

**PROTOCOL FOR JOINT INVESTIGATION BY
SOCIAL WORKERS AND POLICE OFFICERS
OF ALLEGED AND SUSPECTED CASES OF
CHILD ABUSE – NORTHERN IRELAND**



Personal, Professional,
Protective Policing



Health and Social Care Trusts

April 2013

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Statement of Commitment

The aim of this Protocol is to ensure that key partner agencies work together effectively to ensure that the best interests of the child underpin every aspect of child protection work.

The statutory partners and signatories to this multi-agency protocol are as follows:

Health and Social Care Board (HSCB)
Police Service Northern Ireland (PSNI)
Belfast Health and Social Care Trust (HSCT)
Northern Health and Social Care Trust (HSCT)
South Eastern Health and Social Care Trust (HSCT)
Southern Health and Social Care Trust (HSCT)
Western Health and Social Care Trust (HSCT)
National Society for the Prevention of Cruelty to Children (NSPCC)

This document updates and replaces the last edition of the Protocol which was issued in 2004. It is available from HSCB website www.hscboard.hscni.net or www.psni.police.uk

Your comments on this document are of great value because they are based on your knowledge and experience. If you have noticed an omission, or you think it can be improved in any other way, please get in touch with us at:

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FOREWORD

There are few areas of work where effective collaboration between staff in different agencies is as essential as the investigation and resolution of child abuse. It is also a very complex area of practice. Our knowledge and understanding of the phenomenon of child abuse has grown extensively over the last three decades. This knowledge must be incorporated within the day-to-day work of social workers and police officers if we are to ensure that meeting the welfare needs of children remains paramount.

This is the fifth edition of the Protocol for Joint Investigation. Each revision has built on developments in our knowledge and experience. The Protocol for Joint Investigation was introduced in Northern Ireland in November 1991. It drew heavily on the recommendations of the Cleveland Report¹ and in particular the importance of ensuring that children were not further harmed by the very investigative process which was there to help them.

These revisions have also drawn heavily on the experience of practitioners and reflected the growing confidence, respect and trust between staff working in this difficult and demanding area. It has also taken into account the many legislative, policy and research findings that have been developed since the last revision in 2004.

The PSNI and Social Services are constantly striving to improve their response to and the treatment of victims of child abuse and to encourage more reporting of offences to the police. As a consequence, over these past few years, there have been several changes within the police service in terms of structure and practice. This includes the establishment of Public Protection Units (PPUs), one in each of the eight policing districts. The PPU's now deal with a range of issues at local level, including the abuse of children, issues regarding domestic violence, as well as providing assistance in the management of risk relating to sexual and violent offenders and support in cases of missing persons. More recently PPU's have also had the added safeguarding benefit of having a senior social work practitioner attached to each of them.

The Sexual Offences (Northern Ireland) Order 2008 ("the 2008 Order"), which came into force in 2009, was the result of the first major overhaul in sexual offences law in Northern Ireland. Sexual crime, and the fear of sexual crime, as we know, has a profound and damaging effect on the lives of individuals and communities. Amongst other important measures, the 2008 Order seeks to clarify issues surrounding consent in rape and sexual assault cases; gives children better protection against sexual abuse; and introduces many new offences and useful tools when dealing with the issue of child sexual exploitation, for example the offence of 'grooming'. Maximum penalties for offences have also been reviewed and, where necessary, amended to reflect the seriousness of the behaviour involved.

It is recognised that there will always be a need to keep policies and procedures under review. A regional review of implementation of the Protocol for Joint Investigation was instigated following publication of the Social Services Inspectorate Overview Report 'Our Children and Young People – Our Responsibility' in December 2006. This fifth edition takes account of review reports and standards, new legislation and policies and a number

¹ The Cleveland Report was chaired by Judge Elizabeth Butler-Sloss (1988) following an increase in diagnosis of child sexual abuse at Middleborough General Hospital in 1987.

of structural changes which have been introduced since 2004 and 2012. It is essential that joint investigative practice continues to be supported by effective (joint) professional training for those social workers and police officers involved in investigations of alleged or suspected abuse.

The Human Rights Act 1998 has been fully effective from 2 October 2000. It incorporates the European Convention for the Protection of Human Rights and Fundamental Freedom ("the Convention") into United Kingdom Law. This makes it unlawful for public authorities to act in a manner which is incompatible with the Rights of Freedom guaranteed by the Convention. The Human Rights Act applies to all, including children and young people. The parties involved in developing this protocol are fully committed to promoting equality of opportunity, good relations and the promotion of Human Rights.

The Core Group would like to place on record its thanks to all of those who contributed to this review and those who have supported and will continue to support its implementation. We would also like to acknowledge the high levels of professionalism of the social workers and police officers who work day and daily in the complex area of safeguarding children and child protection.



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1 INTRODUCTION

1.1 Investigating social workers and police officers must use this Protocol for Joint Investigation in conjunction with the updated version of Achieving Best Evidence Guidance on interviewing victims and witnesses, the use of special measures, and the provision of pre-trial therapy (January 2012).

1.2 The Children (Northern Ireland) Order 1995 (“the Children Order”) recognises a child to be someone under 18 years of age. Children are also defined as vulnerable by reason of their age. The Criminal Evidence (NI) Order 1999 (as amended – Justice Act (NI) 2011) states that children under 18 years of age appearing as defence or prosecution witnesses in criminal proceedings are eligible for Special Measures to assist them in providing their evidence and having their evidence heard at court (see Achieving Best Evidence Paragraph 1.34). For young people who are over 18 years, Special Measures may be available where other vulnerabilities are present, e.g. learning disabilities, physical disabilities and mental ill-health. The implications of these statutes will be examined later in this document. The use of the word child in this document denotes children and young person’s less than 18 years of age.

1.3 This guidance considered and addressed the significant practice developments in Child Protection during the period 2004-2012 which included increased numbers of Case Management Reviews; the impact of high profile Child Abuse Inquiries, both locally and nationally; societal changes, including changing patterns of family life and greater ethnic and cultural diversity and the implications of the economic recession for many individual children and families.

1.4 Organisational changes following the Review of Public Administration in 2009 have resulted in the reduction in the number of community Trusts from eleven to five. The Reform Implementation Process, introduced following the SSI Overview Report 2006 has created a common Gateway System across Trusts and the regional implementation of the Understanding the Needs of Children in Northern Ireland (UNOCINI) Assessment Framework. At the same time, the PSNI have created dedicated Public Protection Units (PPUs), which is a holistic whole family approach to child abuse investigations. The PPU’s incorporate Child Abuse Investigation Units (CAIUs) and areas of business directly linked to such investigations i.e. domestic abuse, missing children and the management of sexual and violent offenders. While, Social Services, the National Society for the Prevention of Cruelty to Children (NSPCC) and where necessary, other organisations, will be involved in the investigative process, the Police Service for Northern Ireland (PSNI) is ultimately accountable for the overall quality of the criminal investigation.

1.5 The Review has taken into consideration existing and new legislation and a number of important publications that include:

- The United Nations Convention on the Rights of the Child
- The Children (Northern Ireland) Order 1995, supplementary legislation and associated volumes of guidance
- SSI Overview Report ‘Our Children and Young People – Our Shared Responsibility’ (Dec. 2006) (“SSI Overview Report 2006”)

- 'Co-operating to Safeguard Children' (DHSSPS 2003) (currently being revised)
- The Human Rights Act 1998
- 'The Protection of Children in England – A Progress Report' Lord Laming (March 2009)
- Criminal Justice (Northern Ireland) Order 2008 and Guidance on Public Protection Arrangements Northern Ireland (NIO) 2008
- The Sexual Offences (NI) Order 2008
- Revision of DHSSPS Children 'Sharing to Safeguard' (Revised HSCC 3/96)
- Understanding the Needs of Children in Northern Ireland (UNOCINI) DHSSPS 2008
- Independent Review Report on Agency Involvement with Mr Arthur McElhill, Ms Lorraine McGovern and their Children – Henry Toner QC (June 2008)
- The Bichard Inquiry Report (2004)
- Safeguarding Board for Northern Ireland – Policy Framework
- Achieving Best Evidence Guidance on interviewing victims and witnesses, the use of special measures, and the provision of pre-trial therapy. (2011)
- Safeguarding Board (Northern Ireland) Act 2011
- Manual of Practice: Public Protection Arrangements in Northern Ireland (December 2010)
- Justice Act (Northern Ireland) 2011
- Regulation and Quality Improvement Authority Inspections (RQIA)

1.6 The revised Protocol for Joint Investigation updates the framework for joint investigative working. The Joint Protocol Review Group recognises the complexities and difficulties faced by practitioners from the Police, Social Services and the NSPCC. It is important that all other relevant agencies are active participants in the information-sharing, early assessment, preparation and planning processes in the investigation of alleged or suspected cases of child abuse, and thereafter in implementing care and support plans for the child and wider family, as appropriate.

1.7 Investigating social workers and police officers must read this Protocol for Joint Investigation in conjunction with the updated version of 'Achieving Best Evidence in Criminal Proceedings: on interviewing victims the use of special measures and the provision of pre-trial therapy, and individual agency protocols, policies and service procedures in responding to alleged or suspected cases of child abuse.

Principles underpinning the Protocol for Joint Investigation

1.8 The following principles should apply to all investigations:

- The child's welfare must always be paramount and this overrides all other considerations;
- The Human Rights Act 1998 places a positive obligation on social services and the police to take reasonable action within their powers to safeguard the rights of children. These include the right to life (Article 2), the right not to be subjected to torture or inhuman or degrading treatment (Article 3) and the right to respect for private and family life (Article 8). Failure to exercise these powers, i.e. protecting children and the investigation of related matters, may leave a victim at further risk;
- Like all criminal investigations, one relating to child abuse is a search for the truth and therefore police officers and social workers should focus efforts, from the outset of a child abuse investigation on gathering evidence that does not rely entirely on the victim's statement;
- A proper balance must be struck between protecting children and their rights and respecting the rights and needs of the child, those with Parental Responsibility², parent / carers and families; but where there is conflict, the child's interests are paramount;
- Children have a right to be heard, to be listened to and to be taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions which may affect their lives;
- Children should be consulted and involved in all matters and decisions which may affect their lives in a way that is commensurate with their age and understanding. Where this is not possible appropriate substitute consultation/decision-making processes should be put in place, e.g. advocate intermediary;
- Those persons with Parental Responsibility and those with day-to-day care of children have a right to respect and should be consulted and involved in matters which concern the children they have care of;
- Children and Families should have equal access to services across the region and equality of opportunity should be promoted;
- Actions taken to protect a child, including investigation, should not cause the child any further unnecessary distress or add to any damage already suffered;
- Intervention should not deal with the child in isolation: the child must be considered in a family setting, with the impact of concerns also informing an assessment of the needs of other children within the family;

² The legal concept of 'Parental Responsibility' and the effect it may have upon some investigations (i.e., the need to place those with 'parental responsibility' in a more primary position of consultation and information sharing than 'parents' i.e., when a care order is made in favour of a HSC Trust or a Residence Order has been made in favour of another) will need to be considered by investigators. Parental Responsibility Art. 5, 6, 7 The Children (Northern Ireland) Order 1995 No.755 (N12).

- Where it is necessary to protect the child from abuse, alternatives should be explored which do not involve dislocating the child from his/her family and which minimise disruption of the family;
- Actions taken by agencies must be considered, proportionate and well informed so that they are sensitive to and take account of the child's age, gender, stage of development, physical or mental disability, religion, culture, language, communication needs, race and, in relation to adolescents, sexual orientation;
- All agencies concerned with the protection of children must work together on an inter-agency basis in the best interests of children and their families;
- Appropriate arrangements should be in place to ensure that all children have access to services which can assess and provide treatment to mitigate the experience of trauma resulting from abuse; and
- Each agency must have an understanding of each other's professional values and accept their respective roles, powers and responsibilities.

1.9 Irrespective of any envisaged evidential function, investigative interviews must primarily address the needs of the child concerned and must make the child's welfare the first priority. The joint investigative interview will need to fulfil the relevant legal requirements as well as being competently conducted in terms of communicating with the child and throughout will need to be sensitive to the child's needs.

1.10 This Protocol for Joint Investigation offers an agreed way of working which should ensure:

- The processes minimise distress to the child by maximising the co-operation of services and resources essential to the investigation. Actions taken to protect a child, including investigation, should not cause the child any further unnecessary distress or add to any damage already suffered
- Child Protection Procedures are properly followed;
- Differences of opinion are resolved through line management at local level but where this is not possible, or where the issues are very complex, the issues should be referred to the SBNI;
- Records are maintained and processes monitored and evaluated throughout the Protocol for Joint Investigation Process. It should be noted that all documents produced in an investigation may be subject to disclosure in criminal cases and discovery in civil cases. This will include all PJI forms;
- Provide a sound platform for further protective work in relation to children and their families; and
- Learning from the process which will inform future reviews of this Protocol and Child Protection Procedures generally.

Definition of Child Abuse

1.11 Children³ may be abused in many settings: in a family, in an institutional or community setting; by those known to them, or more rarely, by a stranger. There are different types of abuse and a child may suffer more than one of them.

The term 'child abuse' includes the following (see also chapter 6);

Physical Abuse

1.12 Physical abuse is the deliberate physical injury to a child, or the wilful or neglectful failure to prevent physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, confinement to a room or cot, or inappropriately or illegally giving drugs. Physical harm may also be caused when a parent or carer fabricates or induces illness, or deliberately causes ill health to a child in their care.

Emotional Abuse

1.13 Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may, as in cases of domestic abuse, involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Age or developmentally inappropriate expectations may also be imposed on children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.

Sexual Abuse

1.14 Sexual abuse involves forcing or enticing a child to take part in sexual activities whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children looking at, or the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways and offences relating to downloading child abuse images.

1.15 In recent years, many who have sexually abused children have used electronic technology such as the Internet and mobile telephone. The potential risks to children from developments in Information and Communications Technology need to be constantly reviewed. Investigators need to be always vigilant in relation to patterns which indicate the organised sexual exploitation of children.

Neglect

1.16 Neglect is the persistent failure to meet a child's physical, emotional and/or psychological needs, likely to result in significant harm. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical

³ A child means a person under the age of 18 years.

harm or danger, failing to ensure access to appropriate medical care or treatment, lack of stimulation, or lack of supervision. It may also include non-organic failure to thrive.

