

## **POLICE AND SOCIAL CARE JOINT WORKING PROTOCOL**

### **KNOWSLEY BOROUGH COUNCIL AND MERSEYSIDE POLICE**

#### **1) Introduction**

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

Aims:

- 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) Section 47 Enquires**

Where there is reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm, the local authority is required under s47 of the Children Act 1989 to make enquiries, to enable it to decide whether it should take any action to safeguard and promote the welfare of the child.

Children's Social Care has the statutory duty to make, or cause to be made, enquiries when the circumstances defined in Section 47 of the Children Act 1989 exist.

The Police's primary responsibility is to undertake criminal investigations of suspected or actual crime. 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 better outcomes for children and young people.

The Children Act 1989 places a statutory duty on health, education and other services to help the local authority carry out its social services functions under Part 3 of the Children Act 1989 and section 47 enquiries. All agencies then have a duty to assist and provide information in support of child protection enquiries.

An enquiry under s47 of the Children Act 1989 can only be initiated following a decision from a strategy discussion.

### **3) 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, the referring agency and any other professional as appropriate e.g. YOS, Housing, Probation.

A strategy meeting can take place following a referral or at any other time including during an assessment or on an open case. The strategy discussion should take place within **24 hours** of the decision to hold it.

The purpose of the strategy discussion is to:

- Share information;
- Agree a safeguarding plan for the child/ren;
- Agree the conduct and timing of any criminal investigation;
- Decide whether enquiries under section 47 of the Childrens Act should be undertaken by whom and when;
- Decide whether a medical should be undertaken.

The discussion should be chaired by a Team Manager and fully recorded including a clear action plan and timescales for completion. The decision of the strategy discussion will be circulated within 24 hours for actions to be agreed and recorded on ICS.

### **4) Criteria for Section 47 Enquiries**

A s47 enquiry must always be commenced immediately when:

- There is reasonable cause to suspect that a child is suspected to be suffering, or likely to suffer, significant harm, for example a child is suffering or likely to suffer significant harm in the form of physical, sexual, emotional abuse or neglect.

### **5) The threshold for Section 47 Enquiries**

The threshold criteria for a s47 enquiry may be identified during an assessment, due to increasing concerns on an open case but may also be apparent at the point of referral, during the interagency checks and information gathering stage, or at any other point in the assessment.

A Section 47 Enquiry will almost certainly be indicated where the following apply; this list covers the main categories of child protection concerns but is not exhaustive:

- Physical harm to a child through a deliberate act, neglect or domestic violence;
- Any injury, however minor, to a non-mobile baby or child;
- Allegation/suspicion of sexual abuse or of child being groomed for sexual purposes;
- Risk of Female Genital Mutilation;

- 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;
- Serious neglect and standards of living for adults are markedly better than for the child;
- Repeat of neglect after family support services have been given previously.
- Lack of medical/dental care endangering/impairing child's life;
- Forced Marriage;
- Sexual exploitation and missing from home;
- Incident involving the discharge of a firearm;
- Risk of criminal exploitation;
- Radicalisation;
- The child is a victim of human trafficking.

**6) The primary focus of the section 47 enquiry will be on the safety, welfare and needs of the child/ren**

- Child/ren will be seen as part of the section 47 enquiry. Such contact will be recorded on the child's file, and will include the record of the child's demeanour, issues discussed, what the child said and any worries the child may have.
- Child/ren will be interviewed in accordance with the multi-agency child protection procedures, and the Achieving Best Evidence Guidance, and records will be kept accordingly, (see below).
- The child's communication needs and abilities, age and developmental level and understanding, and any special needs they may have, will be given full consideration in all aspects of the investigation.
- Children will only be removed from their place of residence if it is assessed as not safe for them to remain living there.
- Consideration will always be given to removing the alleged abuser/s from the household before the removal of the child/ren.
- Support/advice and guidance will be given to the non-accused carer to enable children, wherever possible, and when it is deemed safe to do so, to stay at home.

**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) The Investigation Team**

At a minimum, the investigative team should consist of a police officer and social worker. It may also be important to involve primary health care and or educational professionals who know the child.

