

SI3417

# Child Protection

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This Service Instruction provides the Police Service of Northern Ireland (PSNI) with clear information on how to safeguard and protect those Children and Young People that they come into contact with during the course of their duty.

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## 1. Introduction

This Service Instruction provides the Police Service of Northern Ireland (PSNI) with clear information on how to safeguard and protect those Children and Young People that they come into contact with during the course of their duty.

It is supplemented by guidance produced by the:

- College of Policing Authorised Professional Practice (APP) – '[Major Investigation and Public Protection](#)';
- Department of Health '[Co-operating to Safeguard Children](#)'; and
- Safeguarding Board for Northern Ireland '[Child Protection Policies and Procedures](#)'.

## 2. Objective

Children and Young People who have experienced vulnerability-related harm often report negative experiences with the Police; such as not feeling heard within the Criminal Justice System, not always being asked about their experiences and views directly, and their needs not being

prioritised within their contact with the Criminal Justice System.

It is important that Police do not solely rely on third party reports from adults of Children and Young Person's experiences. Such practices could represent missed opportunities to fully understand the child's experiences and appropriately safeguard.

Vulnerability Knowledge and Practice Programme research and consultation with young people when asked why the Police should prioritise children and young people's voices, a young person remarked "It makes children and young people feel like they are being believed when they bring something up and makes them understand that it's okay to go to the Police and not be scared."

This should be at the forefront of all parts of this policy document and further information can be found [here](#).

It is important that child protection is not seen solely as the role of the Public Protection Branch and its respective specialist units, but that it is a

fundamental part of the duties of all Police Officers and Police Staff.

Protecting life and preventing crime are primary tasks of Police. Children are citizens who have the right to the protection of both criminal and civil law. Police have a duty and responsibility to investigate criminal offences committed against children. The child's welfare is the overriding consideration and investigations should be carried out sensitively, thoroughly and professionally.

Part of the duty of every member of the PSNI to safeguard and protect children is to assist staff within [Health and Social Care \(HSC\) Trusts](#) - (Social Services) in the exercise of their duty to investigate whether a child is suffering or likely to suffer Significant Harm.

## **Definitions**

A **child** is defined by Article 1 of the Children (NI) Order 1995 as any person under 18 years of age.

"**Child Abuse**" is a generic term encompassing all situations involving the ill-treatment of children including:

- The sexual and physical assaults of children,
- Cruelty, as well as
- Cases where the standard of care indicate or pose a risk of Significant Harm.

The PSNI has adopted the definition of child abuse set out in '[Co-operating to Safeguard Children in Northern Ireland](#)' ([Department of Health](#)) guidance for interagency working. It defines child abuse into five broad categories – sexual abuse, physical abuse, emotional abuse, neglect and exploitation.

**Significant Harm** - There is no absolute legal or medically defined criteria to constitute Significant Harm. This is a threshold decision of harm (ill-treatment or the impairment of health and development) and whether the harm is significant based on the specific case, its context and any aggravating factors.

Harm is defined in [Article 2 The Children \(NI\) Order 1995](#) as "ill-treatment or the impairment of health and development". Whether the harm is significant or not is defined in [Article 50 \(3\) of The Children](#)

[\(NI\) Order 1995](#) where the harm has affected the child's health and development and the child will be compared to what would be reasonably expected of a similar child.

[HSC Trusts](#) are duty bound to make enquiries or cause enquiries to be made in circumstances where they have a reasonable cause to suspect that a child is suffering or likely to suffer Significant Harm [Article 66 of The Children \(NI\) Order 1995](#) provides for compulsory intervention in family life in the best interests of children.

**An Organised Network** *“An organised network is characterised by two or more individuals (whether identified or not) who are known to (or associated with) one another and are known to be involved in or to facilitate the sexual exploitation of children. Being involved in the sexual exploitation of children includes introducing them to other individuals for the purpose of exploitation, trafficking a child for the purpose of sexual exploitation, taking payment for sexual activities with a child or allowing their property to be used for sexual activities*

*with a child.*<sup>11</sup> - as per the Independent Inquiry Child Sexual Abuse, 2019

### 3. Missing Children

The PSNI and [HSC Trusts](#) will share information in order to work co-operatively to affect the safe recovery of children who are missing – Details of roles, responsibilities and investigative actions are contained within the Regional Guidance – Missing Children Protocol (Runaway and Missing from Home and Care) and PSNI Service Instruction [Missing Persons Investigations SI0423](#).

### 4. Children as Witnesses to Crime

Where children are witness to or are victims of **ANY** crime, the courts make special provision for children giving their evidence to the court. This includes the use of specially trained interviewers.

Investigators must complete a needs assessment of the witness and provide the necessary advice and support for the

interview process, the investigation and any subsequent court hearing.

The investigator must make a written record of the assessment, including the relevant rationale for how the interview should be conducted and any applicable 'Special Measures'.

### **Initial Contact with Child Victims and Witnesses**

It is important, that where child victims and witnesses to a crime are spoken to by Police, that a proper assessment is conducted to establish the most appropriate method of conducting an interview and recording their account. While the safety and welfare of the child must be paramount, initial considerations must include the need to take immediate action in terms of securing medical attention and making initial decisions about the criminal investigation plan, this may mean that some initial questioning is necessary.

Any initial questioning should be intended to elicit a brief account of what is alleged to have taken place; **a more detailed account should not be pursued at this stage but should be left until the formal**

**interview takes place.** In depth questioning should not be conducted nor should a 'statement' be recorded at this stage. If the witness response to the open question "Tell me what happened to you" does not include what, when, who and where, the following questions should be asked:

- What happened? (enough detail to establish what offence has taken place);
- When did it happen? (in order to prioritise actions);
- Who is involved? (enough information to trace suspects); and
- Where did it happen? (Enough information to identify all relevant scenes).