General Considerations

1.17 A child may suffer or be at risk of suffering from one or more types of abuse. Abuse may take place on a single occasion or may occur over time.

1.18 Each of these types of abuse are perpetrated upon children with disabilities but the abuse may take slightly different forms, for example, lack of supervision, or the use of physical restraints such as being confined to a wheelchair or bed.

The examples listed in the categories above are not exhaustive nor should they be taken as definitive proof that abuse has taken place. There may be other indicators that should not be ignored. Practitioners also need to be alert to the possibility of abuse manifesting itself in new ways not previously considered.

1.19 Article 66 of the Children (NI) Order 1995, places a duty on the Health & Social Care Trusts to investigate whether a child is suffering or likely to suffer "significant harm". As child abuse, whether sexual, physical, emotional or neglect, may result in significant harm, Social Services have a duty to investigate.

Significant Harm

1.20 There are no absolute criteria for judging what constitutes significant harm. However, they may include the degree, extent, duration and frequency of harm. Sometimes, a single traumatic event may constitute significant harm, e.g. a violent assault, sexual assault, suffocation or poisoning. More often, significant harm is a series of events, both acute and long-standing, which interrupt, change or damage the child's physical and/or psychological development. Some children live in family and social circumstances where their health and development are neglected. For them, it is the corrosiveness of long-term emotional, physical and/or sexual abuse that causes impairment, sometimes to the extent of constituting significant harm

When investigating allegations of abuse against children, practitioners need to be alert to the possibility that there may also be adults at risk of harm and liaise with Adult Safeguarding Services.

Record Keeping

1.21 Accurate and timely record keeping is essential. Good quality record keeping enhances service provision and the outcomes for those children, young people and family members who become involved in investigative processes under this Protocol.

Investigations conducted under this Protocol are also highly likely to be subjected to some level of review, judicial or otherwise,

Record keeping will include accurate details of the following:

- Referral information to both Social Services and Police including completion of appropriate pro-formas;

- Communications between Police, Social Services or others pertaining to the investigation;
- Strategy discussions including grounds for decisions, identified actions and timeframes;
- Contacts with children including Pre-interview Assessment⁴
- Interviews with witnesses including children; and
- Medical examinations.

⁴**Pre Interview Assessment** which is used to determine the child's understanding, willingness and ability to engage with the investigative process. The Pre-Interview Assessment is **not** part of the Investigative Interviewing process.

2 INVESTIGATION OF ALLEGATIONS OF ABUSE

Context

2.1 The general welfare principle, as expressed in the Children Order, places a duty on Health & Social Services (HSC) Trusts to provide services for all children in need within their areas. Any concerns about the welfare of children should be referred to the local HSC Trust to ensure that families are offered support whenever children are assessed as "in need" in accordance with Article 18 of the Children Order.

2.2 Social Services are tasked with statutory responsibility for child protection investigations and also have a statutory responsibility to make, or cause to be made, inquiries when there is "reasonable cause to suspect that a child who lives, or is found, in the authority's area is suffering, or is likely to suffer, significant harm" (Children (NI) Order 1995 Article 66 (1) (b)). Investigation will include conducting an initial assessment, liaising with the family and other key professionals, to assess the child's needs for support and protection. These inquiries must lead to an assessment as to whether action is needed to safeguard or promote the child's welfare taking into account the child's age, communication issues, disability, ethnicity, language issues and other matters.

2.3 The NSPCC also has powers to investigate.

2.4 The Police are tasked with statutory responsibility to prevent and detect crime and to gather evidence in the investigation of alleged or suspected criminal offences committed against children. The foremost objective however, in common with HSC Trusts and the NSPCC, will be the welfare and protection of the child.

2.5 The Police, Social Services and NSPCC each have their own roles and responsibilities in investigation. They also have specialist skills in terms of assessing and investigating allegations of child abuse. In every investigation of suspected or alleged child abuse, it is necessary for these skills to be combined to provide maximum protection for those children who are at risk or have suffered significant harm.

2.6 Investigations may be joint or single agency subject to the nature and circumstances of the case. There may be cases of poor parenting and situations that may have innocent explanations which need not be "criminalised" by involving the Police from the outset. Where there is doubt, consultation and discussion should take place between Social Services and the Police and PJI Forms completed. Where there is no abuse in the context of criminal neglect/cruelty then the matter will be referred back to social services for single agency investigation.

2.7 If there is a reason to suspect a criminal offence may have been committed in any initial or subsequent referral to Social Services or NSPCC they will immediately refer the case to the Police.

2.8 Where the Police either receive information, or come across a situation that raises concerns about a child's welfare or safety, they will refer the concern to Social Services.

2.9 The purpose of this Protocol for Joint Investigation is to detail how police officers and social workers will co-ordinate the investigation.

Confirmation of alleged or suspected abuse to the Police, Social Services or NSPCC

2.10 In all cases where there is reasonable cause to suspect that a child has been subject, or is being subjected to neglect, physical abuse, sexual abuse or emotional abuse as described in Chapter 1, those concerns must formally be referred between Social Services or NSPCC and the Police.

When NSPCC receive a referral which indicates that an investigation in accordance with Joint Protocol may be required, NSPCC should pass that referral immediately to the HSC Trust's Gateway Team or Out of Hours Social Work service.

Within Social Services all new referrals from PSNI's Child Abuse Investigation Unit (CAIU)⁵ are sent through the HSC Trust Gateway Teams. A UNOCINI referral form is not required at this stage as the information is contained in the form PJI "Confirmation of Referral of Alleged or Suspected Abuse to Police or Social Services". If the referral relates to a case already known to Social Services, the Gateway Team will ensure that the information is forwarded to the appropriate team immediately.

Referrals between PSNI and Social Services Department can initially be made by telephone but must be followed up in writing within 24 hours with a PJI form.

Information Gathering and Recording

2.11 Following this referral nominated officers from each agency will gather information for consultation and assessment which will be the basis for making a decision as to the need for a joint investigation.

2.12 The nominated social worker will consult with the General Practitioner and any other professional or other person whose knowledge of the child or family may be relevant to the investigation of the case.

2.13 Where a CAIU officer or other relevant police officer has information to share, with the necessary approval of their supervisory officer, they should for future reference and auditing purposes maintain a record. This record should include the following information:

- a) Details of those making the request, the circumstances in which it was made and the reason the information was needed;
- b) Details of all sources checked against;
- c) Results of all checks;
- d) Details of information disclosed, to whom and why;
- e) Details of how the provisions of ECHR were complied with.

⁵ The CAIU is a specialist unit that investigate child abuse allegations.

Where necessary the nominated police officer will check Police computer systems i.e., NICHE, PNC and PND for relevant information that may be of use in reaching a decision about the management of the case and cross reference it to PJI.

2.14 The information gained from professionals or other persons who may have knowledge of the child, family or circumstances of the child should always be considered in making the decision about future action. However gathering such information may not be possible in a minority of cases, e.g. referrals will present which require immediate action by one or other of the agencies involved to ensure the protection of the child or the apprehension of a suspect.

The investigation of any form of homicide, or suspected case of homicide, is specialised and should be investigated, by the Major Investigation Team (MIT), in accordance with current police guidelines. However, in the case of a suspected child homicide, Senior Investigating Officers should at least seek the expertise of CAIU officers or, if appropriate, have CAIU representation on the Murder Investigation Team. Senior Investigating Officers should also seek information from other partner agencies to establish whether there have been previously recorded concerns about that child, or related children, or current child safeguarding concerns.

Consultation, Initial Assessment and Decision Making

2.15 The agency receiving the referral will gather as much information as possible from the referrer and other sources. Immediate consultation will then take place between Social Services and the Police in relation to the referral.

2.16 Each referral will be subject to an early exchange of information between Social Services and the Police, which will facilitate a decision about whether or not a Joint Investigation is required.

Outcome of Initial Assessment

2.17 If a decision is made that the case will not proceed under Protocol for Joint Investigation then one of the following decisions must be made and rationale recorded: -

- A referral should be made for Family Support (Article 18, (Children Order)) This referral should be made to Social Services;
- A referral should be made to commence an Article 66 inquiry (Article 66, Children Order - the Authority's duty to Investigate). This referral should be made to Social Services;
- A single-agency Criminal Investigation will be undertaken by the Police; and,
- No further action is considered appropriate and a recording will be made on the child's case file to this effect and signed off by the Trust's Children's Services team manager.

If it is decided NOT to pursue a joint investigation – investigators will need to record their decision and the rationale for it at this stage on PJI 1.

Joint Investigation

2.18 A joint investigation will begin whenever there is an allegation or reasonable suspicion that one of the circumstances described below has been committed against a child; regardless of his/her age and the decision for initiating a joint investigation should be recorded in PJI 1.

- Any sexual offence committed against a child;
- Neglect or ill-treatment which is actionable under Section 20 Children and Young Person's (NI) Act 1968. All referrals prompting concern will require differentiation between those which are likely to lead to unnecessary suffering or injury to the health of the child and those which occur through ignorance or poor parenting skills by the parent or carer will be investigated;
- Physical harm to/assault of a child;
- Complex Child Abuse, as outlined in Chapter 6;
- Any case of 'fabricated or induced illness'. This is the phenomenon of parents or carers inflicting harm upon children in their care by fabricating or inducing illness and subsequently bringing this to the attention of medical practitioners for unnecessary examination and treatment;
- When children are reported to be abusing others (which includes engaging in sexually inappropriate behaviour with other children), this should be recognised as a possible indicator that they are or have been a victim of child abuse. In addition to Joint Protocol working, in such cases it is important to ensure that the information is communicated to the local police Youth Diversion Officer. In exceptional cases PPANI Guidance may also be relevant.

Particular consideration should be given to the need for a joint investigation when either a child whose name is already on the Child Protection Register or a "looked after" child (Article 25, Children Order refers) sustains injuries. A child is "looked after" when he/she is in the care of a HSC Trust or is being provided with accommodation by a HSC Trust.

It is important to note that the likelihood or otherwise of a prosecution is NOT the criterion for a joint investigation.

Single Agency Investigations

Social Services

2.19 Where a case falls within the following criteria, Social Services will conduct a single agency investigation following consultation with the Police.

- Those involving purely emotional abuse (no physical concern apparent);

- Cases involving children under the age of criminal responsibility (i.e. under the age of 10 years). Police will proactively assist Social Services in these cases where appropriate to do so;
- Those involving neglect through inappropriate supervision or poor parenting skills;
- Those involving concerns regarding sexualised behaviour of the child; (sexualised behaviour of a child may also indicate sexual abuse of another) and
- Where a person who is, or has been, subject to risk management under Public Protection Arrangements Northern Ireland (Criminal Justice (NI) Order 2008) moves into the household. Any investigation conducted in these circumstances (while undertaken as a single agency) should involve liaison with the PPANI Designated Risk Manager if relevant and sharing information with the appropriate Local Area Public Protection Panel (LAPPP).

2.20 If during the course of an inquiry into any case as outlined above additional information which comes to light and which causes concern, contact should be made with the Police and a joint investigation may begin at that stage.

2.21 The HSC Trust should consider whether it is appropriate for it to conduct a child protection enquiry under the following circumstances: -

- HSC Trust hold parental responsibility; or
- Allegations have been made or suspicion arises in relation to a member of HSC Trust staff; or
- Where there is likely to be a potential conflict of interest.

The HSC Trust should in these circumstances consider if it is more appropriate for another HSC Trust to undertake the investigation on its behalf. This decision must be taken by a senior member of staff at Assistant Director Level or above.

The Police

2.22 There may be exceptional cases when a single agency police investigation is an appropriate response, for example; those where the alleged offender is not known to the child or child's family, (i.e. stranger abuse) and where there are no child protection concerns after consultation with Social Services about that child or in regard to other children.

2.23 Throughout an investigation by Police, the Investigating Officer will consider the on-going needs of the child and family. The need for a referral to Social Services for supportive or therapeutic services should always be considered.

2.24 Where an allegation has been made by an adult of abuse having occurred in childhood this will be the subject of a Police only investigation. Where the alleged/suspected abuser currently has contact with children in a family or community setting a separate referral must be made to Social Services for consultation and assessment. If the alleged abuser has current contact with children there is a possibility (until ruled out) that he or she may be

subjecting these children to abuse. Subsequently, consideration should be given within the context of the Protocol as to what investigative action, if any, may be necessary. Police Investigating Officer should also be aware that they may be dealing with a vulnerable adult at risk of harm and give consideration to activating Adult Safeguarding Procedures.

Confirmation of Referral of Alleged or Suspected Abuse to the Police or Social Services

Strategy Discussion/Meeting

2.25 When a decision has been made that a joint investigation should be undertaken by Police and Social Services and/or NSPCC, an initial Strategy Discussion must take place within 24 hours from referral. Normally it will be appropriate for the Strategy Discussion to take place by telephone, but in other instances depending on the complexity of the issues a Strategy Meeting may be required. The Strategy Meeting, if required, must take place within 3 working days of the referral. A Child Protection Case Conference, if deemed necessary, should be held within 15 working days of the referral.

In circumstances where it has been decided not to convene a Child Protection Case Conference, the rationale for the decision must be recorded on a PJI 2 form and those who hold parental responsibility for the child advised of that decision and the rationale for the decision.

2.26 The purpose of the initial Strategy Discussion or Strategy Meeting is to ensure an early exchange of information, and to clarify what action needs to be taken jointly or separately in the investigation. This discussion should be action-orientated with the purpose of planning the investigative steps.

2.27 The initial Strategy Discussion/Meeting will always include Police and Social Services and, as appropriate, may include a Forensic Medical Officer, GP, Paediatrician, other professionals and/or a person with special knowledge in dealing with children with disabilities. Relevant Information submitted by other professionals will form part of the Strategy Discussion/Meeting.

2.28 In the situation where an allegation is made against a member of staff of any agency, it may be necessary to include a representative of that person's agency or organisation for part or at the end of the Strategy Discussion/Meeting.

2.29 Many investigations will involve more than one Strategy Discussion/Meeting.

2.30 The initial Strategy Discussion/Meeting should address the following points:

- Whether urgent action is needed to protect the child, children in the family or any other child and who will be responsible for such action?
- Whether there are any adults at risk that may require intervention?
- What other information is needed to further the investigation and who will seek it?

