

CHILD PROTECTION POLICY



Heddlu
Gwent
Police

SUMMARY

STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ

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The key element of the policy is the commitment to a policy of robust intervention, based on positive action and a thorough multi-agency investigation of any circumstances, which may pose a risk to the welfare of a child.

The principle scope and aims underpinning this policy are set out at Para. [2.0 Statement & Intentions](#)

The detailed operational instructions required to implement this policy are contained in Section 1 Paragraphs [Paras.1.2.--1.2.14](#) of the related procedural document.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE COPY CAN BE FOUND ON THE INTRANET POLICIES SITE

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1.0 Policy Identification

This policy has been drafted in accordance with the principles of Human Rights Legislation.

Policy Title: Child Protection

Reference: [Reference 222/1 Issue 3](#)

Underlying Policies :ACPO (CENTREX) Guidance 2004

Historical Reference Child Abuse [Reference 222/1 Issue 2](#)

Portfolio/Business Area Owner: ACPO Operational Support

Policy Written By: Officer Family Support HQ

Department Responsible HQ CID

Policy Lead Det Supt. CID Intelligence

Authorised by Procedure Owner for submission to Strategic Committee

Policy Quality Assured by DI Family Support Unit

Links to other Policies/Procedures:

Domestic Violence, Force Crime Strategy, NIM, Crime Recording, Data Protection, Information Security, Race Equality Scheme, Disability Equality Scheme, Victim Support Referral, Taking of Forensic Samples, Multi Agency Public Protection Arrangements, CHIS, Sudden Deaths, Hate Crime, Health and Safety, Interpreters, Management of Cares Data Base, Management of Victim Interview Suites, Missing Persons, Osman Warnings, Media, Surveillance, Serious Sexual Offences,

Implementation Date: OPG 7th February 2007

Review Date: two years from approval

2.0 Policy Statement & Intentions

2.1 Principle & Scope of Policy:

2.1.1 Principle

The principle that underpins the policies in this document and the related policy is that Gwent Police regards the safety and protection of children as paramount and recognises the requirement under Sec.28 Children Act to “safeguard and promote the welfare of children.”

2.1.2 Scope

The operational and administrative procedures contained in the document and the related procedural document provide an all-encompassing framework for the investigation of child protection related issues, including roles and responsibilities of staff, case recording, case referrals, investigation, multi agency working, including information sharing, management, and media strategy.

2.2 Aims Of Policy

2.2.1 To protect the lives of children and ensure that in the policing of child abuse the welfare of children is paramount.

2.2.2 To investigate all reports of child abuse and neglect and to protect the rights of child victims of crime.

2.2.3 To establish investigating child abuse and safeguarding children as a mainstream policing activity

2.2.4 To ensure that perpetrators of offences against children are held to account, while safeguarding the welfare of the child.

2.2.5 To fully engage in a multi-agency approach to preventing and reducing child abuse and neglect.

2.2.6 To safeguard and promote the welfare of children.

3.0 Introduction

3.1 Origins/Background Information

During 2003 policy & procedures relating to investigation of Child Abuse were the subject of internal review. This review took particular account of the “Laming enquiry into the death of Victoria Climbié” and “Working Together to Safeguard Children”

Revised policy and procedural arrangements were put into place in May 2004.

Following the publication of documents 9 & 10 below a further review was undertaken and appropriate revisions made, to the operational guidance.

Legislative and other References

1. Joint HMI report ‘Safeguarding Children’
2. ‘Learning how to make children safer’ an analysis of Part 8 reviews in Wales – Welsh Assembly Government,
3. Lord Laming’s report into the death of Victoria Climbié,
4. Home Office report ‘Every Child Matters’,
5. The National Policing Plan,
6. Gwent Police Policing plan,
7. The National Intelligence Model,
8. H.O. Guidance on Multi Agency Public Protection Arrangements (MAPPA),
9. Safeguarding Children Together (Guidance to Local Safeguarding Children Boards in Wales)
10. ACPO (CENTREX) Guidance (2005)

3.2 Motivators/Driving Forces

This policy is necessary to ensure working and investigative arrangements provide : -

