

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Investigating Child Abuse and Safeguarding Children
REFERENCE NUMBER	WMP010b
VERSION	1.2

POLICY OWNERSHIP	
DIRECTORATE	CRIME & VULNERABILITY
BUSINESS AREA	VULNERABILITY & SAFEGUARDING

INITIAL IMPLEMENTATION DATE	January 2020
NEXT REVIEW DATE:	September 2023
RISK RATING	HIGH
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail policiesandprocedures@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

The requirement for action in child abuse cases creates obligations at every stage of the police response. These obligations apply when taking reports of concern for children and throughout the process of investigation. They also include the multi-agency response for safeguarding, and in particular, under section 11 of the Children Act 2004, a statutory obligation on the Police and Crime Commissioner and police service to safeguard children. A thorough investigation should be completed in all cases where concern for a child is reported.

Officers and staff should ensure that their actions and decision making (including cases where actions are considered unnecessary or disproportionate) are recorded in detail. An investigation into child abuse is a search for the truth and, from the outset, officers and staff should focus efforts on gathering evidence that proves or disproves the allegation and does not rely solely on the victim's or suspect's account. The "Voice of the Child" has to be paramount in all investigations. This not only refers to what children say directly, but to many other aspects of their presentation. It means seeing their experiences from their point of view.

1.1 Definitions

Child

A child is anyone who has not yet reached their 18th birthday. The fact that a child:

- has reached 16 or 17 years of age
- is living independently
- is in further education
- is looked after
- is a member of the armed forces
- is in hospital
- is in custody in a secure estate

does not change their status or entitlements to services or protection.

Child Abuse

Child Abuse is defined as any form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm on them, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or by others (e.g., via the internet). They may be abused by an adult or adults, or by another child or children.

Concern about child abuse is one aspect of safeguarding children. The term child abuse includes physical, sexual or emotional abuse, or neglect of a child. Each of these aspects of child abuse may be present in harmful practices such as FGM, accusations of witchcraft etc.

It does not include straightforward property offences where the child is a victim (e.g., theft of a mobile phone). However, the police and service providers commissioned by the Police and Crime Commissioner have an important role where there are concerns for children which do not involve criminal offences. That role generally includes active involvement in strategic partnerships relating to safeguarding children, and action at an operational level which includes referring any concerns to other agencies for information and/or action.

Child abuse can also include offences relating to human trafficking and child exploitation. In some cases children may not understand that they are being abused. The complex dynamics of abuse mean that some individuals develop an attachment to the person harming them. This can sometimes make identifying abuse difficult and result in the victim playing down and/or denying the abuse.

Child Protection

Where there is a risk that a child is suffering or is likely to suffer significant harm, or is a 'child in need' as defined in the Children Act 1989 section 17(10), the police are responsible for taking steps to ensure the safety of the child. In all aspects of the police response to concern for a child, including where there are suspicions of child abuse (e.g., as part of a criminal investigation), the key principles are the welfare and best interests of the child. This applies regardless of the environment in which the abuse occurs (e.g., family, institution or online) and the context or crime type (e.g., prostituting or trafficking a child).

Safeguarding

Working Together 2018 defines Safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes

It therefore encompasses the whole spectrum of Safeguarding from those children and families who need early help and intervention through to those at risk of or likely to suffer significant harm.

Safeguarding applies to all children, regardless of whether they are a victim or a suspect. Anyone who has concerns about a child's welfare should make a referral to local authority children's social care.

2.0 PURPOSE OF POLICY

As detailed in HM Government's statutory guidance (Working Together to Safeguard Children (2018)) the police have a duty to safeguard children. This policy outlines the

ways in which concerns about children come to the attention of the police, and gives guidance on managing and supervising these investigations.

3.0 IMPLICATIONS of the POLICY

Section 10 of the Children's Act 2004 places a statutory responsibility upon the Police and Crime Commissioner of West Mercia Police and the Chief Constable of West Mercia Police, to cooperate with relevant partners with a view to improving the well-being of children in the local policing areas so far as relating to:

- a) Physical and mental health and emotional well-being
- b) Protection from harm and neglect
- c) Education, training and recreation
- d) The contribution made by them to society
- e) Social and economic well-being

Section 11 of the Children's Act 2004 places a further statutory responsibility upon the Police and Crime Commissioner West Mercia Police and the Chief Constable of West Mercia Police to make arrangements for ensuring that:

- a) Their functions are discharged having regard to the need to safeguard and promote the welfare of children; and
- b) Any services provided by another on their behalf are provided having regard to that need.

HM Government have issued statutory guidance on how organisations and individuals should work together to safeguard and promote the welfare of children and young people. This is set out in the publication – *'Working Together to Safeguard Children (2018): A guide to inter-agency working to safeguard and promote the welfare of children'*.

The Strategic Team Detective Superintendent for Vulnerability and Safeguarding is the responsible owner for this policy, assisted by the Force thematic lead for Child Protection.

4.0 PROCEDURE

All police officers, and other police employees such as Police Community Support Officers, are well placed to identify early when a child's welfare is at risk and when a child may need protection from harm. Children have the right to the full protection offered by criminal law.

