

**CARE +**

**A PROTOCOL FOR  
JOINT INVESTIGATION**

January 2006

This document was reviewed in following the structured de-brief of staff engaged on Operation Care and in full consultation with each of the 5 Local Authorities on Merseyside. It will continue to be reviewed at regular intervals prompted by the Public Protection Unit of Merseyside Police. If you have any comments on the content of this protocol please contact one of the below named who act as the single point of contact for each of the parties to this protocol.

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# 1. INTRODUCTION AND DEFINITIONS

## 1.1 INTRODUCTION

Operation Care was established in 1996 and conducted the joint-agency investigation of historic allegations of the abuse of children within the care system across Merseyside.

The purpose and aims of this protocol are to:

- ❖ Recognise that Child and Adult Abuse can, and does, occur in a range of different settings
- ❖ Everyone, whether at home, at school or being looked after away from home has a right to be safe
- ❖ Provide a fair and equal service to all members of society regardless of gender, race, culture, religion, disability, sexual orientation or material disability
- ❖ Ensure that allegations of abuse, either historical or current, made against those with a duty to care, will be investigated thoroughly in line with these and existing Local Authority Safeguarding Children and Adult Protection Procedures
- ❖ Endorse a commitment to Joint Working by Merseyside Police and Local Authority Children's Services (or equivalent).
- ❖ Identify and implement good practice developed within Operation Care and elsewhere and utilise it in the investigation of allegations of abuse of children or vulnerable adults within establishments and organisations
- ❖ Ensure that by adhering to guidance it will be possible to achieve the optimum outcome using the least intrusive or damaging options available.

## 1.2 DEFINITIONS

For the purposes of this document the following definitions of 'current' and 'historical' abuse will be adopted as will the categorisation of investigations.

**'Current abuse'** is defined as a single incident, or continuing episodes of abuse.

**'Historical abuse'** is defined as a situation where either the abuser or his/her victim(s) are no longer at the same location and that abuse has stopped.

## 1.3 CATEGORIES OF INVESTIGATION

For ease of reference the possible levels of investigation are defined as follows:

### **CATEGORY A**

Multi-sited enquiry, with or without cross border implications, or any enquiry where there are major public concerns.

Family Support Unit and Area C.I.D. to investigate with agreed staffing by District Detective Superintendent. Consideration of appropriate Local Authority Children's Services (or equivalent) staffing to be agreed by Directors Group.

### **CATEGORY B**

Medium level current allegation (11+ complainants – 4+ current staff members).  
Family Support Unit and Area C.I.D. to investigate.

Medium level historic allegation (11+ complainants – 4+ staff members).  
Area C.I.D. to investigate with assistance of Family Support Unit as appropriate.

### **CATEGORY C**

Isolated current allegation (1-10 complainants – 1-3 current staff members).  
Family Support Unit to investigate, and conduct relevant retrospective investigation.

Isolated historic allegation (1-10 complainants, 1-3 staff members).  
Area C.I.D. to investigate with assistance from Family Support Unit as appropriate.

*It is important to note that an allegation may be re-categorised, as more information becomes known throughout the course of the investigation.*

*Where appropriate, consideration will be given to drawing staff experienced in such investigations to assist in any enquiry.*

#### **1.4 RESOURCE ALLOCATION BY CATEGORY**

##### **Category A – Scenes which have no complainants/witnesses with learning difficulties.**

1 Police Officers for 6 complainants and 1- 6 suspects.  
1 additional Police Officers for each additional 25 complainants or each additional 12 suspects.

2 Social Workers for 6 complainants and 1-6 suspects (if supported).  
1 additional Social Worker for each additional 50 complainants.  
1 additional Social Worker for each 50 suspects.

##### **Category A – Scenes which include complainants/witnesses with learning difficulties.**

1 Police Officer for 6 complainants.  
1 additional Police Officer for each additional 20 complainants.

2 Social Workers for 6 complainants and 1-6 suspects (if supported)  
1 additional Social Worker for each additional 10 complainants.

##### **Category A – Scenes which include suspects with learning difficulties.**

1 Police Officer for up to 6 suspects.  
1 additional Police Officer for each additional 9 suspects.

1 Social Worker for up to 6 suspects  
1 additional Social worker each additional 6 suspects.

**Category B** – 1 Police Officer and 1 Social Worker with appropriate line management.

1 additional Police Officer for every 12 suspects

**Category C** – 1 Police Officer and 1 Social Worker with appropriate line management.

Resource allocation and the proportion of police officers to social workers must be reviewed at regular intervals. Operational policies such as contact with witnesses should be achievable from the resources available

The Crown Prosecution Service and witness support agencies should be consulted at this stage.

## **2. REFERRAL PROCESS**

Referrals may relate to current or historical allegations.

1. Allegations of abuse (sexual, physical, emotional and neglect) as defined in 'Working Together'<sup>1</sup> and 'No Secrets'<sup>2</sup> made against individuals working with children, young people or vulnerable adults in any setting whether the complainant is living away from home or not, should be passed to the appropriate Local Authority. The referral will be considered by the appropriate Local Authority Children's Services Team Manager, in consultation with the Manager of the Child Protection Unit (SSD), or appropriate Manager with responsibility for Adult Protection within S.S.D.
2. The referral will be immediately passed onto the appropriate Police Family Support Unit.
3. The referral will contain as much details as is known at the time i.e. names, dates of birth, details of allegations, names & dates of birth of alleged perpetrators, details of establishments. Referrals will be communicated between agencies as per Local Authority Safeguarding Children/ Vulnerable Adult procedures.

