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| **Protocol between the West Mercia Police and Children and Young People's Services regarding Section 47 Enquiries and Criminal Investigations** |
| |  | | --- | | The investigation of suspicions/allegations of child abuse is a crucial stage in protecting children. While other agencies will be involved in aspects of the investigative process, Police and Children’s Services are primarily responsible for the investigation. | | SCBs should have in place a protocol, agreed between the local authority and the police, to guide both organisations in deciding how section 47 enquiries should be conducted and, in particular, the circumstances in which joint enquiries are appropriate. | |
| **1.** **Introduction**   |  |  | | --- | --- | | 1.1 | Specifically this protocol will:   * Outline the aims of a child protection investigation; * Establish a framework within which professional judgement can be exercised in deciding whether a particular referral requires a joint police/social work investigation, or a single agency investigation; * Outline an information sharing protocol; * Clarify decision making on the need for medical examinations;   Make a statement regarding police attendance at child protection meetings. | | 1.2 | The two disciplines (police and social work) bring different skills and experiences to the investigative process, as well as potentially competing professional demands. Police Officers are likely to be concerned with securing forensic evidence for a case which may be placed before a criminal court, whilst social workers will be concerned that appropriate support and counselling is provided for the victim and his/her family. | | 1.3 | Staff from both agencies need to be aware of these competing demands and recognise that they share the same objective - **that of protecting the child**. | | 1.4 | Throughout this protocol emphasis is placed upon communication and sharing information, as it is clear that without a high level of communication the protocol will not be effective. Many referrals will fall within a category that makes decision making about the level of investigation comparatively straightforward. Many do not, and in these cases a significant level of contact between Police Child Abuse Investigation Units and Children’s Services is essential to ensure the appropriate level of services for the child and his/her family. | | 1.5 | Where, after due consideration of this protocol, a decision is made to conduct a joint police/social work investigation, then the investigating officers are bound by their own agency procedures. For Police Officers this is found in Force Policy\*", and for social workers this is in the electronic Children’s Services Handbook. | | 1.6 | This protocol is not intended to override any instructions contained in these documents, but is intended to clarify and facilitate arrangements for joint working. |   **2.** **Over-riding Principles**  In considering how to respond to allegations/suspicions that a child may be suffering, or is likely to suffer, significant harm, those responsible for the decision making in both agencies must have regard to the following principles:   * Any investigation or investigative interview **must primarily address the needs of the child concerned and must make the child's welfare the first priority**; * The views of children and young people who are the subject of such enquiries should be sought and listened to with an **open mind and without pre-judgement;** * Any joint investigative interview will need to work **within the legal framework**, as well as being competently conducted in terms of communicating with the child; * All investigations **must be carefully planned**, but especially those requiring a joint Police/Social Work investigation; * All officers conducting investigations must ensure they **respect the integrity and feelings of all family members** as far as is consistent with the child's safety and welfare; * All investigations must demonstrate **respect for diverse cultures** and total integrity in the areas of gender and disability.   **3.****Aims of the Investigation**   * To ensure that safeguarding the welfare of the child is paramount; * To obtain evidence as to whether or not abuse/neglect has occurred; * To determine whether any abuse has caused, or is likely to result in, significant harm; * To consider the need for immediate protective action; * To plan co-ordinated help and support to the child and family, including medical treatment; * To provide an assessment (including levels of risk) on all children in the household (or any other children implicated) when allegations of abuse have been made; * To provide an effective, co-ordinated investigation of referrals of all types of child abuse; * To ensure the child is listened to and their wishes and feelings are taken into account; * To help keep to the absolute minimum the number of times the child is interviewed and medically examined; * To contribute (where appropriate) to the legal process, both criminal and civil; * To ensure that parents/carers, where appropriate, are involved in and informed about the investigation; * To ensure post investigation intervention therapeutic strategies are in place where necessary.   **4.** **Threshold for Joint Investigation**  **Children’s Services** has a statutory responsibility to make enquiries into allegations or suspicions where there are concerns that a child is suffering or is likely to suffer significant harm. It also has a responsibility to safeguard and promote the child's welfare, and, as stated in Section 1, to ensure that the child's welfare is paramount in all enquiries/decision making.  **The Police** have a responsibility to investigate allegations of offences against children.  Both the Police and Children’s Services have specialist and complementary skills in the assessment and investigation of allegations of child abuse. In appropriate cases it is necessary for these skills to be combined to provide maximum protection for those children who are at risk of or have suffered[Significant Harm](https://westmidlands.procedures.org.uk/page/glossary?term=Significant+harm&g=3YjN#gl1). In discharging their statutory duties it is important that both Children’s Services and the Police are conscious that the lack of necessary intervention may have an adverse effect on the child, or conversely inappropriate intervention may have an adverse effect on the whole family.   |  |  |  |  | | --- | --- | --- | --- | | **4.1** | **Shared Principles**  The following principles have been agreed between both agencies to inform our liaison and decision making.   * Children’s Services and Police agree to **inform each other of all allegations or suspicions** that a child is suffering or likely to suffer Significant Harm whether requiring a joint investigation or single agency investigation; * All allegations or suspicions of child abuse must be considered by the receiving agency and **a Social Work Assessment made** as to whether the child has suffered, or is likely to suffer significant harm; * A [Strategy Discussion/Meeting](https://westmidlands.procedures.org.uk/ykpqh/statutory-child-protection-procedures/strategy-meeting-discussion) will always be held to determine the **appropriate level** of intervention; * If it is considered that there is a **likelihood of significant harm**, an enquiry under Section 47 Children Act 1989 will take place; * Consideration will always be given to the **level of police involvement** required; * There are cases where the initial allegations are so imprecise that further work will be necessary to determine whether this is a child protection referral. In such cases social workers should contact police for a check of criminal records to be undertaken to **assist in the information gathering process**; * If the Children’s Services Manager is undecided as to whether the investigation should be joint or single, then they must **discuss the case** with the Sergeant responsible for the Child Abuse Investigation Unit (CAIU); * Similarly the Police are committed to **consulting with local Children’s Services Managers** before commencing a single agency (Police) investigation; and * Where the matter **cannot be resolved** at this level it should be referred to the local BCU Crime Manager and the relevant Children's Services Manager, respectively. | | | | **4.2** | **Joint Investigation**  The criterion for conducting a joint investigation of a referral of alleged/suspected child abuse is the likelihood that a criminal offence may have been committed (the likelihood of prosecution is not a factor).  Subject to the recommendations of a Strategy Discussion/Meeting, the following circumstances will normally result in a joint police/social work investigation:   * Allegations/reasonable suspicions that a criminal offence has been committed, i.e. a direct allegation made by a child, allegations which may constitute an offence within the Sexual Offences Act 2003; * Allegations/reasonable suspicions of serious physical injury. This includes violence to a child constituting an assault, actual or grievous bodily harm, bruising and soft tissue injuries to babies or very young children; * Allegations/reasonable suspicions of serious neglect which may be actionable under Section 1 of the Children and Young Person's Act 1933, including non-organic failure to thrive; * Abandonment of young or vulnerable children where the child is exposed to danger; * Allegations/suspicions which involve unusual or specific circumstances e.g. organised or institutional abuse, or medical conditions such as Fabricated or Induced Illness; * Where the alleged perpetrator (who is in a position of trust) has unsupervised access to the child, e.g. voluntary group leader or teacher; * Concerns of emotional harm e.g. serious domestic violence; and * Bullying that is leading to a risk of Significant Harm. | | | | **4.3** | **Single Agency Investigation (Children’s Services)**  The criterion for a single agency investigation by Children’s Services is where, based on available information, there is little or no likelihood of criminal proceedings arising out of the referral. However all single agency investigations should be discussed with the Police CAIU to confirm this status.  Factors involved in reaching this decision can be summarised as follows: | | | |  | i. | **Physical Abuse**   the decision must take into account the **context** in which the abuse or alleged abuse took place; the severity of any bruising or the visibility of any injuries etc. should not be the sole criteria.   The following factors should be taken into account when considering this decision:   * The age of a child; * Any history of injuries; * The gravity of the injury; * The intent of the assault rather than the outcome; * The impact upon the child/young person; * The parents' background; * How recently the latest incident occurred; and * What explanations were given.   