



<u>Policy Title</u>	CHILD ABUSE INVESTIGATION
<u>CCMT Sponsor</u>	ACC Crime and Criminal Justice
<u>Department</u>	HQ Force Crime Management Unit
<u>Section/Sector</u>	Crime Support

1. Rationale

1.1

The opening statement of the 'Victoria Climbié Inquiry 2003' states that 'Children should enjoy the same protection from the law and the same level of service from the police as adults. Child protection policing is no more or less than the investigation of crime. To treat it otherwise or to move it from mainstream policing in either philosophy or operational practice is to do a grave disservice to the victims of such crime'.

1.2

Combating child abuse and the issue of safeguarding children needs to be part of our day to day policing and not seen as a crime in isolation.

1.3

The National Guidance Document on 'Investigating Child Abuse and Safeguarding Children 2005' provides advice and guidance in respect of this specific area of specialist investigation.

1.4

The importance of child welfare is further reinforced through the Children's Act 2004, which places a responsibility on organisations involved with children to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

1.5

This policy document brings together the various requirements for effectively investigating child abuse and safeguarding children and to ensure, where ever possible, that such issues are established within mainstream policing activity.

1.6

Thames Valley Police are committed to protecting children and every officer and members of support staff has a role to play. The Assistant

Chief Constable Crime and Criminal Justice has the overall lead for child abuse investigations. The unit dedicated to the investigation of child abuse and safeguarding children is the 'Child Abuse Investigation Unit' (CAIU), formerly the 'Child Protection and Sexual Crimes Unit' (CPSCU), who work closely with partner agencies in line with joint working protocols. The CAIU forms part of the Basic Command Unit's (BCU) Public Protection Unit (PPU). The structure, accountability and responsibilities of the PPU can be found within the following document:

'Protecting Vulnerable People Accountability Document'

1.7

There are significant links between child abuse and domestic abuse. In households in which domestic abuse takes place, children might be subject to direct or indirect abuse. Children witnessing domestic abuse are exposed to harm and risk. In child protection investigations the welfare of the child is paramount, however, failing to identify and fully investigate domestic abuse could result in failure to protect the safety and well being of both child and adult victims. Please see Force Domestic Abuse Policy

1.8

There are also links between child abuse and children who go missing and therefore there is the need to monitor the missing person database for information / intelligence which may provide indicators in respect of child abuse. Please see Force Missing Person Policy_and Child Rescue Alert Policy.

2. Intention / Priorities

2.1

The Home Office, through Centrex, have produced the document 'Guidance on Investigating Child Abuse and Safeguarding Children 2005'. The purpose of this policy is to provide clear guidance for all staff in line with the national guidance document and to ensure, where possible, compliance with the 'Climbie' recommendations, 'Working Together to Safeguard Children' and The Children's Act 2004.

2.2

The five identified priorities of the Police Service in responding to child abuse and neglect from the National Guidance Document on 'Investigating Child Abuse and Safeguarding Children 2005' are as follows:

- To protect the lives of children and ensure that in the policing of child abuse the welfare of all children is paramount.
- To investigate all reports of child abuse and to protect the rights of child victims of crime.
- To establish investigating child abuse and safeguarding children as a mainstream policing activity.

- To take effective action against offenders so that they can be held accountable, through the criminal justice system, while safeguarding the welfare of children.
- To adopt a proactive multi-agency approach in preventing and reducing child abuse and neglect.

3. General Principles

3.1

The contact which all police officers have with members of the public provides them with opportunities to identify concerns about children and trigger the appropriate multi-agency response to ensure their protection.

3.2

All police officers have a duty to identify and refer to Social Services, children and families who may require access to the wide range of services and support which are available to prevent problems from developing into abuse. Criminal investigations relating to child abuse are the responsibility of the police.

3.3

It is essential that officers and support staff understand the issues of child abuse and are able to identify 'risk indicators' as they undertake their day to day activities. For this to be achieved 'risk indicators' have been included within the 'Street Craft' manual and Intranet site, are available through the intranet within the 'Reference Database' and is part of the 'Police Protection **Powers**' learning package.

