

Key definitions

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First published 21 January 2014 Updated 18 January 2022

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11 mins read

The following key terms are relevant to child abuse. For further information on safeguarding children and child abuse, see:

- [**HM Government \(2018\) Working Together to Safeguard Children**](#)
- [**HM Government \(2006\) What to do if you're worried a child is being abused**](#)
- [**Welsh Assembly Government \(n.d.\) Safeguarding Children: Working Together Under the Children Act 2004**](#)
- [**All Wales Child Protection Procedures 2008**](#)

Child

A child is anyone who has not yet reached their 18th birthday. The fact that a child:

- has reached 16 years of age
- is living independently
- is in further education
- is looked after
- is a member of the armed forces
- is in hospital
- is in custody in a secure estate

does not change their status or entitlements to services or protection.

Child abuse

This is defined as any form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm on them, 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 by others (for example, via the

internet). They may be abused by an adult or adults, or by another child or children.

Concern about child abuse is one aspect of safeguarding children. The term child abuse includes physical, sexual or emotional abuse, or neglect of a child.

It does not include straightforward property offences where the child is a victim (for example, theft of a mobile phone). However, the police have an important role where there are concerns for children which do not involve criminal offences. That role generally includes active involvement in strategic partnerships relating to safeguarding children, and action at an operational level which includes referring any concerns to other agencies for information and/or action.

Child abuse can also include offences relating to human trafficking and **child sexual exploitation**.

In most occurrences of child abuse, however, the perpetrator is likely to be a family member or someone known to the child. In some cases children may not understand that they are being abused. The complex dynamics of abuse mean that some individuals develop an attachment to the person harming them. This can sometimes make identifying abuse difficult and result in the victim playing down and/or denying the abuse.

Child protection

Where there is a risk that a child is suffering or is likely to suffer significant harm, in accordance with the Children Act 1989 **section 47**, or is a 'child in need' as defined in the Children Act 1989 **section 17(10)**, the police are responsible for taking whatever action is required. This includes referring details about the child to children's social care.

In all aspects of the police response to concern for a child, including where there are suspicions of child abuse (for example, as part of a criminal investigation), the key principles are the welfare and best interests of the child. This applies regardless of the environment in which the abuse occurs (for example, family, institution or online) and the context or crime type (for example, prostituting or trafficking a child).

Concerns about criminal offences relating to child abuse which come from police staff, other agencies or members of the public should be the focus of **child abuse investigation units** or equivalent police structures.

Child sexual abuse

This is forcing or enticing a child or young person to take part in sexual activities. They may not necessarily involve a high level of violence and the child may or may not be aware of what is happening. The activities may include physical contact, such as assault by penetration (for example, rape or oral sex) or non-penetrative acts (for example, masturbation, kissing, rubbing and touching outside clothing). They may also include non-contact activities, for example:

- involving children in looking at, or in the production of, sexual images
- involving children in watching sexual activities
- encouraging children to behave in sexually inappropriate ways
- grooming a child in preparation for abuse (including via the internet)

Sexual abuse is not solely perpetrated by adult men. Women may also commit acts of sexual abuse, as can other children.

For further information see:

- [**Indecent images of children**](#)
- [**APP on child sexual exploitation**](#)
- [**APP on rape and sexual offences**](#)

Emotional abuse

This is the persistent, emotional maltreatment of a child to an extent which causes severe and persistent adverse effects on the child's emotional development.

It may involve:

- conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person
- not giving the child opportunities to express their views, deliberately silencing them or making fun of what they say or how they communicate
- imposing age or developmentally inappropriate expectations on a child (for example, interactions that are beyond a child's developmental capability)
- overprotecting and limiting exploration and learning, or preventing the child from participating in normal social interaction
- seeing and/or hearing the ill-treatment of another

- bullying (including cyber bullying)

Child cruelty

The offence of cruelty to persons under 16 years incorporates neglect, as set out in the Children and Young Persons Act 1933 [section 1\(1\)](#). Under the Act, if anyone who is 16 years or over wilfully assaults, ill-treats, whether physically or otherwise, neglects, abandons, or exposes a child, or procures a child to be assaulted, ill-treated, whether physically or otherwise, neglected, abandoned, or exposed, in a manner likely to cause unnecessary suffering or injury to health, whether the suffering or injury is of a physical or psychological nature, they are guilty of an offence.

