

POLICE AND SOCIAL CARE JOINT WORKING PROTOCOL

TEES LOCAL AUTHORITIES AND CLEVELAND POLICE

1. Introduction

This protocol has been developed to promote good practice and improve joint working between the Police and Children's Social Care where it is believed a child/ren may be at risk of significant harm.

Aims of the joint protocol:

- 1) To conduct timely and effective child protection investigations
- 2) To promote positive relationships between the Police and Social Care
- 3) To ensure consistency in practice
- 4) To implement the Achieving Best Evidence Guidance
- 5) To make the best use of the skills of both Social Workers and Police Officers

2. Strategy discussion

Wherever there is reasonable cause to suspect a child is suffering or is likely to suffer significant harm there should be a strategy discussion including social care, the police, health, education, the referring agency and any other professional as appropriate. A strategy meeting can take place following a referral or at any other time including during an assessment or on an open case. The timing of the Strategy Meeting needs to take into account the level of perceived or actual risks being posed to the child and is a decision for Children's Social Care. Professional discretion needs to be used when determining how quickly a Strategy Meeting is held but in most circumstances it will be within 24 hours of the decision to hold it. In an emergency situation, it may be necessary for Children's Social Care and Police to hold a telephone strategy to determine the immediate safeguarding response. In some circumstances, such as when planning with an Unborn Baby, all professionals should be aware that a Strategy Meeting will be held at a particular point in the pregnancy and much more than 24 hours' notice of the meeting should be given.

The discussion should be convened and chaired by a designated officer from the local authority who should be a registered social worker and should:

- Consider the child's welfare and safety, sharing multi agency information and identify the level of risk faced by the child and impact of concerns;
- Decide what information should be shared with the child and family (on the basis that information is not shared if this may jeopardise a police investigation or place the child at risk of significant harm);
- Considers what further information is needed if an assessment is already underway and how it will be obtained and recorded;
- Decide whether enquiries under section 47 of the Children Act 1989 will be undertaken and whether these are joint or single agency;
- Agree what immediate and short term action is required to support the child, and who will do what by when including preliminary planning of any joint investigation
- Consider whether legal action is required;
- Agree whether a medical should be undertaken and how this will be achieved e.g. who will take the child, what level of supervision is needed, do Police need to be present

- Consider the needs of other children who may be affected – e.g. siblings or other children associated with an alleged perpetrator;
- Consider the race and ethnicity of the child and family and consider how this should be taken into account and establish if an interpreter is required;
- Consider if there is insufficient information shared to decide whether a section 47 enquiry should be started or not, decide what action needs to happen to make this decision and arrange for a reconvened strategy meeting to take place;
- Be recorded in line with procedures and be placed on the child's record.

Police should:

- Be involved in the strategy meeting/discussion ensuring that the representative is able to contribute to the planning of any subsequent Section 47 joint enquiry;
- Discuss the basis for any criminal investigation and any relevant processes that other organisations and agencies might need to know about, including the timing and methods of evidence gathering; and
- Lead the criminal investigation (local authority children's social care have the lead for the section 47 enquires and assessment of the child's welfare) where joint enquiries take place.
- Receive details in relation to the reason for the strategy being held.

3. The criteria for Section 47 Enquiries

Where the following circumstances apply, initiating a Section 47 Enquiry should be given serious consideration:

- Physical harm to a child through a deliberate act, neglect or domestic violence;
- Any bruising, however minor, to a non-mobile baby or non-mobile child;
- Allegation/suspicion of sexual abuse or of a child being groomed for sexual purposes;
- Risk of Female Genital Mutilation or suspicion that Female Genital Mutilation may have taken place;
- Significant developmental delay due to neglect/poor parenting;
- Significant emotional/psychological problems due to neglect/poor parenting;
- Persistent emotional ill treatment of a child;
- Very poor home conditions/physical care due to lack of parental care e.g. no food, warmth, bedding, appropriate clothing, hygiene, stimulation;
- If there is neglect and the standards of living for adults are markedly better than for the child;
- Lack of medical/dental care endangering/impairing a child's life;
- Forced Marriage;
- Risk of or actual Child Sexual Exploitation;
- Concerning missing from home episodes which are believed to be placing the child at risk of significant harm
- Incident involving the discharge of a firearm;
- Risk of Child Criminal Exploitation;
- Radicalisation;
- The child is a victim of modern day slavery or human trafficking.

However, this is not an exhaustive list. Each individual Enquiry should take into account professional judgement, risk assessment and presenting circumstances.

4. Section 47 enquiries

Where there is reasonable cause to suspect that a child is suffering or likely to suffer significant harm, the local authority is required under Section 47 of the Children Act 1989 to make enquiries to decide whether it should take any action to safeguard and promote the welfare of the child.

The Police's responsibilities include undertaking criminal investigations of suspected or actual crime and also, to protect life and limb. Where both Children's Social Care and the police have responsibilities with respect to the child, they must coordinate to ensure the parallel process of a Section 47 enquiry and a criminal investigation is undertaken in the best interests of the child, to ensure the best outcomes for children and young people.