It is recognised that the police are responsible for any criminal investigation, however having responsibility does not mean that the police should always take the lead in the investigative interview.

The investigating team should consider who is best qualified to lead the interview, and who to act as the second interviewer/observer present to support that interview. The interviews may be led by suitably qualified social workers or police officers.

The ABE interview should be held within 24 hours of the Strategy Discussion/Meeting. 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.

## **9) Planning**

An ABE planning meeting will take place immediately after the Strategy Discussion. This meeting will decide who is the most appropriate person to lead the interview.

(See Achieving Best Evidence in Criminal Proceedings planning and preparation).

## **10) Choice of lead interviewer should take into account:**

- The preference of the child;
- Any strong gender or ethnic preferences of the child;
- Ability to establish rapport with the child;
- Ability to communicate effectively with the child, either directly or through an intermediary;
- Knowledge of the rules of evidence and points to prove. The presence of a second interviewer/observer should be considered and their role clearly defined.

## **11) The Role of The Observer:**

- To ensure that the child's needs are kept paramount;
- To have oversight of issues relating to the criminal investigation;
- To have an oversight of safeguarding and promoting the child's welfare;
- To identify gaps in the child's account;

- To identify interviewer errors and apparent confusion;
- To operate the recording equipment;
- Reflect back to the planning discussions and communicate.

## **12) Seeing the child**

‘Seeing the child’ includes observing and communicating with them, as appropriate given their age and understanding, ascertaining their wishes and feelings about the concerns that have been expressed, and taking those wishes into account. Wherever possible, the child must always be seen alone.

Exceptionally, a joint enquiry/investigation team may need to speak to a suspected child victim without the knowledge of the parent or caregiver. The Strategy Discussion will have decided on the most appropriate way to handle this, using specialist professional help or professionals who know the child well where necessary. 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 guideline’s, it should always be recorded in the strategy meeting / discussion document;
- Children’s Social Care should always seek the parents’ co-operation with Section 47 Enquiries, but if the parents refuse access to a child – and where concerns about that child’s safety do not require an urgent response for example an Emergency Protection Order – the local authority may consider applying to the court for a Child Assessment Order.

## **13) 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 arranged.
- Medical examinations must be conducted by a doctor who has experience/training in the recognition of abuse and the carrying out of forensic medical examinations in respect of children. These will take place in the Rainbow Suite at Alder Hey Children’s Hospital unless the child has been presented at another hospital.
- If the Social Worker is not known to the child the Strategy Discussion should agree which professional from health or education should attend with the social worker.

Consideration should always be given to the need for a medical assessment of each child about whom there are concerns. Although a medical assessment is not a requirement in every case, it needs to be considered regardless of whether the child has any visible injuries or appears neglected. The medical assessment should be dispensed with only if those managing the investigation are satisfied that injuries/neglect are minor and the purposes of the investigation can be achieved without it. The reasons for dispensing with a medical assessment should be clearly recorded.

In cases where a medical examination is necessary, it is essential that it be conducted by a doctor who has experience/training in the recognition of abuse and the carrying out of forensic medical examinations in respect of children – i.e. a Consultant Paediatrician, a Specialist Registrar or a Community Paediatrician.

#### **14) The use of emergency powers**

Both the police and social care can exercise emergency powers to protect children who are deemed to be at risk of significant harm. 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 remove children to a place of safety. This is called taking a child into 'Police Protection' but is often referred to as a 'Police Protection Order (PPO)' - an erroneous term as no order is in fact being made. The Children's Act only facilitates the making of any order via an application to a court.

Social care have the power under Section 44 of the Children's Act 1989 to apply to the Courts 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.

Wherever possible the use of Police powers in terms of taking a child into 'Police Protection' should only be employed after consultation between Senior Officers in the Police and Social Care has taken place. This constitutes best practice as the benefits of Social Care's safeguarding expertise can assist the police in managing the response to any child protection incident effectively. It is recognised, however, that any police officer attending an incident may have to employ these powers spontaneously in order to offer immediate protection to a child and as such they should not be discouraged from doing so.

