

ORGANISED AND COMPLEX CHILD ABUSE INVESTIGATIONS

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Definition

Complex abuse (also known as organised or multiple abuse) may be defined as abuse involving one or more abusers and a number of children. The abusers concerned may be acting in concert to abuse a child/ren; one or more adults may be involved and they may be using an institutional framework or position of authority to recruit children for abuse. Complex abuse occurs both as part of a network of abuse across a family or community and within institutions, such as residential homes, day care and sports clubs or schools. This includes abuse through the misuse of technology. (Working Together to Safeguard Children, 2013).

Complex abuse reflects to a greater or lesser extent, an element of organisation on the part of the adult/s involved and may involve:

- Aspects of ritual to aid or conceal the abuse of children;
- Child sexual abuse networks where adults plan and develop social contacts with children for the purpose of gaining access to them in order to abuse them;
- The production of child abuse images or abuse of children through sexual abuse and / or sexual exploitation;
- Abuse in residential homes, boarding schools or other institutions;
- Adults who seek contact with children for improper reasons through leisure or welfare organisations;
- Adults seeking to contact children via electronic means, such as internet or mobile telephones.

Please note that complex child abuse investigations should not be confused with allegations of abuse made against a person working with children. While concerns around complex abuse can be initiated by a single allegation, or a complaint on behalf of an individual child, complex child abuse is different due to the nature of the allegation(s) relating to a network of abuse across a family, an institution or a wider community. This is sometimes referred to as organised or multiple abuse.

General principles

Each complex abuse investigation requires thorough planning, good inter-agency working, and attention to the welfare needs of the child/ren that have been harmed. The various agencies involved in a complex abuse investigation should be committed to working together in partnership to ensure that relevant information is shared and that appropriate action is taken to minimise the risk posed by alleged offenders to children and vulnerable adults.

Recommendation 22 of the [Waterhouse Inquiry Report \(Lost in Care, 2000\)](#) emphasised the need for improved practice by local authority children's social care departments and police forces involved in major investigations regarding:

- Safeguarding and preservation of police records of major investigations, including statements and the policy file;
- The safeguarding and preservation of local authority (LA) children's social care (CSC) files;
- Access by the police to LA CSC files;
- The supply of information about alleged and suspected abusers by the police following an investigation;

- The sharing of information generally for criminal investigation and child protection purposes.

However, all agencies (such as health, education, NSPCC and Probation) who may be asked to contribute to complex abuse investigations need to ensure that issues in this inter-agency policy and procedure are addressed. Information in this document is also relevant to registration authorities where continuing registration might be affected by the investigation.

Cases of organised abuse are often highly complex because of the number of children involved, the serious nature of the allegations of abuse, the need for therapeutic input and the complex and time consuming nature of any consequent legal proceedings.

Such cases usually require the formation of dedicated teams of professionals from the police and LA or NSPCC for the purpose of the investigation.

Where professionals are implicated as suspected perpetrators of abuse, it is imperative that their line managers are not represented in either the strategic management group (see page 9) or the investigation team. An early mapping exercise to determine the scale of the investigation should help to identify these individuals.

It is recognised that those who commit sex offences against children often operate across geographical and operational boundaries and this procedure takes into account the potential involvement of more than one local authority.

Where an allegation involves a post holder who has a specified role within these procedures, the referrals must be reported to an alternative (more senior) manager.

In all investigations of organised abuse, it is essential that staff involved maintain a high level of confidentiality in relation to the information in their possession without jeopardising the investigation or the welfare of the children involved. Subsequent information generated throughout the investigation should only be shared on a 'need to know' basis.

These procedures must be implemented in conjunction with guidelines in the London Child Protection Procedures (2014) in respect of 'Allegations of Abuse made against a person who works with children'.

The protection of any children identified as being at risk of harm remains paramount, but the sharing of information and confidentiality issues should also be treated with due consideration for the alleged offender.

Agencies should take appropriate practicable steps to minimise the potential disruption and damage to the alleged offender's private and professional life. Investigations can often be protracted and in many cases take place many years after the alleged offence was committed. All professionals involved in the case should be reminded that allegations can subsequently be proven to be ungrounded, false or malicious and therefore the needs of the alleged offender should be treated with respect and sensitivity throughout the investigation.

Relationships between the police, LA children's social care services and the Crown Prosecution Service (CPS)

Research and experience has repeatedly evidenced that keeping children safe from harm requires professionals and other relevant parties to share information. Often it is only when information from a number of sources has been shared that it becomes clear that a child is at risk of, or is suffering harm. This is also true for vulnerable adult victims.

Complex abuse investigations should be undertaken as a joint operation between the police, LA CSC services and also the Crown Prosecution Service (CPS) who should be involved at an early stage to

provide advice. In many cases there will also be value in involving an independent child protection agency such as the NSPCC.

The CPS is independent of the police, and should not be involved in operational decisions about the conduct of an investigation. However, the CPS can provide advice about the evidential or legal implications of issues arising during an investigation, and early involvement in this regard can inform decisions made by the investigation team. It is important that there is continuous advice and interaction between each agency throughout the investigation and any resulting prosecution.

Investigations into allegations relating to a member of the LA's own staff (including foster carers) should involve an independent person from outside the authority.

