

Safeguarding Children and Young People

Contents

Policy Statement	2
Legislation.....	2
Allegations Against Professionals.....	4
Police Officers and Police Staff.....	4
Responsibilities – All Police Officers and Police Staff.....	6
Responsibilities – Initial Call Taker / Despatcher	6
After Officers are Deployed.....	7
Responsibilities – First Officer on Scene	8
Child.....	8
Initial Investigation.....	9
Suspected Parental Abduction.....	10
Sudden and Unexpected Infant Deaths	10
Consulting with Others.....	11
Locality Risk Assessments.....	12
Suspect Considerations	13
Bail Conditions.....	15
Youth Produced Sexual Imagery Between Persons Under 18	15
Harmful Sexual Behaviour	16
Complainant Requests a Review of Decision Not to Prosecute.....	16
Referred to Panel	18
Referred Direct to Force or CPS	18
Outcome of Panel Review	19
National Child Sexual Abuse Review Panel	19
Additional Information	22

Policy Statement

Policy Summary West Yorkshire Police policy complies with Authorised Professional Practice (APP).

Children and young people are among the most vulnerable members of our society.

Through our well established Multi Agency Safeguarding Arrangements 'MASA' West Yorkshire Police will work in partnership with other agencies to protect and ensure the safety and welfare of children.

Scope This policy procedure applies to all members of West Yorkshire Police.

Legislation

Introduction

- The legal definition of a child is anyone under the age of 18 years.

Child Abuse

- A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults, or another child or children. (Working Together 2018)
- There are four main categories of child abuse.
 - **Physical Abuse** - A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.
 - **Emotional Abuse** - The persistent emotional maltreatment of a child such as to cause 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. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a

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child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

- **Sexual Abuse** - Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- **Neglect** - The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:
 - a) Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
 - b) Protect a child from physical and emotional harm or danger
 - c) Ensure adequate supervision (including the use of inadequate care givers)
 - d) Ensure access to appropriate medical care or treatment It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Children Act 1989

- There is a wide range of legislation which allows you to deal with aspects of child abuse.
- The Children Act 1989 provides powers and procedures specifically for this purpose such as:

Power	Purpose
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Children Act 1989 – Section 46	This is an emergency power which enables any police officer to protect a child who is believed to be 'at risk of significant harm' by removing the child to suitable accommodation for up to 72 hours or, if the child is already in a place of safety, e.g. a hospital, that the child remains there. See section on PPO process.
Children Act 1989 – Section 44	a court order issued in cases where a child is likely to suffer significant harm and may include a power to enter and search premises for the child. Usually the social services will make the application for an EPO which would then provide them with parental responsibility for the child in respect of ensuring the child's welfare only; or
Children Act 1989 – Section 50	a court order issued in respect of a child who has been abducted, is missing, or has run away. The recovery order authorises the police to enter and search specified premises for the child, using reasonable force if necessary.

Allegations Against Professionals

Information

- If information comes to light that a person who works with children, on a paid or voluntary basis has:
 - Behaved in a way that has harmed or may harm a child;
 - Where an individual has possibly committed a criminal offence against or related to a child;
 - Behaved in a way that would suggest that they may pose a risk of harm to children; and/or
 - Behaved in a way that would indicate that they are unsuitable to work with children,then the local authority LADO should be notified.
- The LADO contact details for the individual local authority areas as well as any referral forms can be found on the intranet.
- When forces apply Schedule 3, Police Reform Act 2002, the Police (Complaints and Misconduct) Regulations 2020 and the Police (Conduct) Regulations 2020 for investigations (criminal or misconduct), restrictions, suspension and proceedings (criminal or misconduct), these are not a substitute for the LADO framework. The LADO process is in addition to them and therefore the relevant referral must be made.

Police Officers and Police Staff

Officer in Case (OIC)

- If concerns are raised that a police workforce member, on or off duty, has:
 - Behaved in a way that has harmed, or may harm, a child;

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- Possibly committed a criminal offence against, or related to, a child;
- Behaved in a way that would suggest that they may pose a risk of harm to children; or
- Behaved in a way that indicates that they are unsuitable to work with children,

then the local authority LADO must be notified. (See Professional Standards below.)