- What issues of ethnicity race, religion, culture, gender or special needs are raised in the case, how and by whom they are to be addressed and what advice needs to be sought?
- Is a joint pre-interview assessment with the child necessary?
- What specialist advice might be needed and who will obtain it?
- How information will be shared and by whom with those with parental responsibility in respect of each child
- Who will be interviewed, by whom and the order in which the interviews will take place? (Refer to Chapter 3)
- How interviews will be conducted to meet the requirements of “Achieving Best Evidence in Criminal Proceedings”. Guidance on interviewing victims and witnesses, the use of special measures and the provision of pre-trial therapy (2012).
- Should a forensic medical examination be undertaken and if so, by whom? Is a joint medical appropriate? If forensic medical examination is considered necessary form PJI 6 (See Appendix A) must be completed by the relevant Doctor.
- What other roles need to be performed and by whom.
- Arrangements for reporting back to the other agency - all persons responsible for any part of the investigation must be clear about the arrangements for reporting both orally and in writing.

2.31 A Strategy Discussion/Meeting will consider the future role of the Police in the Joint Investigation. Both the Police and Social Services should not lose sight of the fact that they have a continuing responsibility to investigate fully any allegation of child abuse about which they have been made aware. (Article 32) Police Act 2000 and Social Services – (Article 66) Children Order.

2.32 Investigators will need to consider when to consult with and involve all those who have (or share) Parental Responsibility in respect of the child/young person.

2.33 Investigators should also refer to the section which details informed consent before proceeding.

2.34 Children should be informed, consulted and involved in any matter affecting them according to their understanding. However, there may be circumstances whereby a child, for example who is being sexually exploited and/or is placing themselves at continuing risk, refuses to support a criminal investigation by the Police Service about the matter. Cases such as these must be brought to the attention of a supervisor when considering what course of action to take. Consideration should be given to the following. This list is not exhaustive;

- Has every effort been made to secure an interview with the child?
- Has every effort been made to secure reasons why the child is reluctant to pursue the matter, including consideration of the possibility of the child being under the influence of others (e.g., the possibility of threat, coercion or victim of Human Trafficking)?
- What judgement can be made as to the reliability of any verbal information the child has made?
- Has the child/young person changed the detail of their account at any time as they have related it to others? (not inferring disbelief – considering that child may have some confusion re events or may have been briefed/coached by their abuser/trafficker etc.)
- Has a person with parental responsibility, including HSC Trust acting as corporate parent, made a statement in the absence of the child making a complaint?
- Are there any other suspected victims directly referred to by the child and have arrangements been made to meet with them?
- Has consideration been given to any other methods of gathering evidence, including mobile phones and text messaging, covert policing techniques etc.?
- What intelligence can be gathered regarding the suspected offender, e.g. occupation, family structure, affiliation with children/youth? Groups/organisations, previous criminal history/ vehicles owned and driven, Social Services records etc.?
- Is there a need for an Emergency Protection Order, Police Protection Order, Risk of Sexual Harm Order, or Sexual Offences Preventative Order or Article 67, 68 and 69 of the Children (Northern Ireland) Order 1995?

2.35 A record of the Strategy Discussion/Meeting must be completed using Form PJI 2 (See Appendix A). The persons from either agency agreeing the strategy can complete the form with Police retaining the original. A copy must be retained on the child's Social Services case file.

2.36 Where more than one Strategy Discussion/Meeting occurs, these should be recorded on the form PJI 2a (Appendix A). The detail recorded should include any new information and any agreed additional or alternative strategy. The Police Service will retain the original documentation but a copy must also be retained in the Social Services file.

2.37 Persons completing any PJI forms should bear in mind the fact that the record contained on these forms may be subject to the scrutiny of criminal and civil courts or accessed by Case Management Review Panels and inspectorate or regulatory bodies or others. They need therefore to be factually accurate and evidence based. Decisions made and the rationale for such decisions should also be succinctly recorded.

The flowchart in Appendix A illustrates the key stages which may lead to a Joint Investigation.

3 INTERVIEWING PROCESS

THESE GUIDELINES MUST BE READ IN CONJUNCTION WITH ACHIEVING BEST EVIDENCE IN CRIMINAL PROCEEDINGS: GUIDANCE ON INTERVIEWING VICTIMS AND WITNESSES, THE USE OF SPECIAL MEASURES, AND THE PROVISION OF PRE-TRIAL THERAPY (January 2012)

(Achieving Best Evidence document can be accessed – via the Department of Justice website: <http://www.dojni.gov.uk/a-guide-to-achieving-best-evidence-practitioner-guidance>)

3.1 Where it is decided, following a Strategy Discussion/Meeting, that it is in the best interest of a child to proceed with a criminal investigation, that investigation is the full responsibility of the police. Whilst a social worker has a role to play within that investigation for example, in the evidential interview of a child victim, or child witness, or when attempting to identify other potential witnesses, the police officer ultimately will be held to account for the overall quality of that criminal investigation. The Joint Protocol interviewing process is one that **prioritises the child's welfare** and that a legitimate part of the Social Worker's role is to represent the young person's welfare interests throughout the process.

3.2 As part of the initial strategy for the investigative interviews, consideration should be given to those who may need to be interviewed and those who may need to be informed of this (those with parental responsibility). It is important to recognise that these interviews are wider than solely 'criminal investigative interviews' and depending on the agreed strategy can be conducted jointly by Police and Social Services or by Police only or by Social Services only.

3.3 The presenting circumstances will determine the person most appropriate to carry out investigative interviews. As the core purpose of investigative interviews is the gathering of criminal evidence, it will be the responsibility of Police, in virtually all situations where a criminal investigative interview is required, with the exception of interviews with children, to conduct interviews and to record in the most appropriate format the relevant evidence.

3.4 Following initial assessment where it is agreed that an investigative interview(s) is/are required, the following procedures will apply. Those planning the investigation at the Strategy Discussion/Meeting will make decisions on the following:

- Who needs to be interviewed;
- Whose 'informed consent' is required to enable the interview to proceed;
- Sequence of interviews; and
- By whom interviews are to be conducted;
- Where interviews should be conducted;
- Who should be present and who should be excluded and why.

3.5 The Joint Protocol Form PJI 2 provides examples of those who should be considered within the investigative interview process. This is not an exhaustive list and any person

identified who may have information which may be pertinent to the investigation should also be considered as part of the initial and any subsequent strategy.

3.6 It will be the responsibility of each agency to ensure that staff are **supervised and supported** by managers in their own agency to monitor the investigation and to ensure that professional standards are maintained.

Who needs to be interviewed as part of the Investigative interviewing process?

Person who made the referral

3.7 Enquires should be made with this person to determine the exact nature of the referral and the grounds on which it is based. The reliability of the referrer should be assessed and their ability to provide sources of corroboration. Their willingness to provide a written statement and give evidence should also be checked. The admissibility of evidence of an early complaint should be borne in mind.

Those with Parental Responsibility the Parent (s) or other Carers

3.8 The 'informed consent' and support of those with parental responsibility parent(s)/carers is essential for a child involved in an investigative interview(s) and an important factor in predicting the child's recovery. Ideally both parents should be present when enquiries are made as part of the investigative process. However, in those cases where the protection of a child may be jeopardised or the criminal investigation may be impeded, it will be necessary at this time to exclude a parent/carer who is a suspected abuser. Any decision in this regard and the rationale for it should be explicitly recorded and retained on the child's case file.

3.9 The purpose of this interview (which may be conducted by a social worker only) which needs to be agreed at the Strategy Discussion/Meeting, is to: -

- inform those with parental responsibility/ the parent(s)/carers of any concern / allegation;
- assess their reaction to it;
- advise them of the procedures for investigation and child protection policy and procedures;
- explain the role of each agency;
- obtain agreement to conduct an evidential / Investigative Interview with the child;
- make arrangements to conduct an evidential / investigative interview with the child and any other children in the household where this is thought necessary;
- establish willingness to allow a medical examination of the child if necessary. (PJI 6 is completed by the Doctor undertaking the examination, whose responsibility it is to obtain the necessary informed consent, see 4.9);

- assess the parent / carer's ability and capacity to reassure, care and protect the child and their attitude to the suspected abuser;
- In cases where a parent / carer is the suspect, to establish whether the other parent / carer had any prior knowledge or suspicion of abuse, and especially whether the child made any attempt to tell that parent / carer.

3.10 Parent(s) / carer(s) or those with parental responsibility should be advised that they may wish to seek legal advice: -

- Should a person with parental responsibility wish to avail of legal advice, particularly if there is an immediate concern in respect of the welfare of the child (e.g., that the child may be subject to coaching/influence if interview is delayed) staff should immediately seek legal advice;
- Should the person with parental responsibility refuse permission to allow the child/young person to be interviewed (consideration may need to be given to making application for a Child Assessment Order or Interim Care Order).

Other Family Member or Significant Others

3.11 The purpose of this interview is to determine what knowledge this person may have about alleged abuse of child/children and to ascertain what other information they might have about the child or the family relevant to the investigation and the overall care and protection provided for the child. If during the interview it is established that the person has something to add or contribute to the investigation, the interview should terminate and a Strategy Discussion/Meeting convened to agree the appropriate method for recording this information.

The Child

3.12 When any initial strategy is conducted the child who is the subject of the alleged or suspected abuse must be considered a priority for a criminal investigative interview staff will need to be careful to balance the welfare needs of the child with the need to collate strong evidential information and not to lose sight of the Butler-Sloss recommendation in Cleveland enquiry that "the child is more than an object of concern". Prior to any such interview a Pre-Interview Assessment should be conducted with the child (Para 3.21 – 3.28) to explore the child's ability to give evidence as a competent witness; and consider the child's welfare needs.

Siblings and/or Other Children in the Household

3.13 Where there are siblings or other children in the household it is the responsibility of the investigative team to establish, if appropriate:

- If any other child has been abused; and
- If any other child can provide corroborative evidence of the alleged or suspected abuse.

If it is established that there is:

- Suspected abuse; or
- Alleged abuse; or
- Evidence to corroborate alleged or suspected abuse of another child,

then the investigative team should conduct a Pre-Interview Assessment with the child prior to any formal interview (Para 3.21 – 3.28).

The Alleged Abuser

3.14 Where the alleged perpetrator is considered a suspect, the criminal investigative interview with the suspect should be carried out by Police in accordance with legislative requirements (Police and Criminal Evidence Order (NI) 1989).

3.15 It may be necessary for the alleged abuser to be interviewed either as a suspect or as part of wider child protection responsibilities. This should be considered carefully within any such strategy discussion in the context of who in the presenting circumstances is the appropriate person to conduct the meeting and exactly what should and/or should not be disclosed to the alleged abuser.

3.16 The contents of any criminal investigative interview with the suspect, insofar as it has implications for the care and protection of the child, must be shared with Social Services.

Sequence of Interviews

3.17 The sequence of interviews is a matter to be decided at the Initial Strategy Discussion/Meeting and any necessary subsequent Strategy Discussions/Meetings on the basis of information available and should be part of a carefully planned overall strategy.

Child Witness

3.18 Two alternative methods of interview and recording of evidence are available:

- Video Recorded Interview as per Criminal Evidence (NI) Order 1999 Article 4.
- Interview and making of a written statement as per Magistrates Court Rules (NI) 1984, PSNI Form 38/36.

Child witnesses will be interviewed in accordance with the guidance 'Achieving Best Evidence' following assessment of the child's suitability and willingness to participate in a video recorded interview. A video interview should be regarded as the preferred method of interview. The instructions contained in this protocol must be followed in respect of such interviews (Chapter 4). Where a child is unwilling to participate in a video recorded interview or it is considered that a video interview is inappropriate or unsuitable, an accurate record of the reason for such decisions must be recorded using PJI 3. In such instances a child witness should be interviewed and their account recorded by Police in the form of a written

statement as per Statements of Evidence Rule 149 of Magistrates Court Rules (NI) 1984 and Section 1 Criminal Justice (Miscellaneous Provisions) Act (NI) 1968.

3.19 Whilst these are the only two acceptable methods of interview in criminal proceedings, in circumstances where a child is not capable of making a statement or a video recorded interview, consideration should be given to having the child's evidence recorded in the form of questions and answers. The record of such an interview should be included in a statement made by the interviewer.

3.20 Hearsay evidence is generally not admissible in criminal courts, and could render some of the video evidence inadmissible.

Pre Interview Assessment

3.21 The needs of the child and the needs of the criminal justice system are best served by an assessment of the child prior to any interview taking place. Such a Pre-Interview Assessment will be conducted jointly by staff that have completed Module 1 training. The interviewers who will conduct any subsequent interview should normally undertake this Pre-Interview Assessment. Where this is not possible, the Pre-Interview Assessment must be carried out by other staff, who have received Module 1 Training. The notes of the Pre-Interview Assessment must be available to the interviewers conducting subsequent interviews.

3.22 The purpose of a Pre-Interview Assessment is to ascertain:

- The needs and circumstances of the child (e.g. age, developmental stage, communication needs, race, culture, degree of trauma experienced);
- The child's preferred name / form of address;
- The child's ability and willingness to talk within a formal interview setting to a police officer and social worker;
- Any known factors that may have an influence on the child/young person during the interview process; (e.g. threat, potential victim of human trafficking)
- The child's use of language and understanding of relevant concepts such as time and age;
- Any special requirements the child may have including medication requirements or access / communication difficulties and/or communication requirements as a result of any physical or learning impairment;
- Likely impact on child of recalling traumatic event;
- Who may provide support and reassurance to the child.

3.23 The Pre-Interview Assessment should also include:

- An explanation to the child of the reason for an interview;

- An assessment of the child's competency to give consent to interview and medical examination;
- The seeking of the child's consent to interview and medical examination;
- Making arrangements for the Investigative Interview;
- Explanation of Special Measures if appropriate (ABE Para 1.25 – 1.32 & Chapter 6).

3.24 No video recording should be made of a child's evidence where there is a question over that child's competence to give evidence in criminal proceedings. It should be remembered that a video recorded interview becomes the witness's evidence-in-chief and therefore the witness can be legally compelled to attend court, give evidence and be available for cross-examination. It is important therefore that a full age-appropriate explanation of these implications is provided to the child and their agreement to Investigative Interview sought.

3.25 Those conducting the Pre-Interview Assessment must be careful to balance the need to ensure that the child is ready and informed about the interview process against the possibility of any suggestion of coaching or collusion.