3.4

Once child welfare issues have been identified from either an internal or external source then it is important that details are correctly recorded and actioned in accordance with current 'Standard Operating Procedures' for notification to Referral Manager – Please see Referral Standard Operating Procedure 2.

3.5

Any calls from outside the force should be recorded by the Police Enquiry Centres, onto 'Cedar', for 'Workflow' to the relevant 'Referral Manager' and, if immediate action is required, to the Force Control Room in line with their 'Call Grading Protocol'. Please see Intelligence Led Incident Attendance Policy.

3.6

Officers identifying concerns in respect of child abuse or welfare must use the 'Officer Reported Crime' system so that the incident and / or concern can be recorded with the required details as soon as possible onto 'Cedar' as a crime or 'crime related incident' and then 'Workflow' through to the relevant 'Referral Manager' within the 'CAIU'.

3.7

All reported incidents will be recorded as a crime or 'crime related incidents' in accordance with the National Crime Recording Standard (NCRS) and the Home Office Counting Rules for recorded crime.

3.8

Where a referral is required to be actioned urgently, out of office hours, the 'CAIU' on call supervisor and Social Services Emergency Duty Team should be contacted by telephone, via the Force Control Room to ensure an immediate and positive response to same.

3.9

There will be occasions where a child is at risk of immediate harm and in those circumstances 'Police Protection Powers' must be considered as the welfare of the child is paramount. Police Protection Powers should only be used in exceptional circumstances where there is insufficient time to seek an 'Emergency Protection Order' (EPO) or for reasons relating to the immediate safety of the child. Such powers should be exercised as in accordance with the relevant 'Standard Operating Procedure' for 'Police Protection Powers'. Any action under 'Police Protection Powers' needs to be notified to the 'CAIU'. Please see 'Standard Operating Procedure' for Police Protection Powers.

Investigation**3.10**

The national guidance document reinforces the fact that the investigation of crimes against children is as important as the investigation of any other form of serious crime. Any suggestion, that child protection policing is of a lower status than other forms of serious crime should be eradicated'.

3.11

Supervisory Officers should, from the outset, take an active role in ensuring that a thorough investigation is carried out. Scene protection and forensic examination must always be considered in respect of child abuse offences as with any other serious crime. The lines of enquiry may well involve linking into numerous outside agencies and to assist with this, close liaison must be maintained with the 'CAIU' who have a close working relationship with such agencies. The majority of child abuse investigation will be undertaken by the 'CAIU' who will deal both with the victim and offender of such crimes. Victims of crime will be dealt with as per the Codes of Practice for Victims of Crime. Please see Codes of Practice for Victims of Crime.

Child Abuse Investigation Unit**3.12**

Child Abuse Investigation Units will be part of the 'Public Protection Units' within the five 'Basic Command Units' with each 'CAIU' having a

Detective Inspector as lead and will be answerable to the 'BCU' commanders.

3.13

An identified Detective Chief Inspector and Detective Inspector within the 'Force Crime Management Unit' will have a strategic overview of the Public Protection Units across the force, including the 'CAIU' to monitor compliance in respect of Guidance / Policy Documents. They will be supported in this role by Detective Sergeants one of whom will have responsibilities in respect of CAIU work.

3.14

'CAIU' will investigate most child abuse offences although, in the cases of sudden and unexpected death of an infant, 'CAIU' officers will provide immediate support to the nominated 'SIO' whether from the 'BCU' or 'Major Crime'.

3.15

The 'CAIU' must be notified of all concerns of welfare issues in respect of children so that the necessary recording, assessment and dissemination process can be undertaken. The 'CAIU' will fully utilise the 'Cedar' database for recording and updating the progress of child abuse investigations.

Multi-agency Working

3.16

The local multi-agency policy on child protection matters is the responsibility of the 'Local Safeguarding Children Boards' formerly the 'Area Child Protection Committee'. Each agency within a locality having responsibility for the health, welfare and protection of children will be represented at senior level on the 'LSCBs'. This body is a strategic group and delegates from all agencies will be of sufficient seniority to commit resources of their agency to a particular agreed course of action.