- The district OIC must notify Professional Standards as soon as possible, either by telephone or email, so that an initial review can be completed.
-

Professional Standards

- The Professional Standards Directorate (PSD) will assess the information to identify whether a Severity Assessment regarding the conduct of the individual is required.
- If a Severity Assessment identifies there may be a breach of the Standards of Professional Behaviour, then a conduct occurrence (and crime, if applicable) will be created and allocated to a PSD OIC.
- The PSD investigator will:
 - Identify and consult with the relevant area LADO regarding the circumstances of the incident;
 - If a LADO referral is required, submit the appropriate documentation to the relevant LADO and the Force Vetting Officer. The occurrence enquiry log (OEL) must be updated to reflect this action and the document attached to the reports tab; and
 - Provide the LADO officer with meaningful updates throughout the investigation.
- At the conclusion of the investigation, the PSD investigator will:
 - Consult with the relevant LADO and agree the outcome;
 - Update the occurrence (and crime, if applicable) and inform the Force Vetting Officer; and
 - Attaching a copy of the investigating officer's report and the Appropriate Authorities Determination to the occurrence.
- At the conclusion of any conduct proceedings, the OIC will:
 - Attach a copy of the rationale recorded by the Chair of any misconduct proceedings to the Niche occurrence;
 - Update the relevant LADO and the Force Vetting Officer; and
 - Update the occurrence to this effect.
- In circumstances where the incident/alleged behaviour is considered a breach of the Standards of Professional Behaviour, but is not so serious as to require disciplinary proceedings:
 - The circumstances of the incident will be referred back to the individual's relevant district for Practice Requiring Improvement (PRI). This must be completed within 14 days.
 - An occurrence will be recorded by PSD administration and then allocated to a PSD investigator.
 - The PSD investigator will identify and consult with the relevant area LADO regarding the circumstances of the incident. If a LADO referral is required, the PSD investigator will submit the appropriate

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documentation to the relevant LADO and the Force Vetting Officer. The OEL must then be updated to reflect this action and the document attached. The LADO officer must be provided with meaningful updates throughout the investigation as required.

- On conclusion of the PRI process, the PRI investigator will attach the relevant documentation to the occurrence and update the LADO. The LADO decision will be recorded on the OEL, and Force Vetting updated for recording.

Force Vetting Officer

- Force Vetting will review the circumstances of the incident and any decision reached by the LADO at each stage of the investigation.
- Force Vetting will consider the individual’s vetting status and suitability to undertake their current role and any future role applied for.
- The information received will be retained in accordance with Data Protection and weeding procedures.

Appeals process

- An appeal may be made by the applicant in writing as per the Vetting policy.

Responsibilities – All Police Officers and Police Staff

Trafficking

- You should consider if the child has been trafficked. See the section on the Palermo protocol in the supporting information of the force Child Sexual Exploitation (CSE) policy.

Rape Cases

- In cases of rape, further guidance for investigators, supervisors and managers can be found in APP Investigation.

Responsibilities – Initial Call Taker / Despatcher

Information to Obtain

As a call taker / despatcher, you should obtain the following information:

No	Information
1	Identity, location and contact details of the person reporting and the capacity in which they are reporting, e.g. neighbour, teacher;
2	A ‘first account’ of what the caller says has occurred (recording it verbatim). Is this an ongoing or live incident? Is it a historical case?
3	Identities and details of all parties involved, victim, witnesses, suspect, including any children present: <ul style="list-style-type: none">● full names;

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	<ul style="list-style-type: none"> • gender; • dates of birth; • home address; • telephone number; and • occupation;
4	nature of the incident or concern;
5	Details of the demeanour of the caller, victim, suspect and witnesses, and background noise (including shouting and words spoken);
6	Location of: <ul style="list-style-type: none"> • the incident; • the child victim - are they safe; • any suspect(s); • other parties, for example, other children and siblings. Any other witnesses, are they safe?
7	Once it is established that all parties are safe basic advice around crime scene preservation should be provided such as: <ul style="list-style-type: none"> • Not moving anything; • Not cleaning or tidying the area; • Not washing/changing clothing; • Not allowing children, relatives, neighbours, animals to enter the area where the reported incident has taken place.
8	Description of the suspect. Do they have access to children?
9	Has a weapon been used and are any available to the suspect;
10	Are any of the parties are injured? Location, nature and severity of any injuries and whether medical assistance is required;
11	Does any person present appear drunk or to have taken drugs;
12	Is/are the child/children on a child protection plan? This should be communicated to the attending officers.
13	Do any communication or language issues exist and whether officers will require an interpreter in a particular language;
14	Is there any history of social services involvement; an initial search of Niche should indicate this.
15	Do any court orders apply?
16	Ensure that an ambulance is en-route, if required.

