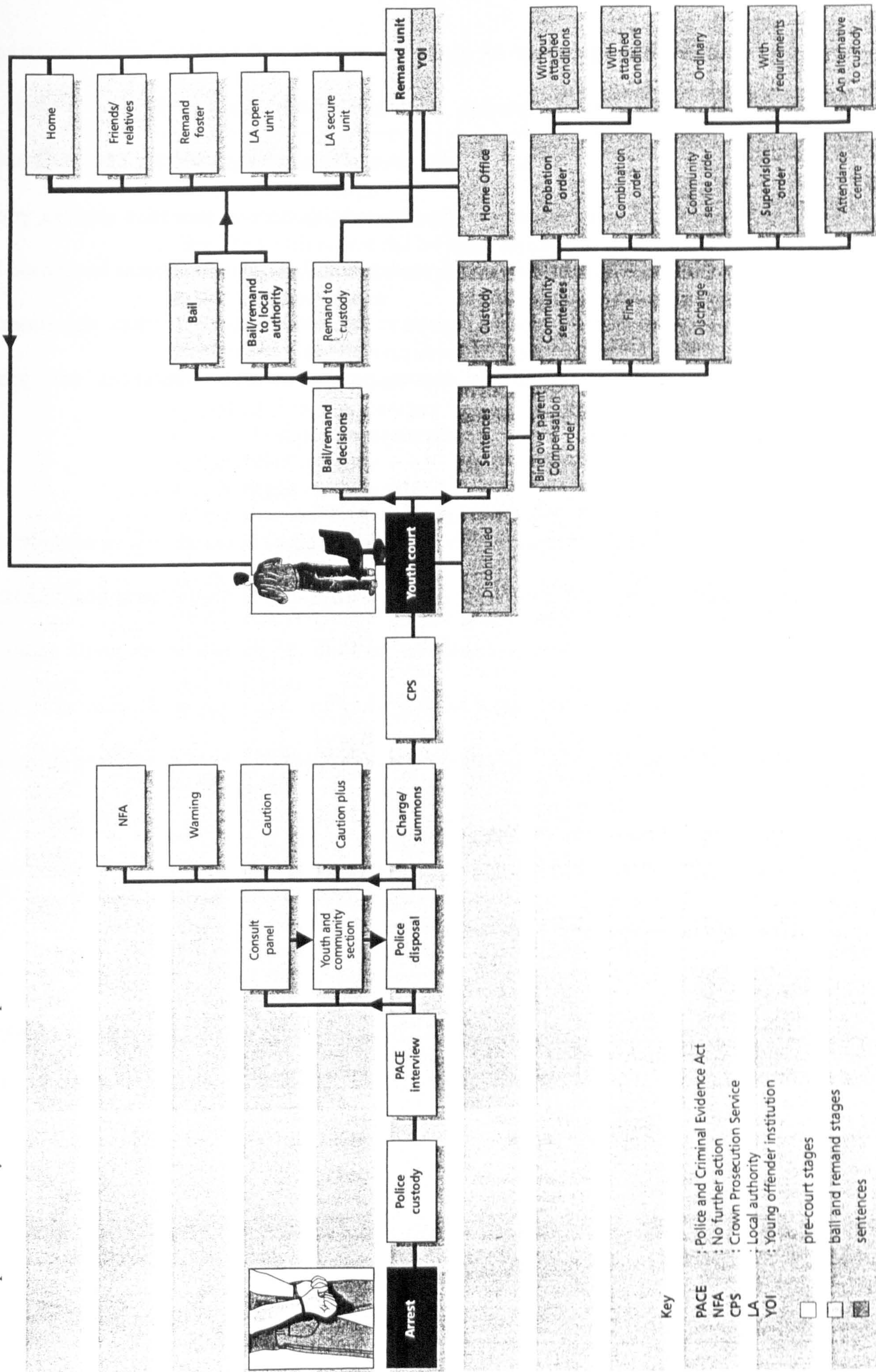
(Hallett and Birchall, 1992: 44)

The drawbacks and the difficulties of inter-agency co-ordination based on this mandated and federative model are the subject of discussion as part of the analysis of the *Report of the Committee of Enquiry into Children and Young People who Sexually Abuse other Children* (NCH, 1992) in Chapter 4.

## **BACKGROUND INFORMATION ON YOUTH JUSTICE SYSTEM IN PLACE IN ENGLAND DURING THE EARLY TO MID 1990S**

In England and Wales children and young people become subject to the criminal law at 10 years of age and during the main period of my research could be dealt with under various pieces of legislation, such as the Criminal Justice Acts 1991 and 1993 and the Criminal Justice and Public Order Act 1994. Figure App 4.4 extracted from the Audit Commission Report *Misspent Youth* (1996) provides an overview of the process of dealing with a young person who had been arrested for an alleged offence, with youth courts dealing with all young defendants aged at least 10 but under 18, except when charged with a particularly grave crime.

The system for dealing with young people who offend  
 The process is complicated and may take months to complete.



Key  
 PACE : Police and Criminal Evidence Act  
 NFA : No further action  
 CPS : Crown Prosecution Service  
 LA : Local authority  
 YOI : Young offender institution  
 □ : pre-court stages  
 □ : bail and remand stages  
 ■ : sentences

As indicated in figure App 4.4 at the pre-court stage the police, social services and possibly other welfare agencies, legal aid and diversion panels (see later) were primarily involved in decision making about alleged young offenders. The youth court process itself also involved the Crown Prosecution Service, probation services, youth and/or crown courts and possibly remand centres. In terms of sentences handed out by courts under criminal justice legislative provisions, social services departments, probation services, attendance centres, young offender institutions and youth treatment centres could all potentially play a role.

Thus, if a young person aged between 10 and 17 was believed to have committed a criminal offence, the police had to decide whether to take “no further action”, issue an informal warning, formally caution or institute the process which could result in prosecution through a youth or adult court. Final decisions about prosecution were taken by the Criminal Prosecution Service following recommendations from the police who, in the cases of young offenders, also usually consulted with other agencies such as social services departments, probation and education services, often through juvenile liaison or diversion panels.

If a young person was convicted of a criminal offence the courts had various options open to them, options which varied according to the age of the young offender. The options prior to the Criminal Justice and Public Order Act 1994 are set out below:

<b>Age</b>	<b>Sentence Available</b>
<b>10 - 13 years</b>	Absolute Discharge Conditional Discharge Bind over of offender or parents Fine (for which parent can be made responsible) Compensation order (for which parent can be made responsible) Attendance centre order Supervision order Supervision order with requirement including: <ul style="list-style-type: none"> <li>● psychiatric treatment</li> <li>● educational requirements</li> <li>● night restriction requirements</li> <li>● specified activities</li> <li>● residence requirements</li> </ul> Detention under S.53 Children and Young Persons Act 1993 for murder or manslaughter
<b>14 years</b>	All of the above Detention under S.53 for offences for which an adult could receive 14 years or more imprisonment
<b>15 years</b>	All of the above Detention in a Young Offender Institution for up to 12 months
<b>16 - 17 years</b>	All of the above plus Probation order Probation order with: <ul style="list-style-type: none"> <li>● residence requirement</li> <li>● activity requirement</li> <li>● probation centre requirement</li> <li>● mental treatment requirement</li> <li>● requirement of treatment for drug or alcohol dependency</li> <li>● Community Service order</li> <li>● Combination order</li> <li>● Detention under S.53 for offence of indecent assault on a woman</li> </ul>

(Extracted from Howard League, 1994)

The Criminal Justice and Public Order Act 1994 introduced a new Secure Training Order for offenders aged 12, 13 and 14, adding another option at the courts' disposal, although work to build such centres was very slow.

As regards parental involvement in the youth court process a major emphasis of the Criminal Justice Act 1991 was upon parental responsibilities in relation to children aged under 16 who offended. Thus, a youth court was required to order parents to attend court if their child was being prosecuted, unless it would be unreasonable to require this. There was also a presumption that a court should bind over the parents of a child aged under 16 to exercise proper care and control over the child: if it declined to do so, it should state its reasons. The Criminal Justice and Public Order Act 1994 also introduced a further power, enabling courts to bind over the parents of a child who was placed on a community sentence, requiring them to ensure that the child completed it. If a financial penalty was imposed, the parents might be ordered to pay if the offender is aged 16 or 17 and they had to be ordered to pay if the offender was aged under 16. The parents had a right to be heard before being ordered to pay and it was their means that had to be taken into account.