1. An agreed multi agency approach to the investigation of Child Abuse.
2. All investigators have ready access to the required processes.
3. Arrangements that reflect current legislation and national guidance.
4. Delivery of the aims set out at Para. [2.2 Aims Of Policy](#) and
5. Satisfy the requirement imposed on the chief officer by Sec.28(2) Children Act 2004 to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

3.3 The Legal Basis and Legitimate Aims

The Legal Basis

In addition to the legislation, reports and guidance shown at Para.3.1 [Legislative and other References](#) the legal basis for the policies contained in these procedures is found within: -

- Police & Criminal Act 1984
- Serious & Organised Crime & Police Act 2005
- Children Act 1989
- Human Rights Act 1998
- European Convention on Human Rights
- Children Act 2004

Legitimate Aims

Gwent Police considers that the actions detailed in these procedures are necessary in a democratic society in the interests of: -

- (i) Public Safety.
- (ii) The protection of safety and morals.
- (iii) The prevention of disorder or crime.
- (iv) The protection of the rights of others

3.4 Definitions

Links to definitions relating to child protection issues are shown below.

[A Child](#)

[Significant Harm](#)

[Child In Need](#)

[Parental Responsibility](#)

[Abuse and Neglect](#)

[Physical Abuse](#)

[Emotional Abuse](#)

[Sexual Abuse](#)

[Neglect](#)

[Sexual Abuse](#)

[The Investigating Officer](#)

[The Designated Officer](#)

4.0 Implications of the Policy

4.1 Financial Implications/Best Value

This policy will adhere to the principles of best value. There are no known financial implications other than those already incurred.

4.2 Human Resources/Training

- The Force are committed to the National Model for Child Protection and all officers will undergo this training including supervisors at sergeant and inspector rank.

Additionally all officers appointed to undertake Child Abuse investigations will have undertaken as a minimum the following training: -

- Centrex (2003) Initial Crime Investigators Development Programme or the preceding equivalent training.
- Joint Investigation of Child Abuse (JICA)

- Special measures' from the Youth Justice and Court Services Act 2000 'Achieving Best Evidence in Criminal Proceedings.

All Officers will receive refresher training at appropriate times.

4.3 Strategic Plan Links

Implementation of the policy and the related procedures contribute to the annual plan at: -

Key Priority 1: "Reducing overall and violent crime"

Key Priority 2: "Providing a citizen focused service which responds to the needs of individuals, especially victims and witnesses"

Key Priority 3: "Taking actions with partners to increase sanction detection rates and target prolific and other priority offenders"

Key Priority 4: "Reduce people's concerns about crime and anti-social behaviour"

4.4 Partnership Links

These policies have been developed in consultation with partner agencies in Social Services, Health, Education, Probation & LSCB

Consultation will continue through the local LSCB and the South East Wales Child Protection Working Group

4.5 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community and individuals involved. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands

of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- (i) Welsh Language Act 1993
- (i) Race – Race Relations Act 1976
- (ii) Race Relations Amendment Act 2000.
- (iii) Disability - Disability Discrimination Act 2005.
- (iv) Gender Sexual Discrimination Act 1975.
- (v) Age- Article 13 Treaty of Amsterdam (2003)
- (vi) Sexual Orientation -Treaty of Amsterdam (2003)
- (vii) Religion- Article 13 Treaty of Amsterdam (2003)
- (viii) Employment Equality (Sexual Orientation) Regulations 2003
- (ix) Employment Equality (Religion or Belief) Regulations 2003
- (x) Employment Equality (Age) Regulations 2006

4.6 Consultation

External

Externally consultation has taken place with partner agencies in Health, Social Services, Education CPS, Probation Services and voluntary agencies i.e. NSPCC NCH Women's Aid & BAWSO

Strategically consultation will be a continuous process with our partners via the Local Safeguarding Children Board(LSCB) and the South East Wales Child Protection Working Group.

Internal

Police Authority

ACPO

Divisional and Departmental Heads

Information Security Officer/Data Protection Officer

Superintendents Association

Federation

UNISON

Force Solicitor

Freedom of Information Officer

Gwent Woman Police Association

Gwent Black Police Association

Gwent Disability Network

Gwent Police Gay Support Network

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

The following Articles of the Human Rights Act 1998 may be engaged: -

Article 5. Right to liberty

Article 6. Right to a fair trial.