Investigation teams should have visible support from the top ranks in the police force, the LA's CSC service and any other relevant agencies throughout the inquiry. This requires the involvement of senior personnel, at least at Assistant Chief Constable and CSC Head of Service level in a central strategic management group. It is for each agency to determine their representative. These individuals must be empowered with full decision-making authority (e.g. in the allocation of resources).

Relationships with LSCBs

An investigation of organised and complex abuse will be carried out under the auspices of the Local Safeguarding Children Board (LSCB), which should be kept informed of its progress. It should be the role of the strategic management group to liaise regularly with the LSCB Independent Chair. However, the LSCB should not take any direct role in the management of the inquiry.

Relationship with third sector agencies

Third sector agencies could be involved at senior management level in the strategic management group meetings. At other times, liaison should be maintained through senior and front line LA children's social care staff. Advice may be sought on specific issues (e.g. the availability of local counselling or support services). Protocols about access to third sector agency files should be agreed.

Setting up an investigation

Initial strategy meeting / discussion

Where a professional becomes concerned that a case may be organised or complex in accordance with the definition set out in this document, the professionals must immediately inform their child protection manager, a LA children's social care (CSC) strategic lead and a police team Detective Inspector to share their concerns. **A strategy discussion must be held within 24 hours of the referral being received. A strategy meeting will need to be convened within 72 hours to share information and to agree next steps.** An appropriate Crown Prosecution Service (CPS) representative should also be invited to attend this meeting.

It is the responsibility of the strategic managers within CSC and the police to decide and agree which named representatives are required to participate in the strategy meeting. This should include an appropriate lead communication officer to provide advice as required.

The strategy meeting / discussion must:

- Assess the information known to date;
- Decide what further information is required at this stage;
- Arrange for the gathering of all relevant information;
- Establish whether and to what extent complex abuse has been uncovered;

- Undertake an initial mapping exercise to determine the scale of the investigation and possible individuals implicated;
- Consider a plan for the investigation to be presented to the management and resources strategy group, including resource implications;
- Consider any immediate protective action required; and
- Agree what records and information needs to be secure / restricted.

The strategy meeting / discussion may include the referrer if appropriate, a legal adviser and anyone else considered by the police and CSC strategic leads to be relevant to the meeting.

Having considered and discussed the information those persons must, if in their view the suspicion gives reasonable cause to suspect organised and complex abuse, pass the information on to the relevant local authority's Director of Children's Services and the Assistant Borough Commander for police.

Professionals who need to be informed

The Director of Children's Services must inform the LSCB Chair, the local authority's Chief Executive, the senior communication lead officers for both the police and LA, and senior managers of all relevant agencies.

The strategic management group (SMG)

To ensure a co-ordinated response a SMG meeting chaired by the police (or rarely by LA CSC) must be convened within 5 days of the receipt of the referral. The SMG must act as a steering group to formulate and coordinate the required response. It must be a primary responsibility of this group to ensure that the welfare of children and any vulnerable adults are paramount at all times. A police 'GOLD' serious incident meeting may need to be held in parallel with the SMG process.

The membership of the SMG must comprise of senior staff that are able to commit resources on behalf of their organisation. The SMG must have the following core membership that should remain constant throughout the investigation (although there may be a need to add or co-opt in other personnel as the investigation progresses):

- Director or Deputy Director of the relevant LA's CSC Service;
- The Detective Superintendent of the Protecting Vulnerable People Unit in the police;
- The police senior investigating officer (SIO – they are the link between the SMG and the investigating team);
- The relevant LA CSC's lead manager;

The group may also include the following members as necessary:

- LA senior legal adviser;
- Senior health representative (e.g. Designated Nurse and / or Designated Doctor for safeguarding children);
- Communication officers;

- Other individuals and agencies as appropriate (e.g. probation, NSPCC, third sector organisations and support from specialist advisors such as the Child Exploitation and Online Protection Agency -CEOP).

Links will also need to be established with the relevant LA's Chief Executive to consider potential resource pressures.

At the initial SMG meeting a protocol for information sharing across all agencies along with a clear media strategy should be agreed upon. It is important at this early stage for senior managers to identify the need for, and arrange the provision of, and allocate appropriate resources to, any support services identified. These may include community and specialist health services (e.g. mental health services, counselling services and sexual health services); although the specific services required will be dependent on the nature of the investigation. For example, adult medical and mental health services may be required, or the involvement of prison or Probation services may be necessary where potential abusers and / or victims are under the supervision of those agencies.

At the first meeting of the strategic management group, the terms of reference must be agreed and minuted. At all subsequent meetings held in accordance with this guidance, minutes must be prepared fully, detailing all policy decisions and actions. Appropriate information security processes should be applied in the recording and sharing of information; **all minutes must be classified as CONFIDENTIAL AND RESTRICTED** and all copies of the minutes should be individually numbered. Any additional copying of the minutes should only be allowed on the express authority of the SMG Chair.

The SMG meeting must take ownership of the strategic leadership of the investigation and agree a plan that includes:

- A decision on the scale of the investigation and the staff required for joint investigation group;
- The consideration of any cross boundary issues and planning of appropriate liaison and sharing of resources for inter-agency working;
- The identification of staff in both LA CSC services and the police of sufficient seniority and experience to manage the investigative process;
- The agreement of the staffing of the investigation, allocation of tasks and the membership of the investigation management group (including the line management responsibilities);
- Arrangements for medical staff to conduct assessments;
- Arrangements for sufficient administrative staff and information technology resources to support the investigation;
- The arrangement and resourcing of access to expert legal advice (e.g. in-house police legal team, LA legal service, early CPS advice);
- Sufficient support, supervision and de-briefing of staff involved to address the impact of stress on front line workers from any agency involved;
- The availability of expert advice where necessary;

- Timescales for the stages of the investigation;
- The management of public relations and media interest in the case;
- Child witness support, if relevant.

