

# **Dealing with allegations made against another child**

## **Abergavenny Orchestral Society**

This procedure explains what to do if child protection allegations are made against another child participating in activities or events organised by Abergavenny Orchestral Society.

The purpose of the procedure is to provide clear direction to all adult members of Abergavenny Orchestral Society, the Musical Director, and the Leader, who may be called upon to deal with such allegations and to manage investigations and care plans which may result from them.

### **Aims and purpose of procedure**

The aims of this procedure are:

- to ensure that children who participate in, or attend, activities or events organised by Abergavenny Orchestral Society, and any other children who may come to the attention of Abergavenny Orchestral Society, are protected and supported following an allegation that they may have been abused by another child or young person participating in activities or events organised by Abergavenny Orchestral Society
- to ensure that there is a fair, consistent and robust response to any allegations of this nature so that the risk posed to other children by the child/young person in question is managed effectively
- to facilitate an appropriate level of investigation into allegations, whether they relate to recent alleged activity, said to have taken place during the time that the child/young person in question has been participating in activities or events organised by Abergavenny Orchestral Society, or whether they relate to abuse which allegedly took place prior to the child's/young person's involvement with Abergavenny Orchestral Society
- to ensure that Abergavenny Orchestra Society continues to fulfil its responsibilities towards children and young people who may be subject to such investigations and are in need of support
- to ensure that there is an appropriate response in situations where allegations are unfounded or deemed to be malicious in origin.

This procedure applies to:

- any adult member of Abergavenny Orchestral Society, the Musical Director, and the Leader, to whom an allegation of abuse has been made which suggests that another child or young person is responsible. It also applies to other adults working with Abergavenny Orchestral Society, or participating in activities or events organised by Abergavenny Orchestral Society. Hereafter referred to as Members and Associates
- anyone in a position of authority, including the Designated Safeguarding Lead (DSL) and committee members, who may be required to deal with such allegations and manage investigations and care plans that result from them.

## Different types of abuse

Types of abuse that one child might inflict upon another are most likely to be either physical abuse or sexual abuse.

**Physical abuse** is violence causing injury or occurring regularly during childhood. It happens when:

- a child is hurt or injured by being hit, shaken, squeezed, thrown, burned, scalded, bitten or cut
- someone tried to drown or suffocate a child
- someone gives a child poison, alcohol or inappropriate drugs
- someone fabricates the symptoms of, or deliberately induces, illness in a child

In some cases the injuries will be caused deliberately. In others they may be accidental but caused by the child being knowingly put at risk.

**Sexual abuse** occurs when someone uses power or control to involve a child in sexual activity in order to gratify the abuser's own sexual, emotional or financial needs or desires. It may include:

- forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening
- encouraging children to behave in sexually inappropriate ways
- showing children pornographic material or involving them in the production of such material
- involving children in watching other people's sexual activity or in inappropriate discussions about sexual matters

**Emotional abuse** is persistent or severe emotional ill-treatment of a child that is likely to cause serious harm to their development. It may include:

- persistently denying the child love and affection
- regularly making the child feel frightened by shouts, threats or any other means
- hurting another person or a pet in order to distress a child
- being so over-protective towards the child that they are unable to develop or lead a normal life
- exploiting or corrupting a child eg by involving them in illegal behaviour
- conveying to the child the message that they are worthless, unlovable, inadequate, or only valuable insofar as they meet the needs of another person. This may or may not include racist, homophobic or other forms of abuse.

**Neglect** involves persistently failing to meet a child's physical, psychological or emotional needs. It may include:

- failing to ensure a child's basic needs for food, shelter, clothing, health care, hygiene and education are met
- failing to provide appropriate supervision to keep a child out of danger. This could include lack of supervision of particular activities or leaving a child alone in the house.

**Female Genital Mutilation (FGM)** (sometimes referred to as female circumcision) refers to procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons. It has no health benefits and harms girls and women in many ways. It is practised by families for a variety of complex reasons but often in the belief that it is beneficial to the girl or woman. FGM is practised in 28 African countries as well as in parts of the Middle East and Asia. The practice is illegal in the UK. The girls may be taken to their countries of origin so that FGM can be carried out during the summer holidays, allowing them time to 'heal' before they return to school. Some girls may have FGM performed in the UK. FGM is child abuse and a form of violence against women and girls.

From October 2015 it is mandatory to report to the police any act of FGM.

**Child Sexual Exploitation (CSE)** is a type of sexual abuse in which children are sexually exploited for money, power or status. Children or young people may be tricked into believing they are in a loving, consensual relationship. They might be invited to parties and given drugs and alcohol. They may also be groomed online. Some indicators of children being sexually exploited are:

- going missing for periods of time or regularly being late
- appearing with unexplained gifts or new possessions
- associating with other young people involved in exploitation
- having older boyfriends or girlfriends
- suffering from sexually transmitted infections
- mood swings or changes in emotional wellbeing;
- drug and alcohol misuse and displaying inappropriate sexualised behaviour.