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<sup>1</sup> "Working Together" Department of Health (1999)

<sup>2</sup> "No Secrets" Department of Health (2000)

4. Individual agency checks will be completed within the relevant agency. These checks will be completed immediately and urgently.
5. On the receipt of the information a discussion will take place between a Child Care Manager, or a manager for Adult Protection and a Manager at The Family Support Unit, initially to determine the appropriate Category of Response (see above) and the immediate course of action to be followed, including the need to consider disciplinary proceedings.
6. If it is agreed that the allegation is 'Category A' a Resource Planning Meeting will be arranged within 3 days of the referral being received. Those who attend such a meeting should have the authority to be able to commit the appropriate resources that will be needed to conduct the investigation.
7. In addition to the Resource Planning Meeting and for all categories of response (i.e. A, B or C) a Strategy Meeting will be called to consider the details of the allegation and to plan the investigation without delay.

### **3. STRATEGY MEETINGS**

A Strategy Meeting will be convened within 48 hours of the receipt of the referral in cases of allegations of current abuse. In cases of historical abuse, where it is known that the alleged perpetrator is no longer in employment or working with/ having contact with children or vulnerable people, the meeting should be convened within 5 days.

The Strategy Meeting will be chaired by a Child Care/ Adult Protection Manager or Police Family Support Unit Supervisor.

Membership – Representatives from Police and Local Authority will always attend. Invitations to other agencies/ individuals will be offered as appropriate and dependant upon the needs of the victim and the nature of the allegations made. The support needs of the victim and the possible involvement of victim support agencies should be considered at this meeting.

A record of the meeting and the agreements reached will be recorded on the appropriate Safeguarding Children/ Vulnerable Adult Strategy Meeting documentation.



The Meeting will consider:-

1. The ongoing safety of Child (ren)/Adult(s)

- ❖ Details of the allegation – historic/ current allegation
- ❖ Any special needs of the child/ adult – individual needs regarding gender, race, culture, religion, disability, sexual orientation or material disability as well as the potential benefits of a medical examination
- ❖ Category of response
- ❖ Details of perpetrator(s) – including employment history, other victims, criminal record etc.
- ❖ Interview arrangements.
- ❖ In cases of historic abuse consideration must always be given to contacting potential victims or witnesses in writing in the first instance.

2. Wider Child/ Adult Protection Issues

- ❖ In the case of allegations of current abuse, or historical abuse where it is known the alleged perpetrator is in contact with children/ vulnerable adults, it will be necessary to make arrangements to ensure the safety of all children/vulnerable adults.
- ❖ Heads of Establishments and Personnel Managers will need to be informed of the allegations, and the outcome of Strategy Meetings.
- ❖ Any consideration will have to be given to the safety of any children/ vulnerable adult in the family of the alleged perpetrator. Other agencies will need to be notified e.g. Local Authorities where the alleged perpetrator is currently residing.
- ❖ The protection of potential witnesses from intimidation (refer to 'Whistle blowing' policies).

3. The Strategy Meeting will also need to decide arrangements for monitoring the progress of the investigation and the criteria for reconvening a Strategy Meeting.
4. In all investigations the Strategy Meeting will need to consider what support the child/ vulnerable adult may need. This will often be a major issue for victims reporting historic abuse.
5. Issues emanating from a Strategy Meeting may well inform disciplinary proceedings and the Local Authority Representative (SSD) at the meeting should liaise with appropriate Officers within their Authority to consider these matters.

## **4. TRACING SUSPECTS**

### **4.1 USE OF LETTERS**

Any policy Decision made to send a letter to past/ present employers of suspects with a view to tracing them or obtaining relevant information in respect of them should be determined within a Strategy Meeting.

- ❖ Any such letter should include-
- ❖ The name of the suspect
- ❖ A synopsis of the nature of the allegations being investigated
- ❖ The period that the suspect was in that employment, if known
- ❖ A request for relevant pupil/ staff records
- ❖ Contact details of the SIO

The letter should **not** include any information which may lead to the identification of any known complainant(s).

### **4.2 INFORMATION SHARING**

The sharing of information throughout the process of investigation will follow ACPC and other locally agreed policies and procedures.

Merseyside Police's Force Intelligence Bureau will maintain a database on which to store details of all-

- ❖ Establishments
- ❖ Suspects, and
- ❖ Relevant dates

Which have previously been subject of investigation.

This database would form the first point of contact in any investigation in order to avoid any duplication of work.

Contact will also be made at an early stage with National Database held by Gwent Constabulary, which maintains a national record of suspects of child abuse.