Tasks and functions of the SMG

The tasks and functions of the SMG may vary from case to case but should also normally include the following actions.

The agreement of protocols:

- To govern the future handling of the investigation (e.g. on media communication and victim / witness support);
- For the sharing of information, to ensure that the investigative team secures full access to records from all agencies affected by the investigation and individuals holding important information, and to commit all parties to providing the necessary help with obtaining records from any outside organisations;
- To ensure staff safety in carrying out the investigation.

To help to ensure that any current risks to children that emerge during the course of the investigation are acted upon immediately, the SMG should develop a risk management protocol and regularly review risk indicators in relation to the subject children (see Appendix C of [Complex Child Abuse Investigations: Inter-agency Issues \(DH / Home Office, 2002\)](#) for a risk management protocol). This protocol should detail elements of a robust risk management process to be implemented for the duration of the investigative activity and establish effective mechanisms for communication between the investigative team and the relevant LA CSC service.

Safeguards should be in place to help to guarantee the integrity of the investigation and must take into account the need to exercise particular care to guard against the risk of eliciting false allegations against innocent people. The SMG should carefully monitor the approaches used in contacting further potential witnesses and the conduct of any subsequent interviews and ensure that any doubts about the validity of evidence are fully addressed. The overall process for gathering corroborative and additional evidence must be subject to rigorous scrutiny by the SMG. Issues to consider might include the complex nature of the investigation; the time that may have elapsed since the alleged offences occurred; and the motivation and potentially vulnerable nature of the victims / witnesses.

The SMG should also agree on the management of questions of potential financial compensation for victims and clarify that members of the investigative team should not instigate any discussion of the issue / and should avoid discussing it, if it is raised by any victims or witnesses in the course of the investigation. Practical guidance should be given to interviewing officers in line with this policy.

The SMG is also responsible for monitoring and reviewing procedures used for the gathering and recording of evidence to ensure that they are tightly controlled and supervised and to safeguard against potential criticism that investigating officers prompted the witnesses. Guidelines on appropriate methods of evidence gathering and recording are detailed in the following Association of Chief Police Officers of England Wales and Northern Ireland (ACPO)'s document:

<http://ceop.police.uk/Documents/ACPOGuidance2009>

The SMG should ensure that agreed procedures are followed robustly and consistently. The SMG should ensure that appropriate recording takes place of material that is obtained during the course of the investigation and also the safe and secure storage of records. This can be achieved through the early appointment of a Disclosure Officer in accordance with [the Criminal Procedure and Investigations Act 1996](#) and the accompanying code of practice.

No agency should underestimate the level of media interest in complex abuse investigations. The SMG should agree a strategy to ensure that contact with the media is properly managed and co-ordinated throughout the investigation and any subsequent criminal proceedings. A nominated lead communication officer should be appointed and this will allow front line workers and other staff involved with the investigation to concentrate on the investigation itself. **It is vital that all statements to the media are cleared, via the Senior Investigating Officer and LSCB Chair, at the level of the strategy management group; the SIO must always be made aware of any pre-sentence communications to ensure that the integrity of the prosecution is maintained.**

Careful consideration must be given throughout the investigation to the health and social care needs of child victims and adult survivors, and particularly those who will be acting as witnesses. As far as possible, the SMG will also need to ensure that any witness' ability to give evidence in criminal proceedings is not prejudiced by the provision of such assistance, and that guidance on pre-trial therapy is taken into account. In some circumstances, it may be appropriate to employ dedicated personnel tasked to liaise regularly with victims and / or witnesses to ensure that they are kept up-to-date with the progress of the inquiry and to ensure their wellbeing.

The provision of appropriate accommodation facilities and trained interviewers for all witnesses should be secured to give special attention to the needs of witnesses who are children, have children, are vulnerable adults, as well as any person who may be the subject of intimidation.

The SMG should ensure that the [Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children](#) document is followed.

Checks should also be made with the LA CSC representative on the SMG to clarify and confirm if the subject child/ren (and any other associated child deemed to be at risk) have been removed from their families; if an appropriate placement has been found; and if their welfare and safety needs are being fully assessed in accordance with [Working Together to Safeguard Children, 2013](#)

The SMG should ensure that appropriate professional medical, physical and emotional support is being provided as needed and check what other partner agencies can do to help. If the alleged abuse occurs in a residential setting, the SMG must ensure that the victim and any other children who may be at risk of harm are safeguarded and, if necessary, that suitable alternative accommodation is provided. Equally, children may require safeguarding in a range of non-residential settings such as foster care, day care, schools and hospitals etc. it is important that children from other local authority areas who are involved, are identified and the relevant local authority areas are contacted and involved with the investigation as far as is required.

Whether there is a formal review or not, the LSCB would always require a review of the case as a means of identifying and acting on lessons learnt as the investigation proceeds, and at its close. If a formal review is necessary, this will normally be a formal serious case review coordinated by the relevant LSCB in accordance with Working Together, 2013 and LSCB Serious Incident Notification procedures:

However, in exceptional cases, a public inquiry may be necessary. The SMG and LSCB should liaise with the [Department for Education \(DfE\)](#) and Ofsted, when determining the question of a review.

