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Professional Perpetrators

Sex Offenders Who Use Their Employment to Target and Sexually Abuse the Children With Whom They Work

Professionals who use their work as a cover for targeting and sexually abusing children have become the focus of public, media and legislative concerns in recent years. In the past 15 years, scandal after scandal has led to review investigations and public inquiries. These in turn have led to legislative changes to help improve childcare practices and prevent perpetrators from gaining access to children through institutions and organizations. This paper explores the literature and research studies which examine institutional abuse and professional perpetrators. Copyright © 2002 John Wiley & Sons, Ltd.

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rofessional perpetrators' use either the institutions or organizations within which they work to target and abuse children. Whether public or private, voluntary or statutory, institutions and organizations have provided abusers with almost limitless opportunities for the manipulation and abuse of children (Nolan, 2001, Waterhouse, 2000; Utting, 1998). Organizations such as faith communities, schools and childcare services have long been targeted by offenders who have either generated or made use of existing environments of pervasive secrecy (Green, 1999).

Adults who use their work with children to facilitate and disguise their sexually abusive behaviour towards children present a considerable dilemma for our society. It has been recognized that children's development is enhanced through contact with adults other than their parents (Bowlby, 1980). The dilemma is the difficulty in identifying adults who intend to use their contact with children to create opportunities to sexually abuse. The vast majority of convicted sexual

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'Almost limitless opportunities for the manipulation and abuse of children'

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'Whether lessons have actually been learned'

'Attempts to regulate and standardize practice within residential and daycare facilities'

offenders are male (Hearn, 1999). However, it is important to recognize that there are also women who seek to abuse children in their care (Saradjian, 1998). Agencies and organizations who work with children are increasingly becoming aware of the need to create cultures of safety, not just to protect children, but also to ensure that the staff responsible for the care of children feel secure.

The public inquiries and local investigations and reviews, which have resulted from the disclosure or discovery of institutional sexual abuse, have proposed policy and legislative changes to protect children in the future. Over the years, these inquiries have produced strikingly similar conclusions and recommendations, which raise questions about the rapidity of change and, perhaps more worryingly, whether lessons have actually been learned.

Recent Policy and Legislative Attempts to Address the Issue of Professional Perpetrators

The concerns surrounding the abuse of children by professionals who care for them have repeatedly been the focus of political, press and public attention as a series of police investigations and public inquiries have highlighted the prevalence and extent of the problem. Gallagher (2000) suggests that the policy and legislative responses can be divided into two broad categories:

- Focus on childcare practice
- · Attempts to control abusers

Childcare Practice

Efforts to address the issue of institutional abuse began in the Home Office (1986) Circular (subsequently revised in the Home Office (1993a) Circular). It produced guidelines covering local authority staff, teachers, social workers, child minders and foster parents; the DHSS Circular, which addressed National Health Service workers' contact with children, followed 2 years later in 1988. The Children Act 1989 brought the first major legislative response to institutional abuse and provided the impetus for a series of attempts to regulate and standardize practice within residential and daycare facilities (Gallagher, 2000). Guidelines for workers in voluntary agencies, however, were not produced until the 1994 Home Office Circular (Thomas, 2001).

Attempts to Control Abusers

A more informal method of identifying 'problematic' individuals considered to be a risk to children via their employment had been created in 'List 99', the Department for Education and Employment and the Department of Health's 'Consultancy Service Index'. These lists allowed the departments to disclose concerns about individuals to 'appropriate agencies'. Both were given a statutory status in The Protection of Children Act of 1999.

One of the legislative spinoffs of the Waterhouse Report, (Waterhouse, 2000) has been the Criminal Justice and Court Services Act. The Act seeks to make it a criminal offence for anyone with a conviction for an offence against a child to seek employment with children in the future (Thomas, 2001). In 1986, the police check was established to allow agencies to investigate whether an individual had criminal convictions for offences against children. However, subsequent inquiries into the abuse of children by caring professionals have raised questions about the accuracy of police checks and the consistency of agencies in using the system. The Utting Report (Utting, 1998) expressed 'serious concerns about the manner in which police checks were handled' and noted that insufficient consideration was given to references. This echoed the concerns of the Warner Report (Warner, 1992), which found that 10% of heads of homes and a third of care workers took up their posts before references were received.

Nevertheless, the use of the police check has risen steadily since its inception. In the year leading up to its introduction, it was estimated that approximately 100 000 checks would be made each year. However, the Home Office reported in 1993 that the numbers were over 665 000 each year (Home Office, 1993b, para 23). The Home Office estimates this figure will rise to over 1 million by 2002 (Home Office, 1999, para 4.7). The guidelines relating to the police checks also provided for the disclosure of 'other relevant information' relating to potential risk that the police had on file (Gallagher, 1999a).

