



# **North Wales Practice Guide**

## **Joint Enquiries by Social Services and North Wales Police**

Version 1 Oct 2020

## **1.0. Joint enquiries by social services and the police practice guide**

- 1.1. The purpose of this practice guide is to identify when joint enquiries should be undertaken between Social Services and North Wales Police (see Appendix 1)
- 1.2. If the strategy discussion/ meeting decides to initiate s47 Enquiries they may run concurrently with police investigations concerning possible associated crime(s).
- 1.3. When joint enquiries take place, the police have the responsibility for the criminal investigation and local authority has the lead for the s47 enquiries and the child's well-being.

## **2.0. Involving the child in police investigations**

- 2.1. It is essential that the child, subject to age and understanding, is consulted and informed about what is taking place and helped to understand the process, the action being taken, its implications and possible consequences.
- 2.2. The child should always be kept informed of the process and outcome of the child protection enquiries and criminal investigation, subject to their age and level of understanding.

As the Police lead all criminal investigations it will be their responsibility to inform the child/ren, where appropriate about criminal investigations.

### **Appendix 1**

<b>ALLEGATION OF SEXUAL ABUSE</b>	
<b>Type of referral/report</b>	<b>Intervention threshold</b>
<b>Allegation of child sexual abuse.</b>	Social services and police will always undertake the Child Protection Section 47 enquiries jointly.
<b>Diagnostic medical findings of sexual abuse;</b> that is, a child is medically examined and the paediatrician reports that there are medical indications of sexual abuse, with/without the child making an allegation or other corroboration.	Social services and police will always undertake the Child Protection Section 47 enquiries jointly.

<p><b>Non-diagnostic medical findings of sexual abuse;</b> that is, a child is medically examined and the paediatrician reports that there are medical indications of sexual abuse, but they are not conclusive. The child does not make an allegation, or is too young</p>	<p>Social services and police will always undertake the Child Protection Section 47 enquiries jointly.</p>
<p><b>Child exhibiting sexualised behaviour.</b></p>	<p>Social services to undertake single agency enquiries, unless there is information /evidence to indicate that a criminal offence has been committed.</p> <p>If during the single agency enquiries information/evidence indicates that a criminal offence has been committed, for example, child sexual abuse, the social services will inform the police.</p> <p>A strategy discussion/meeting will be held and Child Protection Section 47 enquiries will be jointly undertaken by social services and police.</p>
<p><b>Sexually active young people:</b></p> <p><b>Children under the age of 13 years.</b></p> <p><b>Young people aged between 13 and 16 years.</b></p>	<p>Please refer to the <i>Wales Safeguarding Children Procedures</i></p> <p>In accordance with the Sexual Offences Act 2003 children under the age of 13 years are of insufficient age to give consent to sexual activity. Joint enquiry to be undertaken</p> <p>Social services and police will always undertake the Child Protection Section 47 enquiries jointly.</p> <p>In accordance with the Sexual Offences Act 2003 the age of lawful consent to sexual activity remains at 16 years, although it is acknowledged that mutually agreed, non-exploitative sexual activity does take place between teenagers and that it does not cause significant harm.</p> <p>If an initial assessment indicates that the sexual activity is neither exploitative nor coercive, and both young people consent, it</p>

	<p>is usually recommended that a social services and/or health intervention is undertaken.</p> <p>Whilst a criminal offence may have been committed, in such circumstances the police will decide the level of any criminal investigation, but will not seek to criminalise young people.</p> <p>During the social services and/or health intervention if it becomes evident that the young person has been exploited, coerced, and/or did not consent to the sexual activity, a strategy discussion/meeting should be reconvened and an agreed course of action undertaken in accordance with the <i>Wales Safeguarding Procedures</i></p>
<p><b>Young people aged between 17 and 18 years.</b></p>	<p>Consenting sexual activity is not an offence over the age of 16 years, however young people continue to be protected by the <i>Children Act 1989</i>. In any Care &amp; Support Assessment/ strategy discussion/meeting consideration needs to be given to issues of sexual exploitation and the abuse of power when deciding about intervention.</p>
	<p>In accordance with the Sexual Offences Act 2003 the young person in this age group is not deemed able to give consent if the sexual partner is in a position of professional trust, such as a foster carer or teacher, or is a family member as defined in the legislation. In the event of a complaint against a professional the <i>Wales Safeguarding Procedures Section 5 will need to be followed</i>.</p>
	<p>If a report is received that indicates that a child has been abused by another child which does not fit the above criteria, that is, they are not in a relationship, see Section below: <i>Allegation that a child or young person is exhibiting sexually harmful behaviours</i>.</p>

<b>Allegation that a child or young person is exhibiting sexually harmful behaviours.</b>	The initial referral may be made directly to the police and a criminal investigation commenced. The police should regard the matter as a Child Protection referral and must always inform social services.
	Appropriate Sexually Harmful Behaviour protocol to be followed.
	The Youth Offending Service should always be invited to a strategy discussion/meeting.
	In most circumstances joint social services and police Child Protection enquiries should be undertaken in respect of the alleged victim.
	The police, will interview the alleged perpetrator in accordance with the Police and Criminal Evidence Act (PACE), 1984

### ALLEGATION OF PHYSICAL ABUSE

Type of referral/ report	Intervention guidelines
<b>Allegation of physical abuse with injuries to child;</b> that is, medical evidence of injuries, with/without an allegation by the child.	Social services and police will always undertake the Child Protection Section 47 enquiries jointly.
<b>Report of concern that a child might Assessment and/or safeguarding intervention be physically abused, but the child has not made an allegation and there are no injuries</b>	<p>Social services to undertake Care &amp; Support Assessment and/or section 47 enquiries If required, Police to be updated with the outcome and for consideration of whether further Police involvement is required.</p> <p>If during their assessment and/or enquiries social services become aware that more serious abuse has occurred, that warrant criminal investigation, Police will be informed and a strategy discussion/meeting will be held to decide if joint Child Protection Section 47 enquiries should be undertaken.</p>

### ALLEGATION OF NEGLECT

Type of referral/report	Intervention guidelines
<b>Allegation/report of serious neglect</b> indicating the neglect is persistent and severe, and a child is suffering or likely to suffer significant harm.	Social Services and police will undertake the Child Protection Section 47 enquiries jointly.
<b>Allegation/report of neglect</b> where there are concerns about the child's welfare, but the neglect is not initially assessed as persistent and/or severe that warrant criminal investigation.	Social Services to undertake Care & Support Assessment and consider single agency Child Protection Section 47 enquiries and/or safeguarding intervention. If required, Police to be updated with outcome for consideration of whether further Police involvement is required. If during their assessment and/or enquiries social services become aware that more serious neglect has occurred, that warrant criminal investigation, Police will be informed and a strategy discussion/meeting will be held to decide if joint Child Protection section 47 enquiries should be undertaken.

### ALLEGATION OF EMOTIONAL ABUSE

Type of referral/report	Intervention guidelines
<b>Allegation/report that a child is being emotionally abused</b> , which is reported as being persistent and severe, and the child is suffering or likely to suffer significant harm.	Social services to undertake Care & Support Assessment and/or safeguarding intervention. If required, Police to be updated with outcome for consideration of whether further Police involvement is required.  If during their assessment and/or enquiries social services become aware that more serious abuse has occurred, that warrant criminal investigation, Police will be informed and a strategy discussion/meeting will be held to decide if joint Child Protection Section 47 enquiries should be undertaken.