Suitable arrangements should be made for the victims and their families during the course of criminal proceedings and the SMG must have particular regard to the post-testimony trauma experienced by many witnesses. Consideration should be given to appropriate court, child and family, and /or adult survivor support as appropriate to the circumstances of the investigation (this decision and support should be kept under review at all times). The SMG group should consider what resources are

necessary to support such activities and will need to receive regular reports from the representative of the child and family support group.

A further consideration is the appropriateness and coordination of direct contact with parents of the subject children / relatives of adult survivors, to help keep them fully and consistently informed as to the steps being taken by the relevant agencies and the support available to them.

The SMG must also consider whether independent or third sector agencies operating in establishments (such as a residential home) should be directly involved in, or have knowledge of the strategic management of the investigation. This consideration should include communication with the establishment's regulatory body (such as Ofsted).

A clear policy that is consistent for each suspect will need to be established in respect of who should be the subject of a prosecution. A decision on whether or not to prosecute rests with the Crown Prosecution Service (CPS). It is good practice (where possible) to agree with the CPS an initial nominated person for all such cases to help promote consistency with decision-making, although in large CPS areas there may be a need for a number of prosecutors to deal with such cases.

An individual must be designated to act as co-ordinator between the SMG and the joint investigative group identified in the plan. This co-ordinator is responsible for managing the joint investigative group and for preparing a report at the conclusion of the case.

The SMG must agree a schedule of dates for future meetings in order to:

- Monitor the progress, quality and integrity of the investigation;
- Review risk indicators for the children / vulnerable adults involved;
- Consider resource requirements;
- Consider the appropriate timing of the termination of the investigation;
- Plan a de-brief meeting with the joint investigation group to identify lessons learnt.

A dedicated team of police officers should be formed to deal with a cross boundary enquiry.

The SMG must remain in existence at least until the Court or the CPS has made a decision about the alleged perpetrators. The SMG must also report in writing to the LSCB Chair to enable there to be consideration with the SCR (Serious Case Review) Subgroup as to whether a formal serious case review, or other learning and improvement case review needs to be initiated.

Joint investigation team membership

The SMG should identify those people from within and outside their organisations who have the required expertise for dealing with a complex abuse investigation. This will include experience of investigating allegations of abuse; compiling profiles and understanding methods of abusers (in cases of sexual abuse); child protection processes; children's welfare; legal processes; disciplinary proceedings; and working with child victims, adult survivors and their families.

This joint investigative group, led by the police senior investigating officer should consist of experienced personnel from the police Child Abuse Investigation Team (CAIT) and LA children's social care (or independent agency social workers).

Membership may also be drawn as necessary from the appropriate health professionals (in particular the forensic medical examiner (FME), the Designated and Named Doctors and Nurses for Safeguarding Children and appropriate mental health specialists), education (head teachers and class teachers), CPS, LA legal services, Probation and victim support services.

In selecting staff to be involved in the investigation it will be essential to identify individuals in whom it is possible to place absolute trust and who display sensitivity, honesty, empathy and personal maturity. This process will require the careful checking of references and employment history. It is vital that all investigators are and can be seen to be independent from those parties, who are the subject of the investigation. Members of the investigation team could include existing members of the agencies conducting the investigation (as long as such individuals do not have any connection with the matter being investigated, and appropriate arrangements are made to cover their normal duties while they are working on the investigation); appropriately qualified agency staff brought in on long-term contracts for the duration of the investigation, or an outside organisation.

All staff must be skilled and experienced and have the appropriate qualifications to contribute to the child abuse investigation. Where victims or witnesses are identified as having special needs such as learning impairments or communication difficulties, more specialist staff may be required.

In selecting staff, consideration should also be given to requirements arising from the individual needs for the relevant child/ren e.g. first language, gender, race, culture, sexuality and where relevant disability.

The size of the group will depend on the scale of the investigation, but in the majority of cases both the police investigation team and the relevant LA CSC service should provide a line manager and two members of staff experienced in interviewing children and trained in [Achieving Best Evidence in Criminal Proceedings, 2011](#).

Consideration should be given to the employment of a trained archivist or researcher if required, to undertake duties such as tracing of inquiry subjects. Employment of such an individual may greatly enhance the operation of an investigation given that there may be a large amount of paper-based files used as sources of information. These files will vary in age, format and quality so that for the purposes of information, the development of a specialised file system may be invaluable.

Practical arrangements: security, accommodation and communications

The police (as the chairing agency) should coordinate the required administrative support, information technology and accommodation requirements. These requirements must be clarified at the outset and including agreement on the storage of confidential records.

A key issue in any complex abuse investigation will be ensuring the security of the investigation.

The enquiry may be managed on the Home Office Large Major Enquiry System 'HOLMES', a comprised management tool for running large / complex enquiries.

Those managing the investigation need to be aware that there may be attempts to sabotage the investigation, to destroy materials, or to interfere with or intimidate staff working on the investigation. Appropriate steps should be taken to minimise these risks.

The location of the group must take account, both geographically and organisationally, of the need to maintain confidentiality. This is especially crucial where the investigation concerns staff or carers. Appropriate facilities must be available for video interviews and paediatric assessment.