3.17

All concerns about children who are suffering or likely to suffer significant harm and concerns about children who are in need should be passed on to the appropriate Social Services Emergency Duty Team without delay. The process of managing, recording and assessing referrals and other information relating to child abuse needs to be supervised and auditable.

3.18

A strategy discussion between the Police and Social Services and other agencies when relevant, should take place if there is any reasonable cause to suggest that a child is suffering or likely to suffer significant harm or is a child in need. There may be a need for more than one strategy discussion. Such discussions should be minuted. The investigation decision process will be guided by the **relevant** 'Joint Agency Protocol for Inter-agency Working'.

3.19

Wherever a joint investigation by police and social services is required into the possible injury or harm to a child, a supervisor should be involved in any further strategy discussions. It may not always be practicable for supervisors to personally attend such meetings, but clear directions should be given to staff as to what action should be taken and a good reason should exist and be recorded within the 'Cedar' database for non-attendance. The level of involvement should be commensurate with the seriousness of the case.

3.20

In cases of serious child abuse a supervisor, from the beginning, shall take an active role in ensuring that a proper investigation is carried out. This does not necessarily mean the supervising officer becomes the investigating officer but that the investigation is properly directed from the outset. The supervisory officer's directions should be recorded, accessible and auditable within 'Cedar'.

3.21

Membership of an Initial Child Protection Conference should normally include a representative of the police where there is an on-going police investigation, usually, although not exclusively, from the CAIU. Such representation should, where possible, ensure continuity throughout the conference process in respect of the officer attending. In respect of Review Case Conferences a written report must be submitted to update the chair, with attendance required should there be a specific need or dispute.

3.22

Thames Valley Police are committed to sharing information and intelligence with other agencies where this is necessary to protect children and a disclosure protocol is in place (Appendix 'E'). This includes a responsibility to ensure that those officers representing the force at child protection case conferences are fully informed about the case with the most current information available. Similarly, they can expect other agencies to share with them information and intelligence they hold to enable the police to carry out their duties.

3.23

Evidence gathered during a criminal investigation may be of use to the local authority solicitors who are preparing for civil proceedings to protect the victim. The Crown Prosecution Service should be consulted; however, evidence will normally be shared if it is in the best interest of the child.

4. Challenges / Representation**4.1**

Any person directly affected by this policy may make representations in relation to this document, and / or any decision in consequence of it, to;

Detective Superintendent
Force Crime Management Unit
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

4.2

Any complaint against an individual officer's conduct should be progressed through the Complaints against Police Procedures.

4.3

The areas covered by this policy are open to scrutiny by HM Inspector of Constabulary during Official Inspections.

5. Guidance Procedure and Tactics

This policy will be publicly available except for section 5 and Appendices, which contain details of Police tactics. (Exemption 31.1(a) FOIA 2000)

6. Communication

6.1

Link to the Police National Legal Database

6.2

Link to the following relevant policy documents and intranet sites:

- Public Protection Intranet Site
- Force Policy on Domestic Abuse
- Force Policy on Missing Persons
- Force Policy on Child Rescue Alert
- NCPE Guidance Document – Investigating Child Abuse and Safeguarding Children.
- CAIU Intranet Site
- Serious Sexual Assault Intranet Site
- Honour Based Violence Intranet Site

Standard Operating Procedure = Sudden Unexplained Deaths in Infants

Standard Operating Procedure = Police Protection Powers

Standard Operating Procedure = Child Abuse / Domestic Abuse

Standard Operating Procedure = Referral Process, Referral Management and Investigation Management

6.3

The needs of this policy have been communicated to the appropriate levels through use of the 'Intranet', 'Street Craft', and an 'e' Learning package across the Force.

7. Human Rights Certification

7.1(i) Legal Basis

The legal basis for this document is derived from:

- Children and Young Person's Act 1933
- The Child Abduction Act 1984
- The Children Act 1989
- Youth Justice and Criminal Evidence Act 1999
- Criminal Procedure and Investigations Act 1996
- Data Protection Act 1998
- Crime and Disorder Act 1998
- Children's Act 2004

This list is not exhaustive.