### **The Youth Justice System and Children and Young People who sexually abuse**

Children and young people over the age of ten years could be charged with any of a number of 'sexual' offences, the complexities of which are discussed in Sampson (1994). He comments that:

The nearest thing we possess to a formal list of sexual offences comes in the Sexual Offences Act 1956, which forms the basis of the official Home Office statistics. These classify sexual crime into twelve separate classes of notifiable offence: buggery, indecent assault on a male, indecency between males, rape, indecent assault on a female, unlawful sexual intercourse (USI) with a girl under 13, USI with a girl under 16, incest, procurement, abduction, bigamy and gross indecency with a child. When official statistics of the

extent of sexual crime are issued, these are the crimes which are being counted. (Sampson, 1994 : 2)

There are also a small number of sexual offences listed within the Indecency with Children Act 1960, the Sexual Offences Act 1967, section 54 of the Criminal Law Act 1977 and the Protection of Children Act 1978. If suspected of a sexual offence, and because of the separateness of civil and criminal proceedings in respect of children and young people, the processing of such youngsters, including investigations of their behaviour, decisions about whether to charge and take them through the courts and their subsequent management could, in theory, all be dealt with through the youth justice system without any attention to child care or child protection legislative frameworks (except in respect of the overarching principles relating to the welfare of the child).

### **Schedule I status**

A schedule I offender (under Schedule I of the Children and Young Person's Act, 1933 and subsequently updated) is a known offender against a child or young person, someone convicted of an offence causing bodily injury to someone under the age of 18 years. Many sexual offences are included in this Schedule and so children over 10 convicted of such offences might also find themselves labelled as a Schedule I offender. If someone has Schedule I status then this means, amongst other things, that prison authorities, probation services and social services departments have a responsibility to share information with each other about the whereabouts and circumstance of such offenders, with local authorities maintaining a register of their names and addresses. Where a Schedule 1 offender is known to be living with

children a child protection investigation is likely to ensue. In addition Schedule I offences are never usually 'spent', that is they will continue to show up on police checks however long ago the offences were committed and even if they were committed when the offender was a juvenile.

Prior to 1994 where the relevant offence was violent rather than of a sexual nature and where the case was disposed of by a non custodial sentence, then notification to social services of young offenders tended not to happen unless there were clear child protection implications (NACRO, 1999). However, further instructions to prison governors in 1994 meant that there was less discretion in this respect with the result that increased numbers of young people might attract Schedule 1 Offenders status.

## **APPENDIX 5**

**Copy of draft guidance for child protection and youth justice agencies prepared by joint sub - group of inter-departmental group on sex offending and inter-departmental group on child abuse - dated June 23 1994**

### **CURRENT DOH WORKING DRAFT: 23 JUNE 1994**

**INTER-DEPARTMENTAL GROUP ON SEX OFFENDING  
INTER-DEPARTMENTAL GROUP ON CHILD ABUSE**

**JOINT SUB-GROUP ON JUVENILE SEXUAL ABUSERS: DRAFT OF GUIDANCE FOR CHILD PROTECTION AND YOUTH JUSTICE AGENCIES.**

1. The Joint Interdepartmental Sub-Group on Juvenile Sexual Abusers has prepared the following draft guidance for child protection and youth justice agencies. This draft material is "complete" in its own right but will be subject to amendment in the light of the outcome of work of other sub-groups. This paper is for presentation to the Home Office IDG on Sex Offending at its next meeting on 23 June 1994. Outside consultation is not yet finished.

#### **Key Principles Underlying the Paper**

2. There are several key points that are recommended as priority issues which must be followed in the handling of juvenile sexual abuse cases:
  - (a) The potential for conflict between the welfare of the juvenile abuser and the welfare of the victim must be recognised. In such cases the victim's welfare should take paramountcy over that of the offender.
  - (b) Many juvenile abusers are themselves in need of care and protection and services must be provided for them. All juvenile abusers must, nevertheless, be held accountable for their abusive behaviour and made to recognise that it is unacceptable.
  - (c) Child protection procedures should be followed in respect of both the child victim and the young abuser.



- (d) An inter-agency and multi-disciplinary approach is essential in the management of the juvenile abuser.
- (e) The management of the juvenile abuser should include comprehensive assessment and the option of treatment; where, following assessment, treatment is to be provided, this should take place as soon as possible as this increases the likelihood of positive change in behaviour.
- (f) Consideration should be given to all the factors relating to the child victim and the juvenile abuser before a decision to prosecute is taken. This requires liaison and exchange of information between the process of work with the child victim and the abuser.
- (g) Sentencers should have access to information on the juvenile abuser's background of behaviour, and assessment of suitability for whatever type of treatment is available. It is recommended that all sentencers dealing with such cases should receive appropriate training on sex offending.
- (h) Where possible the family of the juvenile abuser should be involved in the management of the case. This is particularly important where treatment is proposed, since involvement and commitment by parents is helpful if treatment is to be sustained. The Criminal Justice and Public Order Bill will give courts the power to bind over parents to ensure that their child complies with treatment or any other requirements of a community sentence.

### Definition of Sexually Abusive Behaviour

3. For the purposes of this paper, a juvenile is deemed to be a child or young person up to the age of 18 years. Determining what is normal, problematic or abusive behaviour in this age group is a problem for those working with them. An understanding of what constitutes sexually abusive behaviour is needed so that those showing early indications of such behaviour can be identified and receive treatment. Much abusive behaviour may go unchallenged and unrecognised because those involved with children may deny the significance of the behaviours they are seeing or being told about.
4. Papers attached at Appendix A [DN: attribute annexes to their source – NCH/Ryan] draw together US and UK material on definitions and identifies the common strands running through them in terms of unlawfulness, intimidation, coercion, inequality or lack of consent.

### Extent of the Problem

5. It is acknowledged that available (mainly criminal) statistics do not provide a true indicator of the extent of juvenile sexual offending. This may be because

some offences or incidents may be unreported, undetected or regarded as experimentation rather than abuse.

6. From research (mainly American but some UK) and reports of discussion with practitioners developing treatment programmes for juvenile sexual abusers there is a recognition that juvenile abusers account for a sizeable proportion of reported sexual victimisation and of referrals to agencies. Looking to the research, the Northern Ireland incidence study in 1987 ["Child Sexual Abuse in Northern Ireland – A Research Study of Incidence"] showed the incidence rate of 408 established cases of child sexual abuse was 0.9 per 1000 children under the age of 17. Further analysis of all cases (which included alleged and suspected cases as well as established ones) and an estimation of the potential under-ascertainment indicated that the actual rate was between 0.9 per 1000 and 1.8 per 1000 children. The research revealed that some 36% of the children in the study were abused by teenagers; in 20% of the cases the abuser was less than 16 years, and in a further 16% the abuser was less than 19 years. This level of abuse is broadly supported by other research findings and brief details of other studies, which display a level of consistency, are illustrated in Appendix B.

#### Dual Process of Child Protection and Youth Justice Systems

7. A consistent inter-agency and professional response is needed in cases where abuse of a child is alleged to have been carried out by another child or young person. An effective response will best be achieved where there is a clear framework within which decision making and case management takes place on an inter-agency and multi-disciplinary basis: where all relevant information about the abuser, the victim and the family is shared, and where there is clear awareness and appreciation of each agency's role and responsibilities.

#### Child Protection System

##### Area Child Protection Committees

8. Inter-disciplinary and inter-agency work is an essential process in the task of child protection. Co-operation and collaboration between different agencies is a difficult and complex process, particularly in this area of work in which policies and practice are constantly developing. In every local authority area there is a need for a close working relationship between social services departments, the police service, medical practitioners, community health workers, the education service and other organisations such as the probation service and the Crown Prosecution Service, who share a common aim to protect children at risk.
9. Co-operation at the individual case level needs to be supported by joint agency and management policies for child protection, consistent with their policies and plans for related service provision. There needs to be a recognised joint

forum for developing, monitoring and reviewing child protection policies. This forum is the *Area Child Protection Committee*.

10. Each Area Child Protection Committee (ACPC) establishes a programme of work to develop and keep under review local joint working and policies and procedures. Particular tasks of the ACPC are to:
  - maintain and review local inter-agency guidelines on procedures to be followed in individual cases
  - identify significant issues arising from the handling of cases and reports of enquiries
  - scrutinise progress on work to prevent child abuse and make recommendations to the responsible agencies
  - conduct case reviews.
11. The lead responsibility for the appointment of the Chair and secretariat and support services for the Committee should rest with the social services department. All agencies should recognise the importance of securing effective co-operation by appointing senior officers to the ACPC.

