

Appendix B

Statutory definitions of neglect,
child sexual abuse and child sexual
exploitation, and guidance on
harmful sexual behaviours

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	Neglect	Child sexual abuse	Child sexual exploitation	Harmful sexual behaviours
England	<p><i>The persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:</i></p> <ul style="list-style-type: none"> > <i>provide adequate food, clothing and shelter (including exclusion from home or abandonment);</i> > <i>protect a child from physical and emotional harm or danger;</i> > <i>ensure adequate supervision (including the use of inadequate care-givers); or</i> > <i>ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs. (HM Government, 2015: p93)</i> 	<p><i>Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. (HM Government, 2015: p93)</i></p>	<p><i>Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affections, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion, and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability. (HM Government, 2009)</i></p>	<p><i>There is no statutory definition of HSB in England. The revised statutory guidance Working Together (HM Government, 2015) no longer includes any direct reference to HSB. However, the National Institute for Health and Care Excellence (NICE) is developing public health guidance on HSB among children and young people. This is intended to be published in September 2016.</i></p> <p><i>A draft version of the guideline issued for consultation in February 2016 emphasised the importance of a person-centred approach to ensure young person displaying HSB receives ‘the support they need’ and are not unnecessarily referred to specialist services ‘which can lead to them being stigmatised’.</i></p>

	Neglect	Child sexual abuse	Child sexual exploitation	Harmful sexual behaviours
Northern Ireland	<p><i>Neglect is the failure to provide for a child's basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in the serious impairment of a child's health or development. Children who are neglected often also suffer from other types of abuse. (DHSSPS, 2016: p13)</i></p>	<p><i>Sexual abuse occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children. (DHSSPS, 2016: p13)</i></p>	<p><i>Child sexual exploitation is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation doesn't always involve physical contact and can happen online. A significant number of children who are victims of sexual exploitation go missing from home, care and education at some point. (DHSSPS, 2016: p54)</i></p>	<p><i>Guidance on responding to children and young people who display HSB is set out in the revised guidance Co-operating to Safeguard Children and Young People in Northern Ireland (DHSSPS, 2016: pp68-69) published in March 2016. This emphasises that 'it is sometimes difficult to distinguish between normal childhood and adolescent sexual development and experimentation, and sexually inappropriate abusive or aggressive behaviour'.</i></p> <p><i>The guidance makes clear that the needs of children and young people who harm others 'should be considered separately from the needs of the person(s) being harmed' and referrals relating to a child who has engaged in HSB 'must trigger child protection procedures'. 'Early authoritative intervention in cases of harmful sexual behaviour is crucial where children or young people abuse others, as this can help prevent the continuation or escalation of abusive behaviour.'</i></p>

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Scotland	<p>Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to, a child's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from 'non-organic failure to thrive', where they have significantly failed to reach normal weight and growth or development milestones and where physical and genetic reasons have been medically eliminated. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature. With young children in particular, the consequences may be life-threatening within a relatively short period of time. (The Scottish Government, 2014: p12)</p>	<p>Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of indecent images or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways (The Scottish Government, 2014: p12)</p>	<p>The sexual exploitation of children and young people is an often hidden form of children sexual abuse, with distinctive elements of exploitation and exchange. In practice, the sexual exploitation of children and young people under 18 might involve young people being coerced, manipulated, forced or deceived into performing and/or others performing on them, sexual activities in exchange for receiving some form of material goods or other entity (for example, food, accommodation, drugs, alcohol, cigarettes, gifts, affection). Sexual exploitation can occur through the use of technology and without the child's immediate recognition.</p> <p>In all cases those exploiting the child/ young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are often common features; involvement in exploitative relationships being characterised in the main by the child/young person's limited availability of choice resulting from their social, economic and/or emotional vulnerability.</p> <p>In some cases, the sexual activity may just take place between one young person and the perpetrator (whether an adult or peer). In other situations a young person may be passed for sex between two or more perpetrators or this may be organised exploitation (often by criminal gangs or organised groups). (The Scottish Government, 2014: p145-146)</p>	<p>Guidance on responding to children and young people who display 'harmful or problematic behaviour' is set out in National Guidance for Child Protection in Scotland (The Scottish Government, 2014: pp127-139). This underlines that 'it is not always easy to distinguish between what is abusive and/or inappropriate and what constitutes normal adolescent experimentation'.</p> <p>The guidance emphasises that children and young people who have displayed harmful or problematic sexual behaviour may themselves have been 'abused or harmed in some way'. In all cases, 'immediate consideration should be given to whether action should be taken under child protection procedures, either to protect the victim or because there is concern about what has caused the child/ young person to behave this way'. Child Protection Committees 'should have clear guidance in place to support staff working in such situations and should ensure that appropriate training is provided, including for youth justice workers who will often be the practitioners undertaking the risk assessment and ongoing risk management tasks with the child or young person and their family'.</p>

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Wales	<p><i>Neglect ('esgeulustod')</i> means a failure to meet a person's basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person's wellbeing (for example, an impairment of the person's health or, in the case of a child, an impairment of the child's development) (The Social Services and Well Being (Wales) Act 2014).</p>	<p><i>Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.</i> (All Wales Child Protection Procedures Review Group, 2008: p32).</p>	<p><i>Child sexual exploitation is the coercion or manipulation of children and young people into taking part in sexual activities. It is a form of sexual abuse involving an exchange of some form of payment which can include money, mobile phones and other items, drugs, alcohol, a place to stay, 'protection' or affection. The vulnerability of the young person and grooming process employed by perpetrators renders them powerless to recognise the exploitative nature of relationships and unable to give informed consent.</i></p> <p><i>Child sexual exploitation (CSE) includes:</i></p> <ul style="list-style-type: none"> > <i>abuse through exchange of sexual activity for some form of payment</i> > <i>abuse through the production of indecent images and/or any other indecent material involving children whether photographs, films or other technologies</i> > <i>abuse through grooming whether via direct contact or the use of technologies such as mobile phones and the internet</i> > <i>abuse through trafficking for sexual purposes</i> <p><i>Children do not volunteer to be sexually exploited and they cannot consent to their own abuse; they are forced and/or coerced.</i></p> <p><i>The guidance applies to male and female children up to the age of 18 years irrespective of whether they are living independently, at home, with carers, or in a residential setting.</i> (All Wales Child Protection Procedures Review Group, 2013: p3)</p>	<p><i>Guidance on responding to children who display 'sexually harmful behaviour' is set out in the All Wales Child Protection Procedures (AWCPPRG, 2008: pp178-182). The guidance calls for a co-ordinated response involving youth offending service, social services, police, education services, the health service (including CAMHS) 'and specialist harmful behaviour services where available'. It states that children and young people 'who abuse others should be held responsible for their abusive behaviour, whilst being identified and responded to in a way that meets their needs as well as protecting others'.</i></p> <p><i>The guidance emphasises that children and young people who exhibit sexually harmful behaviours 'are likely to be children in need' and 'some will additionally be suffering or be at risk of significant harm, and may require protection themselves'. A strategy meeting should always take place wherever there is an allegation that a child or young person has committed a sexually abusive act. The meeting should consider whether a child protection conference is appropriate.</i></p>

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