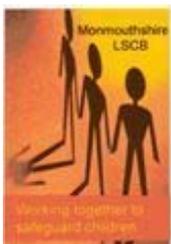


South East Wales Regional Forum



SECTION 47 CHILD PROTECTION ENQUIRIES



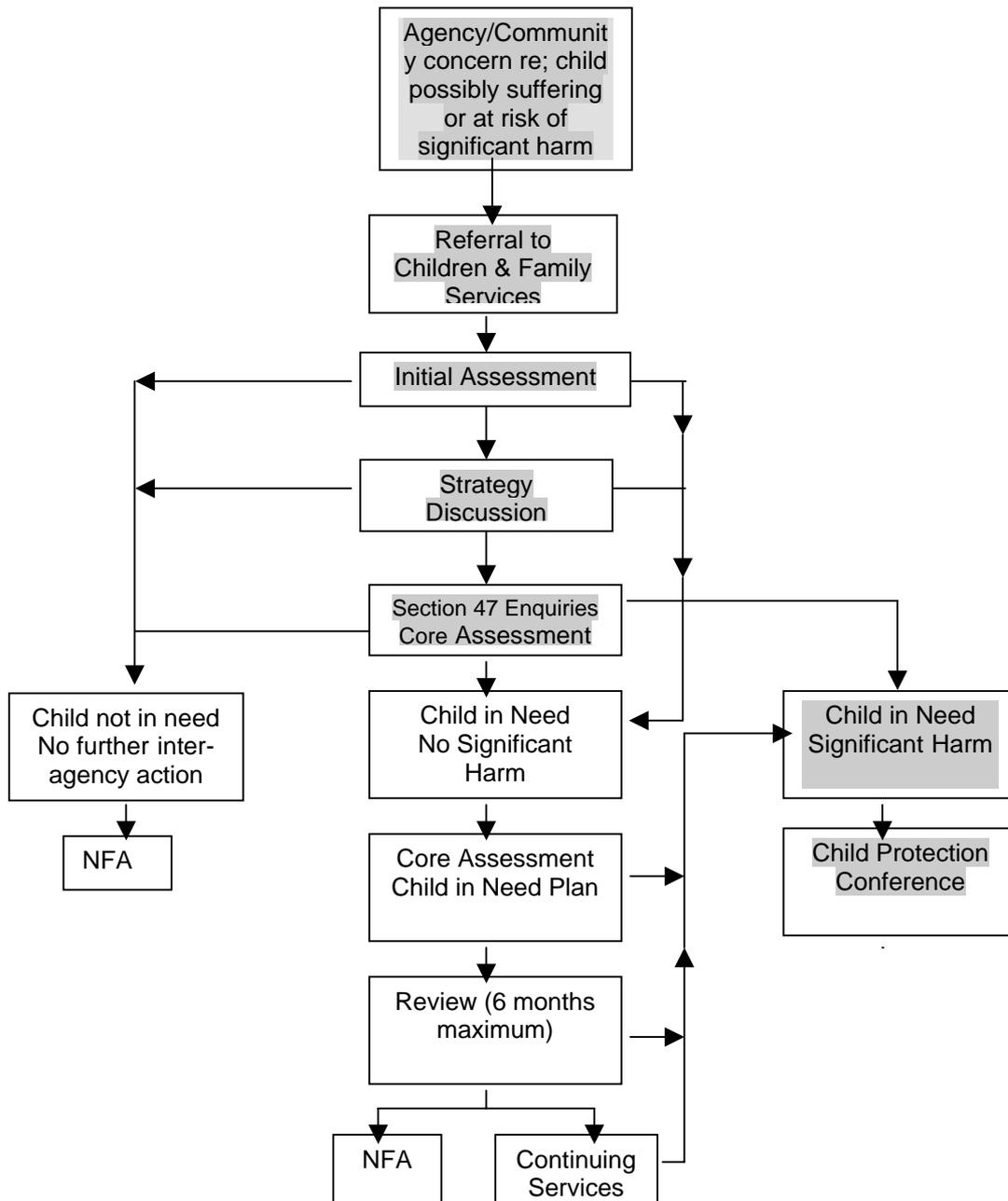
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PROCESS FOR MANAGING INTER-AGENCY RESPONSE TO CHILD PROTECTION CONCERNS



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1. Introduction

This protocol outlines the working arrangements between Local Safeguarding Children Boards (LSCB) agencies in responding to and working with children at risk of significant harm and their families. It is not intended to be a detailed set of procedures – these will be found in:

- ***The All Wales Child Protection Procedures 2008***
- ***Safeguarding Children: Working Together under the Children Act 2004***
- ***Individual agency internal procedures.***
- ***The Framework for Assessment of Children in Need & their Families***

2. Underlying Principles

The primary child protection aims of all member agencies of the LSCB, and other individuals and services which work with children and families, are to promote children's welfare and to safeguard them from abuse and neglect. All agencies are committed to following the All Wales Child Protection Procedures in order to achieve these aims.