### **4.3 POLICY RECORDING SYSTEMS**

Any policy decision made should be recorded and maintained within-

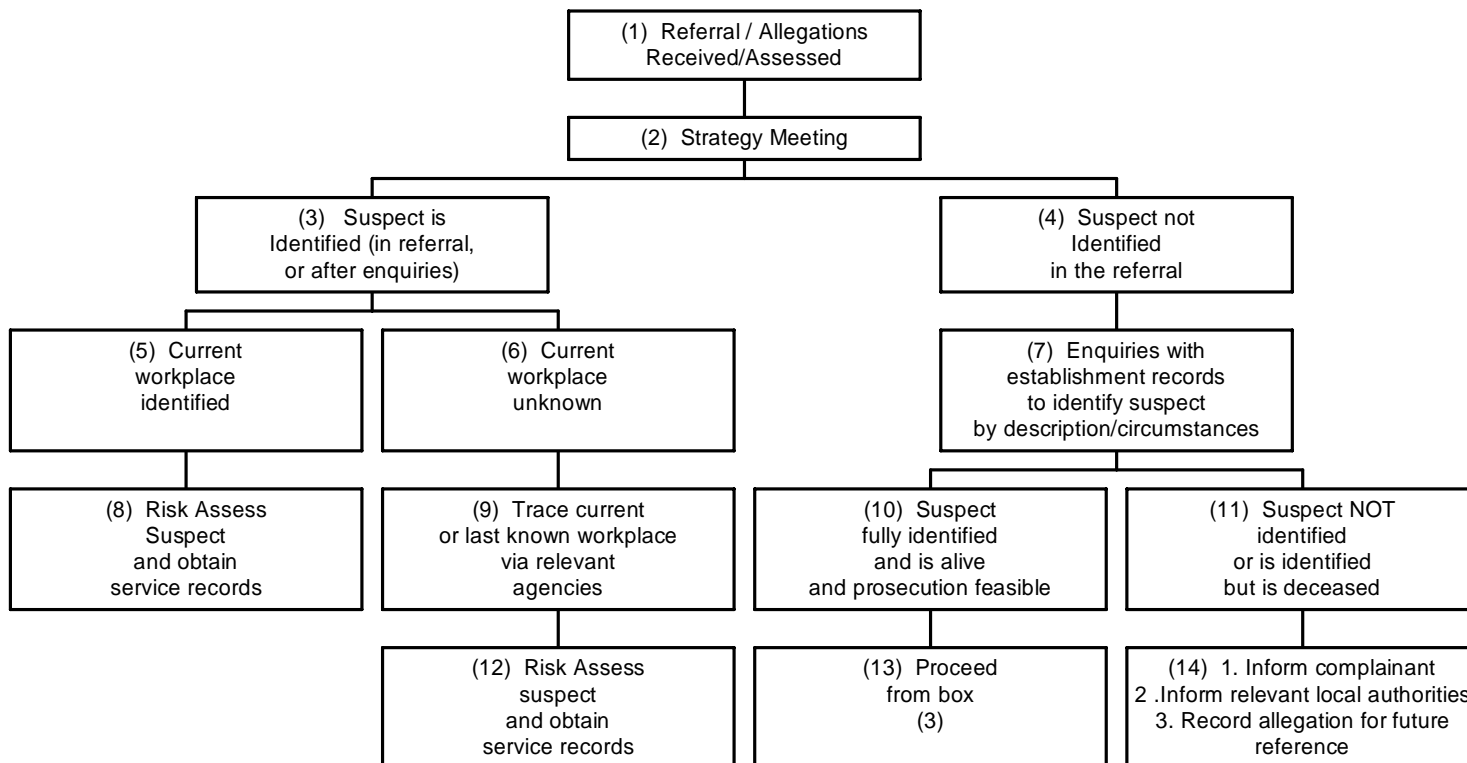
- ❖ Policy Book (Police)
- ❖ Strategy Meeting document, and
- ❖ In accordance with locally agreed LSCB/ Adult Protection Procedures.

### **4.4 LEGAL POSITION**

In each individual case, it will be the responsibility of the SIO to ensure that any methods used in an effort to trace/ identify any potential victim/ suspect should be formulated in consultation with the Force Solicitor, The Crown Prosecution Service (CPS) and the appropriate Local Authority Legal Department.

The following flowchart and guidance notes are included to assist in the process of tracing suspects.

# TRACING SUSPECTS





#### 4.5 TRACING SUSPECTS

Guidance Notes to be viewed in conjunction with flow chart.

Numbered paragraphs correspond with numbers in flowchart boxes.

1. Referral/Allegation received by either police or social services. Referral form to be completed as fully as possible before 2 below.
2. Initial strategy meeting convened. Referral form to be completed as much as possible.
3. The suspect is fully identified, as is the establishment from which the allegation emanates. The proposed investigation must be registered at the nominated central point and checks will be made with the National Database for Historical Abuse held by The National Crime Operations Faculty (Tel. 01256 602659). This will avoid duplication if, at the time of registration, it is found that the same individual is being, or has been, investigated. The registration will also provide intelligence to others.
4. The suspect is not fully identified in the referral.
5. The suspect is fully identified and their current workplace is known from the referral form. The current place of work may be one and the same as the establishment from which the allegations emanate. However, if the allegation is historical, the current workplace may be different to the establishment from which the allegations emanate.
6. The suspect is fully identified but their current workplace is unknown. This may be a common situation in historical allegations.
7. Enquiries will take place using establishment records from which the allegation emanates in order to identify the suspect.

8. The suspect and their current workplace are fully identified. A risk assessment should take place in respect of the suspects continued service at the current workplace. Relevant service records in respect of the suspect, and relevant pupils/service users and staff lists should be obtained in respect of every establishment of service of the suspect. The records are required to create pupils/ service user dip samples during the investigation. It will usually be necessary to communicate with staff at establishments who are/were contemporaries of the suspect. It may also be necessary to enquire into the social life of the suspect in respect of any involvement with voluntary organisations. If it is found to be the case then it may be necessary to dip sample such organisations.
9. The current workplace of the suspect should be traced as a matter of priority using agencies relevant to the suspect's role within the establishment.
10. Following enquiries the suspect is fully identified and is alive.
11. Despite enquiries the suspect remains unidentified or has been identified and is deceased.
12. See 8 above.
13. If suspect is alive proceed from 3 above.
14. Inform complainant and relevant local authorities of outcome. Retain the allegation in central storage facility for future reference.