This is because this information is likely to influence decisions made in respect of the following aspects of the criminal investigation plan:

- Forensic and medical examination of the victim;
- Scene of crime examination;
- Interviewing of other witnesses;
- Arrest of alleged offender(s);

- Witness support; and
- Need to safeguard the victim / witness.

Further information can be found within the:

- [Victims Charter](#);
- [Witness Charter](#);
- Achieving Best Evidence in Criminal Proceedings;
- (N) paragraph 2.5 the [Criminal Evidence \(NI\) Order 1999](#);
- Service Instruction [SI1317 Supporting Victims & Witnesses](#);
- Advice on the use of Registered Intermediaries; and
- Within the [College of Policing Authorised Professional Practice – Investigative Interviewing](#).

Some initial questioning may also be needed in order to obtain enough information to formulate a risk assessment for the witness and to take whatever action is necessary to remove or reduce any risks that are identified. Further information is included in the 'Working with intimidated witnesses' manual.

## 5. Investigation of Child Abuse

The PSNI recognises the difference between children as victims of crime and child abuse in that not all criminal offences against children will meet the definition of child abuse.

Child abuse is defined as the physical, sexual or emotional abuse of a child or neglect (cruelty) towards a child.

The threshold considerations for what defines Child Abuse are detailed in the [Protocol for the Joint Investigation of Alleged and Suspected cases of Child Abuse – Northern Ireland](#).

**If the child is a victim of alleged or suspected child abuse then the matter will be investigated by the Child Abuse Investigation Unit (CAIU).** All such cases should be referred to the Child Abuse Investigation Unit through the PSNI Central Referral Unit (CRU) in accordance with the CRU Standard Operating Protocol and the [Protocol for the Joint Investigation of Alleged and Suspected cases of Child Abuse – Northern Ireland](#).

The PSNI are the lead agency for all criminal investigation elements within a

child abuse enquiry. In dealing with offences involving Child Abuse Police will work in partnership with Social Services. The relevant roles and responsibilities are explained within the [Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland](#).

Police investigation considerations, actions and processes are detailed within the College of Policing Authorised Professional Practice – Major Investigations, Public Protection, [Child Abuse and Safeguarding Children](#).

Responsibility for managing child abuse investigations rests with Public Protection Branch – namely the Public Protection Unit (PPU) including the:

- Child Abuse Investigation Unit (CAIU);
- Child Internet Protection Team (CIPT);
- Child Sexual Exploitation (CSE); and
- Rape Crime Unit (RCU).

Further details on Public Protection Branch can be found on Point.

**Where a child is the victim of a crime that is NOT alleged or suspected Child Abuse** such reports will not be investigated by Public Protection Branch, but will be allocated to other departments/units within the PSNI for investigation in accordance with the Case Allocation Policy and within the College of Policing Authorised Professional Practice [General Investigation Guidance](#).

In these cases consideration should be given to liaison with Partner Agencies including Social Services who may have information pertinent to the investigation.

See [Appendix B](#) Child Abuse Flow Chart

## 6. Children as Victims of Sexual Crime

All victims of sexual offences should be taken to The Rowan (Sexual Assault Referral Centre) for forensic examination and secondary sexual health care. The detail of any circumstances where the victim is not taken to The Rowan must be recorded along with the relevant rationale.

Where the victim is already in hospital for medical treatment or requires immediate medical attention, then they should be taken immediately to a medical facility to receive the appropriate treatment. In such cases, The Rowan Staff can where appropriate, attend that location to conduct the forensic medical examination.

In cases where there are reports of non-recent sexual abuse of children, investigators should also consider The Rowan for the same reasons.

Further information and guidance can be found at;

- [The Rowan;](#)
- The [Royal College of Paediatrics and Child Health;](#) and
- Within the [College of Policing Authorised Professional Practice- Major Investigation and Public Protection Further Information.](#)

## 7. Child Sexual Exploitation

Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish

or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, and engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

**Child Sexual Exploitation** (CSE) is not a specific criminal offence in itself but rather encompasses a range of offences and other forms of serious criminal offences. Child Sexual Exploitation (CSE) is a form of sexual abuse where children are sexually exploited for sexual gratification, money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status and can be carried out by Individuals or through an [Organised Network](#). Consent (from a child in these circumstances) cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them.

CSE doesn't always involve physical contact and can happen online or by any other electronic medium.

A significant number of children or young people who are victims of sexual exploitation go missing from home, care and education at some point. CSE specific procedural and investigative guidance can be found on:

- CSE homepage on POINT;
- CSE Policy Version 2 document; and
- Within the College of Policing Authorised Professional Practice [Guidance on Child Sexual Exploitation](#).

## 8. Child Deaths

The investigation of the death of a child is an extremely complex area of Police work; and is also very demanding for investigators in terms of emotional pressure. Children are not meant to die, and the Police investigation into the sudden death of a child must be influenced by this basic fact. This means that even when there are no apparent suspicious factors, the Police contribution to the investigation must be detailed and thorough.

Full detail for the investigation of all child deaths can be found:

- In the Service Instruction [SI0216 Death Investigation](#); and
- Within the College of Policing Authorised Professional Practice - '[A Guide to Investigating Child Deaths](#)'.