Local Authority Social Workers should lead assessments under Section 47 of the Children Act 1989. The Children Act 1989 places a statutory duty on police, health practitioners, teachers and school staff and other relevant practitioners to help the local authority in undertaking its enquiries.

Social Workers with their managers should:

- should lead the assessment in accordance with the statutory guidance 'Working Together to Safeguard Children 2018'
- should carry out enquiries in a way that minimises distress for the child and family
- should see the child (unless the child is unborn) who is the subject of concern, on their own wherever appropriate, to ascertain their wishes and feelings; assess their understanding of their situation; assess their relationships and circumstances more broadly
- should engage with parents and / or care givers and determine the wider social and environmental factors that might impact on them and their child
- should systematically gather information about the child's and family's history
- should feedback regularly on the progress of the s47 enquiry to all involved professionals
- should analyse the information gathered during the assessment period and decide with other relevant professionals what interventions are likely to be most effective to meet the child's needs and reduce the risk of harm faced by the child
- should engage with all relevant professionals to enable a comprehensive assessment
- should follow the guidance set out in Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses and guidance on using special measures where a decision has been made to undertake a joint interview of the child as part of any criminal investigation.
- Consider and analyse any contextual safeguarding issues in order to support intelligence gathering to better understand the risk to children outside of their families.

Police should:

- should help other agencies understand the reasons for concerns about a child's safety and welfare
- should decide whether or not police investigations reveal grounds for instigating criminal proceedings
- should make available to other professionals any evidence gathered to inform discussions about the child's welfare and
- should follow the guidance set out in Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses and guidance on using special

measures where a decision has been made to undertake a joint interview of the child as part of the criminal investigations

- should keep the social worker updated regularly on the progress of any criminal investigation which impacts on the safety and welfare of any children subject to the section 47 enquiry
- should give a clear rationale if no further action is being taken
- should work with the social worker to understand contextual safeguarding issues and maintain a focus on disruption of perpetrators.

Police and Social Care should jointly:

- Plan any joint S47 investigation together and consider plans to interview victims and witnesses and whether there should be any special measures, where a decision has been made to undertake an interview of the child as part of the investigation.

5. Planning

At a minimum, the team should consist of a Police Officer and Social Worker who has knowledge about the child/ren. The Police will always lead the criminal investigation.

When planning this, there should be discussion regarding any difficulties that the child may have with communication or learning needs and how best to support the child due to these, prior to any investigation taking place. The Strategy Discussion will contribute to discussions regarding the most appropriate way to communicate with the child. The Police will make decisions in relation to the use of specialist professional help, such as intermediaries, based upon the circumstances, age of the child and their needs.

The ABE interview should be conducted as soon as is practical following the strategy discussion, based upon the circumstances of the case. Where there is a delay in the ABE taking place the rationale for the delay should clearly be recorded on the Child's record and the police recording system (See Achieving Best Evidence in Criminal Proceedings planning and preparation).

6. Seeing the child

Section 47 enquiries should always involve ascertaining the views and lived experiences of the child who is the subject of a concern. The child should be seen by the lead social worker and communicated with alone when appropriate. Except in exceptional circumstances as described below, if the child's parent or other person with parental responsibility does not consent to the child being seen alone, this consent can only be overridden by the young person themselves (if they are deemed to be competent to give their own consent) or by the Police who may agree for the social worker to be present during any discussions.

Children are sometimes the source of information about what has happened to them. Accurate and complete information is essential for taking action to safeguard and promote the welfare of the child, as well as for any criminal proceedings that may be instigated concerning an alleged perpetrator of abuse. When children are first approached, the nature and extent of any harm suffered by them may not be clear nor whether a criminal offence has been committed. *It is crucial that even initial discussions with children are conducted in a way that minimises any distress caused to them and maximises the likelihood that they will provide accurate and complete information.* Leading or suggestive communication should always be avoided. Children may need time and more than one opportunity to develop sufficient trust to communicate any concerns they may have.

Exceptionally, a joint enquiry/investigation team may need to speak to a suspected child victim without the knowledge of the parent of caregiver. The kinds of circumstances that may require such an interview with the child would include:

- The possibility that the child would be threatened or otherwise coerced into silence;
- A strong likelihood that important evidence would be destroyed;
- Forced marriage concerns;
- When the child did not wish the parent(s) to be involved at that stage, and is assessed by Children's Social Care as being competent to take that decision under Gillick competency guidelines. These discussions should always be recorded in the strategy meeting / discussion document;

It is important that a decision not to inform the parents is decided at a strategy discussion and that the reasons for it are carefully recorded by the chair.

7. Video – recorded interviews with children under ‘achieving best evidence’ (ABE)

Any video – recorded interview serves two primary purposes:

- Evidence gathered for use in the investigation and in criminal proceedings; and,
- The evidence in chief of the witness.

In addition any relevant information gained during the interview can also be used to inform enquires regarding significant harm (Section 47) and any subsequent action to safeguard and promote the child's welfare including civil proceedings.

