

## **Statutory Definitions of Abuse (Children)**

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm.

Children may be abused in a family or in an institutional or community setting; by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults or another child or children.

Child protection legislation throughout the UK is based on the United Nations Convention on the Rights of the Child. Each nation within the UK has incorporated the convention within its legislation and guidance.

### **ENGLAND**

The four definitions of abuse below operate in England based on the government guidance 'Working Together to Safeguard Children (2006)'.

#### **Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

#### **Emotional Abuse**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

#### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) 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.

#### **Neglect**

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. 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 provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## **WALES**

The following definitions of child abuse are recommended as criteria throughout Wales by the Department of Health, Department for Education and Skills and the Home Office in their joint document, *Working Together to Safeguard and Promote the Welfare of Children* (2000).

### **Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after. This is commonly described using terms such as 'factitious illness by proxy' or 'Munchausen Syndrome by proxy'.

### **Emotional Abuse**

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and continuous adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.

### **Sexual Abuse**

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 (e.g. rape or buggery) 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.

### **Neglect**

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, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## **SCOTLAND**

In 1998 and 2000 The Scottish Office, now the Scottish Executive, published a guide to inter-agency co-operation 'Protecting Children – A Shared Responsibility'. This publication set out a framework for collaboration between Social Work Departments and other agencies.

### **Categories of Abuse**

For recording all cases, the following are standard categories of abuse. Although these are

represented as discrete definitions, in practice there may be overlap between categories. In such cases local authorities should enter the name on the Child Protection Register under one main category of abuse although for the purposes of individual case management, the case conference may identify combinations of abuse which the child protection plan will need to address. It may also become necessary to change the category of abuse under which a child is registered as the case progresses.

### **Physical Injury**

Actual or attempted physical injury to a child, including the administration of toxic substances, where there is knowledge, or reasonable suspicion that the injury was inflicted or knowingly not prevented.

### **Sexual Abuse**

Any child may be deemed to have been sexually abused when any person(s) by design or neglect exploits the child, directly or indirectly, in any activity intended to lead to the sexual arousal or other forms of gratification of that person or any other person(s) including organised networks. This definition holds whether or not there has been genital contact and whether or no the child is said to have initiated, or consented, to the behaviour.

### **Non Organic Failure to Thrive**

Children who significantly fail to reach normal growth and developmental milestones (i.e. physical growth, weight, motor, social and intellectual development) where physical and genetic reasons have been medically eliminated and a diagnosis of non-organic failure to thrive has been established.

### **Emotional Abuse**

Failure to provide for the child's basic emotional needs such as to have a severe effect on the behaviour and development of the child.

### **Physical Neglect**

This occurs when a child's essential needs are not met and this is likely to cause impairment to physical health and development. Such needs include food, clothing cleanliness, shelter and warmth. A lack of appropriate care, including deprivation of access to health care, may result in persistent or severe exposure, through negligence, to circumstances which will endanger the child.

## **NORTHERN IRELAND**

The following definitions of child abuse are recommended as criteria in Northern Ireland by the Department of Health, Social Services and Public Safety in the document 'Co-operating to Safeguard Children (2003).

### **Types of Abuse**

Child abuse occurs when a child is neglected, harmed or not provided with proper care. Children may be abused in many settings, in a family, in an institutional setting by those known to them or more rarely, by a stranger. There are different types of abuse and a child may suffer more than one of them.

### **Physical Abuse**

Physical Abuse is the deliberate physical injury to a child, or the wilful or neglectful failure to prevent physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, confinement to a room or cot, or inappropriately giving drugs to control behaviour.

### **Emotional Abuse**

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and continuous adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may involve causing children to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone. Domestic violence, adult mental health problems and parental substance misuse may expose children to emotional abuse.

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities. 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\*.

### **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in significant harm. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include non-organic failure to thrive.

### **Significant Harm**

The legislation defining the circumstances in which compulsory intervention in family life is justified in the best interests of children is based on the concept of 'significant harm'. The relevant Articles in the Children Order are Articles 2(2) and 50(3). There are no absolute criteria for judging what constitutes significant harm. However, they may include the degree, extent, duration and frequency of harm. Sometimes a single traumatic event may constitute significant harm e.g. violent assault, sexual assault, suffocating or poisoning. More often, significant harm is a series of events, both acute and longstanding, which interrupt, change or damage the child's physical and/or psychological development. Some children live in family and social circumstances where health and development are neglected. For them, it is the corrosiveness of long term emotional, physical and/or sexual abuse that causes impairment, sometimes to the extent of constituting significant harm.

\*Sexual activity involving a child who is capable of giving informed consent on a matter, **while illegal**, may not necessarily constitute sexual abuse as defined for the purposes of this guide. One example, which would fall into this category is a sexual relationship between a 16 year old and her 18 year old boyfriend. The decision to initiate child protection action in such cases is a matter for professional judgement and each case should be considered individually. The criminal aspects will, of course, be dealt with by the police.