|  |  |
| --- | --- |
| **Child Protection Enquiries** |  |

**SCOPE OF THIS CHAPTER**

This chapter provides the steps about how to undertake a child protection investigation.

**Contents**

1. [**Duty to Investigate (Article 66 Inquiry)**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#duty)
2. [**Immediate Protection**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#immediate)
3. [**‘Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland’**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#protocol)
4. [**Article 66 Investigation**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#article)
5. [**The UNOCINI Child Protection Assessment**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#unocini)
6. [**Involving Children, Parents and Other Significant Family Members**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#involving)
7. [**Medical Assessments**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#medical)
8. [**The Outcome of Article 66 Investigation**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#outcome)
9. [**Timescales for Article 66 Investigation**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#timescales)
10. [**Recording**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#recording)

[**Further Information**](http://www.proceduresonline.com/sbni/chapters/p_ch_protection_enq.html#further_info)

 **1.** **Duty to Investigate (Article 66 Inquiry)**

Where a child/young person is suspected to be suffering, or likely to suffer, significant harm, children’s social services/PSNI/ have a duty to make enquiries, to enable them to decide whether any action should be taken to safeguard and promote the welfare of a child(ren)/young people. The NSPCC do have this duty but do not enact this duty within Northern Ireland.

If the child/young person is “Looked After” by another Health and Social Care Trust (HSCT) or authority, or is on the Child Protection Register of another HSCT or authority, the HSC Trust in whose area the child/young person is located should involve the HSCT or authority responsible for the child/young person.  The HSCT or authority responsible for the child/young person has the duty to take appropriate protective action.

There should be no delay in ensuring that appropriate emergency action is taken.

 An Initial Assessment should be undertaken.The outcome of the initial assessment may be that the child/young person is not at risk of significant harm, or has suffered significant harm and is not at continuing risk. In these circumstances consideration should always be given to the child/young person’s and the family’s need for support or services. In this context a Family Support Planning Meeting involving the family and other key professionals should be considered.

Each agency has a duty to assist and provide information in support of child protection enquiries in accordance with the Children Order (NI) 1995 and the Safeguarding Board NI Act 2011. Also the Children’s Cooperation Act 2015 is also applicable.

Children’s social services must decide at what point and whether to seek parental consent to undertake multi-agency checks. Consent should be sought unless to do so would place the child/young person at risk of harm.(See [**Safeguarding Board for Northern Ireland (SBNI) Information Sharing Agreement**](http://www.safeguardingni.org/sites/default/files/sites/default/files/imce/Final%20SBNI%20%20ISA%20Version%202%200.pdf)).

 **2.** **Immediate Protection**

Where there is a risk to the life of a child/young person or the possibility of serious immediate harm, an agency with statutory child protection powers (the Police and children’s social services) should act quickly to secure the immediate safety of the child/young person.

When determining whether emergency action is required, consideration should always be given as to whether action is also required to safeguard and promote the welfare of other children/young people in the same household (e.g. siblings), the household of an alleged perpetrator, or elsewhere.

Planned emergency action will normally take place following an immediate strategy discussion/meeting between police, children's social services, and other agencies as appropriate.

Police powers of protection should only be used in exceptional circumstances where there is insufficient time to seek an Emergency Protection Order (EPO) or for reasons relating to the immediate safety of the child/young person.

 **3.** **‘Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland’**

Where there is reasonable cause to suspect that a child/young person is suffering, or is likely to suffer, significant harm, the [**Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland**](http://www.proceduresonline.com/sbni/files/joint_invest_protocol.pdf) (Joint Protocol)must be initiated

Referrals to the Police under the Joint Protocol process must be made on the basis that there:

* Is an allegation or reasonable cause to suspect the abuse of a child/young person;
* There is a suspicion that a crime has been committed against a child/young person relating to the categories of abuse as outlined in the core procedure (physical, sexual, emotional or neglect);
* In some cases abuse may not constitute a criminal offence, e.g. neglect through poor parenting rather than wilful cruelty. Similarly, a criminal offence may not constitute abuse. In cases such as these a referral into the Joint Protocol process is required with a proportionate response that is focused on the principle of proportionality and education rather than prosecution.

Reports which amount to ‘concerns’ for a child/young person should not be referred under the Joint Protocol process, without initial enquiries being made in order to ascertain if these concerns amount to an allegation of child abuse or reasonable cause for suspecting abuse. The initial inquiries may involve multi-agency liaison by children’s social services to determine if the threshold is met to report the matter to the Police and initiation of the Joint Protocol process.

Reports of concern’s may originate from Police and may be referred for initial assessment to children’s social services. The decision to commence a joint investigation, by the agencies to which the Joint Protocol applies, will not take place at the point of referral. The joint decision to initiate, or not, a joint investigation, follows an assessment of the information, the allegation and its context.