A full written record of any Pre-Interview Assessments must be recorded on Form PJI 3 and in the written statement of evidence of the person conducting the assessment.

3.26 The Pre-Interview Assessment should have clear objectives and should apply 'Achieving Best Evidence' guidance on talking with children during such assessments.

Those conducting the assessment should begin by explaining the objectives of the assessment to the child.

If the child appears willing to engage in the proposed process then those conducting the assessment should explain the process accordingly.

3.27 If the child appears unwilling to engage in the proposed process then those conducting the Pre-Interview Assessment should seek to establish why not, and ask the child what reason they have for not wanting to talk to them about what they understand happened. The persons conducting the assessment should have a clear understanding of Special Measures (ABE 1.25 -1.32 & Chapter 6) and where appropriate explain them to the child in order to reduce or address concerns expressed by the child.

3.28 The persons conducting the Pre-Interview Assessment should avoid discussing the nature of the allegation and must not lead the child. However they should never stop a child who is freely and spontaneously recalling significant events. Instead, a full written record of the information provided must be made making a note of the timing and personnel present as well as what was said and in what order. If the child does disclose information relating to the allegation, then the child should NOT be asked any questions whatsoever but the information disclosed should be recorded on the PJI 3. The interviewer should also use

the opportunity to answer any questions the child may have about the conduct of the interview.

The needs of the child may require that this assessment should take place over a number of sessions. It may be that for some reason, assessment(s) will indicate that the child's needs are not best met by proceeding with a full formal interview.

The task of those conducting the Pre-Interview Assessment is to explain why the proposed ABE interview is taking place and to assess if the child is ready, willing and able to make a statement of complaint (either video recorded or written under ABE guidelines).

The Child Witness who might become a suspect

3.29 So far as is practicable, consideration should be given in the planning stage as to how the interviewer will deal with any confessions to criminal offences made by the child in the course of the interview. Any decision on an appropriate course of action will involve taking into account the seriousness of the crime admitted and weighing it against the seriousness of the crime under investigation.

3.30 It is preferable to anticipate and plan for such an eventuality while recognising that any decisions on a particular course of action are likely to depend upon what has been disclosed by the child during the course of the interview.

3.31 It may happen that a child who is being interviewed comes under suspicion of involvement in a criminal offence, perhaps by uttering a self-incriminating statement. Although this is not a frequent occurrence, interviewers should bear in mind that victims and witnesses could also on occasion be perpetrators.

3.32 Interviewers have a duty to consider the rights and welfare needs of all children in such circumstances. Where the priority is to obtain evidence from the child as a victim or a witness, the interview can proceed and should follow the guidance provided by Achieving Best Evidence in Criminal Proceedings (Northern Ireland) (2011).

3.33 If it is concluded that the evidence of the child as a suspect is also highly relevant to a particular case, the interview should be terminated and the child told that it is possible that they may be interviewed concerning these matters at a later time.

Care should be taken not to close the interview abruptly in these circumstances. Instead, the child should be allowed to complete any statement they wish to make. Any admission by a child in the course of an investigative interview may not be admissible as evidence in criminal procedures.

Normally, a further interview would need to be carried out in accordance with the relevant provisions of the Code for the Detention, Treatment and Questioning of Persons by Police Officers (Police and Criminal Evidence (NI) Order 1989, Code C).

3.34 A child who confesses to a criminal offence during the course of an interview may ask the interviewer what may happen to them, e.g., for some guarantee of immunity. No guarantees should be given to a child over the age of criminal responsibility, i.e. 10 years

and over, however remote the prospect of criminal proceedings against the child might seem. Nor should the interviewer give any kind of undertaking regarding the child's future care arrangements. If the child is to be interviewed as a suspect in accordance with Code C of the Police and Criminal Evidence (NI) Order 1989, they will be cautioned and the purpose of the interview made clear. It should also be made clear that the child or young person has the right to legal representation.

Child Protection Procedures/Plan

3.35 The Safeguarding Board for Northern Ireland (SBNI) Policies and Procedures must be followed in conjunction with every stage of the investigation including following interviews. This process will help determine at what point Child Protection Case Conferences are necessary.

Child Witness Counselling and Therapy

3.36 Once the interview with the child is complete, it should be possible for appropriate counselling and therapy to take place. Police and the PPS must be informed about the nature of such therapy in each case (Achieving Best Evidence Chapter 7).

4 VIDEO RECORDED INTERVIEWS

In video recorded interviews of child witnesses, two roles have been identified for the interviewing team. These are the First Interviewer and Second Interviewer. The functions and responsibilities of these roles are fully explained in this chapter.

Criteria for Video Recording an Interview

4.1 Video recorded interviews should take place in all cases, unless the child objects, and/or there are insurmountable difficulties which prevent the recording taking place. (This may include that the child has been involved in abuse involving video recording or photography).

4.2 The decision whether or not to video record an interview should take into account:

- The needs and circumstances of the child, (e.g. age, development, impairments, degree of trauma experienced, whether the child is now in a safe environment);
- Whether the measure is likely to maximize the quality of that particular child's evidence;
- The type and severity of offence;
- The circumstances of offence (e.g. relationship of the child to the alleged abuser);
- The child's state of mind (e.g. likely distress and/or shock); and
- Perceived fears about intimidation and recrimination;
- Whether the child may have been video recorded as part of the abuse she/he is believed to have suffered.

4.3 Only those staff who have received 'Joint Investigative Training Module 1 and Module 2' training will be eligible to undertake the roles of FIRST INTERVIEWER and SECOND INTERVIEWER in 'Video Recorded' interviews in compliance with this section.

Purpose of Video Recorded Interviews

4.4 Any video recorded interview serves two primary purposes. These are:

- The examination in chief of the child witness; and
- Evidence gathering for use in criminal proceedings.

4.5 In addition, any relevant information gained during the interview can also be used to inform child protection enquires under Article 66 of the Children Order and any subsequent actions to safeguard and promote the child's welfare, and where appropriate, the welfare of other children.

Planning of the Investigative Interview

4.6 The Criminal Evidence (NI) Order 1999 is 'Permissive' legislation. The decision as to whether the Investigative Interview will be video recorded will be taken by the investigating team which will include a Police Officer and a Social Worker in accordance with the criteria set out in Achieving Best Evidence.

4.7 Video Interviews should be planned and carried out in accordance with Achieving Best Evidence Chapter 2.

Planning and Conducting Interviews with Children

4.8 The planning of the interview should be recorded using form PJI 4 (See Appendix A).

Interviewers must be given sufficient time to carry out this planning process, prior to a Video Interview.

Consent

4.9 Consent in Joint Protocol Interviews of Children

At all times interviewers should take steps to explain the purpose of any proposed video recorded interview to the child at a level appropriate to the child's age and understanding. Such an explanation should include the following:

- The benefits / disadvantages of having or not having the interview video recorded;
- Who may see the video recorded interview (including the alleged offender both before the trial and at court); and
- The different purposes to which a video recorded interview may be put (e.g. if it appears that the video may be useful in disciplinary proceedings against a member of staff who is suspected of abusing or neglecting a child in their care);
- Information in relation to the NSPCC Young Witness Service.

The child should be advised that, should the case proceed, whether a video recording is made or not, they may be required to attend court to answer further questions directly (e.g. cross-examination). A live link facility will normally be available to enable the witness to give best evidence at court. There is a presumption that this special measure will normally be required by the child (Achieving Best Evidence Chapter 6). The child should be advised that the existence of a video recorded interview does not by itself guarantee that it will be used as its use as evidence in chief will be a decision for the court.

Written consent to be video recorded is not necessary from the child but it is unlikely to be practicable or desirable to video record an interview with a reluctant or hostile child. The interviewers are responsible for ensuring that, as far as possible, the child is freely participating in the interview and not merely complying with a request from adult authority figures.

The investigating team may need to interview a suspected child victim without the knowledge of the parent or carer in certain situations. Relevant circumstances would include the possibility that a child would be threatened or otherwise coerced into silence; a strong likelihood that important evidence would be destroyed; or that the child in question did not wish the parent to be involved at that stage and is competent to take that decision.

In such situations Social Services should obtain legal advice and consider legal options to secure the child's continued protection.

Proceeding with the interview in the absence of the knowledge of those with Parental Responsibility in respect of the child/young person will need to be carefully managed in interventions with the family by the Children's Services of the local HSC Trust. In addition staff from both PSNI and Social Services may need to consider seeking appropriate legal advice before proceeding.

The child's agreement to participate in the video recorded interview will have been established at the Pre-Interview Assessment stage of the investigative process. However, interviewers are responsible for ensuring that as far as possible the child is freely participating in the interview and not merely complying with a request from adult authority figures. The child's agreement to participate in the video recorded interview should therefore be checked again at the beginning of the interview process and for the purpose of the video recording. Written consent to a video recorded interview is not required: (Achieving Best Evidence Chapter 2.30– 2.41).

4.10 Consent in Medical Examination

Consent must always be obtained for a medical examination.

Failure to obtain consent may constitute an assault. If a medical examination is considered appropriate at the Strategy Meeting it is the responsibility of the examining Doctor to obtain relevant consents.

A forensic medical examination may only be carried out with the consent of a child if the child has the capacity to give consent or with the consent from the parent, carer, or person with parental responsibility.

However, if the parents/those with Parental Responsibility are not acting in the child's best interests, this may need the intervention of the court. If there is no one with Parental Responsibility available or the parent or carer refuses consent then the HSC Trust should seek legal advice to consider an appropriate way forward including an application to Court.

A child aged under 16 years of age can give consent if they have 'sufficient understanding and intelligence to enable him or her to understand what is fully proposed' (Lord Gillick v West Norfolk and Wisbech AHA, 1986). This includes consideration of whether they can:

- Understand the information relevant to the decision;
- Retain that information;
- Use and weigh up the information as part of the process of making the decision; and

- Communicate their decision whether by talking, using sign language or any other means.

If there is no one with parental responsibility available or the parent or carer refuses consent then the HSC Trust should seek legal advice to consider an appropriate way forward including an application to Court.

The issue of consent should be considered at an early stage of Protocol for Joint Investigation particularly where the parent or carer is a suspect. In such circumstances a contingency plan for parental non consent should be agreed. In any case where a court order has been issued an officer arranging a medical examination should ask to see a copy of the order which contains all the relevant detail, for example the date, time and place of the examination, before the examination is conducted. NB: Separate consent is required for the medical examination and any photographic documentation.

Attendance of Parent or Other Supportive Adult during the Investigative Interview with a Child

4.11 The planning of the interview should include consideration of the inclusion of a support person in the interview, (an Interview Supporter) and this should be discussed with the child at Pre-Interview x-ref Para 3.6 (Achieving Best Evidence Chapter 2 Paragraphs 2.107-2.111 and Chapter 5.18).

Both interviewers must be satisfied as to the efficacy of the support person (e.g., a child may ask to have their mother as the support person but it may be known to the investigating staff that the mother was compliant or suspected to be actively involved in the suspected abuse).

Venue of the Investigative Interview

4.12 The venue of the Investigative Interview has to take cognisance of the child's needs, travelling distances and the availability of functioning interview suites that meet the standards of Achieving Best Evidence.

Time and Length of Investigative Interview

4.13 The interviewing team should anticipate the likely number and length of video recorded interviews as part of the planning process (Achieving Best Evidence paragraphs 2.122–2.215).

Conducting a Video Recorded Investigative Interview

4.14 Those conducting Video Recorded Interviews should always consult Achieving Best Evidence guidance.

4.15 Prior to an Investigative Interview, where video recording is to be undertaken, the interviewing team must ensure that the equipment is in working order. He/she must test the equipment to ensure vision and sound quality and ensure tapes and discs are correctly prepared, checked and inserted. The earpiece should also be tested.

Further Investigative Interviews

4.16 Achieving Best Evidence paragraph 2.22 provides clear instruction on conducting further interviews.

Establishing who will undertake the functions of First Interviewer and Second Interviewer (Interviewing Team)

4.17 The core role of each Interviewer may determine who should fulfil the role of First Interviewer and Second Interviewer. Choice of First Interviewer and Second Interviewer needs to take into account any strong preferences of the child which should have been established by the interviewing team at the Pre-Interview Assessment stage.

First Interviewer role

4.18 The role of the First Interviewer is to conduct the interview with the child in order to obtain an accurate and truthful account in a way which is child-centred, fair, in the witness's interests and acceptable to the court. The recommended procedure for interviewing a child is based on a phased approach which is outlined in Achieving Best Evidence paragraphs 2.90–2.96.

Second Interviewer role

4.19 The interviewing team must agree a clear and shared remit for the role of the Second Interviewer. The Second Interviewer has a vital role in observing the First Interviewer's questioning and the child's demeanour. The Second Interviewer should be alert to identifying gaps in the child's account, interviewer errors and apparent confusions in communications between First Interviewer and child. Such observations and monitoring is essential to the overall clarity and completeness of the overall video recorded account. The Second Interviewer also has responsibility for the operating of the video and audio equipment and for recording detail of the interview on Form Achieving Best Practice paragraph 2.91–2.99.

Records of Investigative Interviews with Children and their Maintenance

4.20 Statements of Evidence (PSNI Form 38/36) recorded from child witnesses (other than Protocol for Joint Investigation interviews) will be retained by the Police for evidential purposes. A copy may be provided to Social Services, provided that the child and/or parent or guardian agrees even if the latter is a suspect. Where the child and/or parent do not agree and child protection concerns exist, police have a positive obligation to share the relevant context contained within the written statement with Social Services.

4.21 Where an interview has been video recorded the original will be labelled and secured for court purposes by Police. The working copy will be available for viewing by Social Services by prior arrangement with the police officer in charge of the case. A log will be completed on each occasion that the video record is viewed by anyone and detail the reasons for viewing. This will be retained with the working copy of the video recording.

4.22 Arrangements for viewing the video record by persons other than Social Services, e.g. Defence or at any subsequent court hearing, will be the responsibility of the Police. PSNI General Order C(c) 70/96 must be complied with.

4.23 The police officer in charge of the case will be responsible as the prime keeper of all exhibits, including any drawings, letters, notes, etc. made.

4.24 The disclosure of third party material which may be relevant to an investigation must be complied with in relation to the Criminal Procedures Investigation Act 1996.