The facts:

- A child under the age of 13 is not legally capable of consenting to sex (it is statutory rape) or any other sexual touching
- Sexual activity with a child under 16 is also an offence
- It is an offence for a person to have a sexual relationship with a 16 or 17 year old if that person holds a position of trust or authority in relation to the young person
- Non consensual sex is rape whatever the age of the victim
- If the victim is incapacitated through drink or drugs, or the victim or his or her family has been subject to violence or the threat of it, they cannot be considered to have given true consent and therefore offences may have been committed.

CSE is therefore a child protection issue for all children under the age of 18. Where it comes to our notice that a child under the age of 13 is, or may be, sexually active this will result in immediate referral to Children's Services.

### **Radicalisation**

Protecting children from the risk of radicalisation should be seen as part of wider safeguarding duties, and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences.

We should be aware of the increased risk of online radicalisation, as terrorist organisations such as ISIL (aka ISIS) seek to radicalise young people through the use of social media and the Internet. There is no single way of identifying an individual who is likely to be susceptible to a terrorist ideology. As with managing other safeguarding risks, we should be alert to changes in children's behaviour which could indicate that they may be in need of help or protection. Children at risk of radicalisation may display different signs or seek to hide their views. We should use our own judgement to identify children who might be at risk of radicalisation and act proportionately. Examples of ways in which people can be vulnerable to radicalisation and the indicators that might suggest an individual might be vulnerable:

- indicators that an individual is engaged with an extremist group, cause or ideology include:
  - spending increasing time in the company of other suspected extremists
  - changing their style of dress or personal appearance to accord with the group
  - their day-to-day behaviours becoming increasingly centred around an extremist ideology, group or cause
  - loss of interest in other friends and activities associated with the extremist ideology, group or cause
  - possession of material or symbols associated with an extremist cause (e.g. the swastika for far right groups)
  - attempts to recruit others to the group/cause/ideology

- communications with others that suggest identification with the group/cause/ideology.
- indicators that an individual has an intention to use violence or other illegal means include:
  - clearly identifying another group as threatening what they stand for and blaming that group for all social or political ills
  - using insulting or derogatory names or labels for another group
  - speaking about the imminence of harm from the other group and the importance of action now
  - expressing attitudes that justify offending on behalf of the group, cause or ideology
  - condoning or supporting violence or harm towards others
  - plotting or conspiring with others.
- indicators that an individual is capable of contributing directly or indirectly to an act of terrorism include:
  - having a history of violence
  - being criminally versatile and using criminal networks to support extremist goals
  - having occupational skills that can enable acts of terrorism (such as civil engineering, pharmacology or construction)
  - having technical expertise that can be deployed (e.g. IT skills, knowledge of chemicals, military training or survival skills).

These examples are not exhaustive and vulnerability may manifest itself in other ways. There is no single route to terrorism nor is there a simple profile of those who become involved. For this reason, any attempt to derive a 'profile' can be misleading. It must not be assumed that these characteristics and experience will necessarily lead to individuals becoming terrorists, or that these indicators are the only source of information required to make an appropriate assessment about vulnerability. We should understand when it is appropriate to make a referral to the Channel programme. Channel is a programme which focusses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. An individual's engagement with the programme is entirely voluntary at all stages.

### **Ways that allegations might be made against another child/young person participating in activities or events organised by Abergavenny Orchestral Society**

- A child or parent/carer might make a direct allegation against another child or young person
- A child or parent/carer might express discomfort with the behaviour of another child or young person that falls short of a specific allegation
- Another child within the orchestra, or Member or Associate may directly observe behaviour from one child/young person towards another that gives cause for concern
- Abergavenny Orchestral Society may be informed by a parent or by the police or another statutory authority that a child or young person is the subject of an investigation
- A child or young person may volunteer information to a Member or Associate that they have harmed another child or are at risk of doing so, or have committed an offence against or related to a child

### **Bullying or child protection?**

When faced with a situation of one child or young person behaving inappropriately towards another, a decision needs to be made about whether the problem behaviour constitutes bullying or a child protection concern. This is a decision that needs to be reached by the DSL, in consultation with the Chairman and, if necessary, the local authority children's social care department.

If the conclusion is that the behaviour is an example of bullying, and if both children attend the orchestra, it needs to be dealt with under the anti-bullying policy and procedure.

If it is behaviour that could be described as child abuse and has led to the victim possibly suffering significant harm, then it must be dealt with under child protection procedures. This should include all incidents of sexual assault and all but the most minor incidents of physical assault.