Certain investigations may involve an element of whistle blowing. In this context it should be possible for individuals to approach the investigative team with confidence as to their anonymity and personal safety. A secure telephone line and discreet access to the investigation team may help staff (and the public) to come forward and ensure confidentiality.

However, it should be made clear that it is not possible to give an unequivocal guarantee of confidentiality during any potential subsequent court proceedings.

Investigation management group

An investigation management group should be set up under the SMG and consist of designated managers from the relevant agencies. Meetings of this group should always be fully minuted. The senior investigating officer or their nominated deputy should chair the investigation management

group and membership should include representatives from LA CSC, education, health, and local authority legal services. Other agencies should be invited to be members of the group as appropriate. Consideration to deploy a Family Liaison Officer (FLO) should also be given by this group.

The tasks and functions of the group may vary from case to case but should normally include the following matters:

- To provide a forum where professionals can meet, exchange information and devise tactics for the implementation of agreed strategy on a day to day basis to progress the investigation;
- To ensure a consistent strategy for interviewing victims within and outside council areas;
- To keep the strategic management group informed of any resource shortages experienced by professionals;
- To ensure a consistent and appropriate inter-agency approach to practical and emotional support for victims and their families throughout the investigation, including facilitating such services where victims fall outside of the jurisdiction of the investigating agencies;
- To co-ordinate inter-agency response to families and provide consistent information;
- To ensure all staff working on the investigation are given support and ensure welfare concerns are addressed;
- To ensure that issues which need to be shared by other agencies not represented on the SMG or investigation management group are communicated to those agencies and addressed;
- To ensure that all staff involved in the investigation are clear about the parameters of shared information, data protection and confidentiality between the various agencies and observe the terms of the information sharing protocol agreed by the SMG. It should be clear that investigators will have full access to records and individuals holding important information;
- To ensure that relevant intelligence has passed between agencies and to the police.
Intelligence should also be passed to the force intelligence centre as appropriate

Joint investigation team responsibilities

The joint investigation team (supervised by the investigation management group) is responsible for:

- Planning the overall investigation, involving record checking, evidence gathering, planning and undertaking a series of interrelated interviews and surveillance if required;
- Considering the implications of crossing geographical boundaries;
- Holding planning meetings for individual pieces of work (e.g. video interview of a child and / or to protect a child);
- Gathering other evidence including forensic evidence, interviews with alleged abusers, witnesses and other corroborative evidence;
- Communication and liaison with other agencies on a need to know basis;
- Convening interagency meetings and / or child protection conferences as appropriate;
- Co-ordination and timing of therapeutic services;
- Regularly updating the SMG on the progress made and recommending when to close the investigation;
- Consideration of arrangements for court hearings and support to children and families;
- Recommendations as to the placement of children and any contact involving children and their siblings, relatives or other adults.

Crossing geographical and operational boundaries

It may be recognised at the outset or during the investigation that there are suspected or potential victims in more than one geographical area (where the NSPCC are involved in investigations, they can operate across LA and police boundaries to provide consistency).

At the outset, the responsibility for managing the investigation lies with the police in the locality where the abuse is alleged to have occurred and/or where the alleged perpetrator(s) are alleged to operate, who will make necessary approaches and contact with other affected areas through the SMG.

Once it is recognised that there are suspected or potential victims in other areas, a joint approach should be made by the SMG to the appropriate LA CSC services and police teams.

The original joint investigation team should undertake the investigation on behalf of the other geographical areas. Other LA children's social care services must consider the funding of this service covering children in its area.

A senior manager from each area should join the initiating SMG to discuss this and agree any resource implications involved.

If the number of victims outside the geographical boundaries of the original joint investigative team increases to the extent that it cannot respond, then a joint investigative team in the new geographical area should be established.

It is essential that there is a joint SMG to provide overall planning. If it is necessary to have more than one joint investigative team, there must be close working between co-ordinators and clear processes for full information sharing.

Access to records

One of the most difficult issues in complex abuse investigations relates to the tracing, use, management and disclosure of documentary information relevant to the investigation. The investigative team should consider what information is required and where it is likely to be and take immediate steps to secure it within each agency. The investigative team will also need to access a variety of records during the investigative process.

It must be recognised by those seeking to trace victims that some may be very reluctant to co-operate with any inquiry and provide information. Staff records usually prove somewhat easier to trace due to pension rights, but casual and voluntary staff can prove elusive. A vast range of documentary information will exist on residents' personal files, staff personnel files and general establishment records and registers. It is crucial that the location of these is quickly identified so that they can be secured. Clear protocols and procedures for investigative access to this material will need to be established and enforced. Information Governance Leads from the police and the LA will need to provide guidance and support with the production of such protocols.

The inquiry will need to take into account the relevant dates of service of the alleged perpetrator at the establishment to which the allegations relate and those at all other places of work throughout their entire service. The process of collating all relevant service dates, records of residents and members of staff for each establishment can be extremely difficult in practice.

Information sharing

Confidentiality when exchanging information

Child abuse investigations rely critically on sensitive or highly confidential information being made available to investigators. Agencies must have a protocol in place to address the sharing of information. The SMG must ensure the effective use of the protocol for the purposes of any inquiry. All members of the investigation team should be aware of, understand and observe the protocol. It is vital to establish clear understandings about the rules governing disclosure of information to members of the investigating team and those colleagues and supervisors who require access to the information, who must be regarded as forming a circle of confidentiality. Consideration should also be given to the use of confidentiality agreements with regard to individuals employed to undertake the investigation.