4.25 When a Protocol for Joint Investigation Interview is conducted with a child witness the Police will retain the recording (DVD/audio) and provide, where appropriate to do so, a copy of the typed transcript from the DVD/audio for Social Services records, which must be retained in the Restricted Section of the file. Social Services can decide when a transcript is required following consultation with the Police.

When to Consult Specialists

4.26 Achieving Best Evidence paragraphs 2.45–2.55 provides guidance on issues such as race, gender, cultural, ethnic background and other life experiences of children. Due consideration should be given to consulting with and involvement of specialists in order to ensure that the interview is tailored to meet the particular needs and circumstances of the child.

5 CHILDREN WITH DISABILITIES

5.1 Achieving Best Evidence Chapter 2 Paragraphs 2.54–2.55 and 2.256–2.264 provide clear advice on the interviewing of children with disabilities. The term ‘children with disabilities’ encompass a wide range of impairments of varying severity. The guidance makes it clear that there is rarely any reason in principle why children with disabilities should not take part in a video recorded interview, provided the interview is carefully tailored to the particular needs and circumstances of the child.

Referral

5.2 When a referral concerning a child with disabilities is received, particular care must be taken to consult with a specialist worker. Specialist workers are those with particular areas of expertise in working with children with disabilities and will include some social workers, speech and language therapists, occupational therapists, psychologists and psychiatrists. The specialist worker can assist the investigative process in a number of ways:

- Identifying who may have appropriate information;
- Gathering appropriate information;
- Deciding whether or not a particular child should be involved in an interview and what type of interview is appropriate;
- Advising on the level of disability;
- Assessing indicators of abuse;
- Facilitating communication with the child; and
- Facilitating the participation of those caring for the child.

5.3 Achieving Best Evidence 2.96 states “Exceptionally, it may be in the interests of the child to be interviewed by an adult in whom he or she has already put confidence but who is not a member of the investigating team. Provided that such a person, has appropriate professional qualifications, is independent and impartial, is not a party to the proceedings, is prepared to co-operate with appropriately trained interviewers and can accept adequate briefing, (including permitted questioning techniques), this possibility should not be precluded”.

Strategy Discussion/Meeting

5.4 When the decision is taken to proceed to a joint investigation it is vital that the specialist worker is actively involved. In addition to the considerations to be taken into account in respect of all children the specialist worker can give important advice on communicating with the child. It should be noted that it is preferable the specialist worker(s) know the particular child concerned as the advice can then be specific rather than general.

Communicative Competency of Child and Interviewer

5.5 It is necessary to establish that a child has a reliable method of communication that they can use intentionally and that the interviewer can understand either directly or through a suitable interpreter. This will require assessment if the child has specific difficulties with comprehension or use of language (vocabulary, ideas and grammar) associated with impairment or learning disability. Speech and language therapists, sign language interpreters or facilitators in augmentative communication may be required. The competency of the interviewing adult in communicating will be the single greatest factor in determining whether a child achieves their potential in an interview situation. The interviewer will also require information about the child's knowledge and understanding about themselves, about objects, about places and events about how these things may be affected by an impairment or learning disability.

Interpreters / Intermediaries

5.6 Achieving Best Evidence paragraphs 2.100–2.106 provide guidance on the use of interpreters and intermediaries.

5.7 Further guidance can be obtained from the Young Witness Pack published by NSPCC in 2011.

Planning of Special Measures Investigative Interviews

5.8 The specialist worker has an essential role in contributing to the planning of the interview in order to take account of the child's specific disability (Achieving Best Evidence Chapter 1 Paragraphs 1.25–1.34 and Chapter 6).

Staff interviewing people who require sign language should consult with the National Register of Communications Professionals working with Deaf and Deaf Blind People (NRCPD) www.nrcpd.org.uk or Action on Hearing Loss www.actiononhearingloss.org.uk

6 THE INVESTIGATION OF COMPLEX AND ORGANISED CHILD ABUSE

Definition – Complex Child Abuse

6.1 Complex, organized or multiple abuse, whether sexual and/or physical, emotional occurs as part of a network of abuse across a family or community, within residential homes or schools and within an 'on or off line' networked groups of sexual offenders. Such abuse is sometimes reported a long time after the offending took place. Complex abuse is abuse involving one or more abusers and a number of related or non-related abused children or young people. The abusers concerned may be acting together to abuse children, sometimes acting in isolation, or may be using an institutional framework or position of authority to recruit children. Children living away from home, including foster care, residential care, private fostering, healthcare settings, residential schools, prisons, young offender institutions and secure units may be particularly vulnerable to child abuse.

When such cases are identified it is necessary to initiate a referral between Police and Social Services.

Types of Abuse that may be Associated with Complex Child Abuse

Family Based Abuse

6.2 Children are abused within an extended family network often crossing generations and involving several households. Adults outside the extended family may be drawn in and children may be exploited which differs from paedophile or child prostitution networks, not least because the victims are rarely recruited from outside the extended family and family contacts.

Sexual Exploitation of Children

6.3 This relates to children who are sexually exploited or are exposed to other forms of sexual exploitation for gain. Children abused by commercial sexual exploitation or sexual exploitation are often hidden from public view. Therefore front line staff should be alert to the possibility of a child being abused under these circumstances as such situations may only become apparent to staff carrying out other unrelated tasks. Such a child should usually be treated as a child who may be suffering or is likely to suffer significant harm. Every effort should also be made to target abusers and those who coerce children into sexual exploitation and other forms of sexual exploitation. The possibility that a child may have been trafficked in order to sexually exploit them should also be considered (see 6.7 below). Any suspicions of child sexual exploitation should be referred to the CAIU or Gateway Team for consideration under the Protocol for Joint Investigation.

Abusive Images of Children

6.4 The production or dissemination of abusive or indecent images of children less than 18 years can involve a range of offences. Indecent images of children may be either still or moving images deemed to be indecent. They may be created by any means including hand drawings, photographs/images, films or pseudo-photographs. A pseudo-photograph can be produced by combining various parts of other images, for example, the head from one image and the body of another. The term "indecent" is not defined in legislation and will

be a matter for a court to decide. While these images are often used and/or distributed for sexual gain, critically investigations relating to abusive or indecent images of children also provide the opportunity to identify, locate and safeguard victims who appear as actual or potential victims within the perpetrator's network. Assistance or advice may also be sought from those who specialise in the investigation of indecent images of children such as the Child Exploitation and Online Protection (CEOP) Centre <http://ceop.police.uk>.

Children Engaging in Sexual Activity⁶

6.5 Sexual activity involving a child who is capable of giving informed consent on the matter, **while illegal**, may not necessarily constitute sexual abuse. Abuse is predicated upon some imbalance in the relationship or the misuse of power, coercion threat etc., but that consenting sexual activity between equally capable peers – whilst illegal – may not necessarily be abusive. However a claim by the child to be consenting to sexual activity does not affect the duties on agencies to consider the possibility that a child may be suffering harm and to take appropriate action to protect the child and any other children who may be at risk of harm.

Frontline staff should consider that there may be cases where the child does not realise that they are being abused; resulting in the minimisation and denial of abuse and claims they are consenting. It is important to be aware of the correlation between those convicted of unlawful sexual activity/unlawful carnal knowledge with, or rape of, a child and convictions for other serious offences, particularly when the child was under the age of 13 at the time of the rape.

Once such cases, even if consensual, are identified, it is necessary that a referral take place between the Police and Social Services to ensure that relevant information is shared and that an informed decision can be made about any risk of harm and how to proceed in the best interests of the child. This will require the completion of a PJI1 Form.

Grooming

6.6 Grooming is the process of reducing the resistance of a child or their parent or carer to the abuse of that child. This may be achieved through increasing a child's or parents or carer's fear of what might happen should they report the abuse as well as inducing them to believe that the abuse is acceptable. Grooming may be achieved through personal contact with the child or the parent or carer or through other means of communication such as the internet. The Sexual Offences (NI) Order 2008 introduced specific criminal offences that relate to the practice of "grooming" a child under 16 and also arranging and facilitating the commission of a sex offence against a child.

A criminal offence is committed (Article 22 of the Sexual Offences (NI) Order 2008), if any adult who previously has met or communicated on 2 occasions with a child under 16 years of age and then subsequently travels to meet, or arranges to meet, the child again with the intent to abuse.

⁶ Police Service of Northern Ireland and Public Prosecution Service: Guidance on the investigation and Prosecution of Sexual Offences Committed Against Children and Young People.

Child Trafficking

6.7 Children and young people who present as Separated/Unaccompanied Children⁷ are also particularly vulnerable to child abuse and consideration should always be given to the possibility that those presenting as separated children may be victims of Human Trafficking (and consequently victims of organised abuse). Any suspicions of child trafficking should be referred to the CAIU or Gateway Team for consideration under the Protocol for Joint Investigation.

Staff from all organisations who work with children who are (or potentially are) victims of human trafficking **must** do so in compliance with the PSNI/DHSSPS “**Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking**” (February 2011).

http://www.dhsspsni.gov.uk/oss_working_arrangements_for_the_welfare_safeguarding_of_child_victims_of_human_trafficking.pdf

Child Trafficking is the practice of transporting children into, out of or within the UK for the purposes of exploitation. These include labour exploitation (e.g. restaurants), domestic servitude, criminal practices (e.g. petty street crime, illegal street trade), sexual exploitation (e.g. brothel based child abuse images) benefit fraud, illegal adoption, forced marriage and application of fraud.

If a victim states they are a child they should be viewed as such until their age can be verified by identification or an independent age assessment is carried out by relevant HSC Trust. Child trafficking offences are committed at varying levels of organisation, from informal familial offending to highly sophisticated organised crime and are often accompanied by various types of control such as violence, threat of violence, sexual abuse, alcohol and drug abuse, manipulation through twisting cultural practices and imprisonment to suppress victims and ensure their compliance. For that reason all should be alert to the possibility that victims may not fully cooperate with an investigation for fear of reprisals. Offenders may also attempt to abduct or coerce the child while an investigation is on-going and while the child is being cared for by the local HSC Trust. There are many indicators which may help identify if a child is a victim of trafficking (should include the UN indicators of Human Trafficking within the appendices of this Protocol).

UKHTC and CEOP Child Trafficking Unit have up to date information about trends.

The NSPCC National Child Trafficking Advice and Information Line offer advice and guidance to professionals around safeguarding and supporting children and young people where there are child trafficking concerns. The Advice Line number is 0800 107 7057 and it is open from 9.30 am to 4.30 pm. The email is CTAIL@nspcc.org.uk.

Forced Marriage

<http://www.dfpni.gov.uk/right-to-choose-forced-marriage.pdf>

⁷ Separated / Unaccompanied children include (i) unaccompanied asylum seeking children (ii) unaccompanied non-asylum seeking children (iii) child victims of Human trafficking.

6.8 A forced marriage is a marriage conducted without the full and free consent of both parties. It should not be confused with an arranged marriage, which has the consent of both parties. Forced marriage is not condoned by any major world religious or cultural traditions. Children (female and male) can be subject to forced marriages both in this country and abroad. In forced marriages, family members or spouses may perpetrate abuse, either by forcing the victim into the marriage or by abusing them after the marriage. The abuse may be committed by any family member and may not include the other party to the forced marriage. As well as various offences that may be considered, for example under the Sexual Offences (NI) Order 2008, The Forced Marriage (Civil Protection) Act 2007 allows a person to be protected. Orders can have a power of arrest attached to them. Advice on forced marriage may also be sought from The Foreign and Commonwealth Office and Home Office Forced Marriage Unit, who develop policy on forced marriage, coordinate outreach projects and provide support and information on those at risk.

Illegitimate Justifications for Violence and Abuse

6.9 Illegitimate justifications for violence and abuse, including murder are sometimes referred to as so-called 'honour-based violence' (HBV). There have also been examples of child abuse linked to a belief in witchcraft or other spiritual or religious belief. No cultural or religious heritage takes precedence over the standards to child care embodied in law and no religious or cultural belief justifies the abuse of children. These "justifications" can be described as a collection of practices which are used to control behaviour within families to protect perceived cultural and religious beliefs and/or honour. Abuse may occur when perpetrators perceive that a relative has shamed the family and/or community by breaking a perceived honour code. These "justifications" may be distinguished from other forms of violence as it is often committed with some degree of approval and/or collusion from family and/or community members. Examples may include domestic abuse, child abuse, rape, kidnapping, false imprisonment, threats to kill and fear of or actual forced marriage.

Female Genital Mutilation

6.10 Female Genital Mutilation (FGM) is the term used to refer to the removal of part or all of the female genitalia for stated "cultural" or other non-therapeutic reasons. This practice is extremely painful and traumatic for the victim and has serious consequences for physical, sexual and mental health. It also can result in death. FGM is usually practiced in the country of origin of the child's family. FGM is reportedly practiced in 28 African countries and in parts of the Middle and Far East. It is typically performed on girls aged between 4 years and 13 years, but can also be performed on new-born infants or on young women prior to marriage or pregnancy. It is not a religious practice and all major religions have condemned the practice as unnecessary and harmful. Any such procedure on a female of any age is illegal under the Female Genital Mutilation Act 2003. It is also an offence under the act for UK Nationals or permanent UK residents to be involved in any way in this being carried out in the UK or abroad.

'Ritual' Abuse

6.11 Research, including that commissioned by the Department of Health, questions the existence of sufficient evidence to substantiate that ritual or satanic abuse occurs. (DOH 1998). Ultimately ritual abuse describes the context in which incidents are alleged to have

taken place. It is therefore more important to focus on what happened to a child rather than how it happened.

6.12 It is necessary to recognize the limitations of the above categorizations as no feature is exclusive to any; rather they may overlap and exhibit interchangeable strains within a broad band of sexually abusive behaviours.

The Investigation of Complex Child Abuse

6.13 One of the key factors in responding to complex abuse situations is the scale or potential scale of the investigation. Investigations can be demanding and time consuming and may have considerable resource implications. It is crucial to determine the size and complexity of the enquiry as soon as possible in order to consider the options that are available. The need to assess the short, medium and long term impact of the enquiry and its potential 'mushroom' effect is essential. It also requires thorough planning, good inter-agency working and attention to the welfare need of the child victims or adult survivors involved.

In determining whether a complex abuse enquiry is necessary the following elements will be beneficial in determining the nature of the enquiry. This is not an exhaustive or prescriptive list and is not a substitute for professional judgement:

- Multiple alleged victims;
- Multiple alleged offenders;
- Volume of alleged offences;
- Alleged institutional abuse;
- Duration of alleged abuse;
- Significant cross-boundary or other geographical considerations;
- Public interest issues.