## 5. RESOURCE PLANNING STRATEGY

1. There should be a differentiation between representation on decision-making bodies dependent upon the category of the allegations.
2. With categories B and C decision-making would occur between the local FSU managers (i.e. Inspector or Sergeant) and the Children's Services team managers.

The involvement of the nominated Detective Superintendent and Assistant Director (or suitable delegated managers) would only occur should the normal management arrangements reach an impasse.

3. In relation to Category A allegations whether in one or more of the Merseyside Authorities a Category A Planning Meeting would be called comprising Detective Superintendent with responsibility for vulnerable people, other Police Managers as appropriate (e.g. Inspectors from relevant Family Support Units), nominated Children's Services representatives.
4. The Category A Planning Meeting will determine the level of resources including staffing required to undertake the investigation of allegations and consider issues of staff selection, welfare and training. It will also consider whether existing resources for support/ counselling will be sufficient to cope with expected need.
5. There are a number of important principles inherent in the efficient functioning of the Category A Planning meeting: -

- ❖ any delegated representatives must have the authority to commit resources, as determined by the Planning meeting
- ❖ Representation will be required, at least in the early stages, from all five local authorities in order that there is a corporate understanding should the investigation escalate
- ❖ Local authorities where incidents are alleged to have taken place will always make a commitment to resource the Local Authority Children's Services element of the investigation
- ❖ Co-location in appropriate premises must be considered in any Category A investigation.



- ❖ Where the scale of the investigation is such that local authorities where there are no alleged incidents are requested to commit resources to the overall investigation then that issue will be referred to the ACPO/ Directors of Children's Services Strategic Management Group.
6. An Operational Group for Category A investigations will be established following the first planning meeting. This will consist of Detective Superintendent, with responsibility for vulnerable people, Police Managers, as appropriate, and Local Authority Children's Services representatives at delegated officer level.
  7. The Operational Group will meet on a monthly basis chaired by the responsible Detective Superintendent to review progress of the investigation. Decisions and recommendations of this review will be formally recorded.
  8. The Operational Group will report to an appropriate strategic forum, Category A investigations being a standing Agenda item.
  9. A Category A investigation may not be closed without the approval of the Strategic Management Group.

## **STAFF SUPPORT**

The criteria for staff selection must be explicit and applied consistently.

Staff support and debriefing standards should be defined at the outset. Given the nature of the work it should not be left to front line staff to initiate individual contact with their immediate line-manager. Induction and debriefing should be available on a consistent basis from a line-manager based on site.

Particular attention must be paid to the welfare needs of staff who are not familiar with child protection including staff who are not investigators.

A structured and consistent induction process must be considered and agreed by all partner agencies at the outset.

Co-location must be considered.

No occupational group should be represented by a single member of staff if this can be avoided. Specifically if there are to be a number of prosecutions more than one prosecutor should be employed to present the cases in court.

There should be a specific mechanism for ensuring that staff are not isolated from their colleagues in the mainstream service and that their individual development needs are not suspended during the period of *posting/secondment* to a lengthy joint operation. This could probably be achieved through a quarterly "keeping in touch" meeting with a manager from the mainstream service and the operational line manager.

The extent to which 'meaningful' guarantees of future posts can be given needs to be considered in potentially protracted secondments. Each secondment should have clear fixed term periods with regular reviews built in to enable curtailment or extension decisions as appropriate.

## **6. TRACING POTENTIAL COMPLAINANTS**

### **6.1 RECORD KEEPING**

Within Category C and B investigations records will be kept in accordance with Family Support Unit (FSU) / Local Authority agreed practice and policy and will be subject to the normal rules of disclosure.

Within Category A investigations an early decision by the Senior Investigating Officer (SIO) should be taken in respect of whether normal FSU or HOLMES Major Investigation Room investigation procedures will be adopted. (See also Policy Record Decisions.)

### **6.2 USE OF LETTERS**

A policy decision to send letters to potential complainants is to be determined within a Strategy Meeting and if agreed should include-

- ❖ The name of the establishment subject of investigation
- ❖ The name of a contact person within the investigation team
- ❖ A pro-forma response (positive & negative) and SAE
- ❖ Options for counselling/ support as available.

The letter should not include-

- ❖ The name of any suspect
- ❖ Any information which may lead to the identification of any suspect
- ❖ Unrealistic promises of confidentiality.

A pro-forma letter will be designed to accommodate the circumstances of each particular investigation.

This should be adhered to for disclosure at any subsequent court appearance.

It should be noted that dependent on the nature of vulnerability, it might not be appropriate to write to some potential victims, and a policy decision should be made on the mode of contact in these circumstances. Though 'cold calling' is an option, careful consideration must be given to the potential effects it may have on it's subjects. Where available advice from appropriate support agencies should be sought.

### **6.3 LEGAL POSITION**

In each individual case, it will be the responsibility of the SIO to ensure that any methods used in an effort to trace/ identify any potential victim/ suspect should be formulated in consultation with the Force Solicitor, The Crown Prosecution Service (CPS) and the appropriate Local Authority Legal Department.