After Officers are Deployed

Obtain

After despatching officers to the scene, you should:

No	Responsibility
1	Reassure the caller that officers have been despatched;
2	Make checks of computer systems for previous reported incidents, especially those involving children, e.g.: <ul style="list-style-type: none"> • PNC;

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	<ul style="list-style-type: none">• Bail conditions;• Civil injunctions;• Court orders relating to child contact; and• Corvus and Niche;
3	Make checks of any child protection plan on Niche. <ul style="list-style-type: none">• Is/are the child/children on a child protection plan? This should be communicated to the attending officers.
4	<ul style="list-style-type: none">• Inform the attending officers of any history of domestic abuse or child abuse, e.g. injunctions or child contact restrictions; about other factors that may affect the police response such as potential communication difficulties arising from language or disability.
5	Inform the caller when officers have arrived at the scene, so that they can be safely admitted to the premises.

Responsibilities – First Officer on Scene

Introduction

- The signs of child abuse are not always obvious; it is imperative that you listen to and record ‘the voice of the child’. This is not just what a child says, it is about how they present emotionally and physically and includes their surroundings. It is best practice to use body worn video however this should not be used to capture initial accounts from victims where it is suspected that sexual offences have taken place.
- Whenever you deal with any instances of suspected child abuse you must immediately inform a supervisory officer.
- If it is necessary to use powers under s.46 Children Act, individuals must create a Child Protection PP1 occurrence on Niche (one per household with all children linked and a form PP1 completed for every child and attached to the Reports tab). See PPO Guidance. A child must NOT be placed with anyone or at any address without checks upon the address, occupants, and visitors, including Niche, PNC, PND and checks with Children’s Social Care.
- If this is out of hours this will be done via the Emergency Duty Team; details for each local authority area are available on the intranet.
- Any action taken **must** be recorded on the relevant Niche occurrence and STORM log where there is one.

Child

Obtain

As first officer on scene, you should:

- secure the safety of the child and any other child who is at that address (exercise powers under Police Protection, if appropriate); and
- record the following:

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No	Responsibility
1	The child's: <ul style="list-style-type: none"> • Full name; • Sex; • Date of birth; and • Responses and the questions you asked;
2	A description of the child's: <ul style="list-style-type: none"> • Physical appearance including visible injuries, clothing, and state of cleanliness. • The voice of the child must be recorded; this is not just about what a child says it includes how they present physically and emotionally. • Surroundings, including the condition of the home; you should check all rooms, not just the one presented to you by parents/carers.
3	Name of the person(s) with parental responsibility and primary carer(s); and
4	Who was present when you spoke to the child. You do not need parental permission to speak with a child to establish whether they are safe.
5	A Designated Officer must be assigned to the case and must be of inspector rank or above. (See PPO Guidance.)

Initial Investigation

Principles

- Investigations will be allocated and monitored in accordance with the force Investigations policy.
- Officers investigating child abuse should have undertaken the Specialist Child Abuse Investigation Programme and, if not accredited be working their way towards accreditation.
- Where an explicit image of an adult forms part of the evidence, recording this on Niche, e.g. images of adult genitalia which are sent over digital media and you have screenshots or printouts.
- The recording of exhibits on Niche must be as follows:
 - **Exhibit AH1 Facebook screenshot of Joanne SMITH CONTENT INCLUDES EXPLICIT IMAGES.**
 - **The exhibit should be labelled on Niche as containing an explicit image.**
 - They also need It also needs to be added to the case file as an additional case file document and not the reports tab on the occurrence.
- Individuals **must not**, under any circumstances, take screenshots or update Niche with any indecent images of children as they will be committing a criminal offence. In these cases, refer to the Child Sexual Exploitation policy.

