

**LONDON BOROUGH OF KINGSTON**

**DEPARTMENT OF CHILDREN'S SERVICES**

**Joint Working Protocol Between  
Children's Social Care Services and the  
Child Abuse Investigation Team (CAIT)**

*Kingston*  
**Children & Young People's Trust**  
*Making a Difference Together*



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## 1 INTRODUCTION

1.1 Section 11 of the Children Act 2004 requires every Local Authority Children's Social Care Service (CSCS) and partner agencies to make arrangements to ensure they 'safeguard and promote the welfare of children' and that named agencies have a 'duty to co-operate'. Police authorities and the Chief Officer of Police for the relevant police area are named partners of the Children's Service under the terms of the Act.

1.2 This Protocol has been implemented in accordance with 'Working Together to Safeguard Children 2006':

*"Each LSCB should have in place a protocol for LA children's social care and the police, to guide both agencies in deciding how s47 enquiries and associated police investigations should be conducted jointly and, in particular, in what circumstances s47 enquiries and linked criminal investigations are necessary and/or appropriate. When joint enquiries take place, the police have the lead for the criminal investigation and LA children's social care has the lead for the s47 enquiries and the child's welfare."*  
[Paragraph 5.59, DfES 2006]

1.3 Recommendation 12 of the Bichard report directly affects local arrangements between Police and CSCS as it recommends the development of a protocol of early notification to the police of crimes committed/suspected to have been committed against a child. This protocol is designed to address the requirement of this recommendation of the Bichard report.

1.4 This Protocol is consistent with the London Child Protection Procedures 2007 (and this year's subsequent revision) and Working Together to Safeguard Children (DfES 2006).

## 2 PRINCIPLES OF THE PROTOCOL

2.1 The following principles should apply to all Child Protection investigations:

- All investigations must primarily focus on the child and the child's safety and welfare are always paramount;
- All investigations and enquiries must be carefully planned using the instructions and guidance as outlined in the 'London Child Protection Procedures' and in compliance with 'Working Together to Safeguard Children' Chapter 5;
- The purpose of any joint investigation between the Police (CAIT) and CSCS is to establish the facts of the incident involving the child, analyse the risks that exist, establish whether the child is at risk of actual or likely significant harm, what services the child requires to be safe and whether there is any evidence of a criminal offence;
- All consultations, discussions and meetings between the agencies involved must be recorded and shared between the agencies, using the relevant formats. .
- The Detective Inspector is responsible for overseeing the management of all criminal investigations;
- The CSCS relevant Team Manager is responsible for ensuring the child's safety and protection and that service input meets the assessed need;

- The decision on how to proceed following a S.47 enquiry is the responsibility of the Team Manager in CSCS and should be made after discussion with all those who have conducted or been significantly involved in the enquiries. The CSCS Team Manager is required to ensure that consultation, when appropriate, is undertaken with the Child Protection Service Manager. The decision for an initial child protection conference is made by the Safeguarding Team Manager in consultation with the Child Protection Service Manager and agreed by the Strategic Safeguarding Manager.

Working Together 2006 gives a guideline on the timing of initial conferences:

*“The timing of an initial conference depends on the urgency of the case and on the time required to obtain relevant information about the child and family. If the conference is to reach well-informed decisions based on evidence, it should take place following adequate preparation and assessment of the child’s needs and circumstances. At the same time, cases where children are at risk of significant harm should not be allowed to drift. Consequently, all initial child protection conferences should take place within 15 working days of the strategy discussion, or the last strategy discussion if more than one has been held.” [Paragraph 5.81, Working Together to Safeguard Children, DfES 2006]*

- Any professional differences of view between the staff of CSCS and CAIT should be resolved in the first instance between the Team Manager and the Detective Sergeant. If necessary, a final discussion between the Detective Inspector and either the Strategic Safeguarding Manager

**2.2** Flowcharts setting out the referral and subsequent investigation processes from Working Together 2006 Chapter 5 are attached at Appendix 1.

### **3 CAIT AND CSCS CONSULTATION AND STRATEGY DISCUSSION**

**3.1** Upon receipt of a referral that indicates that a child is at risk of significant harm and meets the threshold for Section 47, CSCS are required to inform CAIT of all allegations of suspected or actual child abuse or neglect at the earliest opportunity. This referral between agencies take place under Section 47 Children Act 1989. CSCS will inform CAIT using the Form 87A . Where CAIT or the Police Public Protection Desk receives a referral of a child at risk of significant harm, they will inform CSCS using the standard Merlin form.