It should be noted that where a clear allegation of child abuse is made, by any person, or, where grounds exist to suspect child abuse, the person making the referral should not in these circumstances be conducting further enquiries until the outcome of the joint assessment, between children’s social services and police, under the terms of the ‘[**Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland**](http://www.proceduresonline.com/sbni/files/joint_invest_protocol.pdf)’, is agreed. However, this does not negate the need, where necessary, to ensure all appropriate steps have been taken to ensure the immediate safety of the child/children/young people.

For further information on the joint investigative process between Police and Children’s Social Services, including joint assessments, joint strategies and interviewing children (see [**Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland**](http://www.proceduresonline.com/sbni/files/joint_invest_protocol.pdf)).

 **4.** **Article 66 Investigation**

Children’s social services is the lead agency for Article 66 Investigations and the children’s social services Team Manager has responsibility for authorising an Article 66 Investigation and  the need to refer to the Police under the Joint Protocol.

The Article 66 Investigation and assessment must be led by a qualified social worker from children's social services, who will be responsible for its coordination and completion. The social worker must consult with other agencies involved with the child/young person and family to obtain a full picture of the circumstances of all children/young people in the household, identifying parenting strengths and any risk factors. Enquiries may also need to cover children/young people in other households with whom the alleged offender may have had contact. All agencies consulted are required to provide information to assist the investigation and assessment.

At the same time, where there is a joint investigation, under Joint Protocol, the Police haveresponsibility for criminal investigation, including the gathering of evidence, and children’s social services for safeguarding. The Article 66 Investigation should begin by focusing on the information identified during the referral/assessment and strategy discussion (Joint Protocol), which appears most important in relation to the risk of significant harm.

The assessment of risk will:

* Identify the cause for concern, its seriousness, any recurring events and the vulnerability of the child/young person;
* Evaluate the strengths and weaknesses of the family;
* Evaluate the risks to the children/young people and the context in which they are living;
* Consider the child/young person's needs for protection;
* Consider the capacity of the parents and wider family and social networks to safeguard and promote the child/young person's welfare - this must include both parents, any other carers, such as grandparents, and the partners of the parents;
* Risk factors that may suggest a higher level of risk of significant harm (e.g. parental mental health difficulties, parental substance misuse, and domestic violence or issues of social isolation for example rural families or recent ethnic minority families.);
* Determine the level of intervention required both in the immediate and longer term.

 **5.** **The UNOCINI Child Protection Assessment**

**This must include multiagency information checks:**

The social worker must contact the other agencies involved with the child/young person to inform them that an Article 66 Investigation has been initiated and to seek their views. The checks should be undertaken directly with involved professionals and not through messages by intermediaries. Detail about other services involved with the family should be obtained from other professionals.

The relevant agency and professionals should be informed of the reason for the enquiry, as well as whether or not parental consent has been obtained, and asked for their assessment of the child/young person in the light of information presented.

Agency checks should include accessing any relevant information that may be held in other parts of the United Kingdom or in any other countries ([**Click here for the UNOCINI Assessment**](http://www.welbni.org/uploads/file/pdf/unocini_guidance_043651.pdf)).

 **6.** **Involving Children, Parents and Other Significant Family Members**

**The child/young person**

Children/young people who are the subject of an Article 66 Investigation should always be seen and be directly communicated with by either the Police or children’s social services or both agencies, so as to enable an assessment of their safety to be made. . In addition, all other children/young people within the household must also be directly communicated with during the investigation so as to enable an assessment of their safety to be made.

The children/young people, who are the focus of concern, must be seen alone, subject to their age and willingness, preferably with parental permission.

Children’s social services and the Police should ensure that appropriate arrangements are in place to support the child/young person through the Article 66 Investigation. Specialist help may be needed if:

* The child/young person has a physical/communication/sensory/learning disability;
* The child/young person's first language is not English.
* The child/young person appears to have a degree of psychological and/or psychiatric disturbance but is deemed competent;
* Interviewers do not have adequate knowledge and understanding of the child/young person's racial, religious and cultural background, sexual orientation or gender identity;
* New and emerging abuse is suspected, including the use of photography or filming.

It may be necessary to provide information to the child/young person in stages and this must be taken into account in planning the Article 66 Investigation.

Explanations given to the child/young person must be brought up to date as the assessment and the enquiry progresses. In no circumstances should the child/young person be left wondering what is happening and why.

If the whereabouts of a child/young person subject to the Article 66 Investigation is unknown and cannot be ascertained by the social worker, the following action must be taken within 24 hours:

* A strategy discussion/ meeting with the Police;
* Agreement reached with children's social services manager responsible as to what further action is required to locate and see the child/young person and carry out the enquiry.