3. Referral Process

If anyone has concerns for a child's welfare and/or believes that they may be suffering harm, or may be at risk of suffering harm, they should always refer such concerns to the Local Authority Children & Family Services, or to the Police without delay.

It is appropriate for professionals to share their concerns with the family in question and indicate their intention to make a referral to Children & Family Services Department, **unless** it is felt that to do so would potentially place the child at increased risk of significant harm, or interfere with any subsequent enquiries.

LSCB agencies who are concerned about a child should also make an enquiry to the **Child Protection Register**, to ascertain if there is any more information relating to their concern.

All staff have a duty and responsibility to act upon anonymous information suggesting a child might be at risk. Anonymous referrals must be responded to and given the same weight as any other referral.

4. Framework for Response

Children & Family Services have a statutory lead responsibility in all situations where there are child protection concerns.

Section 47 of the Children Act 1989 places a duty on Local Authority Social

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Services Departments (Children & Family Services) to make enquiries in response to any information that suggests a child is at risk of suffering significant harm.

Effective decision-making and response in meeting the needs of children and their families and ensuring that children are protected from significant harm, has to be based on accurate assessments of the child and their family's circumstances.

All staff involved in undertaking child protection section 47 enquiries should have completed training and have relevant competence and skills in this area. Additionally they should receive appropriate supervision.

Whilst Children & Family Services will lead the assessment/enquiry process, it is vital that other agencies/departments contribute fully.

5. Initial Assessment & Section 47 Enquiries

A decision will be made by the relevant Team Manager/Senior Practitioner within 24 hours as to whether an assessment is judged to be necessary, in accordance with the relevant Local Authority Children & Family Services eligibility criteria. Where it is necessary, an initial assessment should be completed within a maximum of **seven working days** in line with the Framework for Assessment. However, if information received at the point of referral, or coming to light at any point during subsequent assessment and/or intervention, suggesting that a child is suffering, or is likely to suffer significant harm, this will **always** be the trigger for convening a Strategy discussion / meeting to instigate a Section 47 child protection enquiry and the commencement of the **Core Assessment**. In situations where it is not possible for relevant people to attend an urgent meeting, a strategy discussion will be arranged no later than 24 hours after deciding there are concerns in relation to significant harm, to be followed by a strategy meeting to be held as soon as possible, but no later than a maximum of 8 working days from receipt of the referral. If no strategy discussion is held a strategy meeting will be held in most cases within 24 hours, but **always within 3 working days**.

6. Immediate Protection

Where there is a risk to the life of a child or a likelihood of serious immediate harm, an agency with statutory child protection powers (Children & Family Services, Police, NSPCC) must act quickly to secure the immediate safety of the child. Where circumstances permit, action will be preceded by an immediate strategy meeting/discussion between Police, Children & Family Services and other relevant agencies.

Safeguarding the child may be possible by securing the removal of the alleged perpetrator. In other cases it may be necessary to ensure that a child remains

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in, or is removed to a safe place by voluntary arrangement or powers obtained under an Emergency Protection Order. Legal advice should also be sought where appropriate, to gain a Child Assessment Order when parents / carers refuse to engage.

Police should always consider their powers to take emergency action under Section 46 of the Children Act 1989, to remove a child to suitable accommodation for up to 72 hours. Children & Family Services must commence Section 47 enquiries when a child has been made the subject of Police Protection.

Where a single agency has had to act immediately to protect a child, Children and Family Services must be notified immediately of action taken. The Section 47 enquiry process will then be commenced to assess the circumstances of the child and agree necessary actions to safeguard the child in the interim until a Core Assessment is completed.

7. Section 47 Child Protection Enquiries

a. Recording

All agencies will record their involvement within the Section 47 process in line with their own agency procedures.

Children and Family Services will fully record all Section 47 enquiries on the Section 47 enquiry documentation, noting decisions made, all actions taken and outcomes. The document will be retained on the child's file.

b. Process in response to the referral

On receipt of a child protection referral, Children & Family Services will undertake preliminary enquiries in respect of the child[ren] and family referred without delay.

- Check Children & Family Services records for all relevant information;
- Contact other agencies re; Police, Education, Health, Probation, seeking relevant information.

Before contacting any agency other than the Police, the Children & Family Services must give consideration as to whether the parent/those with parental responsibility should be approached first, for their consent to the sharing of information.