Suspected Parental Abduction

Immediate Actions in Cases of Suspected Parental Abduction - Checklist

The first response officer should undertake the following tasks, as appropriate:

- Activate child rescue alert or force response to kidnap/crimes in action at the earliest opportunity.
- Establish whether the child is still with the complainant or when the child was last seen.
- Establish why the complainant believes that the child may have been abducted, e.g., a history of abduction or threats or attempts by the potential abductor.
- Obtain full details of the potential abductor, including name, address, date of birth, employment status and employer, description with a photograph if available, car description and registration number.
- Obtain details of the potential abductor's connections abroad, for example, has the person ever been or intended to be temporarily or permanently domiciled abroad, ties to the UK and any other country.
- Establish the current marital status of the complainant and the potential abductor and whether any court proceedings are pending.
- Establish the details of any child contact arrangements, including disputes, court orders and arrangements for supervised and unsupervised contact.
- Obtain any records of the family and potential abductor held by the police or other agencies.
- Establish whether there are any financial, family, medical or legal reasons for the potential abductor to leave the UK.
- Record details of any other sources from which the potential abductor's intentions may be learnt.
- Establish whether the child has their own passport and if so where it is.
- Obtain a full description of the child, including their name, age, date of birth, sex, nationality, appearance and clothing, a photograph if available, and the mother's maiden name.
- Ascertain the likely mode of transport, port and date or time of travel if known.
- Comply with local procedures to ensure immediate circulation for the purpose of an all ports warning.
- Make immediate contact with the police force responsible for the port of embarkation with a view to recovering the child and arresting the suspect.

Please refer to the APP for further information.

Sudden and Unexpected Infant Deaths

- Responsibilities**
- As first officer on scene (if you are not a detective you should arrange for a district detective in plain clothes to attend) you should follow the Sudden Unexpected Death in Childhood (SUDIC) policy.
-

Consulting with Others

- Referrals to Children's Social Care**
- Working Together 2018 sets out the framework for the police, local authority and clinical commissioning groups to make arrangements to work together to safeguard and promote the welfare of children including identifying and responding to their needs.
 - The Children Act and the Crime and Disorder Act 1998 allow the sharing of information and intelligence to protect children and prevent crime.
 - Where you have concerns about the welfare of a child you must make a referral to Children's Social Care.
 - This must be done by the attending officer, regardless of where the investigation sits.
 - All districts are now live with Public Protection Notice 'PPN' and the referral must be submitted via this route.
 - The referral must include an assessment of cumulative risk. Individuals must consider the lived experience of the child and not just the incident that they have attended.
 - It is the responsibility of the MASH to obtain an outcome for the child and this must be documented on the OEL of the PPN.
-

- Incoming Referrals**
- If the police are notified of a concern for a child then a 'Child Protection – Third Party' occurrence should be recorded. You should not use a Child Safeguarding referral occurrence.
-

- Strategy Discussions**
- Where there is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm a strategy discussion should be held. These discussions are usually convened by the local authority and may take the form of multi-agency meetings or phone calls, there may be more than one discussion.
 - As a minimum a social worker, health representative and police should be present.
 - The discussion should be used to share information, decide the conduct and timing of any criminal investigation and whether section 47 enquiries should be initiated.
 - During the discussion body worn footage should be shared to evidence neglect and also the voice of the child.
 - Under Section 47 of the Children Act 1989, 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.

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- Where a Strategy Discussion is held this should be documented on Niche on the Child Protection Referral and also the crime (if applicable) and/or the Child Protection Occurrence.
 - This should be documented on the Niche OEL using the F3 drop down option 'Multi-Agency Strategy Discussion' and any minutes should also be attached.
 - On the front screen of the occurrence the summary box should be used to record whether this is a strategy discussion regarding a child, this option is available via F3.
-

Initial Child Protection Conferences

- Following section 47 enquiries, if it established that a child is suffering or is likely to suffer significant harm an Initial Child Protection Conference may be convened by children's social care. The purpose of the conference is to share information and plan how to safeguard and promote the welfare of the child.
 - If the decision is made that the child will be placed on a child protection plan, this must be flagged on Niche.
 - See the Standard Operating Procedure for ICPCs.
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OPT2 Forms