As a general rule the following situations will result in investigations by Children’s Services only;   * There is no injury or the injury is of a minor nature; (What constitutes a "minor" injury is of course a matter of professional judgement and in most cases will be obvious. Cases of doubt or borderline cases should be discussed with Police and if necessary the Designated Doctor for child protection in the relevant area); * No previous history of child abuse allegations in respect of that child, his/her siblings, or the alleged perpetrator; * The explanation given by the child or his/her parents is consistent with the injury and acceptable; and * Information from other agencies which identifies no additional concerns regarding the child and family.   Clearly some of this information may not be available at the point of referral and it may be necessary for the Team Manager to authorise further enquiries (including if necessary interviewing the child and his/her parents) before deciding whether or not to treat the referral under child protection procedures. | | |  |  |  | **If unsure whether a single agency investigation is appropriate, the Team Manager must discuss the case with the Sergeant responsible for the Child Abuse Investigation Unit; and** | |  |  |  | If at any point during a Children’s Services’ investigation information is received or obtained that suggests a criminal offence has been committed then immediate contact must be made with the Police, and a Strategy Discussion (or Meeting as appropriate) arranged. | |  | ii. | **Sexual Abuse**   The following referrals will normally be a single agency investigation by Children’s Services **unless there are exceptional circumstances** which both Police and Children’s Services Managers agree merit a joint investigation:   * Indirect allegations (i.e. third party referrals where referrer has no personal or direct knowledge of the allegation); * Concerns raised by other professionals (based on observation but no direct allegation); * Sexualised behaviour between young children of a similar developmental stage. | | |  | iii. | **Neglect**   Referrals of alleged/suspected neglect will normally be single agency investigations by the Children’s Services in the following circumstances:   * Young children left alone or inappropriately supervised for short periods of time (however consideration should always be given to the specific circumstances and to the degree of risk of harm at which the child was placed); and * Generally poor parenting.   It is not the aim of either agency to criminalise inadequate parenting behaviour, and it would be a matter of professional judgement as to the point at which inadequate parenting becomes criminal neglect. As with much of this protocol, close liaison between both agencies over borderline/difficult cases will facilitate sound decision making. | | |  | iv. | **Emotional Abuse** Most referrals of emotional abuse will commence as single agency investigations by Children’s Services, although the police can become involved at a later stage if the investigation reveals sufficient evidence to suggest a criminal offence has occurred (e.g. in cases of fabricated or induced illness). | | |  | v. | A combination of above factors might persuade Police and Children’s Services Managers that a joint investigation is more appropriate than a single agency. | | | **4.4** | **Single Agency Investigations (Police)**  The following referrals will be single agency investigations undertaken by the Police:   * Adults making an allegation of abuse which occurred in childhood (N.B. if the abuser was a family member who still has contact with children then this will be referred to the Children’s Services for investigation of any possible child victim); * Where the alleged perpetrator is not a member of the child's household, family (including extended family), or social network, i.e. stranger abuse **UNLESS** a lack of adequate parental care is perceived to be a factor; * Where the victim is a young adult i.e. a person who has obtained the age of 17 unless there are other important factors (e.g. a young person with a learning disability).   Wherever the police conduct a single agency investigation, the investigating officers must be mindful of the **possible ongoing needs of the child and family**. A single agency investigation should not preclude the possibility of referral to Children’s Services at a later stage to assess need for other services. | | |   **5.** **Medical Examinations**   |  |  | | --- | --- | | 5.1 | In the context of a Child Protection Investigation, the purpose of a medical examination is:   * To ensure the child's condition is medically assessed and treatment given as appropriate; * To obtain an assessment about possible indications of abuse and neglect; * To ensure that any injuries or signs of neglect/abuse are noted for evidential purposes; * To reassure the child as to their physical well-being; * To secure forensic evidence (the need for this may affect the timing of the medical). | | 5.2 | Unless it is clear that the child's condition requires urgent medical attention then it will normally be **the responsibility of the strategy discussion/meeting to consider whether a medical examination would be desirable** for any of the above purposes. | | 5.3 | Worcestershire Safeguarding Children Board (WSCB) have laid down the following general principles in relation to medical examinations:   * In cases where the Strategy Discussion recommends a medical examination this should only be undertaken by a skilled and experienced specialist - either a Consultant Paediatrician or a Police Surgeon, and indeed it may be a requirement for them to work together in criminal cases; * For some children and young people it will be important for religious and cultural reasons that they are examined by a Doctor of the same gender, and arrangements are in place to facilitate this through the Acute Trust; * Medical examinations should never be conducted in a Police Station.  