### Working Together

12. Working Together Under the Children Act 1989 recommends:

“When abuse of a child is alleged to have been carried out by another child or young person, it is important that the appropriate child protection procedures should be followed in respect of both the victim and the alleged abuser.

Work with adult abusers has shown that many of them begin committing their abusing acts during childhood and adolescence, and further, has indicated that significant numbers have suffered from abusing acts themselves. It is therefore an important child protection function to ensure that such behaviour is treated seriously and is always subject to a referral to child protection agencies. Such adolescent abusers are themselves in need of services.

Upon receipt of such referral there should be a child protection conference in respect of the alleged abuser to address current knowledge of:

- the alleged abuser
- the family circumstances
- the offence committed

- the level of understanding he or she has of the offence
- the need for further work.

This should include consideration of possible arrangements for accommodation, education (where applicable) and supervision in the short term pending a comprehensive assessment. This assessment should ideally involve a child psychiatrist to look at issues of risk and treatment. Membership and handling of the conference, including initial plans, should be as prescribed in the standard child protection conference.

The conference should reconvene following the completion of the comprehensive assessment, to review the plan in light of the information obtained and to co-ordinate the interventions designed to dissuade the abuser from committing further abusive acts. Experience suggests that in many cases, policies of minimal intervention are not as effective as focused forms of therapeutic intervention which may be under orders of the civil or criminal courts”.

### Youth Justice System

13. Children under 10 years of age cannot be charged with any criminal offence. Should they come to the notice of the police in connection with a sexual offence, the police usually pass on information about what has occurred to the Director of Social Services where the child resides. When a juvenile is over the age of 10 the police will investigate and decide whether to charge an offender with a sexual offence. Social services should be informed and also involved in this decision. The police have the option of cautioning the offender (NB. Home Office Circular 18/1994: paragraph 15) or pursuing prosecution of the case or taking no further action. Home Office guidance to the police emphasises that cautioning is an important way of keeping young people out of the criminal courts. But it also stresses that cautioning should never be used for the most serious indictable-only (in the case of an adult) offences such as rape and only in exceptional circumstances for other indictable-only offences. A decision whether to caution will depend on a number of factors including the nature of the offence, the offender's attitude towards the offence and the views of the victim (if known). Before a caution can be given the offender must admit the offences and his/her parent or guardian must give informed consent. Police forces have additional arrangements to determine whether a caution is appropriate. For example, the police may arrange a home visit to gather information about the young person or seek advice from the local juvenile liaison panel.
14. The juvenile liaison panels are established in many force areas and are made up of representatives of police, probation, education and social services and meet on a regular basis. In other areas there are standing multi-agency bureaux in which seconded officers from the different agencies work together on a full-time basis.

15. Before a decision to prosecute is taken, the CPS may be requested by the police to advise on the sufficiency of evidence and/or the public interest aspects of a particular case. Social services will be informed of the outcome of this advice.
16. If following discussion by the Panel or with social services the police decide to prosecute, case papers will be sent to the Crown Prosecution Service for review. The file will be reviewed by a trained youth offender specialist who will decide, in accordance with the Code for Crown Prosecutors, firstly whether there is sufficient evidence for there to be a realistic prospect of a conviction and, secondly, whether it is in the public interest to proceed. The CPS will be assisted in its decision making by information relayed to them by the police regarding inter-alia, the victim and his or her family's attitude towards giving evidence and detailed background information relating to the abuser. The Crown Prosecution Service will decide whether to proceed, discontinue proceedings or refer the case back to the police with recommendations for a caution.
17. Further details of the Youth Justice System process are attached at Appendix C.

#### Options for Diversion/Cautioning or Treatment of Offenders

18. Whilst this guidance does not address the handling of individual juvenile sexual abuse cases by the agencies that might be involved, nevertheless, local consideration on the question of balance in cases could usefully take account of the following issues:
  - Because sex offending may begin at an early age, and in contrast to other forms of adolescent offending, is a form of behaviour which adolescents tend to grow into rather than out of, some practitioners argue that diversion as practised for ordinary juvenile offending may not be an appropriate response for juvenile abusers in that it may collude with the offence and give the message that the abusive behaviour is not regarded as serious.
  - Some practitioners argue in support of court proceedings as a means both of making the juvenile abuser accept responsibility for his offence, and of providing a legally-sanctioned mandate (supervision order, probation order, sentence to a young offenders institution or placement in secure accommodation) in order to work therapeutically with the offender.
  - An alternative view is that a legal mandate from a criminal court is not always desirable or necessary, although there will be those abusers for whom it is essential.

- Cautioning cannot be conditional on any other intervention which may be helpful to the abuser and by itself offers no measure of legal mandate to assist in engaging resistant abusers in treatment.
- It is strongly recommended that the police should only take “no further action” on a case of a young person who is believed to have sexually abused another child, or decide to caution, after first contacting or meeting with social services and considering the need for a child protection conference to be called.

### Indications of Good Practice

19. The Sub-Group recommends in juvenile sexual abuser cases the following procedures:
- (i) Initial consideration in child protection conferences of the needs of both the victim and alleged perpetrator in terms of:
    - (a) protection needs
    - (b) implications of prosecution or other disposal
  - (ii) At the child protection conference on the alleged abuser it will be important to consider as part of a multi-disciplinary assessment (with input where necessary from the Child and Adolescent Mental Health Service or other professionals) the availability and need for intervention or treatment schemes.
  - (iii) Reports of conferences should be given to police and youth justice liaison panel (or local equivalent if panel not established). Police and CPS then decide on prosecution or other action.
  - (iv) Liaison between named people from the beginning of consideration by child protection and youth justice systems between main agencies. Sharing of information and timing of action or intervention is critically important when family proceedings and a prosecution are commenced.
20. It is recommended that the membership of the Area Child Protection Committee should include a CPS representative to participate in the strategic work of the Committee in developing local policies and plans.
21. An effective response will best be achieved where there is a clear framework within which decision making and case management takes place on an inter-agency and multi-disciplinary basis: where all relevant information about the abuser, the victim and the family is shared, and where there is clear awareness and appreciation of each agency’s role and responsibilities.
22. It is important to set up local procedures so that the cases which require prosecution are likely to be successful and that only these cases are proceeded

with in order to avoid the trauma to the victim, his family and the alleged abuser if a case has to be abandoned for lack of adequate evidence.

Community Services Division 3A  
June 1994

## **APPENDIX C**

### **Youth Justice System Process**

1. When a juvenile under 17 is detained in a police station to be interviewed about an alleged offence, the juvenile's parents should be present. If a parent is not available, an "appropriate adult" must attend the interview. In these circumstances a social worker often acts as the appropriate adult and where a local authority has parental responsibility, a local authority social worker will always be the appropriate adult. When a juvenile is detained after charge, the police must transfer the juvenile to local authority accommodation unless it is impracticable to do so. 15 and 16 year olds may be detained in police cells only if no secure accommodation is available and if there is a need to protect the public from serious harm. This exceptional power is to be extended to also cover 12-14 year olds under the provisions of the Criminal Justice and Public Order Bill.
2. At the juvenile's first court appearance, the court will consider whether to grant bail. All juveniles refused bail must be remanded to local authority accommodation. The local authority may place any child in their care in secure accommodation if certain criteria are met and where the child has been charged with a sexual offence. The courts may remand to prison 15 and 16 year old boys who have been charged with a sexual offence and where there is a need to protect the public. In some areas bail information schemes are available which provide factual information about the background of the defendant to help the courts decide whether bail should be granted or refused. In addition some areas offer bail support schemes which provide a range of measures of support and supervision for those at risk of a remand to custody or local authority accommodation which includes those who have been charged with a sexual offence.
3. Where a child commits a sexual offence, the following sentences are available:
  - an absolute or conditional discharge,
  - a fine or compensation,
  - a community sentence

[for example an attendance centre order, supervision order which may include a range of requirements, eg. residence requirement or a requirement to undertake treatment for sexual behaviour), probation order (from age 16 which may include a requirement to undertake treatment for the sexual behaviour), community service order (age 16) or a combination order].
4. Custodial sentences consist of detention in a young offender institution or long-term detention under Section 53 of the Children and Young Persons Act 1933. Detention in a YOI is available for young people age 15 years and



above. The current maximum sentence of 12 months is likely to be extended to 24 months under the provisions of the Criminal Justice and Public Order Bill.