In the event of disagreement or uncertainty on the scale of the investigation required, the Social Services Manager and Detective Inspector should consult with the HSC Trust Director of Children's Services and PSNI Crime Manager who together will determine the best way to proceed.

6.14 The Principles for the investigation of Complex Child Abuse are:

- Both the police and social services will need to work for a planned, co-ordinated and properly resourced response to enquiries involving complex abuse and recognise that this commitment will be significant and on a scale much greater than usual;
- In all organised and complex abuse enquiries the safety and well-being of the child or children will be the paramount consideration, when their identity is known or can be identified;

- All parties are alert to the possibility of adults at risk in the abusive network and respond accordingly;
- All parties support a balanced approach to the protection of individual children, the need to protect other children, the need to gather evidence and the effects of the investigation on other individuals and the community;
- The need for strict confidentiality will be assessed at the outset of the enquiry and reviewed in order to prevent the alerting of suspected offenders;
- Parties agree to consult and openly share information subject to legal and agency restrictions at all stages of the enquiry;
- Parties agree to contribute to the legal process which may be criminal or civil or both;
- Parties agree to keep accurate written records of the entire enquiry process;
- Information management arrangements should be agreed at the outset of the process and continually reviewed throughout by the Social Services Manager and Detective Inspector with responsibility for the management of the investigation;
- Parties agree to a formal review at the conclusion of the enquiry to identify lessons learned and good working practices.

Referral

6.15 In cases where there is a suspicion of organised abuse or it appears that there is a complex situation, a referral must be made without unnecessary delay. Appropriate PJI forms need to be completed and sent to one of the following: -

- Detective Inspector Child Abuse Investigation Unit;
- Social Services Manager of at least 8A grade or above.

On receipt of the referral both will meet or confer to analyse the nature of the referral and determine whether there is a need to follow the procedure for investigating complex child abuse.

Cognisance should initially be taken of;

- The number of referrals currently highlighted;
- The seriousness and type of the allegations;
- The potential for the investigation to transcend HSC Trust and Police Service boundaries;
- Whether the referral may be indicative of human trafficking;
- The number and type of homes or institutions referred to;

- The number of residents in such establishments;
- The potential time parameters;
- The number of potential suspects;
- The potential for growth;
- The need for strict confidentiality to prevent the alerting of suspected offenders.

If it has been identified that the case is one of a complex or organised nature a strategy meeting of a Senior Management Group must be called within **3 working days**.

Senior Management Group

6.16 This group will be chaired by a senior Police representative.

The Senior Management Group will consist of the following:

- Detective Inspector(s), Child Abuse Investigation Unit;
- Area District(s) Commander(s), PSNI;
- Detective Superintendent, Crime Operations or Crime Manager, depending on the complexity of the case;
- Trust Assistant Director for Safeguarding (and/or Trust Director for Social Work);
- Senior Health Representatives;
- Other individuals or agencies as appropriate to the case;
- Consideration may also be given to Assistant Chief Constable's involvement if the scale of the inquiry is deemed to be significant or has a regional dimension crossing several policing districts;
- Representative from Education authorities if school(s) involved/potentially involved.

In addition notification must be made to the following:

- Health and Social Care Board;
- Chair of Safeguarding Board for Northern Ireland;
- Superintendent, Public Protection Branch Service Improvement Department.

Role of Senior Management Group

6.17 The role of the Senior Management Group will be to:

- Determine, on the information, available whether a complex abuse investigation is warranted under these procedures;
- Determine whether a dedicated Operational Group should be established or whether the investigation can be conducted by local staff;
- Agree all aspects of policy that the Operational Group (see 6.17) will work to including;
- The appropriate level of resources, including administrative support to investigate the allegations;
- Appoint a co-ordinator who will liaise between the Senior Management Group and the Operational Group. The co-ordinator will head the Operational Group;
- Consider employing a police analyst at an early stage;
- Ensure the application of the Police National Intelligence Model;
- Devise a media strategy and identify media representatives;
- Determine the terms of reference, scale of the enquiry, and processes for gathering evidence;
- Determine the constitution and membership of the Operational Group;
- Determine whether the incident should be managed on a police major incident system or whether a manual paper system should be used;
- Ensure that protocols are in place to ensure the safety of staff involved in the investigation; and the availability of appropriate support and counselling for staff;
- Recognise that institutional abuse which involves investigating agency staff will require an essential degree of independence and objectivity to ensure an impartial investigation;
- Consideration may also be given to using another HSC Trust or the NSPCC;
- Facilitate access to expert legal advice;
- Take immediate steps to secure, protect and store relevant records and information;
- Liaise with the SBNI and keep the SBNI informed of progress of the investigation;
- Facilitate contact and involvement of other organisations that may be involved, such as voluntary organisations;
- To determine arrangements for providing information to children, parents and families involved;

- To ensure that relevant registering bodies are kept informed of the progress of the investigation and involved as appropriate;
- Agree a schedule of future meetings and arrangements for review.

6.18 Operational Group

This group will be led and chaired by a senior Police representative.

Membership of the Operational Group will consist of the following:

- Nominated Operational Group Leader – from PSNI;
- Police Representatives;
- Detective Superintendent, Crime Operations or the crime manager depending on the scale of the investigation;
- HSC Trust Assistant Director for Safeguarding; or
- HSC Trust Head of Service for Safeguarding;
- Legal Services Representative;
- Health and Social Care Board Representative.

Additional Membership will consist of the following, if appropriate:

- Police Forensic Medical Officer (FMO);
- Community paediatrician;
- Consultant psychiatrist;
- Health representative;
- Education representative;
- Public Prosecution Service representative;
- Probation Board for Northern Ireland representative;
- Victim Support representative;
- NSPCC.

Responsibilities of the Operational Group:

- To investigate the abuse in accordance with the decisions/directions of the Senior Management Group;
- To determine whether any children need active safeguarding and in particular when and how this should be done and being alert to the presence of adults potentially at risk of harm;

- To determine the appropriate staff selection in response to the nature of the abuse in order to form a trusted and vetted team from the police and social services who have expertise in conducting investigations, child protection processes and children's welfare;
- To ensure that staff involved are fully briefed on such issues as evidence gathering, data protection, information sharing and risk management;
- To ensure that witness information is gathered in accordance with 'Achieving Best Evidence in Criminal Proceedings';
- To identify suitable accommodation and other resources for the Investigation Team;
- To plan investigative interviews with victims;
- To give consideration to medical assessments (and issues of consent);
- To determine action to gather other evidence including forensic, witnesses, corroboration and SUSPECT interviews;
- To make a thorough assessment of the needs of the victims and to provide or arrange the provision of services to meet those needs;
- The co-ordination and timing of input of therapeutic services in accordance with managing Pre-Trial Therapy (Achieving Best Evidence Chapter 7);
- Child Protection Conferences: timing, chairing, purpose and attendance;
- To keep accurate records and minutes of meetings and strategy discussions;
- To consider the need to provide confidential and independent counselling for victims and families;
- To keep the Senior Management Group informed of resource issues.

Problem Resolution

All agencies agree that where practitioners encounter disagreements in joint investigations the appropriate form of resolution will be for the practitioners to highlight the disagreements to their immediate Line Managers. The Line Manager will then assume responsibility for resolution by contacting their counterpart in the other agency.

In the event that the issues cannot be resolved at this level the problems will be progressed in the first instance to the Operational Group and finally to the Senior Management Group.

6.19 Supplementary Advice

The following documents contain additional advice:

- NPIA (National Policing Improvement Agency) Guidance on Investigating Child Abuse and Safeguarding Children (2009);
- ACPO (Association of Chief Police Officers) SIO Guidance on the Investigation of Complex Child Abuse;
- Home Office and Department of Health (2002) Complex Child Abuse Investigations: Inter-Agency Issues.

Additional Considerations in the Investigation of Institutional Abuse

6.20 When dealing with abuse in a residential facility or other institution additional thought needs to be given to the management of the investigation to ensure:

- The continuing safety of the child; and the children in the facility;
- Clarity about the roles of the placing Trust and the host Trust in relation to the investigation;
- Appropriate sharing of information; and
- Lack of contamination of evidence;
- Consideration of whether any abuse may have occurred historically within the institution under investigation prior to the allegations currently being investigated.

6.21 In cases involving the investigation of abuse in institutional settings consideration should be given to “Co-operating to Safeguard Children” paragraphs 6.9 to 6.17.

6.22 The Senior Management Group should take active steps to be kept informed of all developments as they arise and give due cognisance to the potential difficulties for staff. The Senior Management Group will ensure that lines of communication are established between the investigative team and the institution.

Welfare Principle

6.23 As with all investigations of abuse of children, care must be taken to ensure that the welfare of the child remains paramount. Whilst the gathering of criminal evidence is important, it must not be to the detriment of any child’s welfare. Although investigations to establish the standard of evidence for criminal proceedings are important, actions to protect the child, which requires a lesser standard of proof, should not be delayed. Individual/group support to the children and their families as appropriate should always be considered and provided.

Other Abuse

6.24 Other types of child abuse or neglect unconnected with the investigation may come to the attention of the investigating team, for example, alleged familial abuse. These should be referred in the normal manner for joint investigation and not be dealt with by the team investigating the alleged organised abuse.

Conclusion of Joint Investigation

6.25 At the conclusion of the investigation the Operational Team should meet with the Senior Management Group to discuss the salient features of the investigation and any learning emerging from it with a view to making recommendations for improvements either in operational policy or in practice. Recommendations should be communicated to the Chair of the SBNI.

7 THE YOUNG WITNESS SERVICE

7.1 Following the commencement of the Criminal Evidence (Northern Ireland) Order 1999 and the introduction of the Achieving Best Evidence Guidance a Witness Support Service has been established. This service is provided by the NSPCC in respect of children (Young Witness Service) and by Victim Support in respect of adults. All child witnesses, who are victims or witnesses to abuse, should be referred to the Young Witness Service who will provide preparation for and support at court. The following guidance should be followed in respect of referrals to the Young Witness Service.

7.2 Following completion of any criminal investigation, the Police prepare a file for submission to the Public Prosecution Service who will make a decision on whether or not to instigate criminal prosecutions. Where charges are preferred the child or children interviewed during the investigation are likely to be called as witnesses in the criminal prosecution.

7.3 At the point of Arraignment and if the Defendant(s) enter a plea of “not guilty” all young witnesses who may be called to give evidence should be referred by the Police to the Young Witness Service, PJI 9 (See Appendix A). Consent by the child, parent(s) and/or others with parental responsibility will be required.

7.4 The referral will need to include the following information:

- Core information in relation to the child witness;
- The charges against the defendant;
- The relationship between the defendant and the witness and whether the charges involve an abuse of trust;
- The defendant’s custody status and any change in this during the pre-trial period; and
- Matters which may affect how preparation is conducted or how the witness gives evidence; (Achieving Best Evidence paragraph 4.22)
- **THE YOUNG WITNESS SERVICE MUST NOT BE GIVEN DETAILS OF THE CASE OR THE EVIDENCE OF THE WITNESS.**

7.5 The key components of the Young Witness Service include:

- Assessing the child’s needs in relation to a court appearance;
- Helping the child to understand the court process and their role in it;
- Taking the child to visit the court before the trial;
- Providing the child with stress reduction and anxiety management techniques;
- Involving the child’s parent or carer, where safe to do so;

- Communicating information (including the child's wishes) to the Police, Public Prosecution Service and courts, keeping the child, parent or carer informed (where safe to do so) and ensuring that practical arrangements relating to the child's court appearance are made concerning the child;
- The possibility of accompanying the child while giving evidence; and
- Debriefing the child witness and parent or carer when the case is over.

7.6 The Young Witness Service shall work within the guidelines detailed in "Achieving Best Evidence Guidance" Chapter 7.

8 TRAINING AND DEVELOPMENT

Training, Support and Supervision

8.1 The investigation of allegations or suspicions of child abuse involving the interviewing of children for evidential purposes has been promoted and accepted as a specialist, complex and emotionally demanding area of work. It requires high standards from staff directly involved. In order to build and maintain the necessary level of expertise, staff engaged in this area of work need to be provided with training, at different levels to equip them with the skills required to meet the standards.

The training outlined here applies only to staff interviewing children. Staff involved in the interviewing of vulnerable adults undertake a separate joint protocol training programme. While there is considerable overlap and similarity between both programmes neither group of staff trained in one aspect of joint protocol is equipped to conduct interviews with the other client group.

The arrangements for training delivery is undertaken jointly by HSC Trusts and Police working collaboratively in the design, development and delivery of training having regard to training developments and responsibilities within respective agencies.

It is the responsibility of each agency to ensure that staff are appropriately identified and targeted to receive the necessary training and that they are adequately supervised and supported by their managers. A process for staff and managers to evaluate performance in this area of practice is available for this purpose.

Ideally staff from both agencies should undertake training together and have updated training on a regular basis

Initial Consultation and Interview Assessment Training (Module 1)

8.2 Staff involved in the initial assessment and consultation process must be conversant with the requirements of this Protocol for Joint Investigation. To this end, all relevant staff undertaking initial assessment and consultation should attend Training. Social Workers should attend awareness training within the first two years of employment in Family and Child Care settings.

8.3 Staff who have undertaken Joint Protocol Awareness Training are not deemed to be trained to conduct investigations under the Protocol for Joint Investigation Policy and Procedures.

8.4 In order to investigate cases of alleged and suspected child abuse persons are required to have completed Module 1 Joint Protocol Training. This includes initial consultation between agencies.

8.5 Module I Training will qualify the practitioner to carry out investigations up to and including conducting a joint Pre-Interview Assessment.

Once a decision has been made that an investigative interview of a child should be conducted the matter will be passed to the interviewing team for necessary action. HSC

Trusts should monitor the number and locations of staff trained in order to effectively manage this resource.

Interview Assessment Training (Module 2)

8.6 Investigative interviewing (including video interviewing) is very much a specialist role, therefore the experience required and training provided must reflect the level of skills necessary. Interviewers must have the opportunity to practice in order to develop and maintain their skills.

8.7 Persons will be considered qualified to carry out video recorded investigative interviewing of children having completed the following sessions of training Module 1 Protocol for Joint Investigation Training and Module 2 Joint Protocol Video Evidence Training.