Arrangements should be in place in each area for examinations to be conducted in appropriate surroundings, which encourage communication. | | 5.4 | In addition the WSCB Guidance on obtaining the consent of the patient or his/her parents to any medical examination, and supporting the child before, during and after any examination, should be meticulously observed. | | 5.5 | While acknowledging the importance of considering joint Police Surgeon/Paediatrician examination of children, particularly in referrals of alleged/suspected child sexual abuse, it will remain the responsibility of the Police Surgeon to obtain and safeguard any forensic evidence, and to take any samples. | | 5.6 | The result of any examination undertaken by a Police Surgeon will, where appropriate, be shared with Children’s Services, for their possible use in civil proceedings, even where no criminal proceedings will be initiated. |   **6.** **Police Attendance at Child Protection Conferences/Strategy Discussions**   |  |  | | --- | --- | | 6.1 | In conducting Child Protection Investigations and in the on-going monitoring of individual children, a number of meetings of professionals are essential, primarily as a means of sharing information and planning how best to safeguard the child. | | 6.2 | Police attendance at many of these meetings will be essential, at others merely desirable and for some, where they have no information to share or no recent involvement with the child and his/her family, attendance would probably be an inappropriate use of their time. | | 6.3 | This section is intended to provide a framework within which the police will exercise their discretion about attendance at child protection meetings. As with other aspects of the child protection system, some decision will be border-line and these should be discussed and agreed between the relevant police officer and the child protection co-ordinator. | | 6.4 | In the spirit of "working together" however the police will continue to be invited automatically to all child protection meetings, but attendance will be at their discretion in line with this guidance. | | 6.5 | Police attendance is generally considered essential at the following meetings:   * Initial [Child Protection Conference](https://westmidlands.procedures.org.uk/ykpqs/statutory-child-protection-procedures/child-protection-conferences) (whether or not there has been a joint investigation); * Formal "face-to-face" strategy meetings (which normally are convened only in the more serious cases); * Child protection review conferences where there has been significant police involvement since the last conference or where the [Child Protection Plan](https://westmidlands.procedures.org.uk/ykpqt/statutory-child-protection-procedures/implementing-child-protection-plans) is not effectively safeguarding the child; * Child protection review conferences where de-registration of the child is being recommended; * Any strategy meeting or conference involving allegations against people who work with children; * Any strategy meeting or conference involving organised abuse; * Any strategy meeting involving induced or fabricated illness. | | 6.6 | Police attendance may not be necessary at the following meetings:   * Child protection review conferences. * [Core Group](https://westmidlands.procedures.org.uk/ykpqt/statutory-child-protection-procedures/implementing-child-protection-plans/#s574) meetings (unless exceptionally a police officer is a member of the core group); and * Any other planning meeting or case discussion, not covered by **6.5 above**. | | 6.7 | It is emphasised that these lists are not definitive and that **the final decision will rest with the police**, and be based upon the level of information (if any) the police have to share with the conference or meeting. | | 6.8 | In all cases where the police believe that their presence is not necessary they will notify the Administrative Assistant (Safeguarding & Quality Assurance Service) who is organising the Conference. | | 6.9 | *Whether the Police attend or not, any relevant information should be summarised in a written report for presentation to the Conference.* |   **7.****Achieving Best Evidence**   |  |  | | --- | --- | | 7.1 | Both West Mercia Constabulary and Children’s Services have detailed guidance on the preparation of video recorded interviews with victims of child abuse which should be consulted. | | 7.2 | Outlined here are the criteria for undertaking ABE interviews and the agreed principles that underpin decision making. | | 7.3 | The decision as to whether or not an ABE interview should be undertaken would normally be taken at a strategy discussion. | | 7.4 | While ultimately the video may, with appropriate permission, be used in a variety of settings (e.g. civil proceedings, therapeutic work, supervision etc.) the primary purpose of video recording an interview with a suspected victim of child abuse is to make a contemporaneous record of the child's statement in a way that will be acceptable to the court in criminal proceedings, and