**3.2** All allegations must be considered by the receiving agency and a decision made as to whether the child has suffered, or is at risk of suffering significant harm.

**3.3** If there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, a strategy discussion must take place. A strategy discussion will preferably take place at the time of the referral by telephone and a meeting will be called if necessary. However the London Child Protection Procedures 2007 state that strategy meetings should be held within 3 working days or 1 working day, depending on severity and complexity.

**3.4** As outlined in Section 7.5.2 of the London Child Protection Procedures, the strategy discussion should be used to:

- Share available information;
- Agree the conduct and timing of any criminal investigation;
- Decide whether a core assessment under s47 of the *Children Act 1989* (s47 enquiries) should be initiated, or continued if it has already begun;

- Plan how the s47 enquiry should be undertaken (if one is to be initiated), including the need for medical treatment, and who will carry out what actions, by when and for what purpose;

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;

- Determine what information from the strategy meeting / 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;
- Determine if legal action is required.

Relevant Matters to include in the strategy discussion as outlined in Section 7.5.3 the London Child Protection Procedures 2007 are:

- Agreeing a plan for how the core assessment under s47 of the *Children Act 1989* will be carried out – what further information is required about the child/ren and family and how it should be obtained and recorded;
- Agreeing who should be interviewed, by whom, for what purpose and when. The way in which interviews are conducted can play a significant part in minimising any distress caused to children, and in increasing the likelihood of maintaining constructive working relationships with families when a criminal offence may have been committed against a child, the timing and handling of interviews with victims, their families and witnesses can have important implications for the collection and preservation of evidence;
- Agreeing, in particular, how the child's wishes and feelings will be ascertained so that they can be taken into account when making decisions under s47 of the *Children Act 1989* in the light of the race and ethnicity of the child and family, considering how this should be taken into account, and establishing whether an interpreter is required;
- Considering the needs of other children who may be affected (e.g. siblings and other children, such as those living in the same establishment, in contact with alleged abusers).

**3.5** The agreed action from a strategy discussion will be one of the following:

- a) A joint Section 47 investigation and criminal investigation by CSCS and CAIT, which may lead to an initial child protection conference and will lead to a Core Assessment.
- b) A single agency Section 47 investigation by CSC which may lead to an initial child protection conference.
- c) Section 17 Assessment by CSS action only
- d) Further action by Police only
- e) No further action by CSS or CAIT.

**3.6** In addition, the following points should be noted:

- The CSCS takes the lead in arranging the strategy discussion/meeting and

the Team Manager/ Practice Adviser chairs the meeting and records the decisions and agreed actions on the Integrated Children's System;

- Strategy discussions by telephone will usually be adequate to plan an enquiry, but face-to-face meetings are likely to be more effective in complex types of maltreatment or neglect.
- **Strategy Meetings should be held where:**
  - There is an allegation that a child has abused another child (note that following the principles of best practice separate strategy discussions should be convened regarding the victim and the abuser).
  - There are ongoing, cumulative concerns about the child's welfare and a need to share concerns and agree a course of action.
  - There are concerns about the future risk to an unborn child.
  - Direct communication between more than two agencies is required for meaningful discussion.
- CAIT officers attending strategy meetings must complete the MPS form 3452 or 87 during the meeting. Any subsequent discrepancies between CSCS records and form 3452 or 87 must be identified and corrected at the earliest opportunity.

**3.7** When a referral is received for a child at risk of significant harm by the Emergency Duty Team (EDT), (out of office hours), the team are to take details of the situation and liaise with the Specialist Crime Directorate (SCD) 5 Reserve directly at Vauxhall 0207 230 8666.?? DOES THIS HAPPEN?? If the caller indicates that the child requires immediate assistance, the local police are contacted. It is however recognised that the police receive the majority of calls regarding child/children at risk during the out of office hour's period. The police then contact EDT to plan the next stage of intervention. The EDT officer is required to alert the duty service or allocated social worker on the next working day to follow up on any action and record their intervention on ICS. If a disagreement arises between the EDT Social Worker and the police about what action is required, the EDT social worker or manager should always refer to the Senior Officer SCD5 Reserve.

**3.8** Allegations against staff and volunteers, or anyone professionally involved with the child are managed through a different set of procedures, and the allegations meetings are co-ordinated by the Local Authority's Designated Officer.