### **6.4 PRE-COURT SUPPORT/ COUNSELLING**

6.4.1 Both staff and complainants should be given the opportunity to access support from an independent agency. The identification of such an independent agency should be considered throughout the strategy planning process and appropriate resources made available. In any major operation all staff should have at least one contact with the agency contracted to provide confidential support

### 6.4.1 TYPES OF SUPPORT AVAILABLE

Victim support agencies should be consulted at the earliest opportunity. Subject to advice from the Crown Prosecution Service, they may be able to support vulnerable witnesses from point at which the witness is first contacted. They may also make a valuable contribution to the design of the operation and practice which will be least distressing to the victim.

Three broad categories of pre-trial support work can be identified-

a) Preparation for Court – a focused piece of work which, while it may be therapeutic in its effect, is not strictly a form of therapy:

- ❖ work with the appropriate Witness Pack
- ❖ pre-trial familiarisation visits

All witnesses should be familiar and informed about what is to happen in court proceedings.

b) Educative and preventative work including counselling:

- ❖ such work should focus on the impact of the incident(s) not the detail
- ❖ dealing with such issues as how to stay safe, how to look after yourself, who to tell, how to identify support systems and feel protected
- ❖ promoting empowerment and increased self-confidence

This type of intervention is likely to be time limited and focussed.

c) Individual and group psychotherapy to treat emotional and behavioural disturbance e.g. post traumatic stress disorder. Some of this therapeutic work is likely to be long term.

### 6.4.2 GOOD PRACTICE FRAMEWORK FOR SUPPORT/ COUNSELLING

It should be understood that those involved in the prosecution of a suspect have no authority to prevent a complainant/ witness from receiving therapy.

The Police and Crown Prosecution Service (CPS) should be made aware that therapy is proposed, is being undertaken, or has been undertaken.

The nature of the therapy should be explained so that consideration can be given as to whether or not the provision of such therapy is likely to impact on the criminal case.

Records of the therapy (which includes videotapes as well as notes) must be maintained so that they can be produced if required to the Court. An understanding should be reached with the survivor at the outset of the therapy, of the circumstances under which material obtained during treatment might be required to be disclosed.

In newly arising allegations, therapy should not usually take place before a witness has provided a statement, or if appropriate before a video-recorded interview has taken place. However, in existing cases where therapy is already under way, a decision how to proceed may be best made after discussion at a multi-agency strategy meeting which includes the therapist.

If the prosecutor does advise that the therapy proposed may prejudice the criminal case, those responsible for the welfare of the complainant/ witness should take this into account when deciding whether to agree to the therapy. It may still be in the interests of the complainant/ witness to proceed with the therapy.

Therapists should be made aware of pending criminal proceedings before commencing therapy.

Therapists or Counsellors should avoid using leading questions or discussing evidence which the individual or other witnesses are to give, including exploring in detail the substance of specific allegations made by the witness.

Any disclosure of materially new allegations by the witness undergoing therapy, including possible disclosures of their own behaviour should be reported.

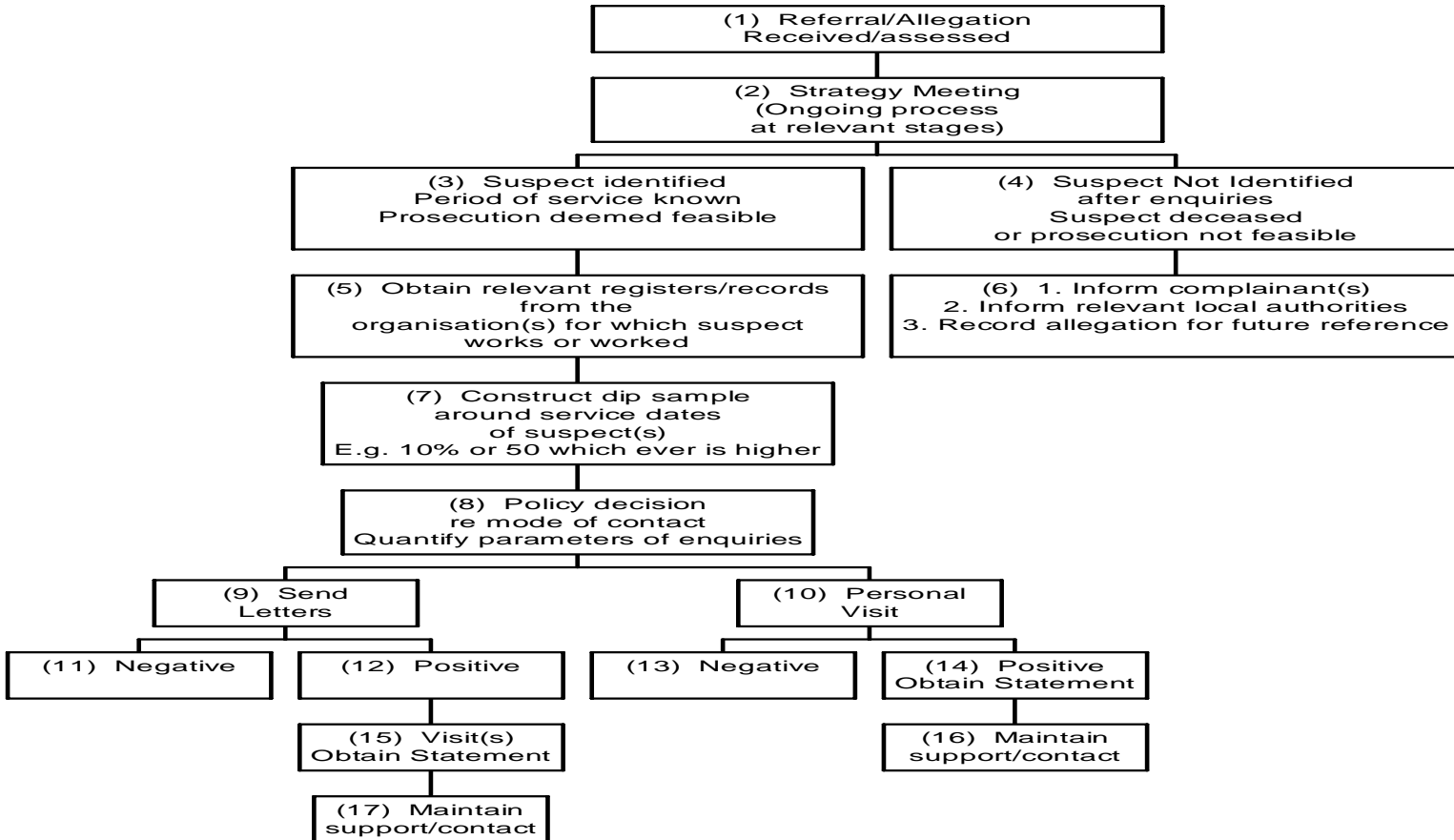
Prosecutors may need to be aware of the contents of therapy sessions when considering whether or not to prosecute and their duties of disclosure.