A Senior Officer in the Police for the purposes of this section means the duty Inspector for Knowsley Policing Area. A Senior Officer for Social Care means a Team Leader from one of the Social Care Child Protection Teams or the Head of Service for Child Protection during office hours. Police duty Inspectors should contact the MASH during office hours if consideration is being given to taking a child into 'Police Protection' and MASH staff will identify an appropriate Manager from Social Care with whom the matter can be discussed. Outside of office hours the Senior Officer for Social Care is the on-duty EDT Coordinator and duty Inspectors should always

consult with the Coordinator prior to utilising police powers.

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's Act. The Constable effectively places the child in 'police protection' when making this decision. The duty Inspector should 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's 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 should consider the use of an EPO if a child is found at risk of imminent harm during office hours i.e. court is open. 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.

## **15) Joint Visits**

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:

1. In order to risk assess a safeguarding situation that may require the use of police emergency powers;
2. In order to assess an environment forensically and secure any physical or visual evidence that may be required to support a prosecution e.g. evidence of poor living conditions that may amount to a criminal offence of neglect;
3. In order to assess and record any physical evidence of physical or sexual assault against a child;
4. 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.;
5. In order to prevent assault to Social Care staff due to the level of threat posed by family members or a threat emanating from outside the home. If Social Care feel that they may be physically harmed during a visit the police should be contacted and a joint-risk assessment should take place based on information held on respective case management systems. Both agencies should record the reasons why it was decided to provide a police escort or not on respective case

management systems;

6. Generally, if police or social care feel 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.

### **Joint visits and Section 47**

The decision to conduct a joint-visit will be made during a strategy meeting or strategy discussion and will be recorded as an action in the meeting notes or discussion record. The police officer attending the meeting must reach this agreement with the chair or social worker with whom they are having the discussion. Once a decision has been made to conduct a joint-visit at a strategy meeting it must be carried out unless new information presents itself that makes the visit no longer necessary. The strategy meeting should also specify requirements as to timeliness in respect of the proposed visit taking place. Both agencies should endeavour to meet the requirements set and if this is not possible be in a position to evidence why (presumably due to other more urgent demands) timescales were not met.

For the police joint visits will generally be carried out by a detective from the Vulnerable Persons Unit. This should always be the case in respect of any crime against the child committed by a family member and where this is the case it would be good practice for this officer to be the detective allocated the crime for investigation. For other cases officers from other departments e.g. a schools or neighbourhood officer who may know or work with the child may be the preferred option particularly in cases where the child is putting themselves at risk through criminal activity or gang association. When an officer is required to attend in order to protect the Social Worker from physical risk police supervision should ensure that the officer(s) attending is suitably equipped and trained to deal with any threat presented against prior risk assessment.

For Children's Social Care the preferred option for conducting the joint visit would be the member of staff allocated to the case. If this is not possible due to unavailability the visit should be carried out by a Social Worker nominated by the Team Leader or out-of-hours by the EDT Coordinator.

### **Joint visits and open cases**

When an open case is running alongside a criminal investigation in respect of an offence committed against the child the social worker holding the case and the investigating officer allocated to the case should conduct any joint-visits together as required. In the event that either party is unavailable and there is an urgent requirement for a joint visit to take place supervisors in each organisation should nominate a suitable member of staff to carry out the visit.

### **16) Joint working and on-going Investigations**

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:

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

As part of the meeting the requirements of points 1&2 above (and as a minimum expectation) 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 Social Care as should any changes to bail made during the course of an investigation or post-charge. Similarly if a decision is made to take no further action in respect of a case this should always be communicated to Social Care at the earliest opportunity.

As part of meeting the requirements of points 1&2 above (and as a minimum expectation) Social Care should always advise the police officer in the case when an assessment is concluded and provide details of the result. 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.

Police officers in charge of a case and the allocated Social Worker should ensure that any communication in relation to points 1&2 above is recorded on respective case management systems. Supervisors/managers in both agencies are responsible for checking single-agency case management systems to ensure that this has been done as part of their quality assurance process.

## **17) Escalation**

The Knowsley Safeguarding Children Board (KSCB) Escalation 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 KSCB website.