The 1997 Police Act allowed for the development of the Criminal Records Bureau (CRB), which came into force in 2001. The CRB is the latest attempt to regulate the process of making previous convictions available to relevant agencies. It removes the responsibility from the police and requires those receiving the information to adhere to a code of practice relating to the information.

'In 1986, the police check was established'

'Will rise to over 1 million by 2002'

The Extent of the Problem

The research study, which launched the NSPCC's 'Full Stop' campaign (2000), confirmed that children are most likely to be sexually abused within their own family home than anywhere else. Of children in the study who said they were abused, 40% blamed older siblings, while 14% named their father and 19% said the perpetrator was a stepfather. Almost three-quarters of the participants who indicated that they were sexually abused said they had not told anyone about the abuse at the time and one-third never spoke of their experiences.

The literature available on the abuse of children in care, addressing the prevalence of abuse within care institutions, suggests that, predominantly, the complaints appear to be of a sexual nature and that the majority have not been reported (Gallagher, 1999a,b). A study by Rindfleisch and Rabb (1984) found that 31 of every 1000 children in care reported allegations. A later study by Nunno (1992) found that 158 in every 1000 children in care reported sexual abuse. A review of the work by police and social services child protection agencies shows that, in the Greater Manchester area in 1994, there were 60 cases of institutional abuse by professional social workers and foster carers. It was estimated that, were this to be an accurate illustration of the national situation, some 1200 reports of abuse against professionals would have been investigated in that year (Gallagher, 1999a).

Investigations and Inquiries

Groze (1990) has highlighted the differences in the process of investigating allegations of abuse within institutions as compared with allegations within the family. The scale of investigations into abuse within residential children's homes may well mean that hundreds of children and staff need to be interviewed and large numbers of alleged perpetrators arrested, interviewed and charged. In the police investigation of abuse into children's homes in Merseyside and Cheshire in 1999, 13 563 witnesses were interviewed, 885 complaints were made and 162 suspects were identified (Gallagher, 1999a). In the midst of such an enormous investigative task, it is easy to lose sight of child protection as a primary focus and children may be further abused by the process (Clayden, 1992). Barter (1999) reported that there was a 'lack of national and local protocols' to guide the investigations of abuse within institutions.

'The majority have not been reported'

'Easy to lose sight of child protection as a primary focus'

Table 1. Reviews of child care provision

| Residential Care—A Positive Choice (1987) | Independent review by Lady Wagner |
|---|---|
| Children in the Public Care (1991) | Sir William Utting |
| Accommodating Children (1992) | Social Services Inspectorate—Wales |
| The Quality of Care (1992) | Residential Staff Inquiry by Lady Howe |
| Safe Caring (1994) | National Foster Care Association Report |

In the last 12 years, there have been a series of general inquiries into the childcare system of the United Kingdom (see Table 1).

In addition, there have been a series of inquiries prompted by allegations of abuse within the childcare system, as shown in Table 2.

The numbers of children in public care had reduced from 95 297 in 1980 to approximately 53 000 by March 1999. The majority, 36 100, of these children were in foster care and the remaining children were either in residential care, secure accommodation or subject to care orders but placed at home with their parents (Browne and Lynch, 1999). Despite the dramatic fall in the numbers of children in public care, the numbers of children in foster care have remained largely unchanged over the years. The reduction in numbers is largely to do with a fall in the numbers of children in residential care.

The Warner Report, Choosing with Care (Warner, 1992), was commissioned after Leicestershire social worker Frank Beck was imprisoned for sexually abusing children in the care system. The Report noted a move away from the use

Table 2. Inquiries arising from allegations of institutional abuse

- The Leeways Report 1985. An inquiry by Elizabeth Lawson QC following allegations of misconduct in the London Borough of Lewisham
- The Hughes Inquiry on the Kincora Residential Care Home 1985 following allegations of abuse in boys' hostels in N. Ireland
- The Pindown Experience and the Protection of Children 1991. Report by Alan Levy QC and Barbara Kahan following allegations of abuse in Staffordshire children's homes
- Ty Mawr Community Home Inquiry 1992. Report by Gareth Williams QC and Mr John McCreadie following allegations of misconduct in Gwent children's homes.
- The Warner Inquiry 1992: Choosing With Care, Report of the Committee of Inquiry into the Selection, Development and Management of Staff in Children's Homes
- The Utting Inquiry 1998. Report by Sir William Utting into allegations of abuse in children's homes in North Wales
- The Waterhouse Report 2000: Lost in Care, Report of the Tribunal of Inquiry into the Abuse of Children in the Care of the Former County Council Areas of Gwynedd and Clywd since 1974
- The Nolan Committee Report 2001. Review on Child Protection in the Catholic Church in England and Wales

'Despite the dramatic fall in the numbers of children in public care' 'The Utting (1998) inquiry proposed a 'protective strategy''

'Naming the perpetrators identified'

of local authority and voluntary sector residential facilities to private sector homes. However, it was discovered that this policy was creating potential problems which were difficult to police. The Report highlighted the fact that prior to October 1991 there was no statutory requirement to inspect or even register private children's homes.