8.8 Members of interviewing teams must complete a minimum of 2 video evidence interviews a year, one of which must be as a Lead Interviewer to ensure that the skill and competence levels are maintained. One of these should be self-assessed and separately assessed by supervisors to verify and quality assures on-going competence, using the training assessment form / managers assessment form (Appendix B). Module 2 trained staff will also be required to undertake refresher training every 2 years.

Training for Managers

8.9 All managers who will have supervisory experience for staff involved in joint investigative interviewing need to be conversant with the Protocol for Joint Investigation Policy and Procedure and Achieving Best Evidence and familiar with the content of the Module 1 and Module 2 training programmes. They also need to be equipped with an understanding of the operational arrangements in place for the joint working between both agencies.

8.10 In support of these arrangements, managers of Joint Protocol trained staff should attend training in Joint Protocol Awareness and attend the Joint Protocol Managers Training Programme.

Managers from both investigative agencies are required to undertake joint training **together** to ensure the joint approach is consolidated at all levels of the process.

8.11 Supervision and assessment of the competence of staff conducting Joint Protocol interviews is integral to ensuring standards of practice are met and that staff are supported in developing competence. This may be achieved through the normal supervisory processes as well as in the case of Module 2 trained staff, by following the process as defined in 8.8.

GLOSSARY OF TERMS

ACHIEVING BEST EVIDENCE IN CRIMINAL PROCEEDINGS (NI)

The guidance provided is advisory and does not constitute a legally enforceable code of conduct. Each witness is unique and the manner in which they are interviewed must be tailored to their particular need and circumstances. However, interviewers and other practitioners should bear in mind that significant departures from the guidance may have to be justified in court. This guidance was revised in 2012.

ARRAIGNMENT

The point in formal criminal proceedings at Crown Court where the defendant is required to plead guilty or not guilty. The result of the arraignment will determine whether a criminal trial, involving witnesses, is required.

ARTICLE 18

The Children Order requirement for Social Services, HSC Board and HSC Trusts to provide support to children identified as being “in need”.

ARTICLE 66

Social Services duty to investigate under the Children Order. The Article requires Social Services to investigate instances where a child in its area is the subject of an Emergency Protection Order, Police Protection or is believed to be at risk of significant harm.

CHILD

The Children Order describes a child as a person under the age of 18.

CHILD PROTECTION CASE CONFERENCE

An inter-agency forum to consider risk to a child and decide whether or not a child’s name should be placed on or removed from the Child Protection Register and to agree a Child Protection Plan.

CHILD PROTECTION REGISTER

A register listing all children resident in each HSC Trust area who are subject to a Child Protection Plan.

CHILD WITNESS

There are several definitions of “child” for legal purposes. For the purposes of the Special Measures directions which may be made under the Criminal Evidence (NI) Order 1999 to assist eligible witnesses to give evidence, the child witness is a witness who is eligible because he/she is under 18 years of age when the direction is made.

Another relevant definition of a “child” for the purposes of the Criminal Evidence (NI) Order 1999 relates to the giving of unsworn evidence. The child under the age of 14 who is competent to give evidence does so without taking an oath or making an equivalent affirmation, i.e., unsworn.

CIVIL PROCEEDINGS

A case at civil law is normally one between private persons and/or private organisations. Typically it will be about defining the rights and relations between individuals. (For example, applications by HSC Trusts for Orders in respect of children)

CLEVELAND REPORT

The report of a major Government Inquiry in 1988 which was instrumental in effecting change in child protection policy, particularly in the area of multi-agency working and training.

COMPELLABILITY

The general rule is that if a witness is competent to give evidence they are also compellable. This means that the court can insist on them giving evidence.

COMPETENCE

In criminal proceedings a person who is not competent may not give evidence. Article 31 and 32 of the Criminal Evidence (NI) Order 1999 provides that all persons are (whatever their age) competent to give evidence, the exception applies where a person is not able to understand questions put to him/her as a witness, and give answers which can be understood. A person over 14 years of age who is competent but who does not appreciate the significance of an oath gives evidence unsworn, as do children under the age of 14.

CO-OPERATING TO SAFEGUARD CHILDREN 2003

Guidance issues by the DHSSPS 2003 (being updated).

CORROBORATIVE EVIDENCE

Any evidence which supports or confirms the substance of the allegation (for example, forensic or medical evidence).

CRIMINAL PROCEEDINGS

A criminal case normally involves the trial of a person(s) by a jury for the alleged commission of an offence created by law.

CRIMINAL RESPONSIBILITY

Children under the age of 10 years cannot be held criminally responsible but their welfare needs to be considered.

CROSS-EXAMINATION

The secondary stage of evidence giving in court where the testimony that a witness had already given is examined by counsel for the defence.

CROWN COURT

The criminal court that tries those charged with serious offences, this includes offences which are subject to trial on indictments such as rape.

DEFENDANT

A person on trial in criminal proceedings.

EVIDENCE

The term evidence embraces all matters exclusive of mere argument which can be placed before a court to support the argument for the prosecution or the defence in criminal cases or the applicant or respondent in civil cases.

EVIDENCE IN CHIEF

The initial stage of giving evidence in court where the witness is taken through their evidence by counsel for the prosecution.

EXAMINATION IN CHIEF

The procedure in a trial where the lawyer representing the side who has called the witness takes that person through his/her evidence.

FORENSIC MEDICAL OFFICER

An independent medical practitioner who provides a forensic medical examination service to the Police for the purpose of criminal investigation. The examination will include the collection of evidential samples for analysis.

HEARSAY/HEARSAY EVIDENCE

Anything which a person heard from another person other than the accused.

HUMAN TRAFFICKING

Article 3, paragraph (a) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the

prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

NICHE – The name of a Canadian Company that has developed a management information system specifically for law enforcement organisations.

The Police Service of Northern Ireland computerised system for managing information relating to criminal activity, criminal records, persons and incidents.

INTERMEDIARY

One of the Special Measures which the Criminal Evidence (NI) Order 1999 that allows for certain eligible witnesses to give evidence, (both examination in chief and cross-examination), through an intermediary. The intermediary may explain the questions to or answers from the witness to the extent necessary to enable them to be understood.

INTERVIEW

A person in authority seeking to obtain information from another party through questioning.

SECOND INTERVIEWER

Member of the interviewing team who has responsibility for the video recording of the interview and who will assist the First Interviewer in identifying gaps in the child's account or points to prove.

INTERVIEW SUITE

A facility which has equipment meeting the required standards for interviewing in accordance with Achieving Best Evidence and the Criminal Evidence (NI) Order 2011.

INTERVIEW SUPPORTER

A person included in an interview for the purpose of supporting a child witness, where considered necessary because of the child's age or their being distressed or upset. The interview supporter will have been instructed not to participate in the interview itself.

INVESTIGATIVE INTERVIEW

Police officers and social workers involved in the investigation of alleged and suspected cases of child abuse must, as a minimum have completed Joint Protocol training Module 1 and 2.

INVESTIGATIVE TEAM

Police officers and social workers responsible for the investigation, where it is decided to proceed with the investigation following a strategy meeting/discussion. The Police will be held to account for the overall quality of the investigation.

JOINT INVESTIGATION

A child abuse investigation undertaken jointly by Police and Social Services and/or NSPCC.

FIRST INTERVIEWER

The member of the interviewing team who has been deemed most suitable to conduct the video recorded interview with the child.

LIVE TELEVISION LINK

One of the Special Measures provided by the Criminal Evidence (NI) Order 1999 whereby certain witnesses can give evidence from a television monitor in a room separate from the main body of the court.

LOOKED AFTER CHILD

A child subject to a Care Order or accommodated by or on behalf of a Health and Social Care Trust

FABRICATED OR INDUCED ILLNESS

A condition in which a child is used as a surrogate patient where the carer falsifies a history and may harm the child in order to seek medical care so that they appear to be deeply concerned and protective.

PJI FORMS

The inter-agency forms used by Police and Social Services to record the information relating to a joint investigation of allegations or suspicions of child abuse.

PRE-INTERVIEW ASSESSMENT

A discussion to assess a child's willingness to take part in an Investigative Interview.

PSNI POLICY & PSNI SERVICE PROCEDURE

Internal directions issued to the Police Service of Northern Ireland, in written form in response to legislative or procedural changes or to take cognisance of new policy.

PUBLIC PROSECUTION SERVICE

A body of legal staff who work independently from the Police and who are responsible for the prosecution of criminal offences.

REGIONAL CHILD PROTECTION PROCEDURES

A set of agreed inter-agency procedures and guidance produced by the Area Child Protection Committees for named professionals who may be required to report and respond to child protection concerns. (The SBNI assumed responsibility for developing and amending safeguarding policies and procedures from September 2012.)

A SAFEGUARDING BOARD FOR NORTHERN IRELAND (SBNI)

A multi-agency forum to develop policies and procedures on safeguarding, and sets the strategic direction for Safeguarding Children in Northern Ireland.

SAFEGUARDING PANEL (SBNI)

A multi-disciplinary forum comprising representatives from key safeguarding agencies with the remit of developing inter-agency co-operation in child protection and safeguarding at an operational level.

SCHEDULE ONE OFFENCE

List of offences that indicate a definite risk to children which are detailed in Schedule One of the Children and Young Persons Act 1968. (Currently under review).

SECTION 20

The section of the Children and Young Persons Act 1968 which creates child specific offences under the heading cruelty. These offences include neglect, abandonment and ill treatment.

SEPARATED CHILD

“Separated children” are children, as defined in article 1 of the United Nations Convention on the Rights of the Child⁸, as children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

SINGLE AGENCY INVESTIGATION

An investigation carried out by the agency with specific statutory responsibility for the issues arising in each case. Police – criminal offences and Social Services/NSPCC – child welfare.

SPECIAL MEASURES

“Special Measures” is the term used in the Criminal Evidence (NI) Order 1999 and in Achieving Best Evidence to describe the range of new provisions aimed at facilitating the giving of best evidence by children and vulnerable witnesses.

⁸ United Nations Convention on the Rights of the Child: General Comment No. 6 (2005); Treatment Of Unaccompanied And Separated Children Outside Their Country Of Origin

STATEMENT OF EVIDENCE

The formal written account of what a witness has perceived and certified as true and accurate by the witness. In child abuse investigations these statements will be taken by Police.

STATUTORY RESPONSIBILITY

The duties and responsibilities placed on agencies through legislation.

STRATEGY DISCUSSION

An early exchange of information between Police and Social Services with the objective of agreeing a strategy for the investigation usually conducted by telephone.

STRATEGY MEETING

A face to face meeting involving representatives of both Police and Social Services with the objective of agreeing a strategy for the investigation.

THIRD PARTY MATERIAL

Matters of potential relevance to a police investigation which is not in possession of police.

UNACCOMPANIED CHILD

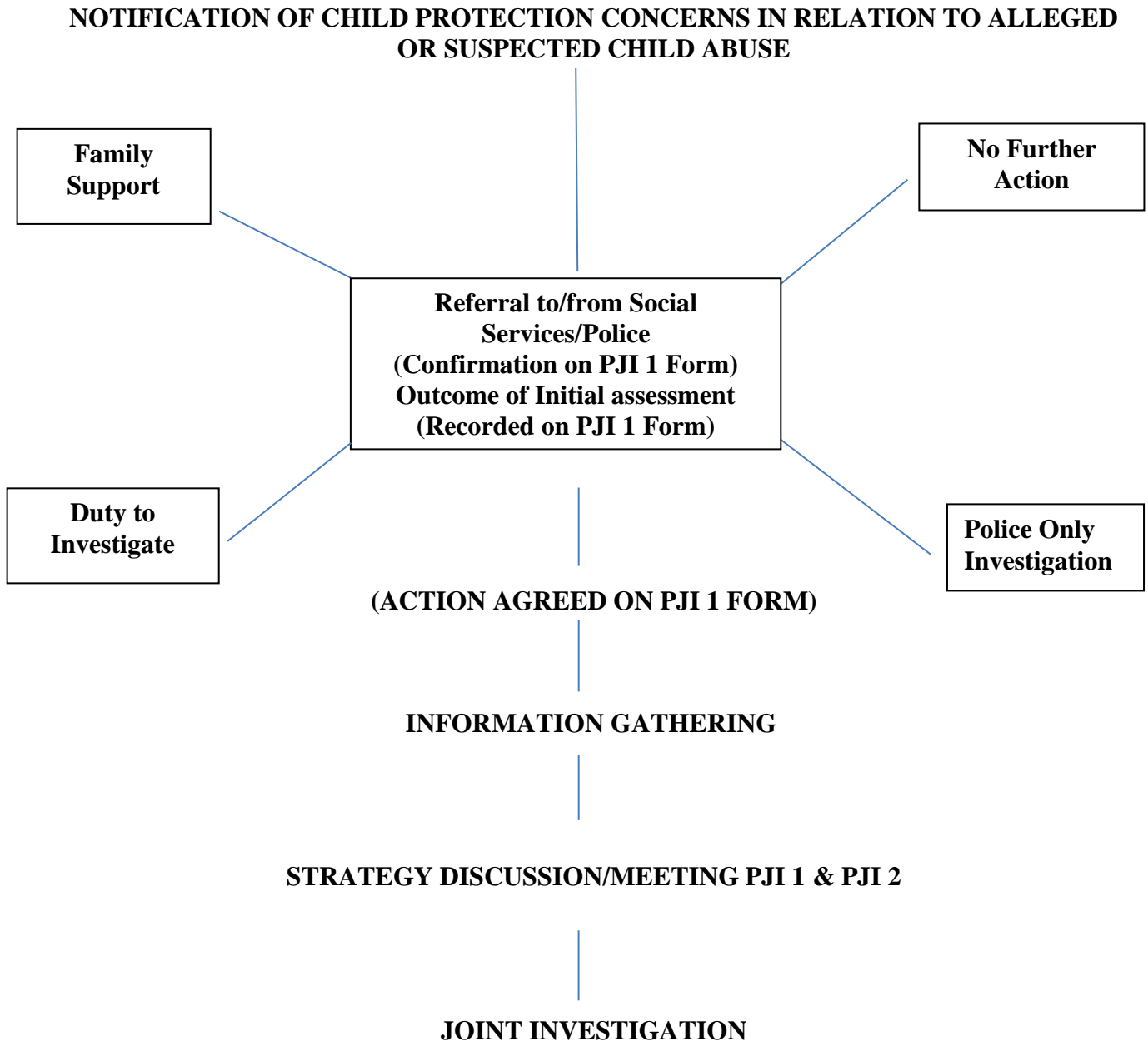
“Unaccompanied children” (also called unaccompanied minors) are children, as defined in article 1 of the of the United Nations Convention on the Rights of the Child⁹ as children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

VIDEO RECORDING

According to article 15 of the Criminal Evidence (NI) Order 1999, “video evidential recording” means any recording on any medium, from which a moving image may by any means be produced, and includes the accompanying soundtrack.

