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| Event History

**Policy owned by Investigations
Child Protection****1. Policy Purpose and key drivers****● Introduction**

This policy has been reviewed in relation to Authorised Professional Practice and the following applies.

Child

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

- has reached 16 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

This 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 (eg, 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.

It does not include straightforward property offences where the child is a victim (eg, theft of a mobile phone). However, the police 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 sexual exploitation. In most occurrences of child abuse, however, the perpetrator is likely to be a family member or someone known to the child. 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, in accordance with the Children Act 1989 section 47, or is a 'child in need' as defined in the Children Act 1989 section 17(10), the police are responsible for taking whatever action is required. This includes referring details about the child to children's social care. In all aspects of the police response to concern for a child, including where there are suspicions of child abuse (eg, 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 (eg, family, institution or online) and the context or crime type (eg, prostituting or trafficking a child).

Concerns about criminal offences relating to child abuse which come from police staff, other agencies or members of the public should be the focus of child abuse investigation units or equivalent police structures.

Child sexual abuse

This is forcing or enticing a child or young person to take part in sexual activities. They may not necessarily involve a high level of violence and the child may or may not be aware of what is happening. The activities may include physical contact, such as assault by penetration (eg, rape or oral sex) or non-penetrative acts (eg, masturbation, kissing, rubbing and touching outside clothing). They may also include non-contact activities, for example:

- involving children in looking at, or in the production of, sexual images
- involving children in watching sexual activities
- encouraging children to behave in sexually inappropriate ways
- grooming a child in preparation for abuse (including via the internet).

Sexual abuse is not solely perpetrated by adult men. Women may also commit acts of sexual abuse, as can other children.

Emotional abuse

This is the persistent, emotional maltreatment of a child to an extent 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 insofar as they meet the needs of another person
- not giving the child opportunities to express their views, deliberately silencing them or making fun of what they say or how they communicate
- imposing age or developmentally inappropriate expectations on a child (eg, interactions that are beyond a child's developmental capability)
- overprotecting and limiting exploration and learning, or preventing the child from participating in normal social interaction

- seeing and/or hearing the ill-treatment of another
- bullying (including cyber bullying).

Child cruelty

The offence of cruelty to persons under 16 years incorporates neglect, as set out in the Children and Young Persons Act 1933 section 1(1). Under the Act, if anyone who is 16 years or over wilfully assaults, ill-treats, whether physically or otherwise, neglects, abandons, or exposes a child, or procures a child to be assaulted, ill-treated, whether physically or otherwise, neglected, abandoned, or exposed, in a manner likely to cause unnecessary suffering or injury to health, whether the suffering or injury is of a physical or psychological nature, they are guilty of an offence.

There is no statutory definition of wilfully, but the term has been interpreted by the courts. In Attorney General's Reference No 3 of 2003 [2005] 1 Q.B. 73 it was said that wilful misconduct means, 'deliberately doing something which is wrong, knowing it to be wrong or with reckless indifference as to whether it is wrong or not'. 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. See definition of 'reckless' in *R v G* [2004] 1 AC 1034.

There will be occasions when the issue is one of poor parenting and/or the carer's lack of knowledge, rather than a deliberate and wilful act. The decision to record wilful neglect as a crime should be made in light of all available evidence and information. If, on the balance of probabilities, it is more likely than not that the incident is the result of a criminal act, a crime should be recorded in accordance with Home Office (2011) The National Crime Recording Standard (NCRS): What you need to know.

Where the report is not initially recorded as a crime (because it does not meet the NCRS criteria for recording), an incident report should be recorded in accordance with the national guidance. Where a prosecution does not result from the investigation, any records and other relevant information should be retained as these may assist any future investigation and provide evidence to support a future prosecution. See also APP on information management.

Neglect

The definition of neglect is outlined in section 1(2)(a) of the 1933 Act. The offence is committed if a parent or the legal guardian, or other person legally liable to maintain a child or young person has wilfully neglected the child in a manner likely to cause injury to health by failing to provide adequate food, clothing, medical aid or lodging or, if having been unable to provide such items, they fail to take steps to procure them.

Under section 1(2)(b), an individual aged 16 or above is deemed to have neglected an infant (under three years), where it is proved that the death of the infant was caused by suffocation while the infant was in bed with that individual, and that the same individual was under the influence of alcohol or a prohibited drug at the time.

The definition of 'bed' includes any kind of furniture or surface being used by the adult for the purpose of sleeping.

Physical abuse

This is the non-accidental infliction of physical force by one person on another, which may or may not result in physical injury. Physical abuse can involve the following:

- hitting
- shaking
- throwing
- poisoning
- burning or scalding
- drowning
- suffocating
- choking
- slapping
- pushing
- kicking
- misusing medication
- inappropriate restraint or false imprisonment.