## 9. Sharing Information for Child Protection

Effective child protection stands or falls on the quality of assessment and analysis of the risks to an individual child. Effective analysis and assessment of risk in turn relies on the availability of, and access to, relevant, accurate and up to date information. Access to relevant and up to date information for child protection purposes often means that personal or sensitive information has to be shared with and by the PSNI.

Relevant information should only be shared if the purpose is to protect a child or is for the prevention/detection of crime.

Disclosure of this nature should not be made on an ad hoc basis. Records of the rationale to share and what was shared must be recorded.

The [Data Protection Act 2018](#) and [General Data Protection Regulations](#) (GDPR) do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

Further guidance is available on Point:

- Information Sharing to Safeguard Children;
- Common Law Police Disclosure; and
- [Sharing to Safeguard – Information Sharing About Individuals Who May Pose A Risk To Children](#).

## 10. Statutory Powers for Protecting Children

[Article 65](#) of the Children (Northern Ireland) Order 1995 provides authority for a Police Officer of any rank who encounters a child in a set of circumstances where they have

**reasonable cause to believe** that that child is likely then and there or in the immediate future to suffer Significant Harm then that Officer can:

- Remove that child to suitable accommodation; or
- Prevent that child's removal from the place where they are being accommodated.

It is the responsibility for the Officer who is at the relevant location and who formulated that belief who must make the decision whether to remove a Child or prevent the Child's removal - It is not for that Officer's Supervisor (Duty Inspector) or another Third Party to 'authorise' that decision.

Full details of the relevant Police Officer roles and responsibilities are contained within 'Police Statutory Powers for Protecting Children: 'Police Protection' guidance.

## 11. Police Attendance at Child Protection Case Conferences

Police have a responsibility to assist Social Services with their enquiries into concerns that a child is suffering or likely to suffer Significant Harm and the Police Service of Northern Ireland will aim to have attendance at 100% of all initial case conferences where any case of 'child abuse' is being investigated under the ['Protocol for Joint Investigation by Social Workers and Police Officers of Alleged or Suspected Cases of Child Abuse – Northern Ireland'](#).

In all other cases the PSNI will where possible attend where Police have a significant contribution to make to the decision making process.

Further details of the mechanism for invitations to a case conference and the roles/responsibilities for Police Officers or Police Staff attending case conferences can be found at:

- 'Child Protection Case Conferences (Police Attendance)' guidance;

- [Co-operating to Safeguard Children and Young People in Northern Ireland](#); and
- The [Safeguarding Board Northern Ireland](#) Policies and Procedures.

## 12. Children as Perpetrators of Crime

A primary aim of the PSNI is to identify and respond to those children/young persons who are involved in offending /antisocial behaviour or are at risk of becoming involved in such behaviours. In addition to standard investigative considerations for investigations there are particular considerations for children and young persons which can be found in Service Instruction [SI0817 Youth Justice](#).

This Service Instruction will provide guidance for Officers when dealing with young people suspected of committing offences.

## 13. The Child Protection Register

Health and Social Care Trusts are required to maintain a register of every child in its

area who - Is considered to be suffering from or likely to suffer Significant Harm, for whom there is an unresolved child protection issue and who are currently subject to an interagency child protection plan. It is not a list of children who have been abused.

Access to the Child Protection Register (CPR) is restricted to professionals (including the PSNI) concerned with welfare of a child, where it is necessary to protect that child or other children.

Routine liaison and access to the 'Register' will normally be completed by Staff within the Public Protection Unit. Where the Child Protection Register (CPR) needs to be accessed as a matter of urgency this will be undertaken by Police who will liaise with the respective [HSC Trust](#) or outside working hours the Regional Emergency Social Work Service on 02895 049999 (contact details held by call management).

Following on now from all Initial and review Child Protection Case Conferences, the minute taker **must within 48 hours** forward their decision to CRU on **whether** the child was placed on the CPR (if so, under what

category and if any amendments to categories were made) **or** if the child was deregistered.

CRU then place a flag on the:

- Child;
- Parents; and
- Address.

This is to alert Officers to the fact that that child is on the CPR.

Checks still should be made with the local HSCT or out of hours, Regional Emergency Social Work (RESWS) if there is no flag to check a child is not on the CPR if there is a concern.

Following any interaction with a child who is on the CPR, a notification to Social Services should be considered.

## 14. Children in Domestic Circumstances

Domestic Abuse is an important indicator of the risk of Significant Harm to children and the adverse effects of living with Domestic

Abuse for children must be recognised as a child protection issue. That is why when Police attend a domestic incident and there are children who are resident of, or present in the home or if the alleged victim is pregnant a referral to social services must be completed via the Public Protection Notification Report when there is no immediate risk. If there are immediate risk concerns in respect of the welfare, protection or control of a child the Duty Social Worker should be informed. If it is known that the alleged perpetrator or victim has children elsewhere the details of those children should also be recorded for example, when the children are in care or living with another parent or relative. For further guidance on the Public Protection Notification process please click on the link PPN Report Guidance. There is also a first responder guide to assist you on what information to share with Social services; First responders guide; Social Services referrals for children in domestic incident.

It is important to recognise the impact of domestic abuse on children, either directly where they are a victim, or indirectly where they have been used to abuse someone else. The child might not be aware that they are a victim or indeed that they are

being used to abuse someone. [The Domestic Abuse and Civil Proceedings Act \(NI\) 2021](#) recognises the impact of domestic abuse on children by introducing two child aggravators that can be attached to any section 1 domestic abuse offence where the victim is under 18 or where a child sees, hears or is present during an incident of abuse or they are used to abuse the victim.