5. Long terms of detention (up to the adult maximum) are available under Section 53 of the Children and Young Persons Act 1933 for juveniles aged 14 or more who commit crimes that carry an adult penalty of 14 years or more which includes rape or attempted rape and, in the case of 16 and 17 year olds indecent assault of a woman (which carries an adult maximum of 10 years). The Criminal Justice and Public Order Bill extends these provisions to 10-15 year olds.

## **APPENDIX 6**

### **Format for collection of data from ACPC Annual Reports**

**Name of ACPC:**

**Location (referring to the 4 DOH Regions): Southern / London Boroughs / Central /**

**Northern**

**Date of Report:**

**Author of Report (if known):**

**Adolescent Sex Offenders (ASOs) and Prevention**

**ASOs. and Protection**

**ASOs. and Policy and Procedures**

**ASOs. and Training**

APPENDIX 7 - TABLE FOR NUMERICAL ANALYSIS OF ACPC ANNUAL REPORTS

REGION ( ) ACPC 199 -199 REPORTS

ACPC Report	A	B	C	D	E	F	G	H	I	J	K	Key
												A Revised Child Protection procedures implemented in 1992-3.
												B Specific mention of policy and procedures re child and adolescent abusers in place.
												C Subgroup/working party of ACPC established to develop policy/procedures.
												D Reference to Child Protection and Juvenile Justice Issues.
												E Recognition of problem of ASOS but no other action in evidence.
												F Evidence of Juvenile Justice representation on ACPC.
												G Reference to prevention/treatment programmes - multi-agency.
												H Reference to prevention/treatment programmes - single agency.
												I Reference to hospital based treatment.
												J Training courses run re child and adolescent abusers or planned.
Totals												K Particularly active areas in work with child and adolescent offenders i.e. policy, procedures in place, assessment and treatment schemes etc., judged by report.
%												

APPENDIX 8 TABLES OF NUMERICAL ANALYSIS OF ACPC ANNUAL REPORTS FOR THE YEARS 1992 - 3 AND 1993 - 4

(a) ACPC Annual Reports 1992 - 3

CENTRAL REGION (17) ACPC 1992-1993 REPORTS

ACPC Report - (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Birmingham (9)	✓	✓	✓					✓	✓	✓		A Revised Child Protection procedures implemented in 1992-3.
Cambridgeshire (9)	✓	✓					✓					B Specific mention of policy and procedures re child and adolescent abusers in place.
Coventry (43)	✓	✓	✓				✓				✓	C Subgroup/working party of ACPC established to develop policy/procedures.
Derbyshire (0)												D Reference to Child Protection and Juvenile Justice Issues.
Dudley (10)							✓					E Recognition of problem of ASOS but no other action in evidence.
Leicestershire (0)	✓											F Evidence of Juvenile Justice representation on ACPC.
Lincolnshire (11)			✓									G Reference to prevention/treatment programmes - multi-agency.
Norfolk (8)	✓	✓		✓						✓		H Reference to prevention/treatment programmes - single agency.
Nottinghamshire (0)												I Reference to hospital based treatment.
Sandwell (0)	✓											J Training courses run re child and adolescent abusers or planned.
Shropshire (16)	✓		✓	✓			✓			✓	✓	K Particularly active areas in work with child and adolescent abusers i.e. policy, procedures in place assessment and treatment schemes etc., judged by report.
Solihull (2)	✓	✓										
Staffordshire (3)	✓		✓									
Suffolk (4)			✓									
Walsall (1)	✓				✓			✓				
Warwickshire (1)	✓		✓									
Wolverhampton (6)	✓		✓				✓					
Totals (123)	12	5	8	2	1	0	4	2	1	3	2	
%	71	29	47	12	6	0	24	12	6	18	12	

SOUTHERN REGION (21) ACPC 1992-1993 REPORTS

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Avon (2)	✓		✓					✓				A Revised Child Protection procedures implemented in 1992-3.
Bedfordshire (4)					✓							B Specific mention of policy and procedures re child and adolescent abusers in place.
Berkshire (3)	✓		✓									C Subgroup/working party of ACPC established to develop policy/procedures.
Buckinghamshire (15)	✓		✓	✓								D Reference to Child Protection and Juvenile Justice Issues.
Cornwall (0)	✓											E Recognition of problem of ASOS but no other action in evidence.
Devon (15)	✓		✓				✓			✓		F Evidence of Juvenile Justice representation on ACPC.
Dorset (2)	✓		✓									G Reference to prevention/treatment programmes - multi-agency.
East Sussex (5)	✓		✓									H Reference to prevention/treatment programmes - single agency.
Essex (16)	✓		✓					✓				I Reference to hospital based treatment.
Gloucestershire (1)	✓									✓		J Training courses run re child and adolescent abusers or planned.
Hampshire (1)	✓		✓				✓					K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
Hereford & Worcester (0)	✓											
Hertfordshire (0)	✓											
Isle of Wight (0)	✓											
Kent (38)	✓	✓					✓			✓	✓	
Northamptonshire (9)	✓		✓	✓								
Oxfordshire (14)			✓	✓			✓					
Somerset (12)	✓						✓			✓		
Surrey (0)	✓											
West Sussex (0)	✓											
Wiltshire (0)	✓											
Totals (120)	19	1	10	3	1	0	5	2	0	4	1	
%	90	5	48	14	5	0	24	10	0	19	5	

NORTHERN REGION (37) ACPC 1992-1993 REPORTS

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Barnsley (1)	✓				✓							A Revised Child Protection procedures implemented in 1992-3.
Bradford (0)												
Bolton (9)	✓	✓		✓			✓					B Specific mention of policy and procedures re child and adolescent abusers in place.
Bury (0)	✓											C Subgroup/working party of ACPC established to develop policy/procedures.
Calderdale (1)	✓	✓								✓		D Reference to Child Protection and Juvenile Justice Issues.
Cheshire (4)	✓		✓							✓		E Recognition of problem of ASOS but no other action in evidence.
Cleveland (2)	✓		✓									F Evidence of Juvenile Justice representation on ACPC.
Cumbria (1)	✓									✓		G Reference to prevention/treatment programmes - multi-agency.
Doncaster	✓	✓										H Reference to prevention/treatment programmes - single agency.
Durham (11)	✓	✓	✓							✓		I Reference to hospital based treatment.
Gateshead (8)	✓		✓				✓			✓		J Training courses run re child and adolescent abusers or planned.
Humberside (2)	✓		✓									K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
Kirklees (3)	✓				✓							
Knowsley (2)	✓	✓								✓		
Lancashire (31)	✓	✓	✓	✓			✓					
Leeds (2)	✓						✓					
Liverpool (1)	✓		✓									
Manchester (5)	✓		✓				✓					
Newcastle upon Tyne (8)	✓	✓							✓			
North Tyneside (2)	✓				✓							
Northumberland (5)	✓	✓	✓									
North Yorkshire (0)												

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Oldham (11)	✓		✓							✓		A Revised Child Protection procedures implemented in 1992-3.
Rochdale (3)	✓		✓							✓		B Specific mention of policy and procedures re child and adolescent abusers in place.
Rotherham (31)	✓		✓			✓?			✓	✓		C Subgroup/working party of ACPC established to develop policy/procedures.
Salford (7)	✓		✓				✓					D Reference to Child Protection and Juvenile Justice Issues.
Sefton (2)	✓							✓				E Recognition of problem of ASOS but no other action in evidence.
Sheffield (65)	✓	✓	✓			✓?	✓				✓	F Evidence of Juvenile Justice representation on ACPC.
Stockport (23)	✓	✓	✓	✓			✓			✓		G Reference to prevention/treatment programmes - multi-agency.
South Tyneside (5)	✓				✓							H Reference to prevention/treatment programmes - single agency.
St Helens (4)	✓			✓			✓					I Reference to hospital based treatment.
Sunderland (32)	✓		✓					✓			✓	J Training courses run re child and adolescent abusers or planned.
Tameside (0)	✓											K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
Trafford (5)	✓	✓	✓							✓		
Wakefield (16)	✓	✓	✓				✓	✓				
Wigan (16)	✓		✓									
Wirral (1)			✓									
Totals (311)	33	12	20	4	3	2?	9	5	3	10	6	
%	89	32	54	11	8	5	24	14	8	27	16	