If access to a child/young person is refused or obstructed, the social worker, in consultation with their manager, should co-ordinate a strategy discussion/meeting including legal representation, to develop a plan to locate or access the child/young person and progress the Article 66 Investigation.

**The parents and other significant family members**

In most cases, parents should be enabled to participate fully in the assessment and enquiry process, unless to do so would place the child/young person at risk of harm. The reason for undertaking the investigation must be explained to them verbally and also in writing by providing appropriate leaflets. The communication/language needs of the parents/carers should be established for example in relation to disability/ethnicity and the parents/carers capacity to understand, should be ascertained. If a parent has a specific communication difficulty or English is not their first language, an interpreter/signer/intermediaries/advocacy services should be provided. Appropriate communication methods should be used.

The social worker has the main responsibility to engage with parents and other family members to ascertain the facts of the situation causing concern and to assess the capacity of the family to safeguard the child/young person.

Parents must be involved at the earliest opportunity unless to do so would prejudice the safety of the child/young person. The needs and safety of the child/young person will be paramount when determining at what point parents or carers are given information. Parents must be kept informed throughout about the enquiry, its outcome and any subsequent action unless this would jeopardise the welfare of the child/young person.

The assessment must include both parents, any other carers such as grandparents and the partners of the parents. Discussions with parents should include checking what other services/agencies are involved with their family and their agreement sought to contact these services. The consent of the parent is not required when undertaking an Article 66 investigation.

Where a parent lives elsewhere but has contact with the child/young person arrangements should be made for their involvement in the assessment process.

Appropriate, checks should be completed on a parent, who assumes the care of a child/young person during an Article 66 Investigation.

An explanation of their rights as parents including the need for support and guidance from an advocate whom they trust should be provided, including advice about the right to seek legal advice.

Any objections or complaints expressed by parents during an Article 66 Investigation, and the response to these objections or complaints, must be clearly recorded.

 **7.** **Medical Assessments**

**Purpose of Medical Assessment**

Medical advice will often be sought as part of the investigative process of alleged or suspected child abuse.

The general purpose of a medical assessment is threefold:

* To assist with the inter-agency assessment as to whether abuse has occurred;
* To ensure that any evidence which is collected and presented is of a high quality thus ensuring that the child/young person has the optimum level of protection and support;
* To ensure that the wider healthcare needs of the child/young person are fully identified and arrangements made to meet these needs.

For further information on medical assessments, including matters concerning ‘consent’, seeking advice/consultation, and arranging medical examinations, refer to Medical Assessment of Alleged or Suspected Child Abuse/Neglect.

 **8.** **The Outcome of Article 66 Investigations**

Children’s social services are responsible for deciding how to proceed with the enquiries and risk assessment based on consultation between  social cervices and the Police under the Joint Protocol process and the outcome of same and taking into account the views of the child/young person, their parents and other relevant professionals/parties (e.g. a foster carer). It is important that they ensure that both immediate risk assessment and long term risk assessment are considered. Where the child/young person's circumstances are about to change, the risk assessment must include an assessment of the safety of the new environment (e.g. where a child/young person is to be discharged from hospital to home the assessment must have established the safety of the home environment and the implementation of any support plan required to meet the child/young person's needs based on multiagency/multidisciplinary discussion).

At the completion of the Article 66 Investigation, children’s social services must evaluate and analyse all the information gathered to determine if the threshold for significant harm has been reached.

The outcome of the Article 66 Investigation may reflect that the original concerns are:

* Not substantiated; although consideration should be given to whether the child/young person may need services as a 'child in need';
* Substantiated and the child/young person is judged to be suffering, or likely to suffer, significant harm and an Initial Child Protection Case Conference should be initiated.

**Concerns are not substantiated**

**Social workers with their managers should:**

* Discuss the case with the child/young person, parents and other professionals involved with the child/young person ;
* Determine whether support from any services may be helpful and help secure it; and

**All involved staff should:**

* Participate in further discussions as necessary;
* Consider whether the child/young person's health and development should be re-assessed regularly against specific objectives and decide who has responsibility for doing this.
* Contribute to the development of any plan as appropriate to meet any identified health, developmental, social needs of the child/young person and or family ;
* Provide services as specified in the plan for the child/young person; and
* Review the impact of services delivered as agreed in the plan.

The children's social services manager must authorise the decision that no further action is necessary, having ensured that the child/young person, any other children/young people in the household and the child/young person's carers have been seen and spoken with.

Arrangements should be noted for future referrals, if appropriate.