Click on the link for further guidance; The Domestic Abuse and Civil Proceedings Act (NI) 2021

Further guidance on relevant considerations for Officers can be found in the 'Children in Domestic Incidents'

### **Operation encompass**

Operation Encompass is a Police and Education Early Intervention Safeguarding Partnership enabling support for children and young people who are experiencing domestic abuse. All schools within Northern Ireland are now part of the Op Encompass roll out, and Police can now share information with designated teachers under the [Domestic Abuse Information Sharing with Schools etc. Regulations \(Northern Ireland\) 2022](#). When an Officer

attends a domestic abuse call, they **must** obtain details of all children in the household, whether present or not. This must include:

- Date of Birth;
- What school the child attends; and
- A contact phone number for at least one parent/guardian.

This information should be completed on the Op Encompass Template and placed on the OEL log prior to termination of duty.

Officers should ensure that they make all efforts to brief the parent on the workings of Op Encompass and its purpose. The attending Officer must then send the Op Encompass Template via email to their local District Support Hub, who will collate referrals each morning and in turn will make contact with the relevant schools to inform them that there has been a Police Domestic Abuse call where a child has been identified as usually resident. The template should also be placed on the OEL for every domestic abuse call where a child is associated with the address/parties involved.

See [Appendix A](#) for further information.

## 15. Allegations made against PSNI Officers and Staff

Allegations of Child Abuse made against PSNI Officers/Staff will be taken seriously and immediate steps will be taken to ensure an appropriate investigation is conducted.

Procedural guidance can be found in the PSNI:

- Procedures for Dealing with allegations made against Police Service Officers and Staff guidance;
- [The Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland](#); and
- [The Safeguarding Board Northern Ireland 'Regional Policy and Procedures' for child protection](#).

## 16. Child Abduction

[Article 4](#) of the [Child Abduction \(NI\) Order 1985](#) states that it is an offence if without

lawful authority or reasonable excuse a person takes or detains a child under the age of 16 years.

[Article 68](#) of the [Children \(NI\) Order 1995](#) states it is an offence if a person knowingly and without lawful authority or reasonable excuse, takes a child to whom this Article applies away from the responsible person; keeps such a child away from the responsible person; or induces, assists or incites such a child to run away or stay away from the responsible person. A child referred to in this Article is any child under 18 years old.

Please note that Article 68 of the Children (NI) Order 1995 applies only to children who are in care or who are the subject of an emergency protection order or who are in Police protection.

Under the legislation the, "Responsible person," is a person who has care of a child by virtue of the care order, the emergency protection order or has care of the child under Article 65 of the Children (NI) Order.

[Article 69 of the Children \(NI\) order 1995](#) provides that a court can make an order for

the recovery of a child to whom Article 68 applies.

## **Child Abduction Warning Notice (CAWN)**

There may be occasions where a child/young person frequents or socialises in adult company, or with an adult (a 'person of concern') without the consent of the parent/carer. Whilst the intention of either party may be entirely innocent, an investigation, as is reasonable in the circumstances, should be considered and where appropriate undertaken to establish the nature of the contact and appropriate action taken according to the risks as presented. Initially, Police must ascertain what the most appropriate course of action is, whether to proceed with a CAWN or use powers of arrest.

Further advice on relevant investigative considerations and associated forms can be accessed in the Police Response to Child Abduction - Child Abduction Warning Notices Guidance.

Public Protection Units do not routinely investigate such cases please see the PSNI Case Allocation Policy.

## 17. Dealing with Bullying

All reports of bullying, whether in person or online, must in the first instance be considered as a potential criminal offence. As such they must be recorded and investigated. In addition to the standard investigation considerations further guidance on the particular considerations for bullying can be found in the PSNI 'Dealing with Bullying' guidance.

## 18. Child Protection Disclosure Scheme

The [Child Protection Disclosure Scheme](#) was introduced in Northern Ireland on 14 March 2016.

The Scheme provides a process for anyone (applicant) who has concerns about an individual who may pose a risk to children (subject) to request that information relating to relevant sexual/violent offences be disclosed to the person responsible for the child (responsible person).

A person may make an application for disclosure online or at any Police Station by completing a Child Protection Disclosure

CPD1 application form. The information the person must give before an application will be considered is:

- Name and address of applicant;
- Name and address of child/children for whom the person is concerned;
- Relationship/connection to the child/children;
- Name and address of adult responsible for the child/children;
- Name and address of individual about whom the request for disclosure is being made; and
- Reasons why a request for disclosure is being made.

The applicant should also be asked for some credible photographic proof of identity. Acceptable forms may include passport, driving licence or other trusted form of photo identification. The applicant should also be told they will not necessarily be the recipient of any information as a result of the application.

Following an application, further detail may be requested by the Police to help in making an assessment of any risk to the

child. It is essential to obtain as much information as possible in order to meet the statutory test that disclosure can only take place where it is deemed necessary to protect a particular child or particular children from serious harm caused by a particular person.

The Station Enquiry Assistant (SEA) or Station Duty Officer (SDO), after completing the identity checks, will create an RM Serial on Niche and link the relevant information. The scanned Child Protection Disclosure Arrangements - Application Form CPD 1 will then be attached and a Niche task sent to the Central Referral Unit (CRU). The original CPD 1 must then be sent to the Central Referral Unit via internal post for filing. Online applications will go directly to the Central Referral Unit mailbox. A Niche RM Serial will then be created by CRU at this point with relevant persons added and linked.

CRU will then complete checks for immediate/urgent risk before sending a task to the relevant Offender Management white board. This will be the Trust area where the subject resides. Relevant initial checks should be completed by the Police using the information given in this form as

soon as possible and within 24 normal working hours. The results of these checks will be used to assess whether immediate action is needed to safeguard children from harm.