The [Data Protection Act 1998](#) requires that personal information is obtained and processed fairly and lawfully, is only disclosed in appropriate circumstances, is accurate, relevant and not held longer than necessary; and is kept securely. The Act allows for disclosure without the consent of the subject in certain conditions, including for the prevention and detection of crime, or the apprehension or prosecution of offenders, and where failure to disclose would be likely to prejudice those objectives in a particular case.

Risk assessment of alleged perpetrators

There needs to be an exchange of information in order to manage the risk to the public, and it is important to ensure the maximum confidentiality of such exchanges. Only relevant information should be shared in relation to alleged perpetrators and victims. The police should share information relating to the alleged offence and any other relevant information. LA CSC service should share information about the known conduct and current professional / domestic circumstances of alleged offenders and where applicable, victims.

Any other information relevant to protect the public from the commission of further offences should also be shared. Children currently living with an alleged perpetrator or to whom an alleged perpetrator has unsupervised access may be at risk of harm. Alleged perpetrators may have contact with children in other contexts (e.g. through youth work, day care, etc.) or as a volunteer.

When a statement of complaint is received from an alleged perpetrator about an investigating officer or about a known or perceived risk to the perpetrator, then a risk assessment is immediately required. It is necessary for the level of risk to be assessed so that steps can be taken to ensure that all current

risk of harm is considered and minimised. It is not appropriate for a risk assessment to be carried out by officers engaged in the investigation.

The [Criminal Justice and Court Services Act 2000](#) makes provision for Multi-Agency Public Protection Arrangements (MAPPA) to be established and places a statutory duty on the police and Probation services to manage risk for identified groups of perpetrators. As part of these arrangements, police forces and Probation areas must have established procedures for assessing risk and for information sharing. It is important that in cases where an alleged perpetrator is identified, steps are taken for notification to be provided to the multi-agency risk panel.

The notification by the investigating team should be made to the MAPPA relevant to the area where the alleged offender is currently residing. It will be essential during the course of the investigation for the investigating team and the multi-agency risk panel to have effective lines of communication, so that relevant parties are quickly notified of changing circumstances.

Access by the police to LA CSC files

LA CSC files frequently contain information or evidence relevant to an investigation. It is a matter for the police SIO on a case-by-case basis, to decide what access to files is necessary to ensure an effective investigation. In arriving at the decision the SIO should balance the competing issues and ensure that their decision and rationale, including all relevant information which impacted on the decision, is recorded in the 'Decision Log'.

If files are disclosed to the police, the local authority should be aware that the prosecution may be required to disclose these to the defence in the event of a criminal prosecution. The prosecution is required to provide material to the defence which will form part of the prosecution case. Also, under the [Criminal Prosecution and Investigations Act 1996](#), the prosecution has a statutory duty to disclose to the defence any unused material which may undermine the prosecution case or assist the defence case. This may lead to the disclosure of files in full or in part to the defence. However, in the case of sensitive material, it is open to the prosecution to apply to the Court to withhold such material on public interest immunity grounds. In such circumstances, it will be a matter for the Court to determine whether such files should be disclosed.

Both the prosecution and defence may also apply to the Court for a summons requiring the production of LA CSC files. In such circumstances, the local authority has the opportunity to oppose the application and it is open to the authority to seek to withhold the material on public interest immunity grounds. Again, the court will determine whether the files should be disclosed.

Information sharing between health, the police and local authorities

The duty of confidentiality requires that unless there is a statutory requirement to use information that has been provided in confidence, it should only be used for the purposes of which the subject has been informed and to which they have consented. This duty is not absolute, but should only be overridden if the holder of the information can justify disclosure as being in the public interest. Decisions to disclose information without consent should be documented and the public interest justification clearly stated. The tests for disclosure without consent will often be satisfied in child abuse cases where the protection from harm and the prevention and detection of crime are the reasons for disclosure.

Whilst it is not entirely clear under law whether or not a common law duty of confidence extends to the deceased, the Department of Health and professional bodies responsible for setting ethical standards for health professionals accept that this is the case. Whilst the [Data Protection Act 1998](#) does not apply to the deceased, disclosure may be made under the Act provided that the processing complies with its eight enforceable data protection principles or can rely upon one of its non-disclosure exemptions. The data protection officer within an organisation is responsible for ensuring compliance with the Data Protection Act.

Where there is any doubt as to the procedure to follow in order to ensure such compliance, advice should be sought from the organisation's data protection officer in the first instance.

Disclosure of information to third parties

In the course of an inquiry, information about alleged perpetrators may sometimes need to be made available to individuals not directly involved but who are part of a recognised statutory agency. Nothing in this procedure should restrict the forwarding of information in circumstances, where it is necessary to prevent the risk of further offending.

Disclosure decisions outside the framework of the statutory agencies have to be determined by appropriate local multi-agency risk processes relevant to where the alleged offender resides. The principles established in the 'Risk assessment of alleged perpetrators' section above should be followed.

