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| **4.5 Concerns Arising from Sexual Activity or Sexual Abuse of Children and Young People** | Top of FormBottom of Form |

**SCOPE OF THIS CHAPTER**

This procedure details Children's Social Care's responsibility to record and monitor cases where there are concerns in relation to Sexual Abuse, and/or sexual activity and when to notify the police. It also covers the recording of why the decision was made not to notify the police.

**RELEVANT LEGISLATION AND GUIDANCE**

Children Act 1989

[**Working Together To Safeguard Children**](http://workingtogetheronline.co.uk/)

See also [**Nottinghamshire and Nottingham City Safeguarding Children Partnership Procedures**](https://nottinghamshirescb.proceduresonline.com/index.html).

 **Contents**

1. [**Introduction**](https://nottinghamshirechildcare.proceduresonline.com/chapters/p_concerns_sex_act.html#intro)
2. [**Context**](https://nottinghamshirechildcare.proceduresonline.com/chapters/p_concerns_sex_act.html#context)
3. [**Referrals**](https://nottinghamshirechildcare.proceduresonline.com/chapters/p_concerns_sex_act.html#referrals)
4. [**Concerns arising on open Cases to Children's Social Care**](https://nottinghamshirechildcare.proceduresonline.com/chapters/p_concerns_sex_act.html#concerns)

 **1.****Introduction**

Following the Bichard Report into the Soham murders Children's Social Care are required to put in place an electronic system for monitoring how many cases where concerns in relation to Sexual Abuse, and/or arising from sexual activity, were reported to the police and how many were not. Children's Social Care staff are required to record the reasons that cases were not referred to the police within the same electronic system.

This requirement applies to all circumstances in which Children's Social Care are aware of children where there are concerns of harm which arise from sexual activity, including cases of [**Sexual Abuse**](http://trixresources.proceduresonline.com/nat_key/keywords/sexual_abuse.html).

Whilst some of these cases will be referred to Children's Social Care for this specific reason there will also be circumstances in which Children's Social Care Staff become aware that this is an issue for a child that they were working with for another, unrelated reason. Examples of the latter could include:

* An adolescent [**Looked After**](http://trixresources.proceduresonline.com/nat_key/keywords/looked_after.html)by the Local Authority who informs a worker that they are sexually active;
* A social worker undertaking [**Child Protection**](http://trixresources.proceduresonline.com/nat_key/keywords/child_protection.html) enquiries not related to concerns re Sexual Abuse being informed that an adolescent in the household is sexually active.

The intention of this process is not to unnecessarily criminalise behaviour. Sexually active young people require appropriate advice and guidance in order to ensure that they are not compromising their sexual health and placing themselves at risk of harm. The requirement in relation to monitoring referrals to the police should not preclude staff from giving such advice. It will ensure that decisions taken by Children's Social Care staff are given formal consideration by a Team Manager. Records must reflect the factors informing a decision about whether or not to report an allegation/concern to the Police.

 **2.****Context**

The roles and responsibilities of all Agencies are set out in [**Nottinghamshire and Nottingham City Safeguarding Children Partnership Procedures.**](https://nottinghamshirescb.proceduresonline.com/index.html)The Child Protection Procedures contain guidance on a range of criteria which should be applied to assist staff in evaluating the level of potential risk when dealing with cases of this type.

This document **MUST** be read alongside the guidance contained within the [**Nottinghamshire and Nottingham City Safeguarding Children Partnership Procedures**](https://nottinghamshirescb.proceduresonline.com/index.html) as these are critical in informing decision making process followed by Children's Social Care Staff.

 **3.****Referrals**

**When a referrals to Children's Social Care is made in relation to Sexual Abuse or due to concerns of harm arising from sexual activity involving children under the age of 18** an Child and Family Assessment will be undertaken. If the conclusion of the Child and Family Assessment is that the threshold for referring this concern to the Police has been reached then a [**Strategy Discussion**](http://trixresources.proceduresonline.com/nat_key/keywords/strategy_discussion.html) will be held. As part of the Strategy Discussion the following episode will be completed by the Team Manager.

**Concerns of harm arising from sexual activity of a child under the age of 18.**

The episode and the questionnaire require the same information. The information will in most circumstances only be recorded once for each concern. The only exception to this will be if the Child and Family assessment episode is completed without the matter being referred to the police but, following further assessment, it is subsequently identified that the threshold for referring the case to the police has been met. A questionnaire should be completed in the subsequent strategy meeting episode.

**Multiple concerns arising from one referral**

If during the course of enquiries into an allegation of sexual abuse and/or concerns arising from sexual activity information becomes available which indicates a separate concern of the same nature this will require the creation of a further record, following the processes outlined above.

For example:

Whilst working with a child on the Child Protection Register due to concerns in relation to Sexual Abuse - with the identified perpetrator being father - information comes to light which suggests the young person is involved in a consensual sexual relationship with their partner. Information with relation to both concerns would need to be recorded using either the episode or questionnaire. The issues of sexual abuse will have been recorded at the point of which the initial referral was taken and would have been referred to the Police. The information regarding the partner may not of itself merit a further referral to the police. It would however require the completion of the stand alone episode.

 **4.****Concerns arising on open Cases to Children's Social Care**

As indicated above, there will be a range of circumstances in which Children's Social Care staff become aware of the possibility of concerns relating to possible harm arising as the result of sexual activity involving young people under the age of 18. If the concern falls within the remit of this guidance then the process outlined above should be followed.

The principles outlined above apply equally to cases that were already open prior. The social worker will be required to evaluate the information in order to assess whether the risk of harm is sufficiently serious to merit referral to the Police. In reaching this decision, the social worker will have regard to the criteria set out in NSCP procedures. The Team Manager is required to consider the social worker's s assessment and authorise the outcome. An electronic record of this process must be made using either the episode or questionnaire.

[**Click here to view Concerns arising on open Cases to Children's Social Care flowchart**](https://nottinghamshirechildcare.proceduresonline.com/pdfs/concerns_arising_csc_flow.pdf).