- These forms are received by West Yorkshire Police from a prison when a prisoner wishes to arrange contact with a child, such as a family member.
 - The OPT2 form will be sent from the prison. These requests must be forwarded to the relevant Child Safeguarding Unit (where the child resides) via email for a response.
 - This should be completed by recording anything of concern surrounding the proposed contact with the prisoner and the child referred to.
 - Children's Social Care will also have received the same request. Therefore, a joint discussion should be held.
 - An information sharing occurrence should be recorded and the OEL should be updated with any discussions with Children's Social Care, this includes the outcome for the child.
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Sexual Assault Referral Centre (SARC)

- In cases of child sexual abuse the usual procedure will be that the child is examined at the SARC. The guidance and be found via Serious Sexual Offences policy and SARC Information Page.
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Locality Risk Assessments

Children's Homes Regulations 2014

- These OFSTED regulations are intended to ensure that the manager of a children's home conducts a comprehensive risk assessment of the area, as follows:

No	Description
1	the registered person will:

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	ensure that premises used for the purposes of a children’s home are appropriately and suitably located, so that children cared for by the children’s home are effectively safeguarded and are able to access services to meet needs identified in their care plans or placement plans; and
2	when conducting a review for these purposes, the registered person will consult, and consider the views of, such local bodies or persons as the registered person considers appropriate, including West Yorkshire Police.

- Missing Persons Policy**
- For full policy guidance regarding locality risk assessments, see Missing Persons policy.

Suspect Considerations

- Guidance**
- See Suicide Guidance – CSEA Suspects for further information.

- Information**
- Where there are concerns that a person poses a risk of sexual harm it may be appropriate to seek a Civil Order.
 - As a force we can provide parents, guardians and carers with information that will enable them to better safeguard their children's safety and welfare.
 - This is done via the CSOD Scheme.

- Welfare**
- You need to be mindful of the impact that your investigations can have on a suspect who is accused of any child sexual offence, regardless of guilt or otherwise.
 - This can be significant and does not just relate to the suspect. Consideration should be given to signposting their families to agencies that can offer support.
 - Although this process concentrates on those being arrested for child sexual offending, you must:
 - always consider welfare issues for suspects of all types of offending; and
 - take action to safeguard any person who may be at risk of self-harm.

Form 330 You should:

Step	Action
1	complete the Form 330 in duplicate;
2	personally serve one copy on all suspects who are being investigated for child sexual offending including non- contact offences such as grooming, incitements or indecent exposure;
3	do this the first time they attend at a police station as a suspect;

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4	ask the suspect to sign the second copy of the form, which you should: <ul style="list-style-type: none">• scan onto the relevant Niche occurrence; and• retain with the case papers.
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Form 330A

- This should be served on any appropriate adult required for any suspects qualifying for a Form 330. The process, to be adopted with the appropriate adult, should be identical to that for the Form 330 with the suspect; except that this process related to the appropriate adult rather than the subject.

You should:

Step	Action
1	complete the Form 330A in duplicate;
2	personally serve one copy on all appropriate adults of suspects who are being investigated for child sexual offending including non- contact offences such as grooming, incitements or indecent exposure;
3	do this the first time they attend at a police station as an appropriate adult;
4	ask the appropriate adult to sign the second copy of the form, which you should: <ul style="list-style-type: none">• scan onto the relevant Niche occurrence; and• retain with the case papers.

Out of Force Cases

- If any suspects are arrested/voluntary attendees for out of Force crimes, you should serve the Form 330 on the suspect, as above, and ensure that any other out of Force officers taking responsibility for the investigation are aware of the action taken. This also applies to any required Form 330A.

In Custody

- Wherever possible, you should serve the Form 330/330A where this can be captured on the custody area CCTV.
- You should make the custody officer aware so they can document action taken to manage the suspect's welfare, including the serving of the Form 330/330A, on the custody record.

Interview Process

- If you are interviewing a suspect, you should dedicate a proportion of it to the contents of the Form 330/330A and any other welfare considerations necessary. This will usually occur at the end of the interview and be captured on the interview recording.
- You should bring any issues you identify to the attention of a supervisor and/or the custody officer.