LONDON REGION (31) ACPC 1992-1993 REPORTS

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Barking & Dagenham (0)	✓											A Revised Child Protection procedures implemented in 1992-3.
Barnet (0)	✓											B Specific mention of policy and procedures re child and adolescent abusers in place.
Bexley (6)	✓	✓								✓		C Subgroup/working party of ACPC established to develop policy/procedures.
Brent (0)	✓											D Reference to Child Protection and Juvenile Justice Issues.
Bromley (0)	✓											E Recognition of problem of ASOS but no other action in evidence.
Camden (23)	✓			✓			✓		✓		✓	F Evidence of Juvenile Justice representation on ACPC.
Croyden (0)	✓											G Reference to prevention/treatment programmes - multi-agency.
Ealing (1)	✓											H Reference to prevention/treatment programmes - single agency.
Enfield (0)	✓									✓		I Reference to hospital based treatment.
Greenwich (4)	✓		✓									J Training courses run re child and adolescent abusers or planned.
Hackney & City (1)	✓	✓										K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
Hammersmith & Fulham (0)	✓											
Haringay* (-)												
Harrow (12)	✓		✓?		✓		✓?					
Havering (0)	✓											
Hillingdon (5)	✓		✓?									
Hownslow (0)	✓											
Islington (9)			✓							✓		
Kensington & Chelsea (2)	✓						✓?					
Kingston (0)	✓											
Lambeth (0)	✓											
Lewisham (0)	✓											
Merton & Sutton (0)	✓		✓									
Newham (0)	✓											

\* Haringay - No Report Available



ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Redbridge (4)	✓											A Revised Child Protection procedures implemented in 1992-3.
Richmond (0)	✓											B Specific mention of policy and procedures re child and adolescent abusers in place.
Southwark (0)	✓									✓?		C Subgroup/working party of ACPC established to develop policy/procedures.
Tower Hamlet (0)												D Reference to Child Protection and Juvenile Justice Issues.
Waltham Forest (0)	✓						✓?					E Recognition of problem of ASOS but no other action in evidence.
Wandsworth (16)	✓		✓	✓?						✓		F Evidence of Juvenile Justice representation on ACPC.
Westminster (10)	✓									✓		G Reference to prevention/treatment programmes - multi-agency.
Totals (93)	28	0	8	2	1	0	4	0	1	5	1	H Reference to prevention/treatment programmes - single agency.
%	90	0	26	6	3	0	13	0	3	16	3	I Reference to hospital based treatment.
												J Training courses run re child and adolescent abusers or planned.
												K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.

(b) ACPC Annual Reports 1993 - 4

CENTRAL REGION (17) ACPC 1993-1994 REPORTS

ACPC Report (No of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Birmingham (0)												
Cambridgeshire (25)		✓	✓			✓	✓				✓	A Revised Child Protection procedures implemented in 1992-3.
Coventry (14)		✓	✓					✓				B Specific mention of policy and procedures re child and adolescent abusers in place.
Derbyshire (0)												C Subgroup/working party of ACPC established to develop policy/procedures.
Dudley (14)			✓				✓					D Reference to Child Protection and Juvenile Justice Issues.
Leicestershire (4)			✓									E Recognition of problem of ASOS but no other action in evidence.
Lincolnshire (1)		✓					✓			✓		F Evidence of Juvenile Justice representation on ACPC.
Norfolk (80)												G Reference to prevention/treatment programmes - multi-agency.
Nottinghamshire (4)					✓							H Reference to prevention/treatment programmes - single agency.
Sandwell (0)												I Reference to hospital based treatment.
Shropshire (6)							✓					J Training courses run re child and adolescent abusers or planned.
Solihull (5)		✓										K Particularly active areas in work with child and adolescent abusers i.e. policy, procedures in place, assessment and treatment schemes etc., judged by report.
Staffordshire (0)												
Suffolk (82)		✓										
Walsall (0)												
Warwickshire (9)			✓				✓					
Wolverhampton (5)			✓				✓					
Totals (249)	0	4	7	0	1	1	6	1	0	1	3	
%	0	24	41	0	6	6	35	6	0	6	18	

SOUTHERN REGION (21) ACPC 1993-1994 REPORTS

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Avon (2)			✓							✓		A Revised Child Protection procedures implemented in 1992-3.
Bedfordshire (6)			✓									B Specific mention of policy and procedures re child and adolescent abusers in place.
Berkshire (1)		✓			✓							C Subgroup/working party of ACPC established to develop policy/procedures.
Buckinghamshire (11)			✓									D Reference to Child Protection and Juvenile Justice Issues.
Cornwall (0)												E Recognition of problem of ASOS but no other action in evidence.
Devon (2)			✓									F Evidence of Juvenile Justice representation on ACPC.
Dorset (3)			✓				✓					G Reference to prevention/treatment programmes - multi-agency.
East Sussex (0)												H Reference to prevention/treatment programmes - single agency.
Essex (22)			✓			✓	✓	✓			✓	I Reference to hospital based treatment.
Gloucestershire (3)			✓							✓		J Training courses run re child and adolescent abusers or planned.
Hampshire (2)			✓				✓			✓		K Particularly active areas in work with child and adolescent abusers i.e. policy, procedures in place, assessment and treatment schemes etc., judged by report.
Hereford & Worcester (0)		✓										
Hertfordshire (19)		✓										
Isle of Wight (0)												
Kent (6)				✓								
Northamptonshire (21)		✓	✓	✓							✓	
Oxfordshire (18)		✓	✓				✓			✓	✓	
Somerset (16)			✓				✓					
Surrey (3)		✓										
West Sussex (2)							✓					
Wiltshire (8)			✓									
Totals (145)	0	5	13	2	1	1	6	1	0	4	3	
%	0	24	62	10	5	5	29	5	0	19	14	

NORTHERN REGION (37) ACPC 1993-1994 REPORTS

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Barnsley (0)												A Revised Child Protection procedures implemented in 1992-3.
Bradford (2)							✓					B Specific mention of policy and procedures re child and adolescent abusers in place.
Bolton (0)							✓			✓		C Subgroup/working party of ACPC established to develop policy/procedures.
Bury (6)		✓										D Reference to Child Protection and Juvenile Justice Issues.
Calderdale (1)												E Recognition of problem of ASOS but no other action in evidence.
Cheshire (0)												F Evidence of Juvenile Justice representation on ACPC.
Cleveland (3)			✓									G Reference to prevention/treatment programmes - multi-agency.
Cumbria (8)			✓	✓								H Reference to prevention/treatment programmes - single agency.
Doncaster (14)		✓		✓			✓					I Reference to hospital based treatment.
Durham (9)				✓						✓		J Training courses run re child and adolescent abusers or planned.
Gateshead (4)												K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
Humberside (5)												
Kirklees (3)					✓							
Knowsley (0)												
Lancashire (9)		✓		✓								
Leeds (13)			✓				✓			✓		
Liverpool (0)												
Manchester (6)		✓		✓								
Newcastle upon Tyne (0)												
North Tyneside (0)												
Northumberland (9)				✓				✓				
North Yorkshire (2)			✓	✓								

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Oldham (7)			✓									A Revised Child Protection procedures implemented in 1992-3.
Rochdale (5)		✓		✓			✓					B Specific mention of policy and procedures re child and adolescent abusers in place.
Rotherham (38)		✓	✓							✓		C Subgroup/working party of ACPC established to develop policy/procedures.
Salford (15)							✓	✓				D Reference to Child Protection and Juvenile Justice Issues.
Sefton (7)							✓			✓		E Recognition of problem of ASOS but no other action in evidence.
Sheffield (55)		✓					✓					F Evidence of Juvenile Justice representation on ACPC.
Stockport (8)		✓					✓					G Reference to prevention/treatment programmes - multi-agency.
South Tyneside (1)			✓		✓							H Reference to prevention/treatment programmes - single agency.
St Helens (0)												I Reference to hospital based treatment.
Sunderland (28)		✓	✓				✓	✓				J Training courses run re child and adolescent abusers or planned.
Tameside (0)												K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
Trafford (4)			✓				✓			✓		
Wakefield (4)			✓					✓				
Wigan (130)		✓	✓							✓		
Wirral (0)												
Totals (395)	0	10	17	7	2	0	10	4	0	8	1	
%	0	27	46	19	5	0	27	11	0	22	3	