*Providers of Therapy/ Counselling Services are referred to the CPS/ Department of Health good practice guidance on pre-trial therapy for witnesses.*

*Contact details of resources available for support/ counselling are referred to in Appendix 3.*

The following flowchart and guidance notes are included to assist in the process of tracing potential complainants.

## TRACING POTENTIAL COMPLAINANTS



## 6.5 TRACING POTENTIAL COMPLAINANTS.

Guidance Notes to be viewed in conjunction with flow chart.

Numbered paragraphs correspond with numbers in flowchart boxes.

1. Referral/Allegation received by either police or social services. Referral form to be completed as fully as possible before 2 below.
2. Initial strategy meeting convened. Referral form to be completed as much as possible.
3. The suspect is fully identified, as is their period of service at the establishment from which the allegation emanates.
4. The suspect is unidentified and remains so after all possible enquiries have been made. Or the suspect is identified and is deceased. Or the circumstances surrounding the complainant or suspect are such that a prosecution is not feasible.
5. Obtain relevant registers/records from the establishment from which the allegation emanates for the purposes of dip sampling. Also obtain registers/records from other establishments at which the suspect has been in service before and/or after the scene of the current allegation for dip sampling.
6. A full investigation is not possible. Inform complainant, relevant local authorities and record allegation in central storage facility.
7. Having obtained all required registers/records from the establishments at which the suspect works, or has worked, construct dip samples. This may be at the discretion of the SIO but as a guide, 10% or 50 of the pupils or service users at the establishment during the service of the suspect should be selected which ever of the two options produces the higher number.
8. Relevant consultation should take place in order that an informed decision can be made as to the mode of contact to be made with the selected dip sample. For example, a letter should not be sent to a selected dip sample if they have learning difficulties that would impede their understanding of it.

9. Having made a decision at 8 above, the decision may be to send a letter. The current addresses of individuals from the dip sample must be ascertained before the letters are sent. This will be done using various agencies and databases. The letter should be a pro-forma letter, the same one being sent to each individual from the dip sample. The letter will include a response pro-forma with an S.A.E. to facilitate a reply. The response pro-forma should be sent out with a reference number already on it. This will allow identification of the person who has returned the pro-forma, even if they do not complete any requested personal details. A specimen of the letter and the return pro-forma must be recorded and retained, as it is subject of disclosure should any prosecution result. Should any amended letter be sent for any reason, then that too must be retained for the same reasons.
10. Wherever possible, the initial visit to individuals from a dip sample should be made by a police officer and a social worker together. This allows a statement to be obtained where appropriate on a first occasion. It will facilitate early support/Local Authority input when necessary.
11. No reply is received, or a negative pro-forma response is returned as a result of a letter forwarded. In usual circumstances that will be a conclusion to the matter in respect of that individual. However, it may be the case that a person who provides a negative response may feature in statements of others. It may then be necessary to contact them personally in respect of that information.
12. When a positive response is received a police officer and social worker as at 10 above.
13. When an individual from a dip sample is visited it is likely that in the majority of cases they may have no allegation to make. Negative statements will not be recorded. However, should any person make verbal statements, which may tend to negate previously recorded evidence or information, then that should be recorded in the form of a statement.
14. Obtain statement and secure a means of maintaining contact with the statement maker up to the time of any resulting trial.
15. See 14 above
16. Police officers should maintain contact with the complainant/witness from the time of making the statement up to the time of trial. Any supplementary support should be put in place. All subsequent contacts with that individual and the investigation team should be recorded. It is likely that it will come under defence scrutiny in the event of a trial.



## 7. MECHANISMS TO SUPPORT BOTH CRIMINAL PROSECUTION AND DISCIPLINARY PROCEEDINGS.

*This model will describe a mechanism for criminal prosecution and any related disciplinary hearing arising from it. It has no relevance to disciplinary hearings that have no attendant criminal allegations.*

### 7.1 CRIMINAL PROSECUTION

#### RESOURCES: –

- ❖ Police Officers
- ❖ Social Workers (including specialists)
- ❖ C.P.S.
- ❖ Independent Counselling Services.

