

Children's Services & Safeguarding Directorate (CS&SD) and Child Abuse Investigation Team Joint Protocol

Introduction

Child protection work offers many challenges. Guidelines and practice are continually developing as new research is published and the Government sets new targets.

Children's Services & Safeguarding Directorate (CS&SD) and the Child Abuse Investigation Team (CAIT) are two of the primary agencies involved in the investigation of child abuse and protection of children. This protocol sets out how CS&SD and the CAIT in Kingston will work together following an allegation or suspicion of child abuse or neglect by a family member.

Stranger abuse will continue to be dealt with by uniformed police although CS&SD will undertake an initial assessment if the child is referred, to consider whether any services should be provided.

This protocol must be read in conjunction with the London Child Protection Procedures (2003). It is designed to underpin the principles of 'Working Together to Safeguard Children' (2006) and 'What to do if you are Worried a Child is being Abused' (2003).

The Local Authority has a statutory responsibility to make enquiries under Section 47 Children Act 1989 into any allegation or suspicion of child abuse or neglect by a family member to determine whether the child has, or is likely to suffer 'significant harm'. The Local Authority also has a duty under Section 17 Children Act 1989 to safeguard and promote the welfare of a 'child in need'.

The Police have a responsibility to investigate allegations of offences against a child.

Key Principles Underpinning this Protocol

- All investigations must primarily address the child's needs and the child's welfare is always paramount.
- All joint work between CS&SD and the CAIT is conducted under Section 47 Children Act 1989.
- All investigations and enquiries must be carefully planned and 'Working Together' strictly adhered to.
- All consultations, discussions and meetings between the agencies involved must be minuted on the Child Protection Forms, CP Form 1 and CP Form 2 and copies retained by CAIT and CS&SD.
- Any child subject of an investigation into alleged abuse or neglect must be listened to with an open mind and without pre-judgement as to whether the abuse has occurred.
- The investigative process must minimise any distress to the child.

- The criteria for a joint investigation is that the Local Authority has reasonable cause to suspect that a child is suffering or is likely to suffer significant harm. Likelihood of a successful prosecution of a criminal offence is not the criteria.
- The primary purpose of a joint investigation is to establish what has happened, what risks exist, whether the child is at risk of actual or likely significant harm, whether the child requires family support and whether there is any evidence of a criminal offence.
- The CAIT decision whether or not to investigate is independent of other agencies.
- The Detective Inspector is responsible for overseeing the management of all criminal investigations.
- CS&SD Team Manager is responsible for ensuring the child's safety and protection and that service input meets the assessed need.
- Any dissent between CS&SD and CAIT will be resolved with discussion between the Detective Inspector and the Lead Strategic Manager for Children's Services and Safeguarding.

Initial CAIT and CS&SD Consultation

- CS&SD and the CAIT are required to inform each other of all allegations of suspected or actual child abuse or neglect at the earliest opportunity. This initial consultation takes place under Section 47 Children Act 1989 and must be recorded on CP Form 1.
- All these allegations must be considered by the receiving agency and an assessment made as to whether the child has suffered, or is at risk of suffering significant harm.
- If it is assessed that there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, a strategy discussion will take place.
- The CAIT Referral Manager will decide on the level of police involvement. If the Referral Manager decides that information received amounts to a crime or suspicion of crime then he/she must participate in the strategy discussion.
- The proposed action arising from an initial CS&SD and CAIT consultation will be one of the following: (See CP Form 1)
 - 1) To hold a strategy discussion:
 - a) With the CAIT
 - b) Without the CAITDate and time of strategy discussion to be recorded
 - 2) Section 17 Assessment
 - 3) Further action by Police only
 - 4) Close

Strategy Discussion

The discussion as detailed in Working Together should be used to:

- 1) Share available information
 - 2) Agree the conduct and timing of any criminal investigation.
 - 3) Decide whether a core assessment under S47 Children Act 1989 (S47 enquiries) should be initiated, or continued if it has already begun.
 - 4) Plan how the S47 enquiry should be undertaken, including the need for medical treatment and who will carry out what actions, by when and for what purpose.
 - 5) Agree what action is required immediately to safeguard and promote the welfare of the child, and/or provide interim services and support. If the child is in hospital, decisions should also be made about how to secure the safe discharge of the child.
 - 6) Determine what information from the strategy discussion will be shared with the family, unless such information sharing may place a child at increased risk of significant harm or jeopardise police investigations into any alleged offence(s).
 - 7) Determine if legal action is required.
- The SSD takes the lead in arranging the strategy discussion and circulating the minutes and actions.
 - A strategy discussion may take place at a meeting or by other means (e.g. by telephone).
 - In the course of an investigation it maybe necessary to hold more than one strategy discussion.
 - An initial child protection conference can only be held as a result of a decision taken at a strategy discussion as part of the Section 47 enquiry.
 - All strategy discussions must be recorded on CP Form 2. This form ensures that the two issues of whether the child should be subject of a medical or 'Achieving Best Evidence' video interview, are always considered.
 - CAIT officers attending strategy meetings must complete the MPS form 3452 or 87 during the meeting. Any subsequent discrepancies between CP Form 2 and form 3452 or 87 must be identified and corrected at the earliest opportunity.