A comprehensive series of checks must be carried out in order to positively identify the subject and provide sufficient relevant information relating to that individual on the CPD 2 Decision Making Form. Where there is insufficient information to identify a subject the applicant should be contacted in order to obtain further details.

Checks include, but are not limited to:

- ViSOR (Violent and Sex Offender Register);
- Niche;
- Police National Computer (PNC);
- Police National Database (PND);
- Criminal Record Viewer (CRV);
- Access NI, Health and Social Care Trust (HSCT) Records;
- Probation Board for Northern Ireland (PBNI) Records;
- Prison Service Records;

- International Liaison; and
- An Garda Síochána.

Once sign-off has been completed, the Offender Management Detective Sergeant will complete any disclosures & hand-deliver a closure letter to the applicant.

Where there is no conviction data, and the applicant is not the person to whom information would be disclosed as they do not have primary responsibility or safeguarding role for the child, no action need to be taken other than a letter to the applicant confirming that the application has been dealt with but as they are not the person with primary responsibility for the child they will not receive any further information.

If the applicant is the person with responsibility for the child, the Police will arrange to pass the information to the applicant that the subject has no convictions. This will not necessarily mean that the person does not pose a risk and the applicant should be given appropriate child protection information. It may be necessary for the Police on discovery of relevant non-conviction data to formally

advise social services under existing child protection arrangements.

Where there is conviction data relating to sexual offences or violent offences as described above, then the Police, in cooperation with other [Public Protection Arrangements Northern Ireland \(PPANI\)](#) agencies where appropriate, will assess, in accordance with the general disclosure guidance set out in the Department Of Justice [Guidance to agencies on PPANI](#), whether it is necessary to disclose that information, and to whom, to protect a particular child or particular children from serious harm caused by that person.

Where it is assessed that disclosure should take place, the Police should make the necessary arrangements to inform the appropriate person as soon as possible and within 28 days of the initial application, unless there are specific reasons why this timescale cannot be achieved.

Where the offender is subject to Multi Agency Risk Management, the appropriate Designated Risk Manager DRM or agency should be informed about the forthcoming disclosure and discussion held about the form that disclosure should take. Where it

is agreed that there is a need to disclose, the process of disclosing should take place as a matter of urgency in order to safeguard children.

Where the applicant is not the person to whom the information is being disclosed, they should receive a similar letter as outlined above confirming that the application has been dealt with.

Consideration should be made at this point as to whether the offender should also be informed about the disclosure and whether that person should be asked if he wishes to make representations.

In a court ruling in England X (South Yorkshire) v Secretary of State for the Home Department [2012] EWHC 2954) the judge said that in the generality of cases, without the person having an opportunity to make representations, 'the decision maker might not have all the information necessary to conduct the balancing exercise which he is required to perform justly and fairly. Whilst each case will turn on its own facts, it is difficult to foresee cases where it would be inappropriate to seek representations, unless there was an

emergency or seeking the representations might itself put the child at risk.'

See [Appendix C](#) and [Appendix D](#) for further.

## 19. Threats to Life for Children and Young People

Multi-agency guidance was developed from a recommendation in a Case Management Review to provide a framework for organisations when dealing with a Threat to Life on a child or young person.

## Appendix A Children in Domestic Incidents

### Children in Domestic Incidents

- a) Officers attending Domestic Incidents will take note of children who are resident of, or present in the home or if the alleged victim is pregnant. If it is known that the alleged perpetrator or victim has children elsewhere the details of those children should also be recorded e.g. they are in care or living with another parent or relative. The children's information and details of the welfare check must be recorded on the Public Protection Notification Report (PPN). As part of the PPN supervisor review the Duty Sergeant will submit a referral to the relevant Social Services Trust via email as soon as possible. For further guidance on the Public Protection Notification process please see PPN Report Guidance.
- b) When an Officer attends a domestic abuse call, they **must** obtain details of all children in the household, whether present or not. This **must** include; Date of Birth, what school the child attends and a contact phone number for at least one parent/guardian. **This information should be completed on the Op Encompass Template and placed on the OEL log prior to termination of duty.** Officers should ensure that they make all efforts to brief the parent on the workings of Op Encompass and its purpose. The Attending Officer must then send the Op Encompass Template via email to their Local District Support Hub, who will collate referrals each morning and in turn will make contact with the relevant schools to inform them that there has been a Police Domestic Abuse call where a child has been identified as usually resident.
- c) The wide adverse effects of living with domestic abuse for children must be recognised as a child protection issue. They link to poor educational achievement, social exclusion and to juvenile crime, substance abuse, mental health problems and homelessness from running away.
- d) Domestic abuse is an important indicator of risk of significant harm to children. Children can be at risk of harm from:

- (i) Assault by the perpetrator of the abuse;
- (ii) Witnessing violence towards one parent; and
- (iii) Being aware of the abuse whether physical or emotional. They do not have to be present to be aware of domestic abuse.

e) Research has shown that children who are either present at or hear incidents of Domestic Abuse can be deeply affected (this could include behavioural, physical and psychological effects). In 90% of incidents occurring within families, children are in the same or next room, which can cause distress and confusion. Some children may not display any visible reaction but one should not assume they are unaffected. Where there is evidence of domestic abuse in a family, the likelihood of child abuse is greatly increased.

f) There is also a correlation between pregnancy and domestic abuse, though this may be because young women are a group at higher than average risk of domestic abuse, and pregnant women fall disproportionately into this group.

g) Domestic Abuse may also incorporate Honour Based Violence, Forced Marriage and Female Genital Mutilation, where the alleged perpetrator is a family member or partner/ex-partner within the context of these crimes. When responding to such reports, the victim's immediate safety must be the overriding concern. At the earliest opportunity a Supervisor must be informed. A victim will have overcome immense cultural and probably personal beliefs, to make contact with the Police. It is vital therefore that Police respond immediately in a caring, empathetic manner and effectively to keep the victim safe. Please see 'Internal Policy Links' for details of specific service procedures in responding to such reports.