Utting (1998) concluded that a repetition of abuse on the scale uncovered in the inquiry was unlikely to occur again in the future as children's homes had been made much smaller, with an average capacity of 10 children per unit. Perhaps more significantly, the number of children in care had reduced from 40 000 in 1975 to approximately 8000 in 1995, and by 1998 the numbers had reduced further to 6300. It was also suggested that public outcry had led to improvements in staff selection and management, and the inquiry urged caution, stating that there were 'no grounds for complacency'. The Utting (1998) inquiry proposed a 'protective strategy' as outlined below:

- 1. A threshold of entry to paid and voluntary work with children which is high enough to deter committed abusers
- 2. Management which pursues overall excellence and is vigilant in protecting children and exposing abuse
- 3. Disciplinary and criminal procedures which deal effectively with offenders
- 4. An approved system of communicating information about known abusers between agencies with a need to know

The Waterhouse Inquiry (Waterhouse, 2000) is the latest inquiry to report on abuse within the childcare system and was set up in the wake of 'operation antelope', the police investigation into allegations of abuse within children's homes in North Wales. The report was published amid criticisms by victims that they had been constrained and had not been permitted to give their 'full story'. The Inquiry was set up following claims that the allegations had been ignored for years.

The Report considered both local authority homes and those in the private sector and voluntary children's homes and foster homes. The Inquiry took the step of naming the perpetrators identified by the investigation. In addition, it listed a catalogue of inadequate procedures and breaches of policy ranging from recruiting staff informally without obtaining references to failure to police check foster families or employees prior to their beginning work.

Settings Within Which Professional Perpetrators Abuse

Any organization or institution, whether statutory or voluntary, where children are cared for is vulnerable to infiltration by professionals who wish to abuse.

Child Care Institutions

Studies considering the nature of abuse within institutions have shown that children are differentially at risk in care settings (Gallagher, 1999a). McFadden and Ryan (1992) found that girls and older children were more at risk of being abused in foster placements than boys or younger children. The type of institution also seems to have a correlation with the children most likely to be abused. Westcott and Clement (1992) reported that boys were more at risk in residential schools, while girls were more at risk in children's homes. This may have something to do with the nature of 'all-male' institutions like residential schools, where men are more likely to be in primary care roles, making the environment more facilitative of sexual abuse.

These findings are in part supported by a study of abuse investigations by the NSPCC (Barter, 1999). This study found that a total of 76 allegations were made by 67 different children and related to 50 different abusers (40 adults and 10 children). Thirty per cent of the allegations in this study related to complaints of sexual abuse. The study reported that while the majority of allegations involved one child, 16% of complaints concerned more than one child. Nearly all the complaints involved residential homes and the alleged victims were an equal number of boys and girls, most of whom were adolescents.

Foster Care

However, children are not just at risk within organizations and institutions. While foster care placements are now the preferred method of caring for children, they can also be used by those intent upon sexually abusing children (Waterhouse, 2000). Browne and Lynch (1999) reported that many children had abusive experiences in foster placements before entering residential care. It would seem that as opportunities to abuse children within institutions and organizations are restricted, then perpetrators will adapt to gain access to children in other settings.

'Children are differentially at risk in care settings'

'Perpetrators will adapt to gain access to children in other settings' 'Estimated to have cost the church \$400 million in settlements'

Establishment of a national database of applicants for ordination'

Churches

In the last 15–20 years, there have been numerous high-profile cases relating to faith community leaders who were accused and convicted of child sexual abuse. Berry (1992) stated that between 1983 and 1987 more than 200 Roman Catholic priests or religious brothers were reported to the Vatican Embassy for sexually abusing children. Most of the cases related to the sexual abuse of teenage boys. This averaged out to nearly one accusation a week in those 4 years alone and by 1992 was estimated to have cost the church \$400 million in settlements to victims and treatment of the perpetrators.