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- There are certain points within an investigation that may mean that the risk of self-harm is increased such as notification to employers and family. This should be considered as part of the welfare strategy.
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Adult Victims

- In respect of those cases where a sexual crime investigation takes place involving an adult victim (at the time of the offence) a Form 330B and Form 330C exist for both suspect and appropriate adult.
 - Further information on this can be found in the Serious Sexual Offences policy.
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Bail Conditions

Information

- Custody officers should consider including the following restrictions when imposing police bail conditions, so that children and other witnesses are given maximum protection.
 - Please refer to the Pre-Charge Bail process flowchart.
-

Youth Produced Sexual Imagery Between Persons Under 18

Introduction

- The term ‘youth produced sexual imagery’ is used to describe young people (under 18) sharing indecent images, stills or videos, of themselves or of others (i.e. of others under 18).
 - Youth produced sexual imagery can range from consensual sharing to exploitation. Criminal investigation and prosecution for image offences will be appropriate in the presence of aggravating features such as exploitation, coercion, a profit motive or adults as perpetrators as these would constitute child sexual abuse.
 - This section concentrates on those investigations where the sharing takes place between children and no aggravating circumstances exist.
-

Crime recording, investigating and outcome

- All reported offences of youth produced sexual imagery must be recorded as a crime in line with Home Office Counting Rules (HOCR) and at the end of an investigation that crime must be allocated an outcome.
 - In such cases where no aggravating circumstances are present, College of Policing guidance allows Outcome 21 to be considered which identifies that further investigation/formal action against any suspect is not in the public interest. This is a police decision.
 - Where this is the case, a form YPSI-1 (suspect) and YPSI-2 (appropriate adult if applicable) should be completed via Force Forms and supplied to both parties. These are available via the pathway Force Forms – Crime – Child and Public Protection.
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- College of Policing Briefing**
- See the full guidance, which includes advice about action to take in respect of any devices involved.
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- Operation Hydrant**
- Operation Hydrant is the national co-ordination function for non-recent child sexual abuse.
 - As a force we must refer cases that meet the criteria into Operation Hydrant.
 - Each district has an Operation Hydrant SPOC – this is usually a Detective Inspector within Child Safeguarding.
 - The criteria and referral templates are available on the intranet.
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Harmful Sexual Behaviour

- Principles**
- **'Harmful sexual behaviour (HSB) is developmentally inappropriate sexual behaviour which is displayed by children and young people and which may be harmful or abusive. It can be displayed towards younger children, peers, older children or adults. It's harmful to the children and young people who display it, as well as those it is directed towards.'** (NSPCC)
 - The Harmful Sexual Behaviour Support Service is available to support safeguarding professionals to address the normalisation of harmful sexual behaviour in children and young people.
 - The service can provide advice on individual cases or incidents of harmful sexual behaviour, resources, best practice and contacts around harmful sexual behaviour, both locally and nationally.
 - See Harmful Sexual Behaviour Support Service.
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Complainant Requests a Review of Decision Not to Prosecute

- Introduction**
- Since June 2013, complainants of some sexual crimes have been able to request a review of the police or CPS decision not to prosecute an alleged offender by approaching the police directly or the National Child Abuse Review Panel.
 - A national review of this process has led to third parties being allowed to make requests on behalf of a complainant where:
 - the victim is still a child; or
 - there are particular vulnerability issues making this a reasonable course of action.
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- What Does it Apply to?**
- This is not restricted to serious sexual offences and includes all sexual crimes committed against a victim:
 - who, at the time of the offence, was under 18 years old; and
 - where the offence was committed on or before 5th June 2013.

Over 18 or After 5th June 2013

- If the victim was at the time of the offence 18 years or older or the offence occurred after that date, this specific process will not apply. However, this does not preclude a review of the case through any other local process, e.g. the Public Complaints policy.

National Child Abuse Review Panel

- The National Child Abuse Review Panel:
- Comprises of senior police/CPS and independent representatives;
 - Should be seen as an advisory board for forces and prosecutors who are reviewing historic NFA decisions;
 - Is intended to provide national oversight and consistency of decision making;
 - Will consider the case evidence and decide whether the original police or CPS decision not to proceed was, in their view, incorrect; and
 - Advise that police investigations are reopened or a CPS decision be reviewed. Cases will be forwarded back to the original investigating area for the police to advise that the original decision not to proceed was the correct one or that a case is to be revisited.