Parental permission should be sought **unless** it is felt that at this stage of enquiries permission seeking itself may place the child at risk of further harm.

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In these circumstances, information relevant to child protection can be shared without parental consent.

Any decision not to seek parental permission must be recorded with reasons.

In circumstances where permission is sought and refused, or can not be acquired after reasonable steps to obtain, Children and Family Services, in conjunction with the Police, must give careful consideration to the next steps required to ensure the child's safety, based on the information available. This may include application for an Emergency Protection Order or Child Assessment Order.

Following initial contact with other relevant agencies, as outlined above, Children and Family Services will seek written agency information on the agreed South East Wales Multi Agency Referral Form (MARF) to be returned within 48 hours, or brought to the strategy meeting/discussion.

A decision will be made about the outcome of the referral and any action to be taken and recorded, within 24 hours of receipt. Feedback must be provided to the referrer on the action being taken in response to the referral within 10 working days.

c. **Strategy Meeting/Strategy Discussion**

Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, there should be a strategy meeting or strategy discussion involving Children & Family Services, Police (Police Protection Unit) and other agencies as appropriate, e.g. the referring agency, Health, Education. The strategy meeting is the expected method for planning the response to all child protection concerns and will agree how, when and by whom, enquiries are to be progressed.

In the following circumstances a strategy meeting **will always** be convened:

- Concerns of sexual abuse, including possible sexual exploitation/child prostitution, trafficking or where a child displays sexually harmful behaviour
- Concerns re neglect, physical injury, emotional abuse and pre-birth concerns
- A child is or has been missing from home or care for more than 7 days or on more than three occasions in a 12 month period
- Multiple or organised abuse
- Alleged abuse by a person in a position of trust, professional / staff member in their professional or private capacity
- Concerns that a child is subject of fabricated or induced illness (refer to the Welsh Assembly Government guidance document, Safeguarding Children in whom Illness is Fabricated or Induced (2008)
- An incident of significant or repeated domestic abuse where the child is present in the household

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- Where police have used their emergency powers of protection to remove a child from a parent or caregiver
- Where a family subject of an incomplete section 47 enquiries moves away from the relevant Local Authority, or where a family from another area subject of an incomplete Section 47 enquiry moves into the relevant Local Authority
- The non accidental death of a child in a household where other children continue to live
- MAPPA (multi agency public protection arrangements) have identified potential risks to a specific child from a prisoner being released from custody.

If a strategy meeting is not convened, the reason for this should be recorded.

The Team Manager/Senior Practitioner in Children & Family Services is responsible for convening the meeting, or initiating the discussion. This should be undertaken as soon as possible, in most cases within 24 hours of receipt of the child protection referral, **but always within 3 working days**.

As part of the strategy discussion/meeting, the social worker and/or manager should consult with the duty paediatrician for advice about the necessity for a medical assessment/examination.

Legal advice/attendance should also be sought where appropriate.

Strategy meeting Agenda

The strategy meeting will be used to:

- Share information [including a full discussion of the originating referral information];
- Decide whether child protection section 47 enquiries and /or criminal investigation should be initiated or continued if they have already begun;
- Agree the timetable for section 47 enquiries
- Agree a plan for child protection section 47 enquiries as part of the core assessment, including what information is needed about the child / family and how it should be obtained and identify the team who will seek this information.
- Agree what action is needed immediately to safeguard the child, and/or to provide interim services whilst enquiries are taking place
- Determine if legal action is required
- Plan how enquiries should be handled, including the need for a medical examination / assessment and treatment. This should be planned with an appropriately trained doctor, usually a paediatrician.

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- Decide who is to be interviewed, by whom, when, where and with what purpose. This will include interviewing the original informant if this has not already been done.
- Agree in particular how the child's wishes and feelings will be ascertained so that they can be taken into account when making decisions
- Agree whether or not any investigative interview with the child is video recorded, with reasons for this decision. Agree who else needs to be present at the interview with the child
- Decide whether or not it is in the child's best interest to seek consent from the parents for interviewing the child and if appropriate who is to contact the parent(s) for consent for interviewing, video recording and medical examination. Consider also what steps are to be taken if parents refuse consents.
- Consider the child's level of development, any disability or language issues and what arrangements might be needed to offer the child an interview in their language of choice.
- Consider the needs and safety of other children who may be affected, including siblings and other children in contact with the alleged abuser and whether to extend the enquiry to include any of these children. It is often appropriate to have medical assessments of all siblings.
- Agree who will interview the alleged abuser and when
- Determine how information will be shared with the child and family, unless such information sharing may place a child at risk of significant harm, or jeopardise Police investigations into any alleged offences.
- Agree which professionals not present at the strategy meeting should be informed at this stage
- Decide whether a child protection conference is required
- Decide to whom the team undertaking the enquiries will report, with what frequency and how progress will be reviewed. It is important to decide whether to reconvene a strategy meeting in order to check on progress, to gather more information or to assess new information or examine the results of the enquiry prior to a child protection conference. More than one strategy meeting / discussion may be appropriate depending on the circumstances of the case.
- Consider what information will be given by the police and when, to inform the child about the eventual outcome of the police investigation.