The Decision to conduct a Police Investigation

Although strategy discussions may assist the police, the final police decision whether or not to investigate is independent of other agencies. The CAIT referral manager must consider the following criteria when making their decision whether or not to investigate a crime. This list is not exhaustive and other factors may equally apply.

- The facts are clear and undisputed
- An exchange of information has taken place
- A strategy discussion / meeting has taken place

- Whether, and to what extent the child and / or family have come to notice before
- The crime alleged is minor (not assumed) in that consequences to a child are not a cause for objective concern for the child's longer term well being
- The crime is not a sexual crime
- Where the crime is an assault, it is not of a nature that did nor might have resulted in serious consequences for the well being of the child or other children (in cases of uncertainty, or where there is difficulty in interpreting the nature of an assault, the child should be examined by a doctor who can confirm whether or not the assault is of a minor nature before making a final decision)
- The crime is not an allegation of cruelty / neglect by commission or omission which could have serious consequences for the welfare of the child or other children
- No implement, weapon, noxious or hazardous substance is involved
- Where there is general agreement at a strategy discussion or meeting that police involvement will be disproportionate, contrary to the best interest of the child(ren) and other agencies agree to take responsibility for their welfare needs
- The cultural diversity of the family should be taken in to account for minor offences when considering support / education
- A person deemed to be a risk to children (formerly known a 'schedule 1 offender') does not reside or frequent the family.

Mandatory Investigations

The following cases will always warrant a police investigation irrespective of the views held by other agencies:

- All sexual assaults
- Physical abuse amounting to offences of at least S47 Offences against the Person Act 1861 (ABH and more serious)
- Serious Neglect / Cruelty offences.

Where CAIT Referral Managers decide that police have a role to investigate actual or suspected allegations of crime they will allocate the case to an investigative team for further action. Any officer allocated that crime will then take full responsibility for the criminal investigation.

Achieving Best Evidence (ABE)

- A video interview of a child is undertaken when there is a reason to believe that a criminal offence has been committed and there is a likelihood of a criminal prosecution. In accordance with the Criminal Justice Act 1991, Part II of the Youth Justice and Criminal Evidence Act 1999 and Achieving Best Evidence in Criminal Proceedings Guidance, 2000.
- The initial planning for the ABE interview will occur at the strategy meeting that agrees the interview.
- Prior to any ABE interview, the CAIT and CS&SD will meet to plan the interview. This will include how and who will debrief the child and parent. The CAIT will ensure that a written record of this meeting is made.

- ABE interviews will take place at either:
 - 1) Beaconsfield Children's Resource Centre,
17, Beaconsfield Road, New Malden Surrey, KT3 3HY.
Tel: 020 8547 6587.
 - 2) 5, Radbourne Road, Balham, London, SW12.
Tel 020 8247 7843.

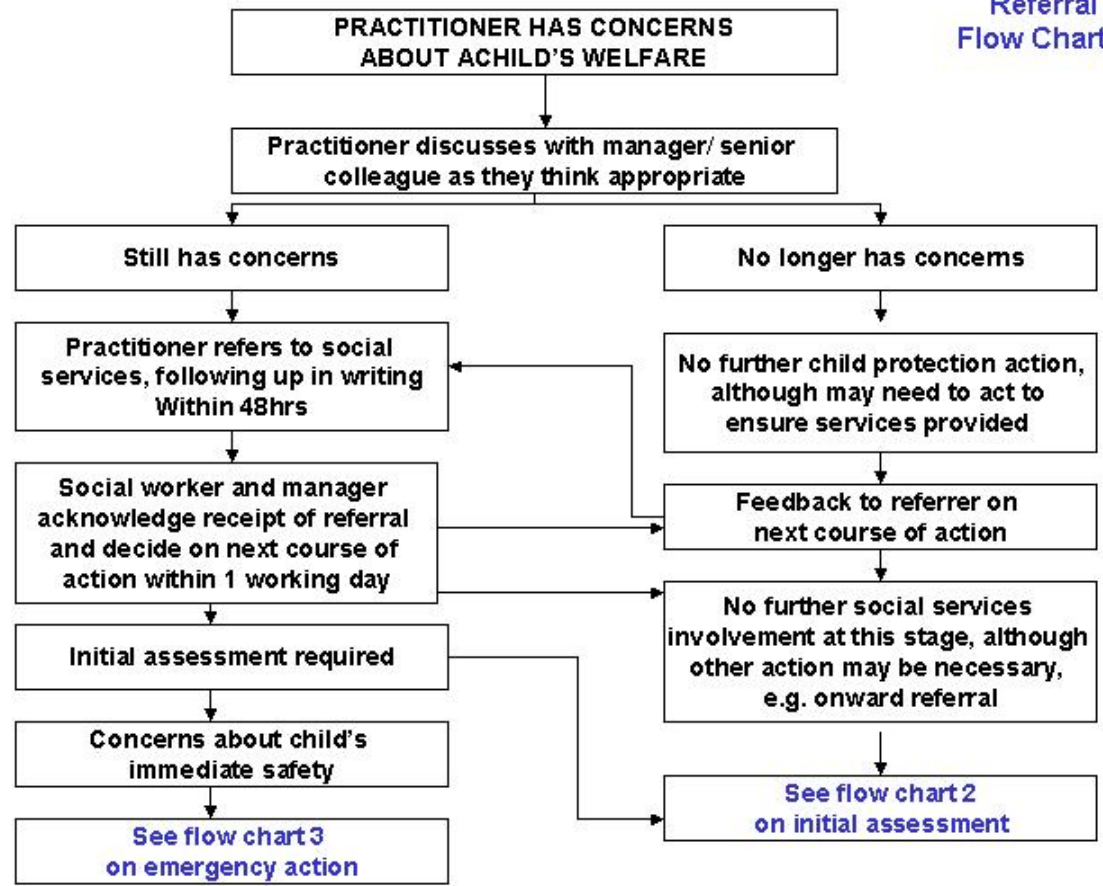
Video suites can be booked directly with the Centre reception. ABE video interviews take priority over any other booking.