Article 8. Right to a private life.

Article 9. Freedom of thought, conscience and religion

Article 14. Prohibition of discrimination

"In the application of this Policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights".

5.2 Key Human Rights Principles

5.2.1 The legal basis for this policy is set out at Para. 3.3 ([The Legal Basis and Legitimate Aims](#))

5.2.2 There is a potential for interference with individual rights protected in Articles 8-11 Human Rights Act through the exercising of this policy. However Gwent Police believe that this potential is compatible with, the convention as there is a legitimate aim in protecting the interests listed at Articles 8(1) 9(2), 10(2), and 11(2).

5.2.3 Staff will be aware of the defined decision making processes by reference to this procedural document in particular Section 1. Initial and ongoing training will reinforce this process.

5.2.4 All decision making will be documented within the standardised incident & crime recording and investigation process. Additionally decisions taken to 'child protection' will be recorded in the minutes of strategy discussions, initial child protection conferences and review conferences and subsequently on the FUD file in each particular case.

5.2.5 Guidance on the justification for assessments and actions being the least intrusive is contained in Section 1 of the related procedural document

5.3 Rights, Publication, Audit and Inspection

5.3.1 Rights:

Rights: The right to appeal or make representation in connection with the application of this policy will be: -

- (i) Through the Criminal and Civil Courts

(ii) Aggrieved persons can pursue complaints against police via the Independent Police Complaints Commission and/or the Professional Ethical Standards Unit of Gwent Police

(iii) Police staff and Police officers will also have recourse to the Gwent Police Grievance Policy.

(iv) Other than when to do would comprise legal proceedings, informal discussions between an appropriate officer and persons involved in the issue may take place.

Publication: This policy will be categorised as 'not protectively marked'. It is appropriate to release the document for public use.

5.3.3 Publication:

This policy will be categorised as 'not protectively marked'

5.3.2 Independent Scrutiny:

The Policy is available for scrutiny by the Police Authority/HMI

5.4 Certification of Compliance

The Policy Officer will complete this section following a Human Rights audit.

Consideration has been given to the compatibility of this policy and related policies and policies with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in the policy under ECHR, which cannot be resolved.

6.0 Promotion and Distribution

6.1 Internal

This policy and the related procedures will be distributed via Gwent Police General Orders and be available on the Gwent Police Intranet on the policy site. It will be highlighted on the Headquarters Family Support Unit intranet page.

CAIU officers will brief officers at a local level and the Detective Inspector (Public Protection Unit) will give presentations to SDO Conferences and Divisional Management Meetings.

6.2 External

This policy and the related procedures will be promoted with, and made available to all, partners in the Child Protection arena.

7.0 Monitoring / Review

7.1 Monitoring

At an operational level the application of these policies will be monitored by

- First line supervisors who, on a case by case basis are responsible for monitoring the initial response to instances of alleged or actual offences against children and the development of subsequent investigations, including recording processes quality and timeliness of prosecution files.

Using data available within the Gwent Police Family Unit Database (FUD) and the crime recording system, incidents that show evidence of: -

- Repeat victimisation
- Repeat offending
- Impact on minority groups

Will be monitored by the Det.Insp. (PPU) and appropriate police action initiated.

Depersonalised data relating to such cases will be shared with partner agencies in the LSCB and the South East Wales Child Protection Working Group.

At a strategic level, the general effectiveness of the policy and procedures will be monitored through the LSCB.

7.2 Review

In addition to an annual, review the Det.Insp. HQ Family Support Unit will subject the policy and procedure to continuous review and where appropriate amendment in the light of, operational experiences, amendments to legislation, and ACPO guidance.

Definitions

A Child

A child is defined by section 105 Children Act 1989, as any person under the age of 18 years.

Child In Need

A child is defined as in need if: -

- (a) He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority
- (b) His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- (c) He/she is disabled,

Significant Harm

The question of whether harm suffered by a child, is significant turns on the child's health or development. His/her health or development shall be compared with that which could reasonably be expected of a similar child.

