

Child Abduction Warning Notice

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Policy Statement

Summary West Yorkshire Police complies with Authorised Professional Practice (APP) which contains information to assist policing, and has established a local policy procedure to provide clear standards and guidelines, to reduce repeat incidents of children and young people going missing from the care of those responsible for their welfare and reduce the risk that this exposes them to.

Children and young people who go missing are vulnerable to abuse including Child Sexual Exploitation and Abuse (CSEA), Child Criminal Exploitation (CCE) and County Lines. A Child Abduction Warning Notice (CAWN) may be an effective way of protecting a child who is regularly missing but may also be used to address controlling, grooming type behaviour which is not associated with missing episodes.

Any report of child abduction or an immediate child protection issue will not fall under this procedure.

This policy aims to explain police officer and staff roles and responsibilities in relation to CAWNs, set out a graduated and proportionate response to cases of children and young people going missing, and to set out a clear process for the issue and audit of CAWNs so that they provide evidence to support prosecution or civil proceedings.

Scope This policy applies to all police officers and police staff.

Principles

- Summary**
- The issue of a Warning Notice is a safeguarding measure for the child or young person concerned.
 - The issuing of a CAWN holds no legal force; it is intended to inform a person should they continue to behave in that manner that they may commit an offence.
 - A CAWN may be issued:
 - If a child is under the age of 16 years (under 18 years if in local authority care under a section 31 Care Order);
 - Where no criminal offences are committed;
 - Where the person is associating with children for whom they have no parental responsibility;
 - Where it is a necessary and proportionate response to safeguard

- children or a child;
 - To any person who is over the age of criminal responsibility.
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Legislation

- There is no legislative provision to deal specifically with the issue of CAWNs, and non-compliance with a CAWN is not a criminal offence. However, a CAWN can work to provide evidence of other offences, e.g. child abduction.
 - A CAWN is served on suspects who are believed to present a risk to children under the following legislation:
 - Abduction of a child by other persons when the child is under 16 years of age – section 2 Child Abduction Act 1984.
 - Abduction of children in care where the child is under 18 years and in local authority care under section 31(1)(a) Children Act 1989 – section 49 Children Act 1989.
 - Before the CAWN is issued there must be a supervisory review to ensure that no substantive offences have been committed.
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Types of Warning Notices

There are two types of Warning Notices:

- Children under 16
 - In these circumstances a complainant statement is required from a parent.
 - If parental responsibility is shared then just one statement is needed.
 - Children under 18 in local authority care under section 31(1)(a) Children Act 1989
 - To issue a CAWN in these circumstances a statement is required from the local authority, usually the designated social worker.
 - In the case of shared parental responsibility, such as interim care orders, the statement must be taken from the majority holder as outlined in the order.
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Responsibilities

Officer in case (OIC)

Responsibilities

The officer in case is responsible for:

- Determining that the issuing of a Warning Notice is an appropriate course of action;
- Obtaining authorisation from a Sergeant to issue the notice – this must include a review of the circumstances to ensure that there are no substantive offences;
- Obtaining CJA statement from the parent or the person that holds Parental

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Responsibility in the case of a child who is under the care of the local authority. This must include:

- Where parental responsibility lies and the fact that restrictions and wishes of the parent/carer have been made clear to the child;
- The concerns that the parent/carer has due to the association (this is important in terms of justifying the tactic) as well as the child's name, age and date of birth;
- Details of any alias or 'street name' that the child is known by;
- A good quality photograph exhibited in the statement that confirms, whether named or not, that it is the person who is intended to be protected by the CAWN; and
- The OIC must consider obtaining a copy of the birth certificate (if available) as proof of age and exhibit this in the same way as the photograph;
- Completing the Warning Notice;
- Serving the CAWN, with the following considerations:
 - The use of BWV must be considered;
 - The individual must be informed of the wishes of the parent/person acting in loco parentis;
 - CAWN to be read out to individual and any response to be recorded;
 - Photograph of the child to be shown to the subject – this must be exhibited in the statement written by the person issuing the CAWN. This must not be left with the suspect;
 - OIC must ask the subject to confirm that they understand;
 - OIC must consider any vulnerability and refer for appropriate support;
 - If the suspect has a learning disability, is mentally vulnerable, deaf, visually impaired or cannot read, the individual serving the CAWN must invite them to nominate an intermediary or appropriate adult;
 - If an interpreter is used, they must translate the CAWN into the appropriate language when it is served – they must provide a statement exhibiting the CAWN;
 - It must be emphasised that it is the subject's responsibility to comply with the notice, not the child's;
 - One copy of the CAWN must be left with the individual and the other copy is to be retained by the police and scanned onto the occurrence;
- Making a statement detailing the process, which must include:
 - That they served a copy of the CAWN (exhibited) and read the CAWN to the individual verbatim;
 - That they knew the child by the name of;
 - That they showed the exhibited photograph of the child to the individual;
 - That they have told the individual that it is their responsibility to comply with the CAWN, not the child's responsibility; and
 - That the individual confirmed that they understood what they were being told;