Disclosure of unused material to defence

Investigations of this nature are subject to the same rules of disclosure as any other prosecution. The requirements of the [Criminal Procedure and Investigation Act 1996](#), the [Code of Practice](#) made under that Act, the [Joint Operational Instructions on Disclosure of Unused Material \(2004\)](#) and [Attorney General's Guidelines on Disclosure, 2013](#) all apply. The identification of unused material for the purpose of disclosure is somewhat more complicated than in other police 'HOLMES' inquiries, which usually revolve around only one case. The material should be well documented and, as in all cases, adequately described in the appropriate schedule, including a separate schedule of sensitive material. It is then a matter of scrutinising it to identify which material is relevant, and therefore subject to disclosure or alternatively to possible claims of public interest immunity. The Disclosure Officer is therefore a key individual who should be carefully selected and should have been fully trained. They can also seek legal advice (including from the CPS if necessary) on complex disclosure issues.

Compensation claims and civil litigation

A proportion of complainants in criminal prosecutions of this nature applies for compensation from the [Criminal Injuries Compensation Authority \(CICA\)](#) and / or sues for damages in the civil courts. In these cases the police will have to enter into correspondence with CICA and / or solicitors. Statements and previous convictions of complainants are the documents most often required by solicitors. Statements should only be released at the conclusion of all criminal proceedings. But consideration should be given to the time limits which exist for the submission of civil claims. The SIO should consider the competing needs of the individual and the investigation to ensure that applications for civil claims are not prejudiced. The release of other unused material should be considered case-by-case on the basis of a developed policy. As holders of such material, the police should strike a balance to meet the requirements of:

- The rules in respect of discovery in civil litigation (which are quite different from disclosure in criminal cases);
- The complainant and their solicitor;
- The local authorities or third sector bodies subject of the litigation;
- The [Data Protection Act 1998](#)

Where there are ongoing criminal proceedings, it may be appropriate for the SIO to consult the CPS about the release of material in such circumstances, as there is a potential to impact upon the ongoing criminal proceedings.

Civil litigation of necessity continues after criminal procedures and may have resource implications for the investigating force for a number of years after the criminal investigation is concluded. In some cases, the defence may claim that the victims are motivated to make the allegations by potential financial reward. It is important that the strategic management group's policy and procedures on avoiding discussion of compensation are rigorously followed from the outset of the investigation.

This will ensure that officers are not open to criticism for offering the prospect of compensation as a means of securing co-operation in an investigation which in turn may damage the credibility of the witness or cast doubt on their motives.

In the event that the victim or witness raises the issue with the investigating officer and asks for advice about a claim or where they can obtain information, the officer should follow the procedures set out in the investigation policy. It is important to know if the investigating officer is made aware that a potential victim or witness is claiming compensation, and for this to be recorded and revealed to the CPS to decide if it is discloseable.

Referral of information about alleged abusers

The Waterhouse Inquiry report has noted the importance of adequate referral of information about suspected abusers. It is probable that an investigation will identify individuals who are suspected abusers but against whom prosecutions are not brought. If a suspected abuser is working with children in a child care position, or in the education service, evidence and information should be shared to support disciplinary proceedings and to enable where appropriate, the referral of suspected abusers to the Disclosure and Barring Service (DBS). Referral to the ISA is likely to be appropriate if the person is not currently employed with children but has worked with children in the past.

Any actions / non-actions, and the reasons for taking them, should be clearly recorded.

Support

Support for victims and witnesses

A clear victim support strategy and protocol should be agreed at the outset. Support of victims, witnesses and staff will be required at the pre-trial, during the court trial and post-trial stages. Minimum periods for contact should be established. It is clear from experience in previous investigations that many victims and families feel strongly that it is important that they remain in contact with the same staff throughout the investigative process.

Support for victims and witnesses during the investigation

[The Witness Charter Standards of Care for Witnesses, 2013](#) sets out the stages of the case when victims, or their representatives, must be made aware of developments. Regular contact also helps to ensure that during the interim period the whereabouts of the complainant are known. **The importance of regular contact with the victim cannot be overemphasised.** In large-scale complex child abuse inquiries, there may be merit in setting up dedicated helplines to be available to inquiry subjects, their families and members of the public.

Support for victims and witnesses at Court

- Police and social workers should be available at Court to provide support to witnesses in accordance with the established operational policy, which should take account of the potential for identified police / social work professionals to be called as witnesses;
- Witnesses should be kept apart, and in some cases police officers and victims may also need to be kept apart to avoid allegations of collusion;
- Support for witnesses should be guided by the needs of the witness: the expertise of experienced Victim Support Scheme volunteers, including those from the Witness Service, should be considered and they should be consulted about other agencies which may be

better able to support particular witnesses (e.g. those with learning difficulties; those for whom English is not their first language);

- In those cases where the police have been providing long-term support (e.g. as Family Liaison Officers), occasionally immediately before the commencement of a trial, the defence object to continued support being given to a witness by specific police officers (where this is longstanding). The withdrawal of trusted support is frequently traumatic for the witness and planning should take account of such a possibility, with consideration being given to support being provided by another organisation;
- It is essential to consider the effect which the provision of counselling and other therapeutic services to victims and witnesses may have on the judicial process. For this reason, it is important that the police and the CPS are made aware that therapeutic support is proposed, is being undertaken, or has been undertaken. The nature of the therapeutic support should be explained so that consideration can be given to whether or not the provision of such support is likely to impact on the criminal case;
- The CPS will offer advice as requested on individual cases, on the likely effect of the therapy on the criminal process. However, the decision about whether, and if so in what form, therapeutic support should take place before a criminal trial is not a decision for the police or the CPS. It is for those responsible for the welfare of the child, in consultation with the child's carers and, where appropriate, with the child. Where therapeutic support does take place, it is important that a record of the therapy is maintained so that it can, if appropriate, be made available in the judicial process. In all circumstances, the welfare of the child is the paramount consideration;
- Whenever possible, the allocated LA children's social care team member or member of the Court Witness Service should be present in court when each complainant / witness is to give evidence. They should leave the court with the witness after evidence has been given and should then determine with the witness what immediate support they require. The immediate support should be provided by the social worker, the Court Witness Service member or the linked police officer individually or jointly, or by a counsellor (whichever the witness is most comfortable with).