LONDON BOROUGHS REGION (31) ACPC 1993-1994 REPORTS

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Barking & Dagenham (3)			✓							✓		A Revised Child Protection procedures implemented in 1992-3.
Barnet (2)					✓					✓		B Specific mention of policy and procedures re child and adolescent abusers in place.
Bexley (22)			✓									C Subgroup/working party of ACPC established to develop policy/procedures.
Brent (0)												D Reference to Child Protection and Juvenile Justice Issues.
Bromley (1)					✓				✓			E Recognition of problem of ASOS but no other action in evidence.
Camden (30)							✓					F Evidence of Juvenile Justice representation on ACPC.
Croyden (0)												G Reference to prevention/treatment programmes - multi-agency.
Ealing (0)												H Reference to prevention/treatment programmes - single agency.
Enfield (0)												I Reference to hospital based treatment.
Greenwich (0)												J Training courses run re child and adolescent abusers or planned.
Hackney & City (0)												K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
Hammersmith & Fulham (0)												
Haringay (0)												
Harrow (18)			✓									
Havering (0)												
Hillingdon (5)												
Hownslow (24)					✓				✓			
Islington (17)		✓	✓							✓		
Kensington & Chelsea (1)					✓							
Kingston (0)												
Lambeth (0)												

ACPC Report (No. of lines)	A	B	C	D	E	F	G	H	I	J	K	Key
Lewisham (0)												A Revised Child Protection procedures implemented in 1992-3.
Merton & Sutton (13)			✓					✓		✓		B Specific mention of policy and procedures re child and adolescent abusers in place.
Newham (0)												C Subgroup/working party of ACPC established to develop policy/procedures.
Redbridge (4)			✓									D Reference to Child Protection and Juvenile Justice Issues.
Richmond (0)												E Recognition of problem of ASOS but no other action in evidence.
Southwark (1)		✓										F Evidence of Juvenile Justice representation on ACPC.
Tower Hamlets (18)			✓				✓			✓		G Reference to prevention/treatment programmes - multi-agency.
Waltham Forest (1)		✓	✓									H Reference to prevention/treatment programmes - single agency.
Wandsworth (8)			✓									I Reference to hospital based treatment.
Westminster (15)			✓									J Training courses run re child and adolescent abusers or planned.
Totals (183)	0	3	10	0	4	0	2	1	2	6	0	K Particularly active areas in work with child and adolescent abusers, i.e. policy and procedures, assessment and treatment schemes etc., judged by report.
%	0	10	32	0	13	0	6	3	6	19	0	

APPENDIX 9

Tables comparing the numerical analysis of ACPC Annual Reports for the years 1992-3 and 1993-4

COMPARISON OF CENTRAL REGION ACPC REPORTS 1992-3 AND 1993-4

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Birmingham	✓	✓					✓	✓	✓	B Specific mention of policy and procedures re child and adolescent abusers in place.
Cambridgeshire	✓	x	x		x	✓				C Subgroup/working party of ACPC established to develop policy/procedures.
Coventry	✓	✓	x			✓	x			D Reference to Child Protection and Juvenile Justice issues.
Derbyshire										E Recognition of problem of ASOS but no other action of evidence.
Dudley			x							F Evidence of Juvenile Justice representation of ACPC.
Leicestershire			x							G Reference to prevention/treatment programmes – multi-agency.
Lincolnshire		✓	x							H Reference to prevention/treatment programmes – single agency.
Norfolk	✓								✓	I Reference to hospital based treatment.
Nottinghamshire				x						J Training courses run re child and adolescent abusers or planned.



ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Sandwell										B Specific mention of policy and procedures re child and adolescent abusers in place.
Shropshire		✓	✓			✓			✓	C Subgroup/working party of ACPC established to develop policy/procedures.
Solihull	✓					x				D Reference to Child Protection and Juvenile Justice issues.
Staffordshire		✓								E Recognition of problem of ASOS but no other action of evidence.
Suffolk	x	✓								F Evidence of Juvenile Justice representation of ACPC.
Walsall				✓			✓			G Reference to prevention/treatment programmes – multi-agency.
Warwickshire		✓								H Reference to prevention/treatment programmes – single agency.
Wolverhampton		✓				x				I Reference to hospital based treatment.
Totals	5	8	2	1	0	4	2	1	3	J Training courses run re child and adolescent abusers or planned.
%	29	47	12	6	0	24	12	6	18	
	24	41	0	6	6	35	6	0	6	
Totals 1992-4	6	11	2	2	1	7	3	1	3	
% 1992-4	35	65	12	12	6	41	18	6	18	

Key

✓ = Data from 1992-3 Reports

x = Data from 1993-4 Reports

COMPARISON OF SOUTHERN REGION ACPC REPORTS 1992-3 AND 1993-4

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Avon		✓ x					✓		x	B Specific mention of policy and procedures re child and adolescent abusers in place.
Bedfordshire		x		✓						C Subgroup/working party of ACPC established to develop policy/procedures.
Berkshire		✓		x						D Reference to Child Protection and Juvenile Justice issues.
Buckinghamshire	x	✓ x	✓							E Recognition of problem of ASOS but no other action of evidence.
Cornwall										F Evidence of Juvenile Justice representation of ACPC.
Devon		✓ x				✓			✓	G Reference to prevention/treatment programmes – multi-agency.
Dorset		✓ x					x			H Reference to prevention/treatment programmes – multi-agency.
East Sussex		✓								I Reference to prevention/treatment programmes – single agency.
Essex		✓ x			x		✓ x			J Reference to hospital based treatment. Training courses run re child and adolescent abusers or planned.
Gloucestershire									✓ x	
Hampshire		✓ x				✓			x	
Hereford & Worcester										
Hertfordshire	x									

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Isle of White										B Specific mention of policy and procedures re child and adolescent abusers in place.
Kent	✓					✓			✓	C Subgroup/working party of ACPC established to develop policy/procedures.
Northamptonshire	x	✓	✓							D Reference to Child Protection and Juvenile Justice issues.
Oxfordshire	x	✓	x			✓			x	E Recognition of problem of ASOS but no other action of evidence.
Somerset						✓	x		✓	F Evidence of Juvenile Justice representation of ACPC.
Surrey										G Reference to prevention/treatment programmes – multi-agency.
West Sussex							x			H Reference to prevention/treatment programmes – single agency.
Wiltshire										I Reference to hospital based treatment.
Totals	1	10	3	1	0	5	2	0	4	J Training courses run re child and adolescent abusers
%	5	48	14	5	0	24	10	0	19	
Totals 1992-4	6	15	3	2	1	8	2	0	7	
% 1992-4	28	71	14	8	5	38	9	0	33	

Key

✓ = Data from 1992-3 Reports

x = Data from 1993-4 Reports

COMPARISON OF NORTHERN REGION ACPC REPORTS 1992-3 AND 1993-4

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Barnsley				✓						B Specific mention of policy and procedures re child and adolescent abusers in place.
Bradford						x				C Subgroup/working party of ACPC established to develop policy/procedures.
Bolton	✓		✓			✓				D Reference to Child Protection and Juvenile Justice issues.
Bury						x			x	E Recognition of problem of ASOS but no other action of evidence.
Calderdale	✓									F Evidence of Juvenile Justice representation of ACPC.
Cheshire		✓							✓	G Reference to prevention/treatment programmes – multi-agency.
Cleveland		✓								H Reference to prevention/treatment programmes – single agency.
Cumbria		x	x						✓	I Reference to hospital based treatment.
Doncaster	✓		x				x			J Training courses run re child and adolescent abusers or planned.
Durham	✓	✓	x						✓	
Gateshead		✓					✓	✓	✓	
Humberside		✓								
Kirklees				✓						
Knowsley	✓									

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Lancashire	✓	✓	✓			✓			✓	B Specific mention of policy and procedures re child and adolescent abusers in place.
Leeds		x				✓	✓		x	C Subgroup/working party of ACPC established to develop policy/procedures.
Liverpool		✓								D Reference to Child Protection and Juvenile Justice issues.
Manchester	x	✓	x			✓				E Recognition of problem of ASOS but no other action of evidence.
Newcastle upon Tyne	✓			✓				✓		F Evidence of Juvenile Justice representation of ACPC.
North Tyneside										G Reference to prevention/treatment programmes – multi-agency.
Northumberland	✓	✓	x				x		x	H Reference to prevention/treatment programmes – single agency.
North Yorkshire		x	x							I Reference to hospital based treatment.
Oldham		✓	x						✓	J Training courses run re child and adolescent abusers or planned.
Rochdale	x	✓	x			x			✓	
Rotherham	x	✓	x		✓?			✓	✓	
Salford		✓				✓	x			
Sefton							✓			
Sheffield	✓	✓			✓?	✓	x		x	