Criteria

The panel will consider all cases where these factors apply:

No	Criteria
1	The complaint is in respect of an alleged sexual offence committed against the complainant;
2	The complaint of an allegation of a sexual offence has previously been made to the police;
3	A decision to take no further action was taken by the police or by the CPS;
4	The complainant has asked the police or the CPS to look again at that decision;
5	The alleged sexual offence was committed when the complainant was under 18 years of age;
6	The alleged offence must have been committed in the jurisdiction of England and Wales;
	The alleged perpetrator/s may still pose a risk. (The threshold for risk is set very low and simply means that the perpetrator may currently or in the future have the opportunity to commit further offences); and
Note: There is no restriction on the context or setting of where the alleged offending behaviour took place for the purpose of the case being re-considered by the panel.	

Ineligible Cases

The panel will not consider cases if:

No	Factor
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1	The complainant has not previously reported the matter to the police as this will be a new complaint that the police will need to investigate;
2	New evidence has come to light prompting a fresh investigation by the police;
3	The allegation is of child sexual abuse alleged to have occurred after the 5 th June 2013 (the date of introduction of the Victims Right to Review relating to CPS decisions). Any such reviews requested of police decisions should be considered under the local complaint's procedure; or
4	The Force or CPS area decide themselves to restart the investigation or criminal proceedings.

Flowchart

- See flowchart below.

Referred to Panel

Introduction

- Complainants can refer their case to the panel by contacting the secretariat.
- The secretariat will need the following information so that it can refer cases to the relevant police force or CPS area for review:

No	List 1 information
1	Complainant/victim's: <ul style="list-style-type: none">• Full name;• Date; and• Place of birth;
2	Date(s) and location(s) of offences;
3	Police force to which allegation was reported and the date when reported;
4	Name of perpetrator and, if known: <ul style="list-style-type: none">• Age;• Date of birth; and• Address;
5	If known, the reason why decision note to prosecute was made and by whom (police force or CPS); and
6	Any relevant reference numbers (crime / incident / URN numbers).

Referred Direct to Force or CPS

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Introduction

- Complainant can approach the Force or CPS direct. In these cases, the Force or CPS must notify the panel secretariat about:
 - Every case they are reviewing which meets the above criteria; and
 - The outcome of their review, including the following information so that a panel can be convened to review the decisions made.

No	List 2 information
1	Date(s) alleged offences took place as well as locations(s);
2	Date when the allegation was reported to police;
3	Current status of both the complainant and the alleged offender (PNC and PND data, locally held data and any other relevant information);
4	Summary of the allegation and, if available, a copy of the MG3 and MG5 or other equivalent relevant documents. This should include all investigative strategy and policy, case officer reports and a synopsis of key evidence which objectively articulates case strengths, weaknesses and particular challenges. This may or may not be in the form of a formal case summary, or it may lie in correspondence or case file notes between police, CPS and Counsel;
5	Clear summary of the relevant points that the decision not to prosecute was based on and copies of any evidence / documents used in that decision making process, i.e. key victim and witness statements; and
6	Summary of and supporting documents of any pre-existing challenges, reviews, complaints about conduct or about investigative standards, and other legal or quasi-legal scrutiny which may be relevant to the panels consideration.

