



## THE POLICE June 2011

1. The main roles of the police are to uphold the law, prevent crime and disorder and protect citizens. Children, like all citizens, have the right to the full protection offered by the criminal law. Under section 11 of the Children Act 2004, the police authority and chief officer of police for a police area in England must ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Offences committed against children can be particularly sensitive, and require close multi agency working. The Police are solely responsible for driving any criminal investigation relating to children being supported through a Section 47 investigation.
2. The police recognise the fundamental importance of inter-agency working in combating child abuse. The police have specialist training in investigating child abuse cases. The second edition of *Investigating Child Abuse and Safeguarding Children* was published by ACPO and the National Police Improvement Agency in 2009<sup>1</sup>. This sets out the investigative doctrine, training courses and terms of reference for police forces' child abuse investigation units (CAIUs).
3. All police forces have CAIUs and, despite variations in their structures and staffing levels, they normally take primary responsibility for investigating child abuse cases. Some child abuse cases are dealt with elsewhere within the police family e.g. CID. The police have access to the national IMPACT Nominal Index (INI) which enables them to check which forces hold information on a particular individual. The INI capability draws on a number of police databases, including child protection, domestic violence, crime, custody and intelligence. Police forces are in the process of migrating to the Police National Database (PND) which will continue to provide and enhance this facility.
4. Safeguarding children is not solely the role of CAIU officers – it is a fundamental part of the duties of all police officers. Patrol officers attending domestic violence incidents, for example, should be aware of the effect of such violence on any children normally resident within the household. The police also maintain relevant UK-wide databases such as VISOR – a database for the management of individuals who pose a serious risk of harm to the public<sup>2</sup>. Through the Safeguarding Vulnerable Groups Act 2006, the Government has established a new integrated Vetting and Barring Scheme, regulating all those who work with children (and vulnerable adults), which relies on regularly updated police information. Separate guidance is available to help the Police carry out this responsibility, and officers engaged in, for example, community safety partnerships, Drug Action Teams, Multi Agency Risk Assessment Conference (MARAC) and Multi Agency Public Protection Arrangements (MAPPA) must keep in mind the needs of children in their area.
5. Children and young people also come into contact with the police as part of the criminal justice process, when arrested or taken to a police station for questioning or when asked to give evidence as a witness. The police have a duty to safeguard and promote the welfare of children in their care/custody at all stages of the process and ensure full compliance with the requirements of the Police and Criminal Evidence Act (PACE). PACE recognises that young people should not be detained in police cells overnight, other than in rare circumstances e.g. the serious nature of the allegation.

1 [www.npia.police.uk/en/docs/Investigating\\_Child\\_Abuse\\_WEBSITE.pdf](http://www.npia.police.uk/en/docs/Investigating_Child_Abuse_WEBSITE.pdf)

2 VISOR has been developed jointly between the police and the probation service to assist management of offenders in the community

Other agencies (currently Reliance) ensure adequate safeguarding of young people in court settings and during escort to the secure estate.

6. The police hold important information about children who may be suffering, or likely to suffer significant harm, as well as those who cause such harm, which they should share with other organisations where this is necessary to protect children for example, the family court. They can expect other organisations to share with them information and intelligence they hold to enable the police to carry out their duties.

7. Any evidence gathered by the police or other agencies in criminal investigations may be of use to local authority solicitors who are preparing for civil proceedings to protect the victim. The Crown Prosecution Service (CPS) should be consulted, so that they may decide on the issue of sharing evidence in the best interests of the child and in the interests of justice. It is possible evidence gathered for civil proceedings may be of use to the police in the criminal investigation and similar processes exist to facilitate the appropriate and timely disclosure of such evidence by Local Authorities. Early notification of reasonable disclosure requests is vital for all agencies.

8. The police must be notified as soon as possible by local authority children's social care whenever a case referred to them involves a criminal offence committed, or suspected of having been committed, against a child. Other agencies should also consider sharing such information. This does not mean that in all such cases a full criminal investigation is required, or that there will necessarily be any further police involvement. If a crime have been committed / suspected, however, it must be recorded as such by the police. This is vital for both present and future victim care and offender management. The police must be informed and consulted, to ensure all relevant information can be taken into account before a final decision is made. Any agency deciding not to report a crime / suspected crime to the police must justify this decision on their own recording system, in a manner that is robust enough for future scrutiny.

9. LSCBs should have in place a protocol, agreed between the local authority and the police, to guide both organisations in deciding how section 47 enquiries should be conducted and, in particular, the circumstances in which joint enquiries are appropriate.

10. In addition to their duty to investigate criminal offences, the police have emergency powers to enter premises and ensure the immediate protection of children believed to be suffering, or likely to suffer, significant harm. In such circumstances, the police should inform the child (if he or she appears competent to understand) and take such steps as are reasonably practicable to ascertain the child's wishes and feelings. Police emergency powers should only be used in exceptional circumstances, when necessary / appropriate / proportionate, the principle being that, wherever possible, the decision to remove a child from a parent or carer should be made by a court. It is the decision of the police officer present at the time as to whether or not these powers should be exercised. Home Office Circular 017/2008<sup>3</sup> gives detailed guidance on this.