### Response

- a) Prior to Police arrival, checks should be made by call takers on Niche, ViSOR as well as any Local Databases and information passed to the Police Officers attending the incident of the existence of; firearms, bail conditions, civil injunctions, as well as any relevant history or factors that may affect the Police response. Upon Police arrival at the incident, the call taker should contact the victim so that Officers can be safely admitted to the premises.
- b) On arrival at the scene, on no account be satisfied that all is well solely on the word of the alleged perpetrator. Police should speak to all parties involved in the domestic incident and where children are present in the premises, Officers should physically check on their welfare. They should also carry out relevant checks re sex and violent offenders via NICHE and ViSOR. When Officers do not see children, they should ask if children are resident at the address and look for signs such as clothing and toys, as well as checking bedrooms. NB: Where a child reports a domestic abuse/incident between parents/partners Officers should ensure that they speak directly to the child reporting this, with the consent of their parent or guardian and not just accept the responses of the parents/partners. The facts and issues surrounding a child reporting such an incident must be reported to the PPU and the subsequent referral to the Social Services as soon as possible after the incident. A record of all information should be retained. Officers will then ensure that all reasonable steps are taken to safeguard the safety of the victim and child/children.

Removing the perpetrator from the home should be considered unless the safest option is to remove the victim and child / children.

- c) If a child is a member of the household or the victim is pregnant the Duty Social Worker should be informed if there are immediate concerns in respect of the welfare, protection or control of a child.

- d) In the absence of any immediate risk details should be passed to the relevant local [HSC Trust Gateway Team](#) through the Public Protection Notification Report as soon as possible.
- e) Police Officers should advise victims that it is Police policy to share information with the Local Family and Child Care Manager where children are resident or present at the home at the time of the incident or where the victim is pregnant.
- f) If it is known that the alleged perpetrator has children elsewhere HSS Trust Gateway Team should also be advised.
- g) All threats to the life of a child becoming known to the Police Service or other Agencies, particularly those made in the context of a domestic violence incident and/or where there is a history of mental health issues should be reported to the Health and Social Care Trust's Gateway Service for investigation and assessment. Furthermore, this referral should be treated as urgent and made as soon as possible after receipt of this information.
- h) Where a child or young person is to be served a Non Molestation or Occupation Order, Social Services should be notified prior to the service. It is recognised that these young people may have particular needs or concerns and who require support - therefore, the liaison between PSNI and Social Services is to ensure that the situation is assessed as appropriate and relevant services are arranged to support the individual. If PSNI records indicate that the Respondent is 'Looked After' whether on a voluntary basis or under an Interim or Full Care Order, the Director of Social Services for the relevant HSCT or the named Key Worker should be notified prior to service, to allow for a suitable time/place for service by the Police and Social Services to be in attendance to support the individual.
- i) Where an offence under Section 1 of the [Domestic Abuse and Civil Proceedings Act \(NI\) 2021](#) has been committed ensure the relevant child aggravator is added to the offence.

## Principles

- 1) The needs of the child are paramount.
- 2) Protection - When intervention is required, attention should be given to reducing risks to the adult victim and children. The potential risk from the perpetrator if they are aware of a referral to Social Services should be taken into consideration.
- 3) Confidentiality - No personal information about an individual should be given to any agency/professional without the individual's consent. However, where there is a risk of significant harm to a child (or unborn child) this consent is not necessary.
- 4) Support - Victims and children should feel supported by professionals and agencies including the Police Service, not judged by them.
- 5) Partnership - Professionals/Agencies should work in partnership with victims to prevent further harm to them and their children.
- 6) Prevention - Raising community awareness about domestic violence is a first step to its prevention.

## Recording

### Police should record the following information:

- 1) Who was involved;
- 2) What happened;
- 3) Any injuries and to whom;
- 4) Were there children present and if so where in the home;
- 5) Were the children seen by Police;
- 6) Name, including other family names and any previously used names;
- 7) Date of birth;
- 8) Sex;
- 9) Normal address;
- 10) General Practitioner;
- 11) Primary carer or care arrangements for looking after children;

12) School;