Outcome of Panel Review

Decision Options

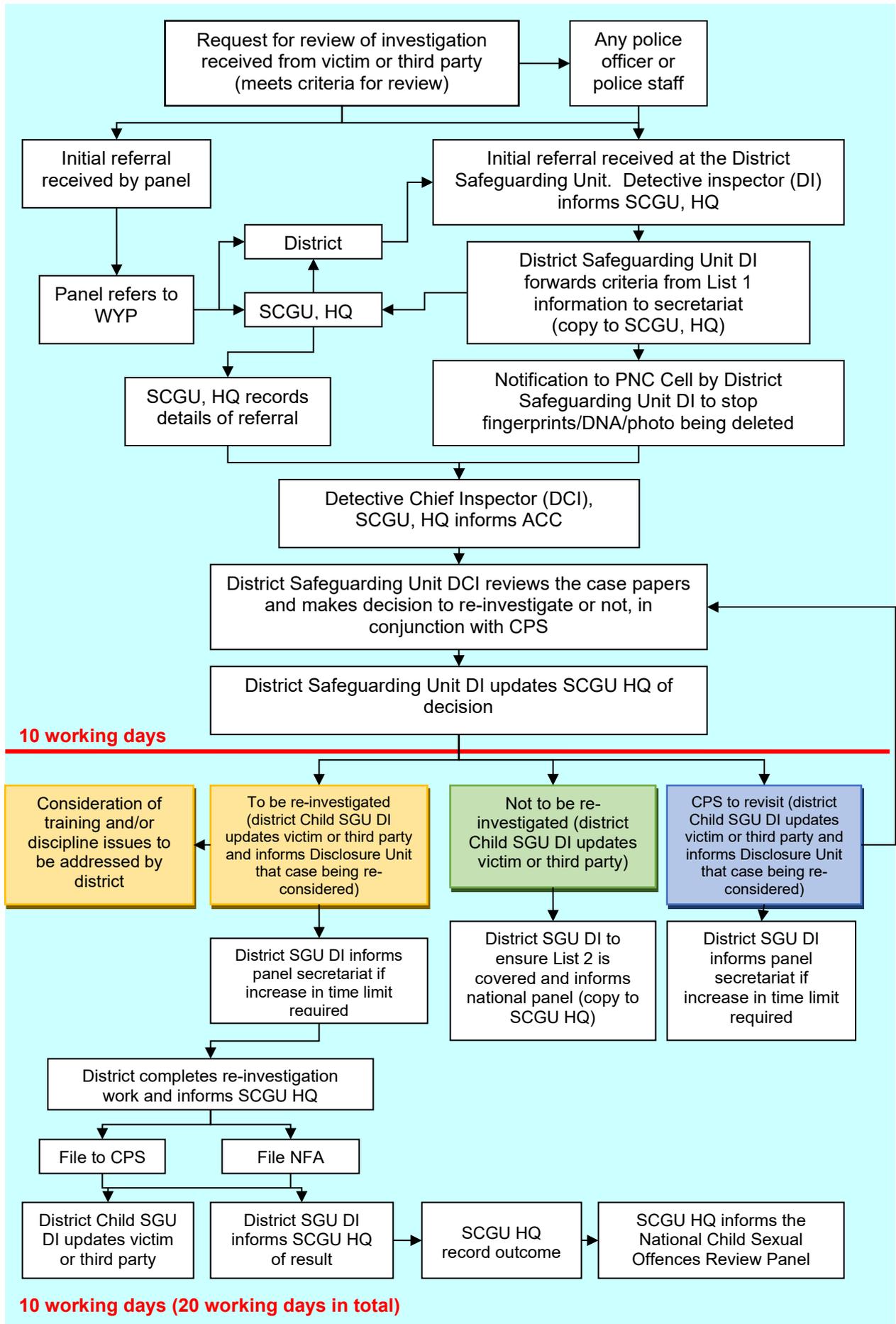
The panel will:

No	Option
1	Advise the police to reinvestigate the case and refer the matter in due course to the CPS;
2	Advise the CPS to reconsider their original decision to take no further action; or
3	Confirm to the police or CPS that the original decision to take no further action is correct and stands.

National Child Sexual Abuse Review Panel

**Process &
Flowchart**

- This process (amended 06/06/2014) allows a complainant to request a review of a decision either by the police or CPS made on or before the 05/06/13 (for requests for review of police decision from 05/06/13 onward – see below) not to prosecute regarding an allegation of a sexual crime committed against an under 18 year old.
- The complainant can approach either the police or panel (made up of senior police/ CPS / independent reps). In circumstances where the complainant is still a child, particularly vulnerable or lacking in capacity, then a third party acting in the best interests of the complainant can make a referral to the panel/police on their behalf.
- A flowchart of the process is on the next page:



Additional Information

Compliance

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

- Children Act 1989
 - Data Protection Act 2018
 - HM Government - Multi-agency statutory guidance on Female Genital Mutilation
 - West Yorkshire Consortium Inter Agency Safeguarding and Child Protection Procedures
 - Home Office's Provision of therapy for child witnesses prior to a criminal trial – practice guidance
 - APP Intelligence management
 - APP Investigation
 - APP Child Abuse Index
 - NCA Parental Child Abduction Guidance 2022
 - MOJ Code of Practice for Victims of Crime in England and Wales
 - Sudden Unexpected Death in Childhood (SUDIC) policy
 - Visual Recorded Interviews with a Child policy
 - Missing Persons policy
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