Child abuse offences and safeguarding incidents will come to the attention of police not just through direct reporting. In addition to identifying when a child may be a victim of a crime, police officers should be aware of the effect of other incidents which might pose safeguarding risks to children and this is where officers should pay particular attention (see beyond the obvious).

Harm may be indirect and non-physical as, for example, in the case of some domestic abuse which may involve controlling and coercive behaviour and economic abuse. An officer attending a domestic abuse incident should be aware of the effect of such behaviour on any children in the household.

Under section 3(2) of the Domestic Abuse Act 2021, a child is a victim of domestic abuse for the purposes of the Act where they see, hear or experience the effects of domestic abuse and are related to either a perpetrator or victim of abuse, or either individual has parental responsibility for the child. Officers attending incidents of domestic abuse are required to identify and record any children of the relationship, whether present or not. Where they are present, officers should check on their welfare and communicate with them on an appropriate level. College of Police holding advice (issued May 2022) also reminds officers they should notify designated safeguarding leads at the child's school about domestic abuse incidents through Op Encompass. Within West Mercia this is done by recording the school details on the "Inform School" action for the Harm Assessment Unit to pass on.

Children who are encountered as offenders, or alleged offenders, are entitled to the same safeguards and protection as any other child and due regard should be given to their safety and welfare at all times. For example, children who are apprehended in possession of Class A drugs may be victims of exploitation through county lines drug dealing, or the child subject to a stop & search procedure may be being pressurised by the peers they are with.

Every stop & search of child must have a child protection investigation created via the Athena Investigation process.

Every child incident or crime where a child is either an Involved Party, Witness, Suspect or Victim must have a child risk assessment recorded.

Procedures adopted by West Mercia Police in relation to Investigating Child Abuse and Safeguarding Children are set out in a range of national, regional and local documents and statutory guidance, as follows:

HM Government have issued statutory guidance on how organisations and individuals should work together to safeguard and promote the welfare of children and young people. This is set out in the following publication:

- *Working Together to Safeguard Children (2018): A guide to inter-agency working to safeguard and promote the welfare of children.*

This guidance applies to all organisations and agencies who have functions relating to children. Specifically, this guidance applies to **police** as well as all local authorities, clinical commissioning groups and other organisations and agencies set out in the document.

Chapter 1 focuses on how organisations and agencies should take a co-ordinated approach to ensure children are effectively safeguarded. Chapter 2 focuses on the specific statutory duty to promote the welfare of children and ensure they are protected from harm and in particular how this applies to each individual organisation.

National Police procedures to be followed are set out in the following College of Policing Approved Professional Practice (APP):

- [College of Policing \(2014\) : Police response to investigating child abuse](#)
- [CoP Briefing Note \(2016\) : Police response to youth produced sexual imagery](#)

National Multi-Agency procedures to be followed are set out in the following Statutory Guidance:

- [Working Together to Safeguard Children \(2018\): A guide to inter-agency working to safeguard and promote the welfare of children](#)

Local Multi-Agency procedures to be followed, which are set out to ensure responsibilities under the Children's Act 2004 are undertaken, are as follows:

- [Regional Child Protection Procedure for West Midlands.](#)

West Mercia Standard Operating Procedures

The College of Policing APP is to be referenced for Standard Operating Procedures with West Mercia Police Operational Guidance providing additional clarity.

- [Investigation Guidance](#)
- [RASSO Child Sex Offences](#)
- [Child Criminal Exploitation](#)

Additional West Mercia Guidance Documents

The following documents have been designed to assist officers and staff with specific aspects of child abuse investigations and can all be accessed via the force intranet vulnerability page:

- [West Mercia Child Neglect Operational Guidance](#)
- [Child Neglect Aide Memoire](#)
- [Child Risk Assessment Guidance](#)
- [Police Protection Powers short guidance](#)
- [Honour Based Abuse Office Guide](#)

Early Help & Prevention

To help ensure safer generations through prevention and early help, the [Diversionsary Signposting Database](#) was developed to enable officers and staff to access and provide signposting to various support services and diversionary schemes direct to those who need that extra assistance.

5.0 CONSULTATION

This policy has been circulated to relevant stakeholders including the staff associations and unions.

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
T/Det Supt V&S	August 2022

6.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Approval / Adoption
		Previously approved at JNCC	JNCC 18/05/2016
December 2019	S Bradley	Reviewed – reverting to West Mercia Policy and updates to National Guidance	01/01/2020
August 2021	S Bennett	Reviewed – added safeguarding definition and updated SOPs section.	Sept 2021
August 2022	S Bennett	Reviewed – additional information on DA Act, HBA, EH, alterations to wording in document and additional guidance links added.	Sept 2022

7.0 ASSESSMENT AND ANALYSIS

The Equality Analysis (EA), Health & Safety Assessment (HAS) and Risk Assessment (RA) associated with this document are available on request.

8.0 MONITORING / EVALUATION

The monitoring and review of this policy is the responsibility of the policy owner.