7.1(ii) Human Rights Articles Engaged

All children have a right to protection from all forms of violence and exploitation and to expect that the police will protect and help them. Children are citizens who have the same rights as adults to the protection offered by the criminal law and the expert services of the police. It is acknowledged that this policy has the potential to engage the following Articles:-

- **Article 2 Right to Life**
- **Article 5 Right to Liberty and Security**
- **Article 6 Right to a Fair Trial**
- **Article 8 Right to Respect for Private & Family Life**

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is provided within the text of the Articles. Any interference should be in accordance with the law and be necessary and proportionate.

- **Article 2 Right to Life.** The Police Service has a positive obligation to its own staff and the public under Article 2, Right to Life, in which;

'the duty to take reasonable measures to protect life includes a duty to put in place effective criminal law provisions to deter the commission of offences against the person, backed up by law enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions, it may also include, in certain well

defined circumstances a positive obligation on the authorities to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual'

- **Article 5 Right to Liberty and Security.** Article 5 (b) allows for 'the lawful arrest or detention of a person in order to secure the fulfilment of any obligation prescribed by law'
- Article 5 (3) (c) also provides that this right can be interfered with, "the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing having done so".
- **Article 6 Right to a Fair Trial.** It applies in its entirety when a person is detained/arrested/charged.
- **Article 8 Right to Respect for Private and Family Life.** A public authority may interfere with the exercise of this right in accordance with the law and as is necessary in a democratic society in the interests of:
 - National security.
 - Public safety or the economic well-being of the country.
 - The prevention of disorder or crime.
 - The protection of health or morals.
 - The protection of rights and freedom of others.

7.1(iii) Prohibition of Discrimination

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the Convention. The enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard to natural justice and human rights.

7.2 Diversity Impact Assessment

A diversity impact assessment has been carried out and this policy has been assessed as having low impact on the six strands of diversity.

7.3 Diversity (Human Resources)

This will be assessed during the consultation process.

7.4 Data Protection

Personal data processed as a result of this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is acknowledged that 'sensitive personal data' may be processed and this data will be protected in accordance with the requirements of the Act.

Specific Information sharing protocols should be in place to ensure that all disclosures made in accordance with this policy to take into account the individuals legislative rights.

7.5 Freedom of Information Act

This policy will be publicly available except for section 5 and Appendices, which contain details of Police tactics. (Exemption 31.1(a) FOIA 2000) It may be published on the Freedom of Information Internet site.

7.6 Protective Markings

This policy has been assessed as **NOT PROTECTIVELY MARKED**.

7.7 Health and Safety and Welfare at Work

This policy is to be read in conjunction with the Force Health and Safety Manual, which sets out the requirement for documented risk assessment by a competent person, when exposure to a particular hazard arising from workplace or pre-planned Policing work activity can be said to be reasonably foreseeable.

There are a number of Health, Safety and Welfare issues connected with this policy. They Include;

- The need for supervisors to closely monitor their staff and ensure they are supported.
- The need for supervisors to monitor their staff for stress arising from the nature of the work, and to ensure that appropriate and where required by the staff member, confidential counselling is available for them.
- Where staff are called out to an incident, the need for secondary investigation on the victim and where known the suspect, to be instigated by the HBI and the appropriate briefing and back up arranged for the specialist officer.
- The need for supervisors to conduct risk assessments to be conducted in respect of suspect arrests, victim interviews and transport, warrants to be executed, officers on call out rota.

8 Monitoring and review

8.1 Links to Best Value Review / PPAF / Priorities / Performance Indicators

This policy has been redrafted incorporating National Guidance on Investigating Child Abuse and Safeguarding Children', 'Working Together to Safeguard Children' and 'Achieving Best Evidence' documents.

8.2 Review Process

The areas covered by this policy are open to scrutiny by H.M. Inspector of Constabulary at any time. This policy document will be reviewed annually or sooner if an operational need arises.

The review will take into account the following criteria:

- Changes in legislation.
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations.
- Changes in the Home Office Circulars.
- Developments with ACPO Policy Unit.
- Representatives made by individuals and relevant organisations.
- Relevant diversity data