Post ABE Interview

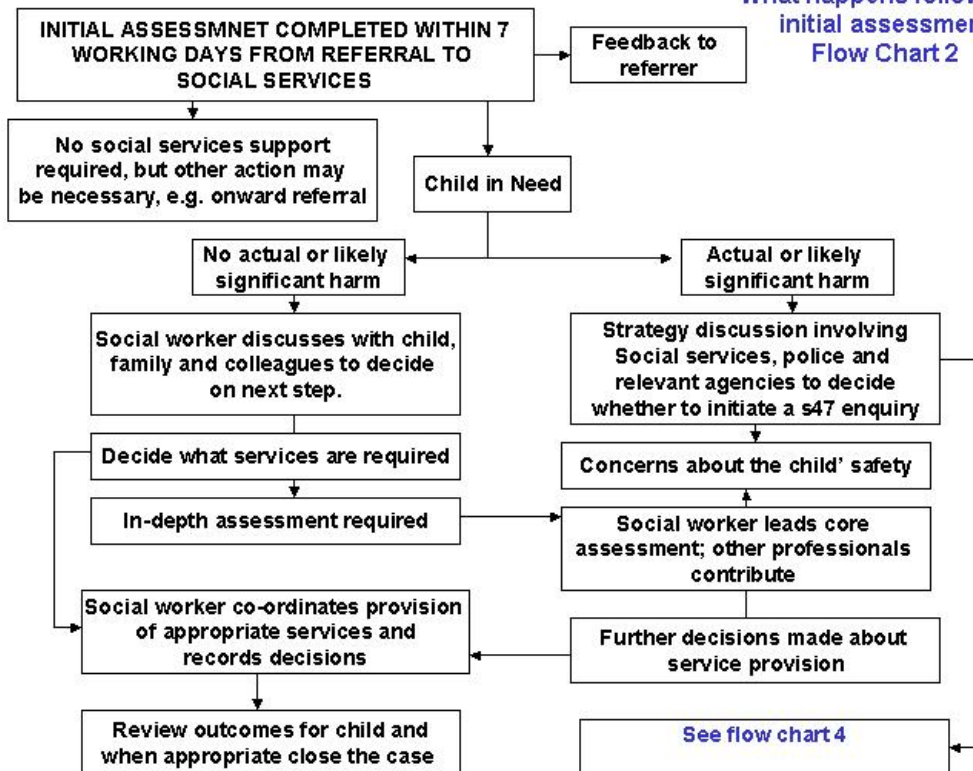
- The CAIT and CS&SD will agree what further action is needed and ensure that this is recorded on the child's files.
- If it is decided that post trauma therapeutic services are needed for a child who is believed to have been the victim of an offence and criminal court proceedings are outstanding, the Crown Prosecution Service should be informed first.
- All ABE video tapes will be treated as exhibits and maintained by the CAIT for this purpose. The supply, handling, storage and copying of the tapes is the responsibility of the CAIT.
- Access to the tapes must be by formal request to the CAIT.

Flow Charts from What to Do If you're Worried A Child is Being Abused, 2003

Referral
Flow Chart 1



What happens following
initial assessment
Flow Chart 2



**Urgent Action to Safeguard Children
Flow Chart 3**