These checklists can be used to help inform the decision:

### **Bullying**

- The difference of power between the bully and the person being bullied is relatively small
- The bullying behaviour may be from a number of children/young people acting in a group rather than from one child acting alone
- It may also, but not necessarily, be directed towards a group of other children rather than an individual child
- The behaviour involves teasing or making fun of someone, excluding a child from games and conversations, pressurising other children not to be friends with someone, spreading hurtful rumours or circulating inappropriate photographs/images/drawings, cyberbullying, shouting at or verbally abusing someone, stealing someone's possessions, making threats, or harassment on the basis of race, gender, sexuality or disability
- The behaviour has not previously been a concern and the bully or bullies may have been responding to group pressure
- The behaviour is perceived as bullying by the victim

Please note: physical or sexual assault, or forcing someone to do something embarrassing, harmful or dangerous is also included in the list of bullying behaviours, but are the most likely to constitute a child protection concern if the victim suffers significant harm as a result of the behaviour.

### **Child protection**

- The difference of power between the child who is abusing and the person being abused is significant eg there is an age difference of more than two years, there is a significant difference in terms of size or level of ability, the abuser holds a position of power (such as being a helper, volunteer or informal leader) or the victim is significantly more vulnerable than the other child or young person
- The behaviour involves sexual assault or physical assault (other than the most minor physical assault)
- The child who is the victim of the behaviour may have suffered significant harm
- The behaviour may not necessarily be perceived by the victim as abusive, particularly if it is sexual in nature
- The behaviour is not a one-off incident and is part of a pattern of concerning behaviour on the part of the child or young person who is abusing
- The behaviour, if sexual, is not part of normal experimentation that takes place between children and young people

### **Sexual abuse or normal experimentation?**

All children and young people develop an interest in their own sexuality from a young age, and seek to learn about sex from their peers. It is important not to label normal, healthy behaviour as deviant or abusive. It is equally important not to allow sexually abusive behaviour perpetrated by one child

or young person towards another to go unchecked, as this is harmful both for the victim and the perpetrator.

There are ways of assessing whether sexual behaviour between children and young people is abusive or not. Indicators of abusive behaviour include:

- there is a significant difference in age, dominance or understanding between the children/young people
- the behaviour was accompanied by the use of threats or bribes
- the behaviour was carried out in secret

For the purposes of this procedure however, it is enough to say that if there is any question that the behaviour could be abusive, the matter should be discussed with the local authority children's social care department or with the NSPCC Helpline (0808 800 5000).

This can initially take place without the names of the children or young people being disclosed, although such information will have to be provided if the view of the children's social care department or the NSPCC is that the behaviour may constitute significant harm and that an investigation is needed.

## **What to do if you have child protection concerns**

**Is the child who has been allegedly abused, or the child who has allegedly perpetrated the abuse, in immediate danger or does either of them need emergency medical attention?**

- If either child is in immediate danger and is with you, remain with them and call the police if you are unable to remove the danger yourself
- If the child is elsewhere, contact the police and explain the situation to them
- If a child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from a nominated first aider
- If a first aider is not available, use any first aid knowledge that you may have yourself to help the child
- You also need to contact your DSL, their deputy, or the Chairman to let them know what is happening

A decision will need to be made about when and who should inform the families of both the child who has been abused and the child who has allegedly perpetrated the abuse, as well as the local authority children's social care department.

If the child who is the alleged victim is not known to Abergavenny Orchestral Society, it is not our role to inform the child's family. Even if the child who is the alleged victim is known, the police and/or the health services, should be part of the decision making process if they have been contacted.

The paramount consideration should always be the welfare of the children and young people involved. Issues that will need to be taken into account are:

- the children's wishes and feelings
- the parents' right to know (unless this would place the child who has allegedly perpetrated the abuse in danger, or would interfere with a criminal investigation)
- the impact of telling or not telling the parents

- the current assessment of the risk to the child who has been abused and the source of that risk
- the current assessment of any risk to the child who has allegedly perpetrated the abuse and the source of that risk
- any risk management plans that currently exist for either child

**Once any immediate danger or emergency medical need has been dealt with, the procedure set out below should be followed:**

1. The adult who has been informed of the allegation, or who has the concern, should make notes of what they have been told or of their direct concerns using the reporting form, and should discuss these with the DSL, their deputy, or the Chairman within 24 hours.
2. If both children/young people are known to Abergavenny Orchestral Society and if their families do not already know about the allegation or concern, the DSL or Chairman should discuss it with them unless:
  - the view is that someone (for example the child who has allegedly perpetrated the abuse) may be put in danger by the family being informed
  - informing the family might interfere with a criminal investigation

If any of these circumstances apply, discussions with the families should only take place after this has been agreed with the local authority children's social care department.