- "Harm" means "ill treatment or the impairment of health or development"
- "Development" means physical, intellectual, emotional, social or behavioural development
- "Health" means physical or mental health.
- "Ill treatment" includes sexual abuse and forms of ill treatment which are not physical, for example, impairment suffered from seeing or hearing the ill-treatment of another".

Parental Responsibility

Parental responsibility under section 3 of the Children Act 1989 means 'all rights, duties, powers, responsibilities and authority which by law a parent has in relation to their child and his or her property'.

Parental responsibility is, held by the following: -

- Natural mother;
- Natural father if married to the natural mother at the time of the birth or if he subsequently marries the mother;
- Natural father if he has a written agreement with the mother;
- A person having parental responsibility through a court order;
- An unmarried father if he acts with the mother to have his name recorded on the child's birth registration certificate (only in the case of children born after 1 December 2003).

Officers conducting an investigation should consider the legal status of those responsible for a child to ensure that the child is protected from harm.

To establish parental responsibility, officers should determine:

- Legal status, of all parents.
- Whether the child is, looked after by the local authority.
- Whether any court orders are in force that may affect parental responsibility e.g., court orders relating to child contact.

Police protection does not give the police parental responsibility. The consent of the child and in some cases, the parent's consent should be established prior to any interview take place. The relevant medical professional is responsible for establishing consent for a medical examination.

Abuse and Neglect

Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting. This can be by those known to them or, more rarely, by a stranger.

Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates or induces illness, or deliberately causes ill health to a child in their care.

Emotional Abuse

Emotional abuse is the persistent emotional ill treatment of a child, which causes severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person.

It may, as in some cases of domestic violence, involve causing children to feel frightened or in danger and includes the exploitation or corruption of children. It may feature age or developmentally inappropriate expectations being imposed on children. Some level of emotional abuse is involved in all types of ill treatment of children, although it may occur alone.

Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities whether or not the child is aware of what is happening. It may involve physical contact including penetrative or non-penetrative acts. It may include non-contact activities, such as involving children in looking at child abuse, or involving them in the production of such images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Neglect

Neglect is the persistent failure to meet a child's basic physical and/or

psychological needs, likely to result in the serious impairment of the child's health or development.

A parent or other person legally liable to maintain a child (including the legal guardian) may commit neglect.

Any of these persons shall be deemed to have neglected the child in a manner likely to cause injury to the child's health if they: -

- Have failed to provide adequate food, clothing, medical aid or lodging, or
- If having been unable to provide such food, clothing, medical aid or lodging, they have failed to take steps to procure any of these things.

Neglect also includes: -

- Failing to protect a child from physical harm or danger,
- The failure to ensure access to appropriate medical care or treatment
- The neglect of, or unresponsiveness to, a child's basic emotional needs.

For criminal neglect, there must be evidence that it was 'wilful', which in this context means deliberate or reckless.

Although there is no definable threshold for when a minor neglectful act becomes a criminal offence, each single incident must be examined in the context of other acts or omissions and the possibility of a criminal offence should be considered.

There will be occasions when the issue is one of poor parenting and/or lack of knowledge of the carer rather than a deliberate and wilful act.

The decision to record wilful neglect as a crime should be made in the light of all available evidence and other information. If on the balance of probabilities it is more likely than not that the incident is the result of a criminal act, then a crime should be recorded, in accordance with the Gwent Police & National Crime Recording Standards (NCRS).

Where the report is not initially recorded as a crime (because it does not meet the NCRS criteria for recording) an auditable incident report should be registered.

For further information, see *ACPO (2001) National Crime Recording Standards*. Where a prosecution does not result from the investigation, any records and other information should be retained since these may assist any future investigation and provide evidence to support any future prosecution.

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

Sexual Abuse

The sexual abuse of children involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening.

It may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

The Investigating Officer

The investigating officer is the officer who first takes a child into police protection and undertakes the initial enquiries. *HOC (44/2003)*

The Designated Officer

The designated officer is the officer, of at least inspector rank, who takes an independent oversight of the circumstances under which the child was taken into police protection, i.e. is not personally involved as an investigator or connected with the child in any other way. *HOC (44/2003)*