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Stockport	✓	✓	✓			✓			✓	B Specific mention of policy and procedures re child and adolescent abusers in place.
South Tyneside	x			✓						C Subgroup/working party of ACPC established to develop policy/procedures.
St Helens		x	✓			✓				D Reference to Child Protection and Juvenile Justice issues.
Sunderland	x	✓				x	✓			E Recognition of problem of ASOS but no other action of evidence.
Tameside										F Evidence of Juvenile Justice representation of ACPC.
Trafford	✓	✓				x			✓	G Reference to prevention/treatment programmes – multi-agency.
Wakefield	✓	✓				✓	✓			H Reference to prevention/treatment programmes – single agency.
Wigan	x	✓							x	I Reference to hospital based treatment.
Wirral		✓								J Training courses run re child and adolescent abusers or planned.
Totals	20	20	4	4	2	9	5	3	10	
%	10	16	7	2	0	10	4	0	8	
	32	54	11	11	5	24	14	8	27	
	27	43	19	5	0	27	11	0	22	
Totals 1992-4	17	24	10	4	2	15	6	3	16	
% 1992-4	46	65	27	11	5	40	16	8	43	

Key

✓ = Data from 1992-3 Reports

x = Data from 1993-4 Reports

COMPARISON OF LONDON BOROUGH'S REGION ACPC REPORTS FOR 1992-3 AND 1993-4

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Barking & Dagenham		x							x	B Specific mention of policy and procedures re child and adolescent abusers in place.
Barnet									x	C Subgroup/working party of ACPC established to develop policy/procedures.
Bexley		✓							✓	D Reference to Child Protection and Juvenile Justice issues.
Brent		x								E Recognition of problem of ASOS but no other action of evidence.
Bromley				x						F Evidence of Juvenile Justice representation on ACPC.
Camden			✓			✓		✓		G Reference to prevention/treatment programmes - multi-agency.
Croydon						x				H Reference to prevention/treatment programmes - single agency.
Ealing									✓	I Reference to hospital based treatment.
Enfield										J Training courses run re child and adolescent abusers or planned.
Greenwich		✓								
Hackney & City		✓								
Hammersmith & Fulham										

ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Haringay										B Specific mention of policy and procedures re child and adolescent abusers in place.
Harrow		✓?				✓?				C Subgroup/working party of ACPC established to develop policy/procedures.
Havering		x								D Reference to Child Protection and Juvenile Justice issues.
Hillingdon		✓?								E Recognition of problem of ASOS but no other action of evidence.
Hownslow				x				x		F Evidence of Juvenile Justice representation on ACPC.
Islington	x	✓	x					✓	x	G Reference to prevention/treatment programmes - multi-agency.
Kensington & Chelsea				x		✓?				H Reference to prevention/treatment programmes - single agency.
Kingston										I Reference to hospital based treatment.
Lambeth										J Training courses run re child and adolescent abusers or planned.
Lewisham										
Merton & Sutton		✓	x				x			
Newham										



ACPC Report	B	C	D	E	F	G	H	I	J	KEY
Redbridge		x								B Specific mention of policy and procedures re child and adolescent abusers in place.
Richmond										C Subgroup/working party of ACPC established to develop policy/procedures.
Southwark	x								✓	D Reference to Child Protection and Juvenile Justice issues.
Tower Hamlets		x				x			x	E Recognition of problem of ASOS but no other action of evidence.
Waltham Forest	x	x				✓?				F Evidence of Juvenile Justice representation on ACPC.
Wandsworth		✓	✓?						✓	G Reference to prevention/treatment programmes - multi-agency.
Westminster		x							x	H Reference to prevention/treatment programmes - single agency.
Totals	0	8	2	0	0	4	0	1	6	I Reference to hospital based treatment.
%	3	10	0	3	0	2	1	2	6	J Training courses run re child and adolescent abusers or planned.
Totals 1992-4	0	26	6	0	0	13	0	3	19	
% 1992-4	10	32	0	10	0	6	3	6	19	
Totals 1992-4	3	13	2	3	0	5	1	2	10	
% 1992-4	10	42	6	10	0	16	3	6	32	

Key

✓ = Data from 1992-3 Reports

x = Data from 1993-4 Reports

## **APPENDIX 10**

### **Letter to ACPC Chairs**

Dear

#### **Children and Adolescents who abuse other Children**

I am currently engaged in research to explore welfare agency responses to the emerging problem of children and adolescents who sexually abuse other children. As part of this research I have had access, via the Department of Health, to the 1992-3 annual reports of ACPCs in England and the London Boroughs. My study of these reports indicates that a significant number of ACPC areas are now addressing this area of work.

In order to pursue my research aims further, in particular focusing on identifying models of policies, procedures and practice in this area of work, I would be most grateful if you would send me:

- a) A copy of your latest ACPC inter-agency Child Protection Policies and Procedures manual;
- b) Details (i.e. name, address and/or telephone number) of one or more professionals in your area who are working with children and adolescents who are sexual abusers, with whom I could make contact.

With many thanks in anticipation of your reply,  
Yours sincerely

Helen Masson  
Principal Lecturer in Social Work

## **APPENDIX 11**

### **Analysis of ACPC Guidance Form**

#### **Name of ACPC:**

1. Is the issue of children and young people who sexually abuse addressed in the guidance?  
YES/NO
  
2. If YES, how much space is allocated to it?  
Half a page or less  
Half a page - 1 page  
1 - 2 pages  
More than two pages
  
3. How far does the guidance reflect paragraph 5.24 of Working Together?  
Not at all  
Some reflection  
Close reflection
  
4. How far does the guidance reflect the recommendations of the NCH Enquiry Report?  
Not at all  
Some reflection  
Close reflection
  
5. Is a definition of juvenile sexually abusive behaviour provided?  
YES/NO

If YES, what is it?:

6. What (if any) other guidance is given on how to define juvenile sexual abuse?
  
7. What systems and procedures have been established for inter-agency co-ordination and liaison particularly at the point of:

Referral:

Investigation:

Assessment:

8. Are the tensions/relationships between child protection and youth justice issues addressed? YES/NO

If YES, how?

9. Is there any guidance on the most appropriate forms of intervention and legal disposal? YES/NO

If YES, what is the guidance?

10. Which agencies are seen as key, who is involved in decisions about juvenile sexual abusers?

11. What is the correspondence between the ACPC guidance and contents of the ACPC reports?

12. Names, addresses and telephone numbers of contacts:

## APPENDIX 12

### Summary of Respondents' replies - semi-structured interviews in 6 ACPC areas

Qs	Area A	Area B	Area C	Area D	Area E	Area F
1	Special project in existence since 1991 - voluntary agency funding	Not addressed in inter-agency guidance - trying to increase awareness	ACPC working party developing guidance now	Para. 5.24 paraphrased in inter-agency guidance but only followed if also a victim	Members of ACPC working party developing policy and guidance - idea for pilot project	ACPC guidance does not go beyond Para 5.24
2	Annual reports to ACPC provide overview of work of the Project and process followed with young sexual abusers + framework for assessment published. Lots of monitoring.	No - some awareness raising training	Directory of resources available	No	Earlier work (1992) came to nothing	None mentioned - "understanding" within YJ team
3	Aware of NCH report. MAP able to agree on what is young sexual abuse but debates about level of seriousness	Refers to a debate about how to define juvenile sexual abuse	Aware of NCH report.	Not known	Aware of NCH report. Problems of definition not raised.	Aware of the report. Reckons incidence exaggerated so vol. orgs. can generate business

4a	Police instructed to refer all cases to MAP. 96% are so referred?	No co-ordinated strategic response. Police giving instant cautions	Currently a largely youth justice path followed through cautioning panel but proposed guidance will shift towards a CP approach	If CP issues (i.e. also a victim) then Police and/or YJ would refer to the CP part of the SSD.	Currently dealt with through youth justice system but want to develop from this	Juvenile sexual abusers dealt with within YJ frame (small nos.) - most referrals from police. CPU deals with incidents in foster or residential homes.
4b	Most cases investigated by CPU of the Police prior to referral. No instant cautions. PH also alerts SSD manager to initiate a CP investigation/ CC or review	If referred to SSD "would have a look at it" but not necessarily Case conference. Register only if a victim	Ditto	If investigation establishes CP issues then would be case conferenced and possibly registered. 3 or 4 cases a year only?	Ditto	Any referral at point of caution referred to youth liaison/ cautioning panel.
4c	YJ teams/ Probation plus psychiatric and psychological back up.	Assessments re. PSRs only - not proper risk assessment	Currently assessment as part of PSR preparation but new guidance would require risk assessments	Only Orange book assessments - nothing specific for teenage abusers. For younger children - usual facilities	YJ teams strapped for resources - have to concentrate on PSRs.	Assessment undertaken by YJ worker - reports to panel