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- Flagging all nominals on Niche who are issued with a CAWN, and those who are the subject of one – the flag will be displayed on Niche on the nominal warning tab as: 'Child Abduction Warning Notice' to comply with national practice;
- Informing the local authority's children's social care (CSC) that a Warning Notice is in place regarding that child – this may be done through local procedures involving the Children Vulnerable to Exploitation (CVE) Team or Missing Persons Co-ordinators;
- Creating a Harbourers Warning occurrence – 'Child Related', 'Harbourers Warning';
- Scanning on the original Warning Notice signed by the suspect with the child's photograph and statement from the parent onto Niche;
- Creating a flag against both the child and also the subject whom the warning has been issued to – this will be done by the CVE Team and they must be notified of the issue of the CAWN by Niche task;
- Placing a 'notify if' flag on the occurrence with an expiry date six months following the issue of the notice – given the circumstances in which these notices are issued, the reviewer will be either the CVE Team or Missing Persons Co-ordinator. This decision will be made by the CVE Sergeant;
- Once the statement has been attached to Niche and the warning and photograph scanned, disposing of these – photographs must be returned to the parent/Social Worker; and
- Tasking the PNC Bureau to create a PNC information marker.

If there is more than one suspect, a CAWN is required for each in respect of each child.

PNC Bureau staff

- Responsibilities** PNC Bureau staff are responsible for:
- Processing the PNC circulation task;
 - Creating the information marker against both the child and also the suspect which the warning is issued to;
 - Updating the Niche occurrence enquiry log (OEL) that a marker is in place;
 - Applying an expiry date:
 - S2 Child Abduction Act 1984 – applies to victims up to the age of 16 years; the expiry must be set to the child's 16th birthday; or
 - S49 Children's Act 1989 – applies to victims up to the age of 18 years; the flag must be set to the child's 18th birthday; and
 - Weeding the marker from PNC as per the weed date, or before the expiry date if advised to do so as a result of case review by the Missing Persons Co-ordinator on the receipt of a task.

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Action following Non-Compliance with a CAWN

- Arrest**
- The suspect can be arrested and interviewed on suspicion of having committed an offence under the relevant legislation if there is evidence that the terms of the Warning Notice have been contravened e.g. the child has been seen with the suspect or is reported missing and is then found with the suspect after a Warning Notice has been given.
 - Relevant legislation would be s2 Child Abduction Act 1984, s49 Children Act 1989 or other legislation if it appears that other offences have been committed.
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- Interview**
- Individuals must consider the key evidential points to prove in interview – including that the suspect:
 - Was aware of the child’s age and identity; and
 - Had been explicitly informed that they did not have the permission of those with parental responsibility to associate with the child.
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- Follow up statement**
- At the point of an offence being suspected, individuals must obtain a follow up statement from the parent/carer to confirm that:
- The circumstances had not changed since they made their original statement; and
 - The Warning Notice had been served, i.e. that:
 - The same concerns for the child’s welfare remained;
 - The restrictions had not been changed;
 - The child knew this; and
 - No permission or consent had been given to the suspect regarding contact.
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- Decision to prosecute**
- Any decision to prosecute is subject to the Statutory Charging Scheme.
 - Individuals are advised to conduct a full briefing with the relevant gatekeeper, before submitting to CPS, due to the complexities of the legislation.
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Review of CAWNs

- General**
- A CAWN must be reviewed every six months – this is the maximum period and must involve a full review of any relevant occurrences involving the child and suspect. However, there must also be consideration of the age of

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the child in question and also any prison sentence that is imposed during the life of the CAWN.

- Given the circumstances in which a CAWN is issued, the reviewing person will either be the CVE Team of the Missing Persons Co-ordinator.
 - The decision for a CAWN to be removed must be authorised by a supervisor (minimum Sergeant).
 - All parties must be involved of the outcome of the review and the relevant flags extended or expired.
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**Retention
Period**

- The occurrence and associated documents must be retained for six years, in line with MoPI.
 - Following this, a review will be conducted by Information Management.
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Additional Information

Compliance This policy complies with the following legislation, policy and guidance:

CoP/NPCC Advice for Safeguarding Children through the Use of a Child
Abduction Warning Notice (CAWN)
APP Intelligence Management
APP Investigation
Sexual Offences Act 2003
Children Act 1989
Child Abduction Act 1984
Data Protection Act 2018