⁹ United Nations Convention on the Rights of the Child: General Comment No. 6 (2005); Treatment Of Unaccompanied And Separated Children Outside Their Country Of Origin

FLOWCHART REGARDING CONSULTATION, INITIAL ASSESSMENT, PLANNING AND JOINT INVESTIGATION



NB if at any stage the Joint Protocol process/investigation ends each agency should agree and the decision should be recorded on the PJI1, PJI2 (a) and PJI3 if applicable, and PJI17 must be **completed**.

**CONFIRMATION OF REFERRAL OF ALLEGED OR SUSPECTED ABUSE
TO POLICE OR SOCIAL SERVICES**

(To be completed by agency making the referral)

Referral by telephone on ____/____/____
To: _____ Designation: _____
Person referring: _____ Designation: _____
Address: _____

Contact Telephone Number: _____
Child's Name: _____
Date of Birth: _____
Home Address: _____

Present Location: _____

Details of any current Court Orders/Police protection: _____

Details of any current or past involvement with Social Services or Police including the Child
Protection Register: _____

Name of parent/person with parental responsibility: _____
Address: _____

Telephone Number: _____

Alleged Perpetrator: _____
Address: _____

Background details of the referral - details of alleged or suspected abuse: _____

Signature: _____ Date: _____

INITIAL STRATEGY FOR INVESTIGATION

Child's Name: _____ D.O.B: _____

Date of Referral: _____

(A) **CONSULTATION** GP HV School

Other(s) specify: _____

(B) **STRATEGY DISCUSSION:** Telephone/Meeting * Date: _____

Persons Involved/Designation:

Agreed Action:

(C) PERSONS TO BE INTERVIEWED

<p>1. Person making the allegation to clarify all facts about the referral</p> <p>Name(s): _____</p> <p>By Whom: _____</p> <p>Social Worker: _____ and/or PSNI: _____</p>
<p>2. Parents/person with parental responsibility or other carers</p> <p>Name(s): _____</p> <p>Relationship to child: _____</p> <p>By Whom: _____</p> <p>Social Worker: _____ and/or PSNI: _____</p>
<p>3. Other family members/significant others</p> <p>Name(s): _____</p> <p>Relationship to child: _____</p> <p>By Whom: _____</p> <p>Social Worker: _____ and/or PSNI: _____</p>

* Delete as appropriate

<p>4. The Child</p> <p>Name: _____</p> <p>By Whom:</p> <p>Social Worker: _____ and/or PSNI: _____</p>
<p>5. Siblings</p> <p>Name(s): _____</p> <p>_____</p> <p>_____</p> <p>By Whom:</p> <p>Social Worker: _____ and/or PSNI: _____</p>
<p>6. The Alleged Abuser(s)</p> <p>Name: _____ D.O.B: _____</p> <p>Name: _____ D.O.B: _____</p> <p>Relationship to Child: _____</p> <p>By Whom:</p> <p>Social Worker: _____ and/or PSNI: _____</p>

MEDICAL EXAMINATION

Is a medical examination considered appropriate? Yes/No

Date: _____ Venue: _____

To be conducted by: (Tick as appropriate)

- Joint - FMO/Paediatrician
- FMO
- Paediatrician
- Other
- Medical examination already completed By Whom: _____

Agreed by: _____ Date: _____
(Senior Social Worker)

Agreed by: _____ Date: _____
(Police Officer)

One PJI 2 per alleged victim

Original for Police file and copy for Social Services records

CHILD WITNESS PRE-INTERVIEW ASSESSMENT
(Responsibility for completion rests with either Police or Social Services)

If the child has not made a clear disclosure of abuse or there are no substantive grounds for suspecting abuse has occurred a pre-interview assessment should not be undertaken.

(The purpose of this assessment is to consider the child's willingness and ability to participate in an investigative interview and not to obtain a disclosure from the child.)

Name of child: _____ D.O.B: _____
Venue: _____

Date: _____ Time: _____

Persons present:	Designation/Relationship:
_____	_____
_____	_____
_____	_____
_____	_____

CONSIDERATIONS

1. Is the child able to engage in an investigative interview? Yes/No

Comment:

2. Has the purpose of the investigative interview been explained to the child? Yes/No

Comment:

3. Is the child willing to engage in an investigative interview? Yes/No

Comment:

4. Is the child willing to pursue the matter through the police and eventually to court? Yes/No

Comment:

5. Based on the assessment which is the most suitable format for the interview for this child?

- VIDEO
- WRITTEN STATEMENT
- QUESTION AND ANSWER

6. Has the child witness opt out procedures been explained to the young person? Yes/No

7. If a video interview appears to be the most appropriate option assess the child's willingness to be interviewed on video tape. Where the preferred option is not video interview give reasons.

RECORD OF DISCUSSION

(IF, DURING THE DISCUSSION, THE CHILD SPONTANEOUSLY DISCLOSES EVIDENCE OF ABUSE, A CONTEMPORANEOUS, VERBATIM RECORD MUST BE MADE).

Please record any particular considerations that the interviewer should take account of;

Person making notes: _____

PJ Investigation concluded at this stage Yes/No

If yes, please explain;

Original for Police file and copy for Social Services records

**PLANNING THE JOINT INVESTIGATION INTERVIEW OF THE CHILD
(To be completed by Joint Investigative Interviewers)**

Child's Name: _____ D.O.B: _____

Those undertaking an investigative interview with a child should, at the planning stage, take account of the checklist of factors to be considered. (Achieving Best Evidence paragraphs 2.30 through to 2.55).

Do any special considerations apply? _____

Interpreter/Intermediary * Yes/No

If yes, Name, Grade/Qualification: _____

Witness Supporter: Yes/No

If yes, Name: _____

Relationship: _____

How will the parent(s)/carer(s) be informed about the outcome of the interview, when and by whom?

* Delete as appropriate

Original for Police file and copy for Social Services records

INDEX TO VIDEO RECORDED INTERVIEW
(To be completed by the Second Interviewer)

Number of pages: _____

Child Interviewed: _____

Place of Interview: _____

Date of Interview: _____

Time Commenced: _____ Concluded: _____

Duration of Interview: _____

Second Interviewer: _____

Other persons present: _____

Relationship to child: _____

Number of DVDs used: _____

Number of video tapes used: _____

Evidential seal number(s): _____ Exhibit ref no: _____

The form overleaf should be used to record the details of the interview (use additional pages as necessary).

The following details should be recorded using the child's own words where practicable.

Use three headings - Child's description of:

- (1) Offence
- (2) Offender
- (3) Information relevant to date of offence

Original for Police file and copy for Social Services records

Child's Name: _____ Date of Interview: _____

Page No:

Tape Counter Times	Person Speaking	Text

CONSENT FOR MEDICAL EXAMINATION
(Responsibility for ensuring completion rests with the Doctor)

Child/Young Person's Name: _____ D.O.B: _____

Doctor

I confirm that I have explained the purpose and implications of this medical examination, which may include the taking of photographic evidence, in terms which in my judgement are suited to the understanding of the child/young person. I have also explained the medical examination to a parent or person with parental responsibility for the child/young person.

Signature(s): _____

Name of Doctor(s): _____

Date: _____

Parent/Person with Parental responsibility

I consent to the medical examination of _____,
the purpose of which has been explained to me by the Doctor.

Signature: _____ Date: _____

and/or

Child

I consent to a medical examination the purpose of which has been explained to me by the Doctor.

Signature: _____ Date: _____

Original for Police file and copy for Social Services records

Protocol for Joint Investigation
Assessment Form

Date:

Time:

1st Interviewer:

2nd Interviewer:

Completed by: _____
(Name and signature)

Planning the interview:

	Yes	No	N/A	Notes
Reviews the available material/evidence/history of witness to establish course of action.				
Assess current physical and emotional condition of witness to establish fitness for interview.				
Establish necessity for others to be present during interview.				
Review information and consult with relevant others to plan an interview strategy.				
Establish the appropriate time, place and environmental conditions for the interview.				
Select and set up the necessary interview location and resources.				
Identify an appropriate interview strategy to gather information for the investigation.				
Prepare a written interview plan that is clear and meets the need of the witness and investigation (Child: PJI 4)				

Supply information to the interviewee and appropriate others.				
Identify and take account of any issues regarding fear of testifying.				
Fully document all decisions, actions, options and rationale.				
Identify, take account of and record all Human Rights issues and considerations.				
Checks technical aspects of the interview: sound and picture quality, use of earpiece, suitable seating and correct view of witness on recording.				
Checks availability of appropriate resources for use during interview.				

Conducting the interview:

	Yes	No	N/A	Notes
Deal with individuals in an ethical manner, recognising their needs with respect to race, diversity and human rights.				
Conduct the interview in accordance with the interview plan, whilst maintaining flexibility in response to the witness' behaviour and attitude.				
PHASE I (Introductions, Rapport and Ground Rules)				
Introduces all those present to the witness using the name by which the witness prefers to be known.				
States date, time and location of interview. (2 nd interviewer)				
Points out the equipment in use, including cameras, mics and use of earpiece.				
Explanation of the possible use of recording in court and check for witness' consent re interview, interviewer selection and possible use in court.				

Explanation of the format and structure of the interview process.				
Discusses neutral topics.				
Makes use of prior knowledge of witness' social, emotional and cognitive development.				
Makes use of open questions to ascertain witness' response/cognitive development.				
Explains that witness is free to say that they don't understand terminology or questions being asked.				
Explains that witness is free to say that they don't know or can't remember when asked a question.				
Explains that witness may take a break at any time.				
Explain the importance of telling everything and leaving nothing out.				
Explain the importance of telling the truth.				
Explore witness' understanding of truth and lies and provide an appropriate example.				
Appropriate amount of time spent at this phase in the specific circumstances.				
Check with 2 nd interviewer that all issues covered before moving on.				
Check that witness is ready to move on to next phase of the interview.				
PHASE II (Free Narrative)				
Makes use of open question or phrase to prompt/facilitate witness' first account.				
Makes use of appropriate continuances to encourage free narrative.				
Displays active listening and appropriate verbal utterances.				
Does the interviewer interrupt the witness?				

Makes use of pauses and silence during the interview.				
Provides witness reassurance, if appropriate.				
Obtains as full a free narrative account from the witness as possible without questioning.				
Gives witness permission to correct any summary of account/free narrative provided.				
Summarises account when appropriate.				
Checks that summaries are accurate with witness and 2 nd interviewer.				
Moves on to Phase III at the appropriate time.				
PHASE III (Questioning)				
Explain to witness the move to Questioning and the structure of this Phase of the interview.				
Free Narrative account appropriately broken down into 'topic areas'				
Provide boundaries for the witness to focus on specific topic area.				
Make use of the questioning funnel, starting with open questions, as appropriate.				
Makes use of specific questions.				
Makes use of closed questions.				
Makes use of appropriate leading questions.				
Uses inappropriate leading questions.				
Uses multiple questions.				
Obtains as full and clear account as possible before moving on.				
Specific topic area questioned and probed before moving on.				
Gives witness permission to correct any summary of information provided				

Summarises account when appropriate.				
Checks that summaries are accurate with witness and 2 nd interviewer.				
Displays active listening and appropriate verbal utterances.				
Makes appropriate link between topic areas.				
Clarifies any ambiguities, inconsistencies or terminology used.				
Covers points to prove in criminal proceedings.				
PHASE IV (Closure)				
Move to closure explained to witness.				
Check that witness has nothing more to add.				
Check with 2 nd interviewer, as appropriate.				
Summarise information, if appropriate.				
Invite questions from witness.				
Answer questions asked by witness.				
Thank witness for participation in interview.				
Explain what happens next.				
Check witness' welfare.				
Return to discussing neutral topics.				
State date and time at conclusion of interview.				
OTHER ISSUES TO CONSIDER.				
Reinforcement of Ground Rules throughout the interview.				
Use of resources incl. maps, charts, pens and paper during the interview where appropriate.				
Items appropriately exhibited and signed.				

Dealt with softly spoken/shy witness.				
Dealt with technical faults.				
Dealt with outside noise.				
Check witness welfare throughout, where appropriate.				
Provide witness with card/contact details.				
Use of age/cognitive appropriate language/terms.				
Conduct interview at suitable pace for witness.				
Interview lead by needs of the witness.				
Interview conducted in an informal yet confident and professional manner.				
2nd INTERVIEWER CONSIDERATIONS				
States date, time and location.				
Keeps an accurate record of relevant points. (Child - PJI 5)				
Identifies points to prove and ensures issues are covered in sufficient detail.				
Displays listening skills.				
Is alert to the needs of the witness.				
Is alert to the needs of the 1 st interviewer.				
Works to the agreed interview strategy whilst remaining flexible.				
Communicates appropriately with the 1 st interviewer and interrupts only when necessary.				
Maintains an awareness of time.				
Ensure inaccuracies, ambiguities, inconsistencies or misunderstandings are clarified.				
Corrects inaccuracies made by 1 st interviewer.				

Makes appropriate use of silence/pauses.				
Ensures sound and picture quality is appropriate and deals with technical issues.				
Maintains integrity of exhibits including DVD/Video/audio tapes.				

Identify interviewer's strengths in the interview:

Signed: _____ Date: _____

Identify areas for development:

Signed: _____ Date: _____

Notes on structure and conduct of interview.

Signed: _____ **Date:** _____

Referral Addresses

Young Witness Service

NSPCC Young Witness Service
Antrim Courthouse
30 Castle Way
ANTRIM
BT41 3AQ
Telephone Number: 028 94 487533
Fax Number: 028 94 487590

Vulnerable Adult Witness Service

Miss Fiona Green
Witness Support Service
Victim Support
Annsgate House
BELFAST
BT1 4EH
Telephone Number: 028 90 244039
Fax Number: 028 90 313838