The problem is not, however, restricted to the Roman Catholic Church, and professional perpetrators have been identified within all Christian churches and all the major faith communities. In general, church organizations were lax in recognizing the extent of sexual abuse by faith community leaders and some churches have been accused of conspiring to keep allegations quiet or too readily accepting the denial of the alleged perpetrator (Francis and Turner, 1995).

The Nolan Review (Nolan, 2001) was set up in response to a seemingly endless stream of allegations and convictions of Roman Catholic priests for child sexual abuse during the 1980s and 1990s. The Review has sought to make radical changes in the organization of the Roman Catholic Church and its perspective on child protection. The first report of the Nolan Review, Child Protection in the Catholic Church in England and Wales, was published in April 2001 and made some radical recommendations for changes in how allegations of abuse within the Church were managed. Among the recommendations is to set up a national child protection unit to vet clergy, laystaff and volunteers, and the establishment of a national database of applicants for ordination. The report also suggested that all cautioned or convicted clergy should be prevented from future contact through the Church with children.

Most of the faith communities in this country have been forced to devise and publish a child protection policy, often following allegations against their religious leaders or workers. D. Findlater ('Sex offending in the Church', Unpublished paper to NOTA, Scotland, 2000) suggested that the non-Christian faith communities have been slower to react, perhaps as a consequence of fewer scandals to date.

Schools

Teachers and sports coaches have also featured in the growing numbers of professionals accused of misusing their positions of trust and sexually abusing their pupils. A BBC survey reported on November 3, 2000 suggested that approximately 400 UK teachers per year are suspended for allegations of abusing their pupils, at an estimated cost of £4m. These figures include all forms of abuse allegation, although it is clear from the steady stream of reported cases of teachers and coaches being convicted of sexual offences against their pupils that this is a significant problem for the profession (*The Times*, 2002; BBC News, 2000).

Voluntary Settings

Voluntary organizations working with children also make an attractive setting for those who wish to create opportunities to sexually abuse children. Over the years, these organizations have also been subject to allegations of sexual abuse. Guidelines arising from the inquiries into abuse within childcare establishments recommended greater accountability in the voluntary sector and uniformity of procedures for dealing with allegations of misconduct regarding staff (Social Services Inspectorate, 1995). This may be because the organizations are smaller than the statutory sector childcare facilities, or that, because of their voluntary status, they are not perceived as being accountable in the same way (Stanley, 1999). In a Social Service Inspectorate report of 1995 further concerns were raised about the vetting procedures and checks undertaken by independent organizations that in some cases supplied 45% of staff to residential homes (Social Services Inspectorate, 1995).

Abuse Within Institutions

Historically, childcare institutions created environments within which individuals in positions of authority were able to misuse and abuse their positions. At times, emotional, physical and sexual abuse was enabled by the indifferent collusion or even the active support of the institutional management structures. The consequences of these abuses have largely remained the silent burden of the victims, although more recently some have spoken out and complained about their treatment, prompting inquiries and reviews of the childcare provisions.

Westcott (1991) suggested that there were four barriers to reporting of abuse within institutions:

 Lack of procedures/policies for reporting and investigating a complaint of institutional abuse 'Further concerns were raised about the vetting procedures and checks'

- Institutional abuse viewed as the problem of the individual member of staff, not the institution
- The closed nature of institutions
- The belief system surrounding institutions (pp. 15–17)

Institutions and organizations working with children appear to be self-protective and discourage employees from drawing attention to deficiencies, failings and abuses by staff. Waterhouse (2000) concluded that 'positive action' and 'new procedures' were required to ensure that 'whistle-blowing' was not only encouraged but also required of staff in childcare institutions.

A television investigation, 'A Place of Safety' (BBC 2, 1999), reported that a former employee of one of the children's homes featured in the Waterhouse Inquiry had been sacked, some years previously, for gross professional misconduct following her insistence that abuse was regularly taking place in the homes. Of over 500 complaints investigated by the police, only four convictions were secured. The BBC 2 documentary-makers also claimed that insurers for the Social Services Department had attempted to keep the allegations quiet in order to restrict compensation claims.

signs of abuse and dismissed or failed to act upon disclosures by children (Dawson, 1983; Graham and Vann, 1992; Booth and Horowitz, 1992; Waterhouse, 2000). All of the more recent inquiries, following reports of institutional abuse, have identified instances where abuse was not reported, as managers attempted to protect the reputation of the institution or cover the lack of procedures within the organization. In other cases, staff were reported to be actively obstructive to investigations (Nunno, 1992). The inquiries have all concluded that the extent of the problem of institutional abuse and the implications for managing the issue are enormous (Westcott, 1991).