There is no statutory definition of wilfully, but the term has been interpreted by the courts. In Attorney General's Reference No 3 of 2003 [2005] 1 Q.B. 73 it was said that wilful misconduct means, 'deliberately doing something which is wrong, knowing it to be wrong or with reckless indifference as to whether it is wrong or not'. Although there is no definable threshold for when a minor neglectful act becomes a criminal offence, each single incident must be examined in the context of other acts or omissions and the possibility of a criminal offence should be considered. See definition of 'reckless' in [R v G \[2004\] 1 AC 1034](#).

There will be occasions when the issue is one of poor parenting and/or the carer's lack of knowledge, rather than a deliberate and wilful act. The decision to record wilful neglect as a crime should be made in light of all available evidence and information. If, on the balance of probabilities, it is more likely than not that the incident is the result of a criminal act, a crime should be recorded in accordance with [Home Office \(2011\) The National Crime Recording Standard \(NCRS\): What you need to know](#).

Where the report is not initially recorded as a crime (because it does not meet the NCRS criteria for recording), an incident report should be recorded in accordance with the national guidance. Where a prosecution does not result from the investigation, any records and other relevant information should be retained as these may assist any future investigation and provide evidence to support a future prosecution. See also APP on [information management](#).

Neglect

The definition of neglect is outlined in [**section 1\(2\)\(a\)**](#) of the 1933 Act. The offence is committed if a parent or the legal guardian, or other person legally liable to maintain a child or young person has wilfully neglected the child in a manner likely to cause injury to health by failing to provide adequate food, clothing, medical aid or lodging or, if having been unable to provide such items, they fail to take steps to procure them.

Under section 1(2)(b), an individual aged 16 or above is deemed to have neglected an infant (under three years), where it is proved that the death of the infant was caused by suffocation while the infant was in bed with that individual, and that the same individual was under the influence of alcohol or a prohibited drug at the time. The definition of 'bed' includes any kind of furniture or surface being used by the adult for the purpose of sleeping.

Physical abuse

This is the non-accidental infliction of physical force by one person on another, which may or may not result in physical injury.

Physical abuse can involve:

- hitting
- shaking
- throwing
- poisoning
- burning or scalding
- drowning
- suffocating
- choking
- slapping
- pushing
- kicking
- misusing medication
- inappropriate restraint or false imprisonment

This list is not exhaustive and the injury may not be external or immediately noticeable. Harm may also be caused when a parent or carer [**fabricates or induces illness**](#), or deliberately causes ill

health to a child in their care.

Section 58 of the Children Act 2004 and the amended **CPS charging standard** means that for any injury to a child (a person less than 16 years of age) caused by a parent or person acting in loco parentis which amounts to more than a temporary reddening of the skin and where the injury is more than transient and trifling, the defence of reasonable punishment is not available. Therefore, any injury sustained by a child which is serious enough to warrant a charge of assault occasioning actual bodily harm cannot be considered to be as the result of reasonable punishment.

Significant harm

The **Children Act 1989** introduced the concept of significant harm in order to assess the need for compulsory intervention in family life in the best interests of children. Under **section 47 of the Act**, the local authority has a duty to make enquiries, or cause enquiries to be made, where it reasonably suspects that a child is suffering or is likely to suffer significant harm. The enquiries should enable the local authority to decide whether they should take action to safeguard the child and promote the child's welfare.

There are no absolute legally or medically defined criteria on which to rely when judging what constitutes significant harm, although **HM Government (2018) Working Together to Safeguard Children** and **Welsh Assembly Government (n.d.) Safeguarding Children: Working Together Under the Children Act 2004** contain more detailed guidance about establishing significant harm.

Sometimes a single, traumatic event may constitute significant harm, eg, a violent assault, suffocation or poisoning. More often, however, there is an accumulation of events which together constitute significant harm, but alone may appear unimportant.

Some children live in family and social circumstances where their health and development are neglected. For these children, it is the corrosiveness of long-term emotional, physical or sexual abuse that causes impairment to the extent of constituting significant harm.

The Children Act 1989 section 31(9) and (10) (as amended) gives the following definition of harm:

- 'harm' means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another
- 'development' means physical, intellectual, emotional, social or behavioural development

- 'health' means physical or mental health
- 'ill-treatment' includes sexual abuse and forms of ill-treatment which are not physical

In determining whether the harm is significant, forces should compare the child's health and development with the health and development reasonably expected of a similar child.

Although the **Children Act 1989 section 31** relates specifically to court orders, for the sake of consistency the extended definition should be applied throughout.

Tags

Child abuse