This list is not exhaustive and the injury may not be external or immediately noticeable. 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.

Section 58 of the Children Act 2004 and the amended CPS charging standard means that for any injury to a child (a person less than 16 years of age) caused by a parent or person acting in loco parentis which amounts to more than a temporary reddening of the skin and where the injury is more than transient and trifling, the defence of reasonable punishment is not available. Therefore, any injury sustained by a child which is serious enough to warrant a charge of assault occasioning actual bodily harm cannot be considered to be as the result of reasonable punishment.

Significant harm

The Children Act 1989 introduced the concept of significant harm in order to assess the need for compulsory intervention in family life in the best interests of children. Under section 47 of the Act, the local authority has a duty to make enquiries, or cause enquiries to be made, where it reasonably suspects that a child is suffering or is likely to suffer significant harm. The enquiries should enable the local authority to decide whether they should take action to safeguard the child and promote the child's welfare.

There are no absolute legally or medically defined criteria on which to rely when judging what constitutes significant harm, although HM Government (2015) Working Together to Safeguard Children and Welsh Assembly Government (n.d.) Safeguarding Children: Working Together Under the Children Act 2004 contain more detailed guidance about establishing significant harm.

Sometimes a single, traumatic event may constitute significant harm, eg, a violent assault, suffocation or poisoning. More often, however, there is an accumulation of events which together constitute significant harm, but alone may appear unimportant.

Some children live in family and social circumstances where their health and development are neglected. For these children, it is the corrosiveness of long-term emotional, physical or sexual abuse that causes impairment to the extent of constituting significant harm.

The Children Act 1989 section 31(9) and (10) (as amended) gives the following definition of harm:

- 'harm' means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another
- '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.

In determining whether the harm is significant, forces should compare the child's health and development with the health and development reasonably expected of a similar child.

Although the Children Act 1989 section 31 relates specifically to court orders, for the sake of consistency the extended definition should be applied throughout.

Staffordshire Police recognises the duty to make Staffordshire a safer place for all; this includes residents of all ages whether permanent or temporary and those who visit or journey through the area serviced by Staffordshire Police.

This policy and its supporting procedures have been put in place to ensure that Staffordshire Police achieves its objective of making Staffordshire safer for children.

Making Staffordshire safer for children will be achieved by:

- a) Recognising that child abuse takes many different forms some less obvious than others
- b) Accurately recording episodes of suspected child abuse from first recognition to case resolution and all actions taken to protect the child
- c) Assessing the risks posed to children by using effective risk assessment processes.
- d) Ensuring that responses to identified risks to children are timely, appropriate and

proportionate.

e) Sharing information and working with partners and other relevant support services towards the common goal of protecting children from harm.

Policy Purpose

To achieve safeguarding of children by providing clear direction to all staff and to enable effective work with partner agencies including non government bodies. Successful joint working to safeguard children requires the coordination of all agencies and professionals who have different roles, skills and expertise regarding child protection and who may also be located in different geographical areas.

Individual children need coordinated help from health, education, children's social care and other agencies including youth justice services. When effectively coordinated joint working enables agencies to respond earlier and more efficiently to safeguard children.

Policy Statement

Staffordshire Police will work together with local authorities, children's social care and other agencies to safeguard children against abuse and to make Staffordshire a safer place for children.

The priorities of Staffordshire Police in responding to child abuse and neglect are:

- To protect the lives and rights of children.
- To ensure that whilst investigating and policing cases of child abuse the welfare of the child is paramount.
- To take effective action against offenders who abuse children so that they can be held accountable through the criminal justice system while at the same time safeguarding the welfare of the victim.
- To gather and share information and intelligence about the victims and perpetrators of child abuse with other police forces and statutory agencies
- To use current best practice guidance and appropriate academic research to understand and respond to the threats posed to children.
- To use analytical products to identify opportunities for intervention to protect children and to adopt a proactive Multi agency approach to prevent and reduce neglect and child abuse.
- To develop systems, business processes and protocols to manage reports of child abuse and concerns about the welfare of children.
- To develop systems, business processes and protocols to support effective information sharing across Staffordshire Police and with other agencies to safeguard children
- To adhere to the following protocols and best practice guidance:

a) Child Protection Inter agency Procedures for Safeguarding Children (Stoke on

Trent) www.safeguardingchildren.stoke.org.uk

b) Child Protection Inter agency Procedures for Safeguarding Children (Staffordshire) www.staffsscb.org.uk

c) HM Government (2015) Working Together to Safeguard Children

d) College of Policing (2015) : Investigating child abuse and safeguarding children [Internet]

Application

This policy and its supporting procedures applies to all police officers and police staff and those within the wider police family including those working voluntarily or under any employment contract to The Chief Constable of Staffordshire or the Staffordshire Police and Crime Commissioner