## **4 THE DECISION TO CONDUCT A POLICE INVESTIGATION**

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

- Whether the facts are clear and undisputed;
- Whether an exchange of information has taken place;
- Whether a strategy discussion / meeting has taken place;
- Whether, and to what extent the child and / or family have come to notice before;

- Whether 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;
- Whether or not the crime is a sexual crime;
- The severity of any alleged assault (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);
- Whether the crime is an allegation of cruelty / neglect by commission or omission which could have serious consequences for the welfare of the child or other children;
- Whether any 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;
- Whether a person deemed to be 'a risk to children' (formerly known a 'schedule 1 offender') resides or frequents the family.

## **5. MANDATORY INVESTIGATIONS**

**5.1** 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 (Actual Bodily Harm and more serious)
- Serious Neglect / Cruelty offences.

**5.2** 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. The officer allocated that crime will then take full responsibility for the criminal investigation and will give feedback to CSCS on the outcome. CSCS can request feedback of the outcome in writing from CAIT, as required.

## **6 ACHIEVING BEST EVIDENCE (ABE)**

**6.1** 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. This is 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.

**6.2** The initial planning for the ABE interview will occur at the strategy discussion/meeting that agrees the interview.

- 6.3** Further detailed planning needs to agree how the interview will be conducted, who will be involved, how the child will be transported to and from the interview and how the parents or carers will be informed and involved (if appropriate). The social worker involved in the Section 47 enquiry should be present at the ABE interview wherever possible.
- 6.4** CAIT will make available a suitable venue for the ABE interview and inform CSCS as soon as possible of the details. ABE interviews may take place at various venues and are organised by the CAIT.

## **7 POST ABE INTERVIEW**

- 7.1** The CAIT officer and CSCS social worker will agree what further action is needed and ensure that this is recorded on the child's files.
- 7.2** 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.
- 7.3** All ABE videotapes 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.
- 7.4** Access to the tapes by CSCS can be granted through a formal request of the CAIT.

## **8 INFORMATION SHARING**

- 8.1** Police are lawfully able to supply information to relevant third parties for defined categories of request.
- 8.2** Care must be taken in all cases to ensure that all information disclosed is accurate, topical, factual, proportionate for the purpose for which it is passed and above all, relevant and necessary to the issue and the individual concerned.
- 8.3** The six categories of request for information which CAITs can lawfully respond to as stated in the London Child Protection Procedures 2007 are those in which:
- A child protection referral is made in relation to an enquiry under s.47 Children Act 1989 (e.g. during a strategy discussion)
  - Information is requested as part of an inter-agency risk management meeting set up under the Sex Offenders Act 1997
  - CSCS is carrying out an initial assessment in order to inform a decision as to the justification for a s.47 enquiry
  - CSCS is carrying out a 'child in need' assessment under s.17 Children Act 1989 and written consent from the subject/s has been obtained or the need to safeguard a child overrides the duty of confidence
  - The request relates to a child subject to the child protection plan
  - CSCS is faced with the immediate need to place a child with a family member or friend in an emergency and has obtained the necessary consents
  - There is a separate protocol adopted by the Metropolitan police and the London Family courts called 'DISCLOSURE OF INFORMATION IN FAMILY PROCEEDINGS POLICE / FAMILY DISCLOSURE PROTOCOL'

- 8.4** Any request for information that does not fall within these categories must be declined.. However, where there is doubt, the MPS Legal Services or the Data Protection Unit will be consulted by the CAIT.
- 8.5** Information will be provided by the MPS on the strict understanding that it is confidential in nature, will only be used for the purposes of a child protection or child in need assessment and that it may not be passed on to any third party without the express permission of the police.
- 8.6** Outside of the context of a s.47 enquiry or criminal investigation, completion of 'information request forms', processed in accordance with MPS standards, will usually be required (see appendix 3 Form 87B).