5	Believes legal mandate and treatment in all cases is excessive. Importance of risk assessment. Important that MAP separate from cautioning panel. CP and YJ system to work alongside each other.	Has been a debate but thinks youth justice workers accept such youngsters are not straight-forward TWOCS. Police, CPS and magistrates need educating	Only CP and register if also a victim. Each case considered on merits as regards prosecution.	Respondent anxious about resource implications of going down more full blown CP route. YJ worker reckons more should be registered.	Still some debate. CP approach seen as heavy handed by some but a growing consensus that young sexual abusers need a special response - hence current work.	Debate ongoing about involving CPU and constituencies- Arguments for and against. SG keen to keep victim and offender issues separate. Respondents' views on CP mandated approach varied.
6	SSD/YJ/ Police/ Probation/ Psychol/ Psychiatrists	SSD/Police/ Probation?	SSD/Police	SSD/Police/N SPCC/ Probation?	SSD/Police/ reticulists/ schools	Police/SSD/ FSU
7	A problem - lack of resources. Plans for initial and comp. Assessments.	None specialised	As yet assessment as part of PSR work. Plus Directory?	See 4c above	Access to interested individuals?	Assessment by YJ worker - no specific guidance on risk assessment
8	YJ team, intensive IT Centre, Prob. Youth court team Prob. Young ASO group. Residential facility but staff need training	No recognised treatment group and no systematic approach to work with individuals	Usually supervised within the community - +psychiatric/ psychological input? One to one work - group work in the past	NSPCC contract for counselling work. YJ team reckons they offer counselling - respondent suspicious. SACCS used.	Group run on a shoe string since 1986 - interested individuals	Mainly one to one work (YJ and FSU), groupwork not attempted, residential resource failed.

9	<p>Influencing CPS. Lack of other staff to develop assessment and treatment work. No. of Asian males recently referred. Youth court not making orders.</p>	<p>No monitoring of the problem; no awareness of offence specific approach needed; no specialist residential accommodation; foster parents ill prepared; directive, mandated approach alien to many social workers; funding needed to develop co-ordinated package of response.</p>	<p>Police filtering cases; some monitoring; training needed; no specialist residential facility.</p>	<p>Cannot identify young abusers given how records kept; no training; resource worries.</p>	<p>Register as abusers (as access to resources); getting young abusers on people's agendas; lack of resources + explosion of work threat; sexualised behaviour in schools; what about under 10s; evaluation; training.</p>	<p>No stand alone, designated staff and detailed planning and execution not as far on as in some areas; small numbers; lack of monitoring; threat of new govt. guidance re limits on cautions; powerlessness of ACPCs.</p>
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## **APPENDIX 13**

### **Draft guidance on Children and Young People who Sexually Harm Others – redrafting paragraph 5.24 (DOH, 1991)**

#### **1. Introduction**

X.1.1 The 1990's have seen a rapid growth in concern about children and young people who sexually harm others and some local developments in management and treatment initiatives have occurred which are to be welcomed. However, in order to contribute to the reduction of the number of children who are sexually abused it is necessary to achieve a comprehensive, consistent and co-ordinated approach to the management and treatment of this group.

X1.2 Work with children and young people who sexually harm others should take place within the context of the child protection system, co-ordinated by Area Child Protection Committees (ACPCs). This recognises both that they are likely to have considerable needs themselves, and that they may also pose a significant risk to other children.

X1.3 ACPCs should take a lead role in establishing joint agency protocols with youth offending teams (YOTs) which clearly set out agency responsibilities in developing and monitoring local policies, procedures and guidance and in encouraging appropriate training for all staff.

**X1.4** In order to achieve this it may be necessary for ACPCs to establish a specific sub-group relating to children and young people who sexually harm others. This may necessitate representation on this group from agencies other than those routinely included in membership of ACPCs, for example, YOTS, the Crown Prosecution Service and members of the judiciary.

**X1.5** The purpose of such a sub group should be to assist the ACPC in identifying how the needs of children and young people who sexually harm others can be identified at a local level and how a strategy for effective co-ordinated responses can be developed through inter-agency policies, procedures and practice guidance, as well as appropriate multi-disciplinary training. An indication of progress and developments in this area should be included in ACPC annual reports.

## **2. Definitions**

**X.2.1** In some instances there are perceived to be difficulties in defining the boundary between, on the one hand, normal childhood sexual development and experimentation and, on the other hand, sexually inappropriate or aggressive behaviour. Professional judgement will always be involved in making decisions about the latter behaviours, within a context of knowledge of normal child sexuality. For the purposes of this guidance sexually harmful behaviour is defined as any sexual act with a person of any age which is against the victim's will, without their true consent, or committed in an aggressive, exploitative, or threatening manner.

**X.1.3 Causation of sexually harmful behaviour is multifactorial, with causal elements likely to be found in the individual, their family and broader social influences. Research indicates that a significant proportion of children and young people who have committed such acts have suffered significant attachment and developmental disruption, often witnessed or been subject to physical or sexual abuse, have problems in their educational development and may also have committed non-sexual offences. Such children and young people are therefore highly likely to be Children in Need and some will in addition have suffered, or be at risk of suffering, significant harm, and themselves be in need of protection.**

### **3. An inter-agency and multi-disciplinary approach**

**X. 3.1 An inter-agency and multi-disciplinary approach to management, assessment and treatment is essential with differentiated approaches needed for those children above or below the age of criminal responsibility.**

**X.3.2 Key Principles for both age groups are that:**

- The needs of children and young people who sexually harm others should be considered separately from the needs of their victims.**
- Careful assessment is needed in each case, in a context of an appreciation that these young people may have considerable unmet developmental needs, as well as specific needs arising from their behaviour.**

A crucial element of this is an assessment of the family context in which these behaviours have occurred, in order to ascertain the capacity of the family or carers to engage in work to prevent the occurrence of further behaviour, and to meet the needs of the child or young person in a safe and positive environment.

#### **4. Children under 10 years old**

**X.4.1** In most instances there will be a need for a multi-agency enquiry and initial assessment process, which focuses on issues of:

- the nature and extent of the sexually harmful behaviours;
- the context of the abusive behaviours;
- any unmet needs or harm previously or currently experienced by the child;
- risk to self and others having due regard to their social, domestic and educational context. In order to minimise risk of further abusive behaviours particular consideration should be given to potential risk to other children in the household, extended family or social network;
- Treatment needs specifically focusing on their harmful behaviour as well as other significant needs.

**X.4.2** This may result in an initial child protection case conference to consider all relevant information, the issue of registration, the need for a core assessment, and for a written child protection plan.

**X.4.3** ACPCs should ensure that a multi-disciplinary framework for a comprehensive case planning process exists for situations where a case does not meet the criteria for a

case conference. This should enable the co-ordination of assessment, case management, therapeutic work and review, and allow the skills and knowledge of the various agencies to be utilised.

## **5. Young People of 10 years and older - a joint approach by the Child Protection and Youth Justice Systems**

**X5.1** For those over the age of criminal responsibility ACPCs should ensure that there is a clear operational framework within which decision-making and case management takes place, taking into account the need for child protection and youth crime systems to work in an integrated manner in achieving their particular objectives.

**X.5.2** In order to achieve desired good practice neither child protection nor criminal justice agencies should undertake a course of action that has implications for the other without appropriate consultation, particularly before or after a criminal investigation.

This will usually be between social services and youth justice/youth offending teams and the police, with consideration being given to the need for either a child protection conference or a multi- agency strategy meeting, the latter of which may be the more common approach with those aged 14 –17 years.

**X.5.3** In this way it is intended that there will be close liaison between named people within child protection and youth crime systems when making decisions about the management, assessment and treatment of individual cases.

**X.5.4** In making such decisions it will be necessary to consider the desirability of a legal mandate in order to facilitate acceptance of responsibility for their behaviour by the individual, to give a clear message about the seriousness and unacceptability of their behaviour and possibly to increase the likelihood of compliance with treatment. The 1998 Crime and Disorder Act provides a range of options in this respect. It must be acknowledged in some cases, because of the degree of risk or seriousness, the need for the protection of the public will override considerations of individual welfare as the primary priority.

## **6. Training and Staff Development**

**X6.1** As this is an emerging area of professional activity, particular attention should be paid to the provision of appropriate training at single and multi-disciplinary level, both for those directly involved in service provision and those whose role will be in recognising and responding to concerning or abusive behaviours.

**X6.2** It should also be noted that staff working in this area may require highly quality practice supervision and emotional support and that those involved in managing and supervising this work will also require training.