Victim aftercare

When the case is concluded, the police should gradually withdraw from regular contact with victims. It is impractical, and often unnecessary, to maintain the levels of contact required before a trial. Nevertheless, it is recognised that the trial process can be as traumatic to a complainant as the initial making of their complaint. Social work staff may need to remain in contact for a longer period and gradually devolve any long-term support or counselling needs to appropriate bodies. There may well be a need to liaise with the Adults Safeguarding Board.

The National Probation Service (NPS) has a statutory duty to contact the victims of those offenders sentenced to 12 months or more for a sexual or violent offence. After a plea or finding of guilt, it would normally be the responsibility of the police to advise the victim that they are passing on the victim's contact details to the relevant probation area and give the victim the opportunity to opt out of the transfer of this information. At the same time, the police should hand the victim a leaflet explaining the NPS's role. Within two months, the NPS would be in contact with the victim asking, among other issues, if they want information about how the prison system works and/or if they may eventually want to express a view about conditions attached to the prisoner's release. It is for the victim to decide if they wish to be involved in this procedure.

Media handling

The main task of handling the media should be assigned to a senior manager in each agency who is in close contact with the detail of the investigation. The SIO should have an operational media strategy in place from the commencement of the investigation and it is vital that all statements to the media are cleared via the SIO and that consistency is maintained throughout. Staff must have available to them a clear line of referral for any media inquiries in order to ensure that statements are only issued by designated spokespeople. Individual agencies should not express independent views as to the conduct of the investigation.

There are many legal restrictions governing what might be said to the media during the course of criminal and / or care proceedings, including any injunctions that might be in force. It is therefore essential that consideration is given to obtaining legal advice before any information is released to the media. The investigation team should be aware of the potential dangers of uncontrolled or inappropriate media reporting on future criminal proceedings at the investigation stage. Many sensitive cases which have attracted significant media attention at the investigative stage are subsequently the subject of defence submissions on abuse of process and the inability of the defendant to have a fair trial because of the level and nature of media reporting.

It is essential that victims and their families are protected from the potential trauma that may be associated with media interest in their cases. All press releases should avoid identifying victims so that they may be shielded from media attention unless and until they need to attend court.

Closure and review of investigation

Exit strategy

Where closing a case, the following tasks should be completed as appropriate:

- Obtain final list of indictments;
- Inform Force Intelligence Bureau for risk assessments and actions under the [Sex Offenders Act, 1997](#)
- Inform all complainants / witnesses of the result of the case;
- Inform all relevant agencies of the result of the case (this must include a briefing to the staff involved in the case as soon as possible);

- Agree procedure for dealing with victims who identify themselves at a later date and / or victims who remember things after the event;
- Consider the need to offer continuing support to child victims and their families, who have been in contact with the investigation;
- Consider the need to maintain contact with witnesses, giving particular consideration to child witnesses who have given evidence in court proceedings, and ensure provision of counselling where appropriate;
- If an offender is sentenced to one year or more, provide details of victims to the Probation service and hand out copies of information leaflet to victims;
- Subject to any directions by the Court, return exhibits 35 days after conviction or, if the defendant appeals, at the conclusion of any appeal.

All agencies should review the investigation once it is completed. The review should identify recommendations for single and multi-agency learning and development. The LSCB may already have conducted a serious case review (although in some cases this may not be completed until the conclusion of Court proceedings). It is good practice to conclude all major investigations with an overview report highlighting the prime activities and findings of the inquiry with recommendations for future single or inter-agency learning in action plans which are monitored by the LSCB.

Records to be maintained and file storage

The [Code of Practice made under the Criminal Procedure and Investigations Act 1996](#) sets out the minimum requirements for record retention in all criminal cases and defines action to be taken by the police in the context of retention and disclosure of material held by third parties. It is considered good practice to maintain a central registry and file storage facility for all cases that come within this guidance. The holding agency should ensure that all documents and files used and / or generated in the process of an investigation are retained securely.

Agencies involved in such cases have differing requirements and are subject to a variety of regulatory and voluntary file retention periods. It is also necessary to cater for the production of material in connection with civil actions and the [Freedom of Information Act](#). It is recommended that, against the various needs of agencies, all original files be retained for a minimum period of six years from the date of the completion of the investigation (whether or not proceedings are instituted) in consideration of the fact that information contained in these files may be required in subsequent criminal and / or civil proceedings. Such material may also be relevant as supporting evidence for compensation claims to the [Criminal Injuries Compensation Authority](#). Certain material may be relevant to subsequent investigations and / or enforcement action by a regulatory body such as the National Care Standards Commission.

Further information:

[Guidance on investigating child abuse and safeguarding children- ACPO guidance 2009](#) Second Edition (ACPO NPIA, 2009):

[Complex Child Abuse Investigations: Inter-agency issues](#) (Home Office and Department of Health, 2002).