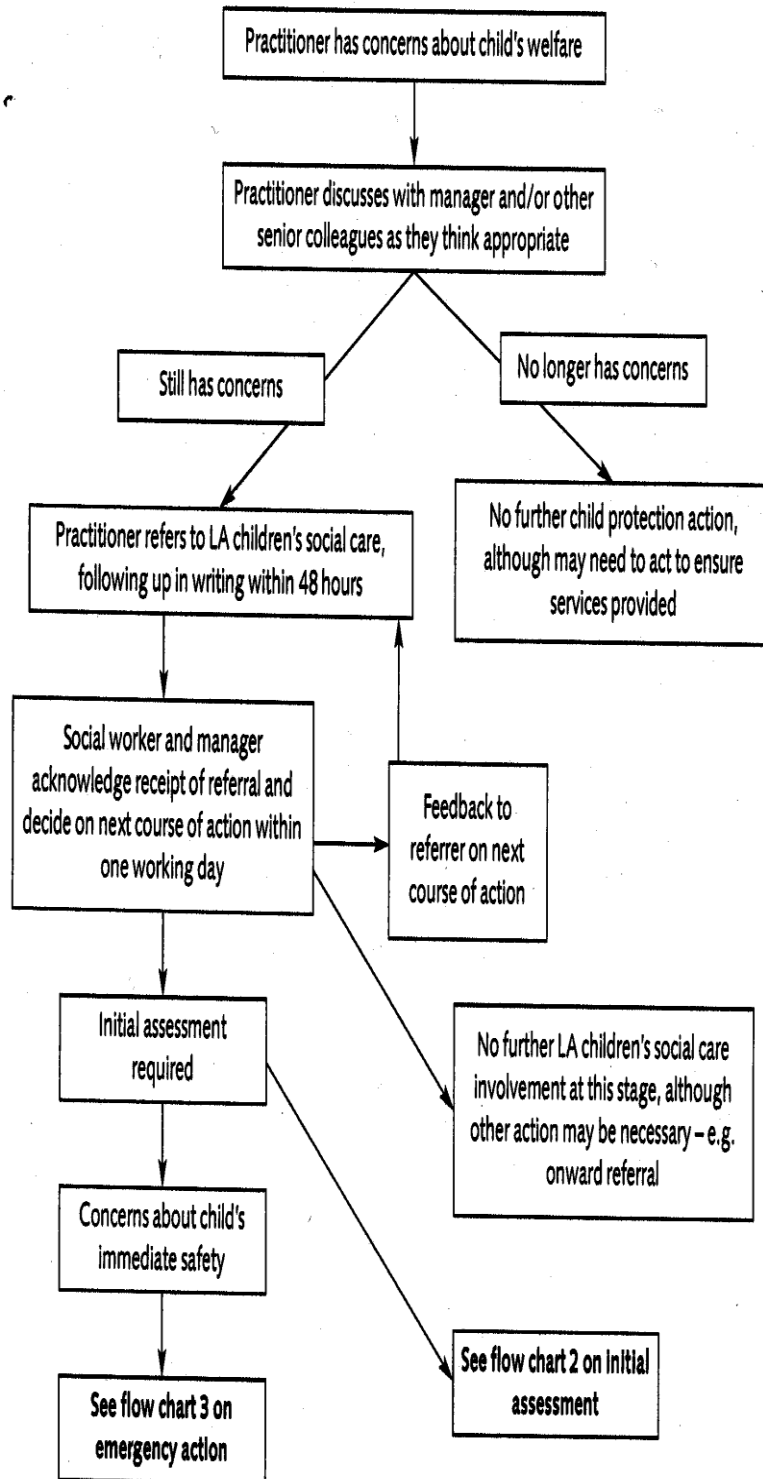
In urgent cases, information shared as part of a s.47 enquiry may be provided verbally prior to being confirmed in writing on form 87D.