Police Officers and Social workers shall be drawn from the police districts and local authorities in which the 'first' establishment for investigation is located. Where an investigation encompasses a number of Authorities across Merseyside a decision will be made by the Strategic Management Group as to appropriate staffing resources from each Local Authority.

In instances where the suspect is found to have been employed outside of the Merseyside area then the relevant police forces will be informed of the investigation within Merseyside. Appropriate liaison will take place at a later date, but before prosecution, in order to ascertain whether enquiries by other forces have discovered further offences. This would be done with a view to placing all known allegations before one Court, be it within Merseyside or another force area.

Social Workers supporting **suspects** in the categories below will **never** be part of the investigation team. The local authority within whose boundaries the establishment in which the suspect is, or was employed, is located will be responsible for allocating social work support to a suspect where required.

### 7.2 MANAGEMENT OF INVESTIGATIONS

Conventional investigative methods will be adopted for investigations of categories 'C' and 'B'. The S.I.O. should consider at an early stage the use of HOLMES system for category 'A' investigations. The use of HOLMES will clearly have a

resource implication over and above the numbers suggested for enquiry staff only.

### **7.3 CROWN PROSECUTION SERVICE**

Designated CPS lawyer or team within Merseyside to deal with all such offences to ensure consistency of approach and development and use of specialist knowledge.

### **7.4 DETERMINING EVIDENCE TO MAXIMISE CONVICTION/ SENTENCE**

Prior to charging, advice files will be submitted to the C.P.S. in all cases in order that advice may be received on:

- ❖ Sufficiency of evidence
- ❖ Public interest to charge and if so appropriate charges.

### **7.5 MANAGEMENT OF LOCAL AUTHORITY DOCUMENTS AND INFORMATION**

The relevant Local Authority should give careful regard to the management of information and arrangements for disclosure of source documents.

For smaller investigations the social worker may, in addition to the joint investigative and witness support functions, also perform the function of obtaining and producing source documents such as establishments and personnel files / records.

However, in larger investigations it is unlikely that the same worker can adequately perform this role. The local authority should therefore give regard to the designation of other personnel to perform a liaison role with the Police and with its own legal representatives.

The files of clients (service users / residents) are not normally seized by the Police as the owners of the files traditionally assert public interest immunity from disclosure through the Court. A protocol for disclosure of information from such files should therefore be developed involving a standard set of questions being submitted to the owners of the file. Disclosures to Court are then legally managed with reference to P.I.I. requirements.

In order to maintain the integrity of the files and their contents it is strongly recommended that this process is **not** conducted through the social workers attached to the investigative team but rather through a designated local authority liaison officer.

Procedures should exist or be developed within the local authority for the systematic searching for and verification of the existence / absence of records.

The Local Authority where the establishment is located has responsibility for informing The Commission for Social Care Inspection (CSCI) about any concerns and the outcome of any inspection.

## **7.6 DISCIPLINARY HEARINGS**

The senior police officer in charge of any investigation will arrange for the appropriate head of service, or their nominee to be formally notified when a suspect, currently in employment is identified. This will be in accordance with the referral procedure contained within the full model document. The Local Authority representative at the strategy meeting will advise their head of service of its' conclusions. The police representative at strategy meetings will inform employers in voluntary and private settings of incidents, whether historical or current, involving staff in their employment.

Heads of service/employers when exercising their discretion to suspend, relocate, or leave in post a member of staff in respect of whom such notification has been received should consider carefully the advice of the police regarding severity of allegation and its' risk. Where possible the police will assist in any legitimate requests for additional information that may assist the head of service/employer to reach an informed decision.

At this point a disciplinary process cannot usually be actively pursued. However, disciplinary action requires a lower standard of proof than criminal conviction. Therefore, depending on the circumstances of the case, an employer may decide to conduct a disciplinary investigation before the conclusion of criminal proceedings, particularly if the criminal proceedings are likely to be protracted.

It is however highly likely that the subject matter of the prosecution will be similar to that which would be required to carry out a disciplinary investigation. It follows that the disciplinary phase may in many cases be postponed until the conclusion of any prosecution resulting from the criminal investigation.

At the conclusion of any criminal investigation, its' result, including N.F.A. decisions will be communicated to the local authority in which the establishment

is located. The local authority will process that information in accordance with previously agreed protocols. The primary reason for the forwarding of case results is for the purposes of risk assessment and discipline. The police will facilitate where possible the **lawful** provision of information from the prosecution case to the disciplinary body.

## 7.7 BUDGET

Each local authority must make adequate budgetary provision, not only for social work staff but also for other staff and legal inputs. Additional demands for the funding of accommodation, travel, communications and miscellaneous expenditure also need to be met.

Police Districts or areas must have the resilience to undertake investigations of this nature. Contingency budgeting for such an eventuality should be considered.

## 7.8 EXIT STRATEGIES

Disposal of cases where the suspect cannot be traced can only be closed on the agreement and authority of the Senior Investigating Officer (SIO) who will not be below the rank of Detective Inspector.

Disposal of cases where the alleged perpetrator has been traced but a decision has been made not to proceed by the CPS on the grounds of;

- ❖ Insufficient evidence
- ❖ Public interest (e.g. health grounds or abuse of process)

Can only be closed on the authority of the SIO and a Senior Representative of the relevant Local Authority(s) and in line with the advice of the CPS.