In particular this policy and its supporting procedures applies to all officers and staff within the Public Protection Investigation Teams and the Public Protection Safeguarding Department who have specific terms of reference in relation to the investigation of child abuse and those who commit offences against children. Specific terms of reference for this department are included in the Standard Operation Procedures. This includes:

- Child Protection & Exploitation Team (including Operation Safenet), Violent and Sex Offender Management Team and members of the Multi Agency Safeguarding Hub (MASH)
- All police officers, police staff and members of the police family wherever located who in the course of their duty come into contact with or deal with children and young people

Related Documents

Links to related documents:

[Child Protection - Child Abduction Warnings \(Procedure\)](#)
[Child Protection - Child Exploitation Team \(CET\) Roles & Responsibilities \(Procedure\)](#)
[Child Protection - Child Sex Offender Disclosure Scheme - Staff Briefing Note \(Procedure\)](#)
[Child Protection - Concept of Significant Harm & Categories of Abuse \(Procedure\)](#)
[Child Protection - Child Sex Offender Disclosure Scheme \(CSODS\) \(Procedure\)](#)
[Child Protection - Forensic Medical Examinations \(Procedure\)](#)
[Child Protection - Introduction to the Provision of Pre Trial Therapy \(Procedure\)](#)
[Child Protection - Powers of Police Protection \(Procedure\)](#)
[Child Protection - Powers of Police Protection Guidance Notes \(Procedure\)](#)
[Child Protection - Powers of Police Protection \(PPP\) Report/ Checklist \(Procedure\)](#)
[Child Abuse - Guidelines for Officers viewing Images; Child Abuse - Laming Report; Child Protection - Child Abduction Warnings; Child Protection - Child Exploitation Team \(CET\) Roles & Responsibilities; Child Protection – Child Sexual Exploitation – Initial Response; Child Protection - Children Taken into Police Protection; Child Protection – Concept of Significant Harm & Categories of Abuse; Child Protection - Investigation and Interview; Child Protection - Medical Examinations;](#)

Gatekeeper - the Author suggested the following Procedure document(s) to link to.

Child Protection - Notification to Social Services; Child Protection – Powers of Police Protection; Child Protection – Powers of Police Protection Guidance Notes; Child Protection - Powers of Police Protection (PPP) Report/ Checklist; Child Protection - Pre trial therapy CPS Police and Therapists accountability; Child Protection – Understanding Child Sexual Exploitation; Child Protection - Video Interviewing; Child Rescue Alert - Activation Process; Child Sexual Abuse - Online

Relevant Dates and Review Period

Effective Date:	31/03/2019
Review Date:	10/06/2020
Review Frequency:	Annually

Policy Basis and Implications

2. Legal Basis:	Section 11 of the Children Act 2004 imposes a duty on specified agencies including the police to make arrangements to ensure their functions are discharged having regard to the need to safeguard and promote the welfare of children Childrens Act 1989; The Laming report 2003; The Richard Inquiry Report
3. Management of Police Information (MoPI):	MoPI Policing Purpose: Protecting Life and Property, Preventing the commission of offences, Bringing offenders to justice, Any duty or responsibility arising from common or statute law MoPI Review, Retention and Disposal addressed as follows: All reports of the abuse of children are MOPI category 1 Public Protection matters and material is to be retained in accordance with the retention periods for MOPI Class 1 material
4. Associated Benefits:	To meet the statutory requirement to make arrangements to safeguard children. To work effectively with partners to safeguard children and to ensure that information is shared; accurate risk assessments are made and appropriate action is taken. The measurement of success will be fewer serious case reviews, a reduction in the need for escalation procedures where partners cannot agree on the level of risk; increased attendance at case conferences and medical examinations of children
5. Consultation:	Police Federation; Unison; Director of Intelligence; Investigation Hub Detective Superintendents; Representatives of the Local Safeguarding Childrens Board; LPT Commanders and Superintendent
6. Financial Implications:	Policy implementation will be met through existing funding
7. Human Resources / Training:	All operational police officers and police staff who come into contact with members of the public and who may receive reports from members of the public are required to complete the Child Protection level 1 SSCB Training package. A training needs analysis has been conducted and a training plan introduced for Public Protection investigators
8. Associated Policy:	Missing Persons; Sudden Death of an Infant; Vulnerable Adults; Domestic Violence; Mental Ill Health; Hate Crime

FOI, Human Rights and Equality Impact Assessment Indicators

FOIA:	Release to Public	
ECHR:	Compliant with proportionality test	Articles engaged: Article 2 Right To Life; Article 3 Prohibition of Torture; Article 5 Right to Liberty and Security; Article 6 Fair Trial; Article 7 No Punishment without Law; Article 8 Right to respect for Private and Family life; Article 14 Prohibition of

			Discrimination
EIA:	Compliant	Compliant with Code of Ethics:	Yes

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