## **9 QUALITY ASSURANCE**

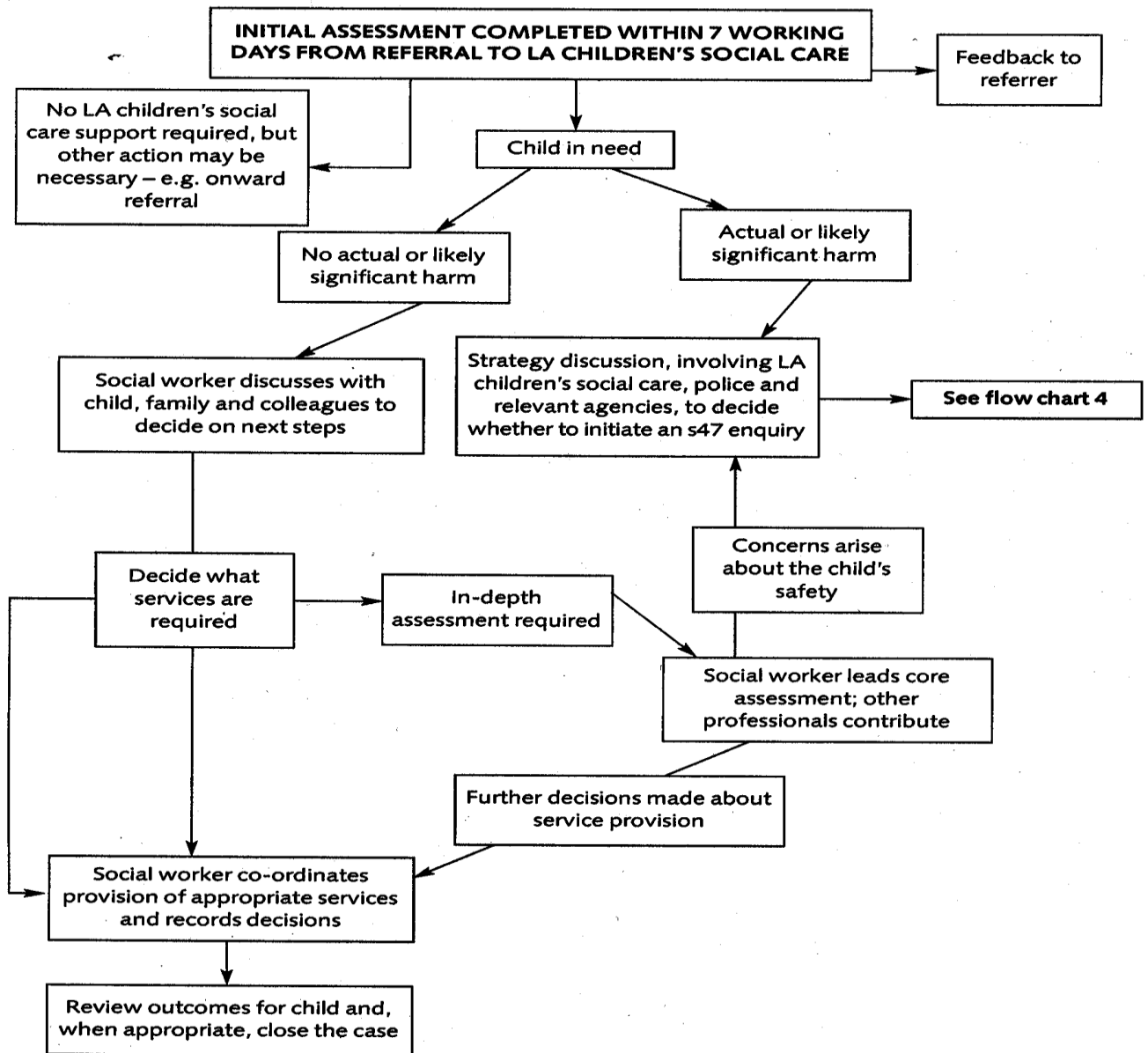
- 9.1** All Section 47 enquiries are read by the CSC. The LSCB Monitoring & Evaluation sub-group routinely scrutinises cases where there are or have been child protection concerns.
- 9.2** Issues regarding the effectiveness of inter agency work may be made by CSCS social workers to their Team Manager or Strategic Manager or for CAIT staff to the Detective Inspector. The relevant CSCS Manager and Detective Inspector will jointly investigate the matter.
- 9.3** CSCS Team Managers and the Strategic Manager for Safeguarding and the CAIT Detective Inspector, Sergeants, Public Protection Desk Sergeant and Crisis Intervention Worker will meet on a quarterly basis to review the quality of inter agency work concerning Section 47 investigations, including this Protocol.