3. If only the child who is alleged to have harmed another child is known to Abergavenny Orchestral Society, then, subject to the considerations set out above, discussions with only this child's family should take place
4. The child who is the subject of the allegation should also be informed of what has been said about them. However, if the view is that children's social care or the police should be involved, the child should only be informed after discussion and agreement with these agencies. These agencies may have views about what information should be disclosed to the child/young person at this stage.
5. If there is still uncertainty about whether the allegation or concern constitutes a child protection issue, the DSL or their deputy (or Chairman if neither DSL is available) should discuss with children's social care department or with the NSPCC Helpline without disclosing the identity of either child/family.
6. If, having discussed the situation fully and taken advice if necessary, the DSL and Chairman concludes that the alleged behaviour does not constitute a child protection issue, then consideration should be given to whether the anti-bullying policy and procedure should be used (if both children are known to Abergavenny Orchestral Society) and whether either or both children should be referred for other services
7. If the view is that the behaviour does indeed amount to a child protection issue, the DSL should refer both children to the local authority children's social care department and confirm the referral in writing within 24 hours
8. Pending the outcome of the referral to the children's social care department and the possible investigation or assessment that may follow from this, any risk that may be posed

to other children by the child who has allegedly harmed another child will need to be carefully managed. This should be done on an inter-agency basis in accordance with procedures developed by the local safeguarding children board for children who display harmful behaviour towards others.

9. The DSL should enquire of the children's social care department whether these procedures are being used and, if so, should ask to be involved in or at least kept informed of inter-agency decisions made in accordance with these procedures
10. If the procedures are not being used but Abergavenny Orchestral Society remains concerned that the child/young person could pose a risk to other children, then the DSL and the Chairman should consider whether the child/young person can continue to be involved with Abergavenny Orchestral Society and, if so, on what basis. This is a situation that needs to be kept under regular review as the investigation and assessment conducted by the statutory agencies is carried out and reaches a conclusion. It may also need to be reviewed regularly following the conclusion of the assessment process, as the child or young person may be receiving support that should, with time, reduce the level of risk they present.
11. If the allegation is found to be without substance or fabricated, Abergavenny Orchestral Society will consider referring the child who was said to have been harmed to the children's social care department for them to assess whether they are in need of services (for example, the child may have been abused by someone else)
12. If it is felt that there has been malicious intent behind the allegation, Abergavenny Orchestral Society will discuss with the police whether there are grounds to pursue any action against the person responsible

### **What should I say to a child who says that they or another child are being abused by another child/young person?**

- Reassure the child that they have done the right thing by telling someone about it
- Tell them that you now have to do what you can to keep them (or the child who is the subject of the allegation) safe
- Let the child know what you are going to do next and who else needs to know about it
- Let the child tell their whole story. Do not try to investigate or quiz the child, but make sure that you are clear as to what they are saying
- If possible, explain to the child's parent/carer what has happened. Do this first without the child there, and then summarise it again in front of the child so that it is an open subject between parent/carer and child. This may enable them to talk about it together more easily.
- Check out what the child would like to happen as a result of what they have said, but do not make or infer promises you cannot keep
- Give the child the ChildLine phone number (0800 1111)
- Make sure that the parent/carer has support too

### **What should I say to a child/young person who says that they have abused another child?**

- Reassure the child that they have done the right thing by telling someone about it
- Tell them you now have to do what you can to keep them and the child who has been abused safe

- Let the child know what you are going to do next and who else needs to know about it
- Let the child tell their whole story. Do not try to investigate or quiz the child, but make sure that you are clear as to what they are saying
- If there is no risk to the child from the child's parent/carer, then explain to the parent/carer what has happened. Do this firstly without the child there, and then summarise it again in front of the child so that it is an open subject between parent/carer and child. This may enable them to talk about it together more easily.
- Check out what the child expects to happen as a result of what they said. Offer reassurance where appropriate but do not make or infer promises you cannot keep.
- Reassure the child that, with help, the problem can be sorted out and that what has happened does not make them an abuser for life
- Give the child the ChildLine phone number (0800 1111)
- Remember that the child who has behaved in this way is a child in need of support
- Make sure that the parent/carer has support too

### **Recording the concerns**

Use the reporting form to record the concern and how it is dealt with. The relevant sections of the form should be completed and signed at each stage of the procedure. It can be used to forward information to the statutory child protection authorities if a referral to them is needed.

### **Key People**

Designated Safeguarding Lead: **Heather Leighton**

Deputy Designated Safeguarding Lead: **Bethan Barlow**

Chairman: **Peter Geraghty**