8. Medical examination

Consideration should always be given to the need for a medical assessment of each child about whom there are concerns. If the referral concerns physical injury or severe neglect a medical assessment of all the children in the household should be considered. Any medical examination must be conducted by a Paediatrician

9. Joint working and on-going Investigations

When a joint Police and Social Work section 47 enquiry is being carried out, parents may need to be interviewed by the Police as part of their enquiries. When parents need to be interviewed, the Police will endeavour to conduct the interviews as quickly as possible, bearing in mind there may be safeguarding implications for the child and that families might be separated while the Police enquiries are ongoing. Wherever practical, the Police will endeavour to complete this within the 15 working day timescale for the Section 47 enquiry.

In complex cases or where the Police need to gather additional evidence prior to interviewing the parents, the Police might not be able to give clear timescales for the interview to take place. Where there is a delay, the Police and Social Care will need to communicate regularly and agree on safeguarding arrangements for the child.

Police officers and Social Workers working together in respect of Section 47 Investigations should ensure that communication is maintained by both agencies in respect of any new information that they are in receipt of that may:

- Impact on the child or family's safety either in terms of creating additional risk or adding further protective factors;
- Contain new evidence relevant to the investigation of the crime.

Police should always update Social Care when there has been a significant event in the investigation such as arrest, charge, finding of guilt or sentence made in respect of the suspect. The suspect's bail conditions should also be shared with Children's Social Care and any changes to bail should be discussed before bail consideration and change. Similarly if a decision is made to take no further action in respect of a case this should always be communicated to Children's Social Care immediately.

Social Care should always advise the police officer in the case the outcome of an assessment. Reports commissioned by the Family Court (such as psychological reports) may also be important to progression of a criminal case and may need to be made available to the Crown Prosecution Service when an investigation is on-going. Social Workers should always advise the police officer in the case if any such reports are commissioned. There is an agreed process for the disclosure of Family Court reports and the Police will need to liaise with the Local Authority's legal department.

Police officers in charge of a case and the allocated Social Worker should ensure that any communication regarding the above is recorded on respective case management systems.

10. The use of emergency powers

The police have powers under Section 46 of the children Act 1989 to protect children judged to be at risk of immediate significant harm and to remove children to a place of safety. This is called taking a child into 'Police Protection'.

In an emergency situation legislation allows any Police Constable to make the decision to remove a child to a place of safety under the powers granted by Section 46 of the Children Act. The Constable effectively places the child in 'police protection' when making this decision. The duty Inspector must always be advised in these cases and should consideration be given to the child remaining in 'Police Protection' consultation should take place with Social Care in order to discuss the best safeguarding options in respect of the child. Further explanation in respect of the application of police powers under the Children Act can be found in Home Office Circular 17/2008 and this section should be read in consultation with that document. The document is available via the PNLD (Police National Legal Database) portal on the Police Intranet.

Social Care have the power under Section 44 of the Children Act 1989 to apply to Court for an Emergency Protection Order (EPO) when there is evidence that a child is in "imminent" danger and the order is necessary and appropriate to the level of risk to the child. The Children Act only facilitates the making of any order via an application to a court.

Social care should always consider the use of an EPO if a child is found at risk of imminent harm. Social Care should only request the Police to take a child into 'Police Protection' during office hours when it is felt that any delay in removal would place the children at further risk of harm. If Social Care feel immediate removal of a child is necessary to ensure the child is safeguarded outside of office hours they should always contact the duty Police Inspector to discuss the use of police emergency powers. It is the Social Worker's responsibility to identify the place of safety.

11. Joint Visits (See section 11)

There will be occasions when it is appropriate to conduct a joint visit with Social Care and the Police both during a Section 47 enquiry and on an open case. Each situation must be considered on a case by case basis and there must be agreement between the police and social care that a joint visit is necessary in order to achieve one or more of the following objectives:

- To safeguard the child/ren and adults.
- To be certain if a criminal offence has been committed.
- To provide evidence that a child's needs have been neglected.
- In order to assess and record any physical evidence of physical or sexual assault against a child.
- In order to help children and families understand the risk posed by criminality or threat that may emanate from outside the home e.g. guns and gangs or organised crime based threats, Child Sexual Exploitation, Criminal Exploitation, radicalisation etc.
- In order to prevent assault to Social Care and a breach of the peace.
- Generally, if Police or Social Care feels that joint engagement of a family or children will make a significant contribution to achieving effective safeguarding, investigation or assessment a joint visit should be carried out.

12. Escalation

The Tees Challenge, escalation and dispute resolution policy applies to any disagreement arising from interpretation of or adherence to this protocol. In the first instance the policy encourages practitioners to resolve issues between themselves (particularly if a matter is urgent) moving on to discussions between first-line managers if the issue remains unresolved. The needs of the child should remain paramount throughout any discussions held and subsequent decisions made. A full copy of the policy can be found on the Tees Procedures website.

13. Review Date

This protocol will be reviewed in September 2020 unless there is a need to do so sooner, i.e. change in Working Together to Safeguard Children or legislation.