Whether cases are disposed of in either of the above ways or following a prosecution the following tasks will be completed, as appropriate;

- ❖ Obtain final list of indictments
- ❖ Inform POCA and/ or POVA Lists
- ❖ Inform relevant Crime Manager(s)
- ❖ Inform Area Intelligence Units for their risk assessments and role under the Sex Offenders Act
- ❖ Complete ORACLE entry

- ❖ Inform the National Database for Historical Abuse held by Gwent Constabulary of the outcome
- ❖ Provide list of victims to the Probation Service
- ❖ Inform all complainants/ witnesses of the result of the case
- ❖ Inform relevant agencies of the result of the case
- ❖ Return exhibits.

## **7.9 RECORDS TO BE MAINTAINED AND FILE STORAGE**

A central registry and file storage facility will be established for all cases covered within this guidance.

Where cases do not proceed to prosecution:

- ❖ Original files (consisting of all evidence, relevant unused material and CPS Advice where appropriate) will be forwarded to the central storage unit and will be retained for 25 years from date of disposal.
- ❖ Copy files (consisting of all evidence, relevant unused material and CPS Advice where appropriate) will be retained within District for the purposes of reference and any possible civil litigation

Cases proceeding to prosecution will be considered by the CPS as 'Long Term Interest Cases' and will be retained for 25 years from date of disposal.

Generally, records of an investigation and associated working papers are the responsibility of the Police.

In addition to the general requirement for Local Authorities to retain certain client files, any documents produced in connection with criminal proceedings should be kept in their original format for a period of 25 years after the conclusion of those proceedings.

Documents which have been exhibited are usually returned to the owners at the conclusion of criminal proceedings. The owners of the documents should be required to keep in their original format all such documents in safe storage pending any appeal or criminal case review.

The owners would also be expected to retain all documents produced in criminal proceedings, along with associated working papers in their original format, for use in any subsequent civil proceedings.

## 8. GOOD PRACTICE GUIDELINES

These guidance notes and accompanying flow chart are included to assist in the process of investigation.

Numbered paragraphs correspond with numbers in flowchart boxes.

(1) Trace suspect(s)

This is the first stage of the enquiry. The relevant guidance notes 'Consultation to Identify Potential Victims' should be used.

(2) Commence Investigation if suspect alive

- (a) inform relevant local authority
- (b) inform current employer

Decision making levels dependent upon category of investigation i.e. for Category B/C Detective Inspector FSU; for Category A Detective Superintendent.

(3) Deceased, Untraced or Unidentifiable

If the suspect is untraced or unidentifiable then:-

- (a) complainant is informed
- (b) relevant local authority informed
- (c) allegation recorded for future reference

Again decision making is as in (2) dependent upon Category.

(4) Risk Assessment/ Strategy Meeting

Decisions made about:-

- (a) resourcing of investigation.

Decision making level as in section on 'Resource Planning Strategy' i.e. Category A Detective Superintendent (for Police resource), Delegated Local Authority representative.

(5) Conclusion of criminal investigation

At conclusion of investigation

(a) police will, where appropriate and lawful, inform local authority of outcome

(b) police will ensure complainant(s) informed of outcome.

(6) Local Authority Actions if Convicted

The local authority at Assistant Director or delegated officer level will have been making ongoing decisions regarding suspension of any staff that are suspects from the point where initial information is known. The conclusion of the investigation will allow:

(7) Police Actions if Convicted

If convicted the Police will ensure the POCA and/or POVA lists are updated.

(8) Risk Assessment

The local authority in consultation with the Police will risk assess:

employment issues i.e. is the suspect/offender in a position of employment where they are in contact with or have access to personal information about children/ vulnerable adults

are there any safety issues for children/ vulnerable adults in the immediate or extended family?

what social networks e.g. hobbies, clubs, societies, does the suspect/offender have in relation to children/ vulnerable adults?

(9) Contact with other local authorities

If the offender/suspect is employed by, resides in or has social activities in another local authority then the host local authority will pass relevant information to that other local authority. A delegated named officer within the local authority will be responsible for this action.

(10) Risk Assessment Options

Risk assessment may result in a number of different outcomes as set out below:-

(11) No further action, and where the information would not justify either child/ vulnerable adult protection intervention or disciplinary investigations or

(12) A disciplinary investigation results in a disciplinary hearing. The local authority will appoint an investigating Officer. The decision regarding a disciplinary hearing to be taken by the Assistant Director in consultation with Personnel/ Human Resources and/ or

(13) A child protection/ vulnerable adult investigation commences. This will be determined at Assistant Director level and be dependent upon information coming from the risk assessment, including the Police investigation.

If gross misconduct is proven the disciplinary hearing will determine actions.

If not proven child protection/ vulnerable adult issues will still be considered.

(14) If allegations in the disciplinary hearing are proven a decision will be made in respect of punitive measures up to and including dismissal.

(15) No Criminal Conviction and no proven disciplinary charges. A Child protection/ vulnerable adult investigation may be required depending on available information.

(16) The local authority through the Assistant Director will inform the POCA/ POVA Register of the outcome of the disciplinary hearing and if appropriate the outcome of any child protection/ vulnerable adult intervention. This is the responsibility of the Assistant Director but may be delegated to a named officer.



# GOOD PRACTICE GUIDELINES