# APPENDIX 1

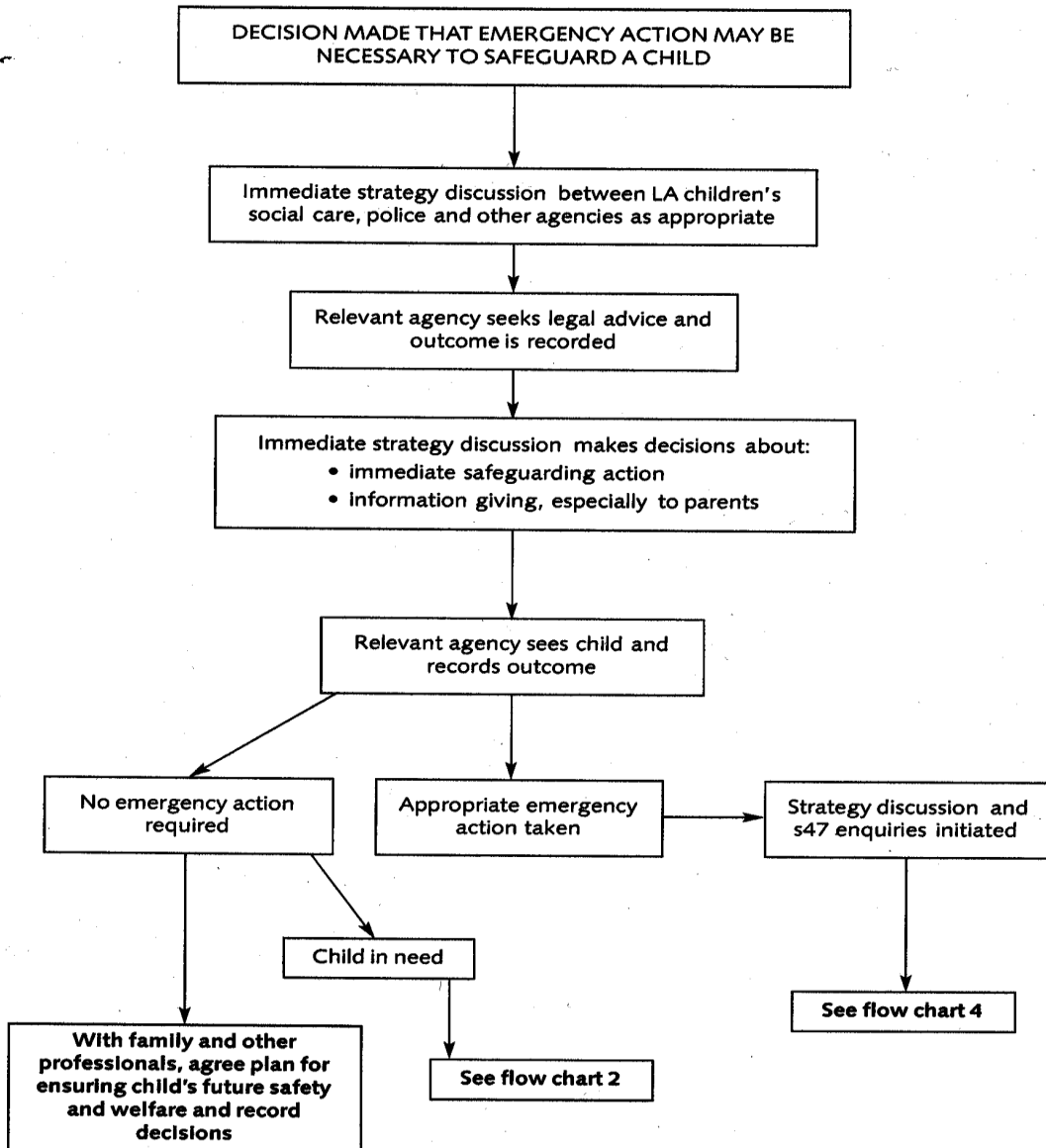
Flow chart 1: Referral



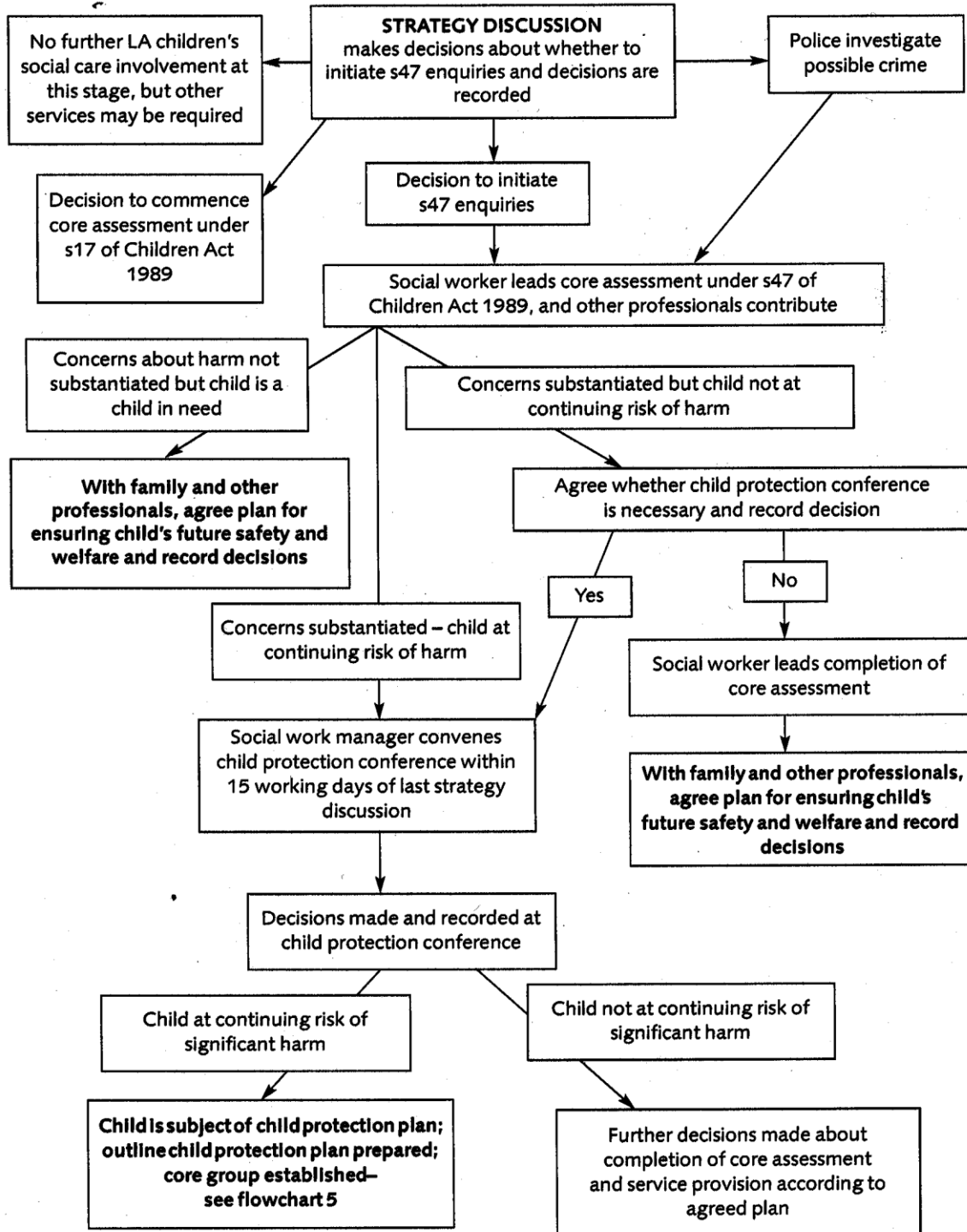
Flow chart 2: What happens following initial assessment?



Flow chart 3: Urgent action to safeguard children



Flow chart 4: What happens after the strategy discussion?



## **APPENDIX 2 - CONTACT DETAILS**

### **Wandsworth Children's Specialist Services**

#### **Referral & Assessment Service**

0208 871 6622 – Duty

0208 871 8646 – Duty Manager

Fax: 0208 871 6333

Email: [childreferraldutymanager@wandsworth.gov.uk](mailto:childreferraldutymanager@wandsworth.gov.uk)

#### **St. Georges Children's Team**

0208 725 1719 – Duty

0208 725 2519 – Team Manager

Fax: 0208 725 0376

#### **Child Protection Unit**

0208 871 7303/7163/6321 – CP Coordinators

0208 871 6998 – Safeguarding & Child Protection Unit Manager

#### **Children's Disability Team**

0208 871 7192 – Duty

#### **Emergency Duty Team (Out of Hours)**

0208 871 6000

#### **Police Specialist Crime Directorate Wandsworth, Merton & Kingston CAIT**

Referral Manager: 020 8247 7827

Fax: 020 8247 7840

Head of Team D.I. Teresa Defanis

Email: [Scd5Mailbox-.CAITBarnesatTE@Met.pnn.police.uk](mailto:Scd5Mailbox-.CAITBarnesatTE@Met.pnn.police.uk)

#### **Other Police**

Wandsworth Public Protection Desk – 0208 247 7525

Wandsworth Community Safety Unit – 0208 247 5435

Sapphire Unit – 0208 247 7521

Wandsworth Police Station

DV: 020 8247 5403

Missing Persons: 020 8247 8482

Safer Schools: 020 8247 8916

Community Police: 020 8672 9922