

**FFORWM DIOGELU PLANT
DYFED-POWYS
SAFEGUARDING CHILDREN
FORUM**

**Protocol for
Thresholds for Joint
Social Services /Police
And Single Agency
Child Protection Section 47 Enquiries.**



Title: CP Section 47 Enquiries Thresholds Protocol	Date: May 1 st 2008	Status: Approved by Powys/Carms/ Pembs/ Ceredigion LSCBs & Dyfed Powys Police
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1. Introduction.

- 1.1 This protocol provides guidance to the social services, police and other parties involved in child protection strategy discussions and/or meetings. The protocol indicates the threshold criteria to be used when deciding whether to undertake either a joint social services and police child protection section 47 enquiry, or a single agency child protection section 47 enquiry in response to a referral and initial assessment that indicates a child protection intervention might be required.
- 1.2 The protocol has been drawn up between the following parties for the purpose of ensuring consistency in the levels of intervention across the counties that comprise Dyfed Powys:
- Dyfed Powys Police;
 - NPHS;
 - Carmarthenshire Local Safeguarding Children Board;
 - Ceredigion Local Safeguarding Children Board;
 - Pembrokeshire Local Safeguarding Children Board;
 - Powys Local Safeguarding Children Board.
- 1.3 The protocol complements the Welsh Assembly Government guidance *Safeguarding Children: Working Together Under the Children Act 2004* and the *All Wales Child Protection Procedures 2008* and should be read in conjunction with them.
- 1.4 The threshold criteria in this protocol are a general guide and a child's individual circumstances, including all the relevant information gathered during the initial assessment, should be taken into account when reaching a decision about whether child protection section 47 enquiries are carried out by a single/joint agency.

2. The Child Protection Process.

- 2.1 In accordance with the All Wales Child Protection Procedures 2008 an initial assessment must be undertaken following a referral in order to establish if a child is in need and requires protection. The initial assessment should be completed within 7 working days. The initial assessment must include seeing the child, and speaking to or communicating with the child to the extent where the person making the assessment is satisfied that the child is and feels safe. However, if there are concerns that any delay or contact with the family would increase the risk of harm to the child, the initial assessment may be

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brief and lead directly to a child protection strategy discussion/meeting.

- 2.2 The consent of a parent/person with parental responsibility should be sought before undertaking the initial assessment, and any continuing intervention, unless professional judgement suggests that this would place a child at risk of further harm. The manager in social services with responsibility for child protection should only consider dispensing with the consent of the parent/ person with parental responsibility if the matter is child protection.
- 2.3 Following the completion of an initial assessment the appropriate manager in social services with responsibility for child protection should decide whether a child protection strategy discussion/meeting is required, and, if so, should arrange the child protection strategy discussion/meeting as soon as possible and no later than 24 hours after making the decision. The discussion/meeting should involve at a minimum the local authority children's social services and the police, and other parties as appropriate, including health, education, any referring agency, and, in the case of regulated services, Care and Social Services Inspectorate Wales (CSSIW). At the strategy discussion/meeting the participants should share and discuss all information that has been received/gathered and decide the next course of action within 24 hours or without delay if there is immediate concern for the safety and welfare of the child.
- 2.4 When there are concerns about neglect and emotional abuse, it is recommended that the manager in social services with responsibility for child protection consider holding a strategy meeting, rather than a strategy discussion, with all relevant professionals and staff.
- 2.5 The decision about whether child protection section 47 enquiries are required, and if so, whether the enquiries are undertaken as a single agency or jointly, must be made at a child protection strategy discussion/meeting. The participants are also required to plan the process and management of the child protection section 47 enquiries.
- 2.6 A core assessment is commenced when the child protection strategy discussion/meeting decides to initiate child protection section 47 enquiries.

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3. Thresholds.

3.1 When an allegation is made that a child has been significantly harmed as a consequence of extra familial abuse the police will take the lead agency role and carry out a single agency investigation. The police will always inform the manager in social services with responsibility for child protection about the allegation and hold a strategy discussion. In the event of child welfare concerns becoming apparent during the police investigation the police will inform the appropriate manager in social services.

3.2 The following table provides the threshold guidelines for either joint or single agency child protection section 47 enquiries in response to allegations of physical, sexual and emotional abuse, and neglect. It is important to note that at the referral stage, the allegation may not be substantiated, and an initial assessment is required before determining whether the threshold has been met.

ALLEGATION OF SEXUAL ABUSE	
Type of referral/report	Intervention threshold guidelines
Allegation of child sexual abuse.	Social services and police will always undertake the child protection section 47 enquiries jointly.
Diagnostic medical findings of sexual abuse; that is, a child is medically examined and the paediatrician reports that there are medical indications of sexual abuse, with/without the child making an allegation or other corroboration.	Social services and police will always undertake the child protection section 47 enquiries jointly.
Non-diagnostic medical findings of sexual abuse; that is, a child is medically examined and the paediatrician reports that there are medical	Social services and police will always undertake the child protection section 47 enquiries jointly.