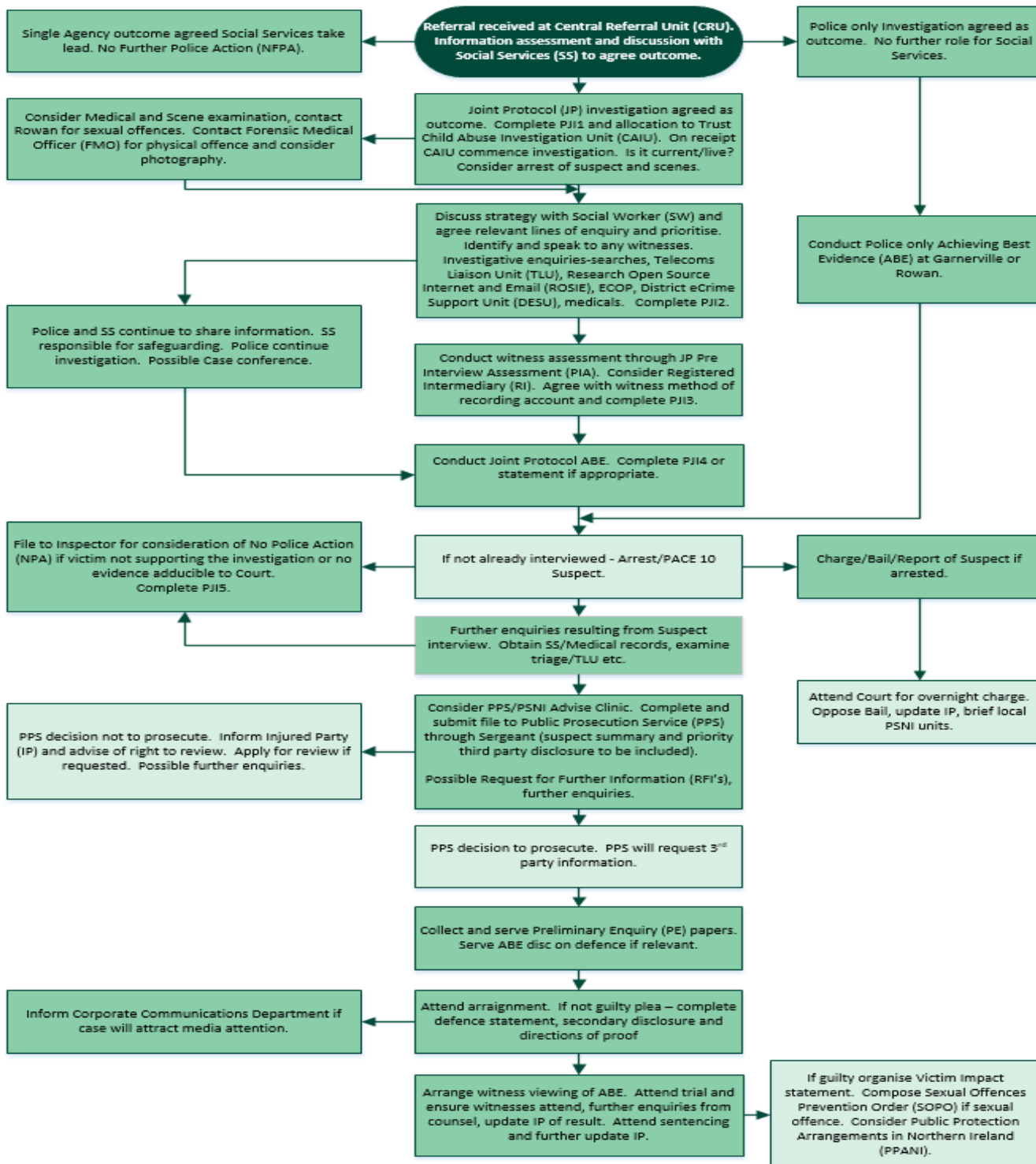
13) Full details of the child's circumstances as witnessed by the Officer, to include personal welfare, cleanliness, communication ability, injuries and demeanour;

14) Details of anything said by the child;