thus prevent the child having to present his/her "evidence in chief" in open court. | | 7.5 | The strategy discussion clearly has a difficult task in deciding whether or not to video record such an interview, as often there will be a lack of relevant information until after the interview has taken place. A significant level of responsibility is therefore placed upon the professional judgement of the police officers and social workers involved and the following factors should be taken into account:   * There should have been a clear verbal disclosure of abuse from the child which indicates that a criminal offence has been committed; or one child is implicated by another witness as a victim of such abuse; * Professional judgement must be applied to deciding whether the known facts indicate that this is the type of case where a prosecution is likely (e.g. paedophile activity, serious assault etc.) or one which is likely to be processed through the multi-disciplinary child protection system (e.g. child protection plan). Only those cases where a prosecution is likely or is a strong possibility should be video recorded; * The child must be within the statutory age range as laid down in the legislation and guidance; * While there is no minimum age laid down, any decision in respect of very young children should be taken; * A judgement must be made as to whether the child can give a good account of what has happened (particularly where language or disability is an issue) and stand up to cross examination, normally via video link; * The affect upon the child at being interviewed under these conditions (particularly if the alleged/suspected abuse involved videos or cameras must be considered); and * Video recorded interviews should not happen in the following circumstances:  |  | | --- | | * Where the child's statement is to be used solely for civil proceedings (unless instructed otherwise by the court); * For a very young child; * Where there are only indirect suspicions (e.g. sexualised behaviour); and * Where the employment of video equipment may be abusive. | | | 7.6 | Where a decision is made to video record an interview with the child, Police and Children’s Services are committed to careful planning of the interview by the relevant officers, such planning to include:   * Obtaining parental permission where appropriate; * An assessment of the child's general level of development; * Who is to be the appropriate adult; * His/her linguistic development; * Arrangements for the interview to take place in the child’s preferred language; * The need to consult with any specialist where there are concerns about the child’s mental health/emotional well-being; and * What equipment, if any, will be needed to facilitate the interview. | | 7.7 | Both the Police and Children’s Services are committed to ensuring high quality work in this most difficult area and to this end will seek to impose measures of quality control to internal procedures e.g. by arranging debriefing sessions with line managers soon after the interview and by selected monitoring of individual videos by senior managers/legal advisers/training officers. |   **8.** **Information Sharing**  *“The police hold important information about children who may be at risk of harm as well as those who cause such harm. They are committed to sharing information and intelligence with other organisations where this is necessary to protect children. This includes a responsibility to ensure those officers representing the Force at a child protection conference are fully informed about the case as well as being experienced in risk assessment and the decision-making process. Similarly, they can expect other organisations to share with them information and intelligence they hold to enable the police to carry out their duties”.*   |  |  | | --- | --- | | 8.1 | In addition to the above Children’s Services are committed to discussing with the Police any case referred to them which constitutes, or may constitute, a criminal offence against a child. | | 8.2 | The sharing of information in cases of concern about children’s welfare will enable professionals to consider jointly how to proceed in the best interests of the child and to safeguard children more generally, but it must be carried out within the legal parameters laid down. | | 8.3 | Professionals may lawfully share information about a child or young person where:   * The child/young person gives informed consent; or * If there is ‘public interest of sufficient force’. | | 8.4 | This must be judged by the professional on the facts of each case, but where there is clear risk of [Significant Harm](https://westmidlands.procedures.org.uk/page/glossary?term=Significant+harm&g=3YjN#gl1) to a child the public interest test will almost certainly be satisfied. | | 8.5 | The child’s best interests must be the overriding consideration in making any such decision. | | 8.6 | Any decision whether or not to share information in such circumstances must be properly documented – a competent audit trail is essential. | | 8.7 | All decisions in this area need to be made by, or with the advice of, people with suitable competence in child protection work and legal advice should always be sought in complex cases. | | 8.8 | Detailed policy/practice on information sharing is available in the cross-Government guidance [**Information sharing: advice for practitioners providing safeguarding services (March 2015)**](https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice). | |