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<p>indications of sexual abuse, but they are not conclusive. The child does not make an allegation, or is too young to allege abuse.</p>	
<p>Child exhibiting sexualised behaviour.</p>	<p>Social services to undertake single agency enquiries, unless there is information/evidence to indicate that a criminal offence has been committed.</p> <p>If during the single agency enquiries information/evidence indicates that a criminal offence has been committed, for example, child sexual abuse, the social services will inform the police. A strategy discussion/meeting will be held and child protection section 47 enquiries will be jointly undertaken by social services and police.</p>
<p>Sexually active young people:</p> <p>Children under the age of 13 years.</p> <p>Young people aged between 13 and 16 years.</p>	<p>Refer to the <i>All Wales Child Protection Procedures 2008 Part 5, Protocol for Safeguarding and Promoting the Welfare of Sexually Active Young People.</i></p> <p>In accordance with the Sexual Offences Act 2003 children under the age of 13 years are of insufficient age to give consent to sexual activity.</p> <p>Social services and police will always undertake the child protection section 47 enquiries jointly.</p> <p>In accordance with the Sexual Offences Act 2003 the age of lawful consent to sexual activity remains at 16 years, although it is acknowledged that mutually agreed, non-exploitative sexual activity does take place between teenagers and that it does not cause significant harm.</p> <p>If an initial assessment indicates that the sexual activity is neither exploitative nor coercive, and both young people consent, it is usually</p>

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<p>Young people aged between 17 and 18 years.</p>	<p>recommended that a social services and/or health intervention is undertaken.</p> <p>Whilst a criminal offence may have been committed, in such circumstances the police will decide the level of any criminal investigation, but will not seek to criminalize young people.</p> <p>During the social services and/or health intervention if it becomes evident that the young person has been exploited, coerced, and did not consent to the sexual activity, a strategy discussion/meeting should be reconvened and an agreed course of action undertaken in accordance with the <i>All Wales Child Protection Procedures 2008</i>.</p> <p>Consenting sexual activity is not an offence over the age of 16 years, however young people continue to be protected by the <i>Children Act 1989</i>. In any initial assessment/ strategy discussion/meeting consideration needs to be given to issues of sexual exploitation and the abuse of power when deciding about intervention.</p> <p>In accordance with the Sexual Offences Act 2003 the young person in this age group is not deemed able to give consent if the sexual partner is in a position of professional trust, such as a foster carer or teacher, or is a family member as defined in the legislation. In the event of a complaint against a professional the <i>All Wales Child Protection Procedures 2008 Part 4</i> should be followed and joint social services/police child protection section 47 enquiries undertaken.</p> <p>If a report is received that indicates that a child has been abused by another child which does not fit the above criteria, that is, they are not in a relationship, see section below: <i>Allegation that a child or young person is exhibiting sexually harmful behaviours</i>.</p>	
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<p>Allegation that a child or young person is exhibiting sexually harmful behaviours.</p>	<p>The initial referral may be made directly to the police and a criminal investigation commenced. The police should regard the matter as a child protection referral and must always inform social services.</p> <p>The Youth Offending Service should always be invited to be a party to a strategy discussion/meeting.</p> <p>In most circumstances joint social services and police child protection enquiries should be jointly undertaken in respect of the alleged victim.</p> <p>The police, will interview the alleged perpetrator in accordance with the Police and Criminal Evidence Act (PACE), 1984.</p>
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ALLEGATION OF PHYSICAL ABUSE

Type of referral/report	Intervention guidelines
<p>Allegation of physical abuse with injuries to child; that is, medical evidence of injuries, with/without an allegation by the child.</p>	<p>Social services and police will always undertake the child protection section 47 enquiries jointly.</p>
<p>Report of concern that a child might be physically abused, but the child has not made an allegation and there are no injuries.</p>	<p>Social services to undertake an initial assessment and single agency child protection section 47 enquiries and/or safeguarding intervention.</p> <p>If the during their assessment and/or enquiries the social services become aware that more serious abuse has occurred, and/or a criminal offence has been committed, the police will be informed and a further strategy discussion/meeting will be held to decide if joint child protection section 47 enquiries should be undertaken.</p>

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ALLEGATION OF NEGLECT	
Type of referral/report	Intervention guidelines
Allegation/report of serious neglect indicating the neglect is persistent and severe, and a child is suffering or likely to suffer significant harm.	Social services and police will undertake the child protection section 47 enquiries jointly.
Allegation/report of neglect where there are concerns about the child's welfare, but the neglect is not initially assessed as persistent and severe.	<p>Social services to undertake an initial assessment and single agency child protection section 47 enquiries and/or safeguarding intervention.</p> <p>If the social services become aware during the assessment and enquiries that more serious abuse has occurred, and/or a criminal offence has been committed, the police will be informed and a further strategy discussion/meeting will be held to decide if joint child protection section 47 enquiries should be undertaken.</p>

ALLEGATION OF EMOTIONAL ABUSE	
Type of referral/report	Intervention guidelines
Allegation/report that a child is being emotionally abused , which is reported as being persistent and severe, and the child is suffering or likely to suffer significant harm.	<p>Social services to undertake an initial assessment and single agency child protection section 47 enquiries and/or safeguarding intervention.</p> <p>If social services become aware during the enquiries and/or core assessment that more serious abuse has occurred, and/or a criminal offence has been committed, the police will be informed and a further strategy discussion/meeting will be held to decide if joint child protection section 47 enquiries should be undertaken.</p>

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4. Conclusion.

- 4.1 Following an allegation of child abuse, the police will also decide whether a criminal investigation should be undertaken. The Home Office Guidance *Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children 2001* will be followed for all investigative interviews of children for child protection enquiries and criminal investigations.
- 4.2 In the event of organised abuse coming to the attention of social services and police during their enquiries the *Complex Child Abuse Investigations: Inter-Agency Issues (Welsh Assembly Government) 2004* procedure should be followed (see *All Wales Child Protection Procedures 2008 Part 4*).
- 4.3 Any disagreements between parties about the outcome of child protection strategy discussions/meetings and whether enquiries should be undertaken by a single agency/jointly should be managed in accordance with the *Dyfed Powys Safeguarding Children Forum: Resolution of Professional Differences Protocol*.
- 4.4 The decision about whether child protection section 47 enquiries are undertaken by a single agency or jointly by social services and police should follow this protocol. However, it is recognised that particular circumstances might require different decisions. The reasons for all decisions should be recorded.

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