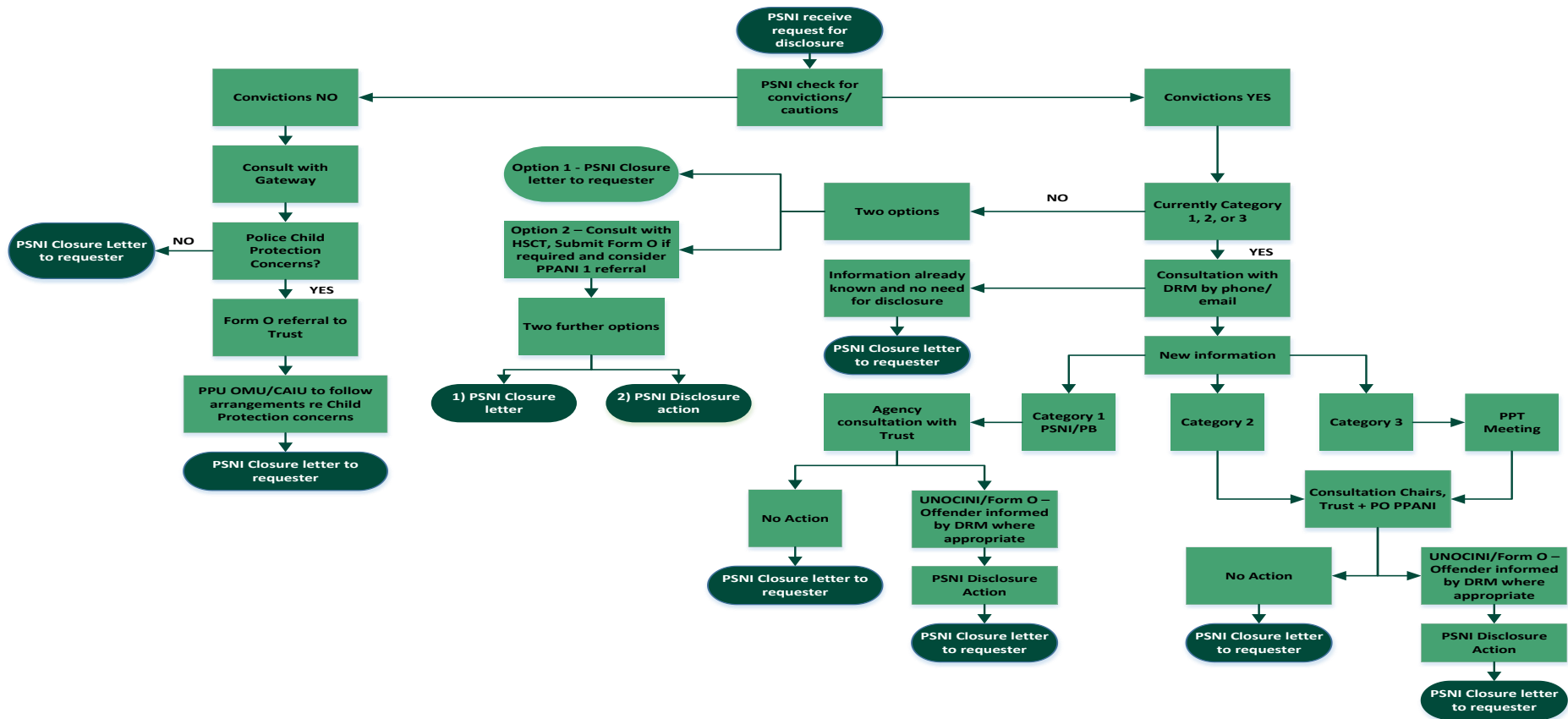
15) What action has been taken; and

16) Knowledge of previous incidents.

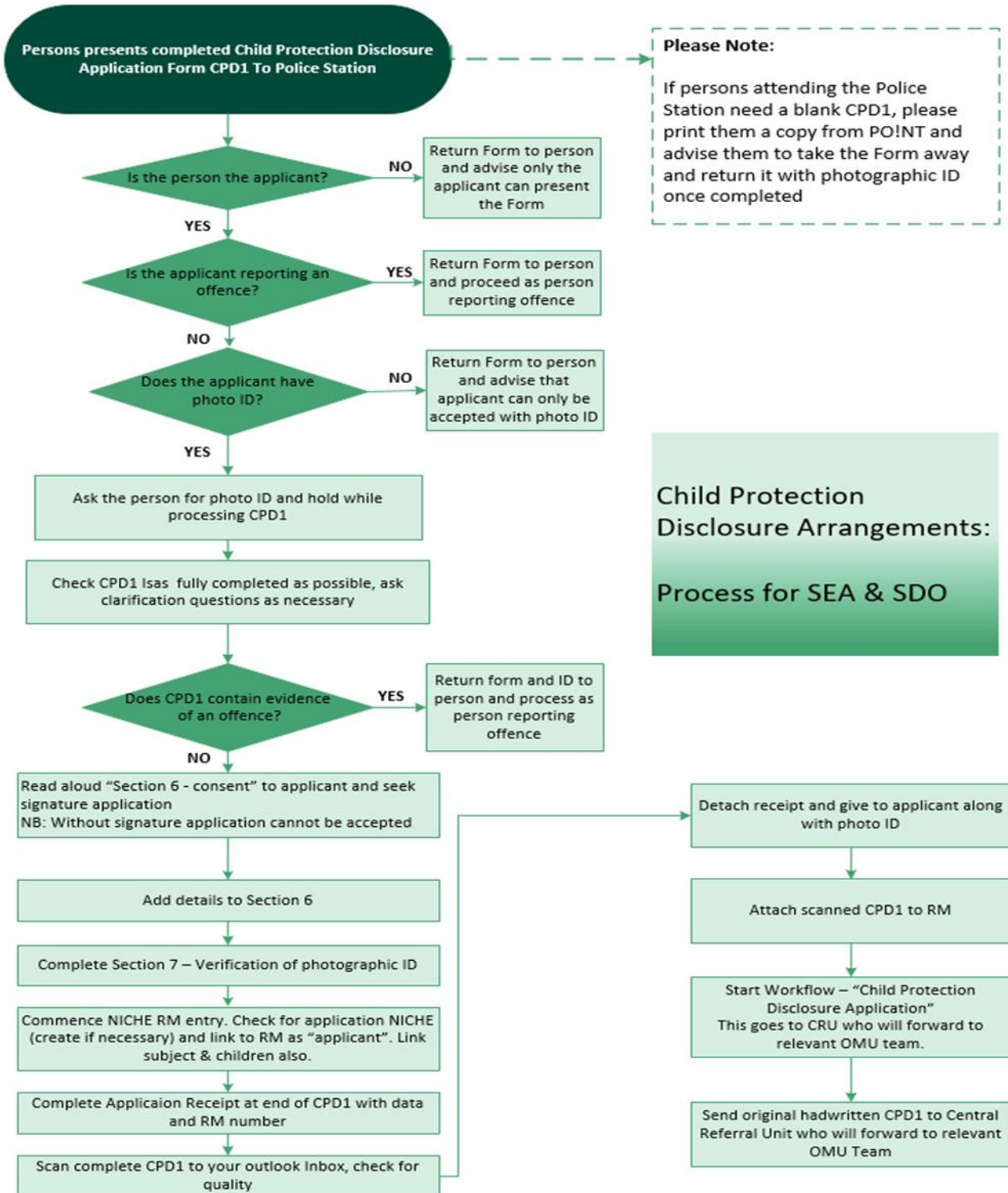
## Appendix B Child Abuse Flow Chart



Appendix C Child Protection Disclosure Flowchart



### Appendix D Child Protection Disclosure Enquiry Office Process



## Appendix E Contact Us

### Service Instruction Author

Public Protection Branch

### Branch Email

[zPublicProtectionSecretariat@psni.police.uk](mailto:zPublicProtectionSecretariat@psni.police.uk)