**Concerns of significant harm are substantiated and the child/young person is judged to be suffering, or likely to suffer, significant harm**

**Social workers with their managers should:**

* Convene an Initial Child Protection Case Conference. The Initial Child Protection Case Conference should take place within **15 working days from the date the referral was categorised as child protection**;
* Consider which key professionals, staff and agencies with should be invited to participate;
* Ensure that the child/young person and their parents understand the purpose of the Case Conference and who will attend; and
* Help prepare the child/young person if he or she is attending or making representations through a third party to the Case Conference. Give information about advocacy agencies and explain that the family may bring an advocate, friend or supporter.

**All involved staff should:**

* Contribute to the information their agency provides ahead of the Case Conference, setting out the nature of the agency's involvement with the child/young person and family;
* Consider, in conjunction with the Police and the appointed Case Conference Chair, whether the report can and should be shared with the parents and if so when; and
* Attend the Case Conference and take part in decision making when invited;
* Suitable multiagency arrangements must be put in place to safeguard the child/young person until such time as the Initial Child Protection Case Conference has taken place. The social worker and their manager will coordinate and review such arrangements.

**Feedback from the Article 66 Investigation**

The child/young person's social worker is responsible for recording the outcome of the Investigation consistent with the requirements of the agencies recording standards. The outcome should be put on the child/young person's electronic/paper record with a clear record of the discussions, authorised by the children's social services manager.

Notification, verbal or written, of the outcome of the enquiries, including an evaluation of the outcome for the child/young person, should be given to all the agencies who have been significantly involved for their information and records. If there are on-going criminal investigations, the content of the social worker's feedback should be agreed with the Police.

The parents and children/young people should be given feedback on the outcome in particular, in advance of any Initial Child Protection Case Conference that is convened. , This information should be conveyed in an appropriate format for younger children and those people whose preferred language is not English, have communication difficulties or have difficulty understanding due to for example a learning disability.. The method of communicating therefore needs to be appropriate to the age and capacity of the child/young person and the parents to understand.

Feedback about outcomes should be provided to non-professional referrers in a manner that respects the confidentiality and welfare of the child/young person.

Where the child/young person concerned is living in a residential establishment which is subject to inspection, the relevant Inspectorate Body should be informed.

**Where the decision about the outcome of the Article 66 Investigation is disputed:**

Where children's social services have concluded that an Initial Child Protection Case Conference is not required but professionals in other agencies remain seriously concerned about the safety of a child/young person, these staff should seek further discussion with the social worker, their manager and/or the nominated safeguarding children lead. The concerns, discussion and any agreements made should be recorded in each agency's files.

If concerns remain, the professional should discuss with a designated /named/lead person or senior manager in their agency and the agency may formally request that children's social services convene an Initial Child Protection Case Conference. Children's social services should convene a Case Conference where one or more professionals, supported by a senior manager/named or designated professional requests one.

If the matter remains unresolved the [**Escalation Policy**](http://www.proceduresonline.com/sbni/chapters/p_conflict_res.html) should be used.

 **9.** **Timescales for the Article 66 Investigation**

* The UNOCINI initial assessment incorporating the Article 66 Investigation must be completed within 10 days from the date the referral was categorised as child protection with progress being reviewed by a children’s social services Team Manager regularly to avoid any unnecessary delay and to ensure that the safety of the child/young person is reviewed effectively.

Where a Child Protection Case Conference is required the assessment should be completed within 15 working days from the day of the referral.

 **10.** **Recording**

A full written record must be completed by each agency involved, using the required UNOCINI and Joint Protocol Forms, authorised and dated by the staff.

The responsible manager must countersign/authorise the UNOCINI Forms.

Staff should, wherever possible, retain rough notes in line with local retention of record procedures until the completion of anticipated legal proceedings.

At the completion of the enquiry, the social work manager should ensure that the concerns and outcome have been entered in the recording system including on the child/young person’s chronology and that other agencies have been informed.

Children’s social services recording of enquiries should include:

* Agency checks;
* Content of contact cross-referenced with any specific forms used;
* Strategy discussion/meeting notes;
* Details of the enquiry;
* Body maps (where applicable);
* Assessment including identification of risks and how they may be managed;
* Decision making processes;
* Outcome/further action planned.

All agencies involved should ensure that records have been concluded and countersigned in line with agency policies and recording procedures.

All records should be checked for the correct spelling of names and any alias as well as correct dates of birth.

|  |
| --- |
| **Further Information**[**Referrals Procedure**](http://www.proceduresonline.com/sbni/chapters/p_referrals.html)[**Assessment Procedure**](http://www.proceduresonline.com/sbni/chapters/p_assessment.html)[**Information Sharing Agreement**](http://www.proceduresonline.com/sbni/chapters/p_info_sharing.html)Medical Assessment of Alleged or Suspected Child Abuse/Neglect |

**End**