Repeated studies have discovered that staff have ignored

Professional Perpetrators

When compared with other sexual offenders, professionals who sexually abuse the children with whom they work are considered to be a small but significant problem (Nunno, 1992). The perception that institutional child sexual abuse is 'a great evil' (Nolan, 2001) and that sexual abusers are 'sexual terrorists' (Utting, 1997) tends to support the observation that sexual offenders have characteristics which set them apart from 'normal' human beings. The dangerous inference of this perception is that, by implication, professionals who

'Of over 500 complaints investigated by the police, only four convictions were secured'

would seek to sexually abuse children should therefore be immediately identifiable to the outside world. Clearly, this suggestion that professional perpetrators are easy to identify is at odds with the reality, and indeed, some studies have sought to explore psychometric measures which could recognize potential professional perpetrators at the employment selection stage (Plante *et al.*, 1996; Langevin *et al.*, 2000).

Haywood (1994) sought to explore the similarities and differences between clerics who sexually abused and other sex offenders, matched for offences. They reported that clerics were generally older and better educated than the control group. In addition, it was reported that 77% of the clerics had been accused by male victims, compared with 46% from the other group. In most other respects the study group were found to produce similar results to the non-cleric group.

Further research is required to establish whether these findings are consistent with a UK perpetrator population and to explore similarities and differences across all professional perpetrator categories.

Studies which have focused on the characteristics of professional perpetrators have found that they adapt to their surroundings and often have more than one type of offence or paraphelia. Brannan *et al.* (1993) reported that perpetrators used the special features of the institutional environment to facilitate the abuse and prevent disclosure of the abuse by the children and other professionals. This raises questions about the potential motivation of professional perpetrators: are they seeking this employment simply to generate opportunities to sexually abuse children, or are they corrupted by the position of power and is the sexual manipulation of children one of a variety of abuses perpetrated within an organizational situation? Further study of professional perpetrators is needed to better understand their motivation to sexually abuse children within the work setting.

Characteristics of Professional Perpetrators

Faller (1988) found that the majority of offenders in an institutional setting were deliberately seeking situations in which they might abuse. The explorations of the different types of behaviour used by perpetrators seem to suggest that there is no one type of institutional or professional perpetrator. Sloan (1988) suggested that 'authoritarian' and 'controlling' characteristics were most typical of professional perpetrators, while Rowlands (1995) found that although

'Some studies have sought to explore psychometric measures'

'Deliberately
seeking situations
in which they might
abuse'

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'Significant likelihood of the abuse involving more than one abuser' to be 'quiet', 'unassuming' or 'inadequate'.

Gallagher (1998, 1999b) looked at the methods of manipulation used by perpetrators and suggested that the term 'entrapment' better explained the nature of their behaviour than the more generalized term 'grooming'.

some were 'authoritarian' or 'charismatic', others were found

term 'entrapment' better explained the nature of their behaviour than the more generalized term 'grooming'. He found that perpetrators used a variety of emotional 'inducements' and materials to draw the child into the abuse. He also suggested that perpetrators were careful to select vulnerable groups of children, such as those with learning disabilities or special needs.

Another aspect of abuse by professionals who work with children is that there appears to be a significant likelihood of the abuse involving more than one abuser (Gallagher, 1999a; White and Hart, 1995; Gallagher *et al.*, 1996). Finkelhor *et al.* (1988) reported that 17% of the sexual abuse cases in their study had 'multiple perpetrators'. The sharing and passing of victims between a number of different abusers was also discovered in the Waterhouse inquiry into abuse in children's homes in North Wales (Waterhouse, 2000).

This might suggest that one of the key differences between professional perpetrators and other extrafamilial sex offenders is the level of sophistication of the techniques used by the professionals to manipulate the victims and those who might protect them. The institutional setting of the abuse may make the behaviour of the professional perpetrator more akin to that of the interfamilial offender. To avoid detection, it is possible that the professional perpetrator needs to be more focused on disguising his behaviour and/or ensuring that his position is so unassailable that he will not be challenged.

Conclusions

To date, attempts to address the problem of children being sexually abused by the professionals who care for them have been focused on the accounts of the victims, often obtained by investigations and reviews many years after the events. Latterly, this has led to the development of external controls on perpetrators encapsulated within legislative change or the creation of new organizational or institutional policy. While these have been necessary improvements, there has been a corresponding absence of attention to the characteristics of the perpetrators and the nature of their behaviour. The completion of further research to acquire this information would seem to be essential to ensure comprehensive child protection within schools, faith communities and childcare agencies in the future.

'Absence of attention to the characteristics of the perpetrators'

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