The decision not to share information and the reasons for this must be recorded.

As noted above, the strategy meeting/discussion will make decisions in relation to the following:

□ **whether or not to initiate Section 47 enquiries**

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□ **what type of enquiries (single or joint agency)**

All Section 47 enquiries require joint agency contribution. However, in practice, they may be carried out in different ways: eg

- Children & Family Services and Police together carrying out interviews with children, parents and witnesses. Joint Police and Children & Family Services interviews will always be undertaken in response to any allegations where a criminal offence may have been committed.

OR

- Children & Family Services and Police carrying out interviews and enquiries separately as part of planned Section 47 enquiries and reporting back to an outcome section 47 strategy meeting, to make a decision about whether or not concerns have been substantiated and whether a conference is required.

□ **whether a medical examination is required**

Consideration must always be given to the need for a medical examination of the child referred and other children in the household.

The medical examination should only be dispensed with if those managing the Section 47 enquiry, (and following consultation and advice from a doctor experienced in child protection), feel that its purposes can be fully achieved, i.e. the child[ren] will be protected without it. The reasons for not seeking a medical assessment must be recorded.

No decision to proceed or dispense with a medical examination should be made without consulting the 'on call' paediatrician for child protection.

The purpose of medical assessment within Section 47 enquiries is:

- To assess and consider the health of the child and the need for any treatment;
- To allow the child and/or parent to enquire about their physical well-being and to offer advice and reassurance as appropriate;
- To assist in risk assessment by assessing and recording any physical injuries and signs of abuse or neglect;
- To collect and record forensic evidence.

Medical assessments in child protection are highly skilled procedures. They must be carried out by a doctor who is suitably trained. This will be a paediatrician and/or a police surgeon, if there is a need to collect forensic evidence.

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Ordinarily, the medical will take place after the child has been interviewed, unless:

- there is severe injury requiring treatment
- when examination is needed for possible forensic evidence [e.g. when suspected physical or sexual assault has taken place within the previous 72 hours].

It is the responsibility of the examining doctor to obtain informed consent from a person who has parental responsibility and/or the child, if they are of sufficient age and understanding.

□ whether the child/ren should be video interviewed

Video interviews will be undertaken where it is intended that the tape/DVD could be used in court to replace the live testimony of the child. Where there are doubts about the need for a taped interview, the advice of the Crown Prosecution Service may be sought.

All video interviews will be conducted jointly by Police officers and social workers trained in accordance with the ‘*Achieving Best Evidence*’ guidance.

Where children do not want to be video interviewed, they may make a written statement provided this is authorised by a Police Inspector. If a prosecution follows, the child’s evidence can then be given via a live link to the court.

d. Enquiry Process

The objective of the enquiries is to determine whether action is needed to promote and safeguard the welfare of the child. The specific tasks are:

- to establish the facts and decide if there are grounds for concern
- to assess the needs of the child, and the capacity of the parents/carers and wider family to meet those needs
- to identify the sources and levels of risk to the child, and to all other children of the family/household(s)
- to take into account the child’s race, religion, gender and any special needs, in formulating an initial plan
- to make explicit efforts to ascertain and record the child’s wishes and feelings
- to decide on protective action
- to decide whether other action (e.g. support/services) is needed to promote and safeguard the welfare of the child

The child must always be seen / interviewed by a social worker. In circumstances where a child has special needs, consideration must be given

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to the involvement of a social worker from the Children with Disabilities Team.

Consideration must also always be given to seeing /interviewing all children of the family / household – this should always happen where the alleged abuser is a parent/carer. Additionally consideration should be given to seeing / interviewing any other child that the alleged perpetrator has significant contact with.

The handling of the enquiries will have been primarily decided by the Strategy Discussion/Meeting (see above) and should follow those agreed actions.

If the South East Wales Emergency Duty Team has a strategy discussion, then they will complete the ICS record of strategy discussion proforma and fax through to the relevant authority on the same day.

e. Section 47 Enquiry Outcomes

Children & Family Services should decide how to proceed following Section 47 enquiries, after discussion between all those who have been significantly involved in the enquiries, including the child and those with parental responsibility. All outcome decisions must be endorsed by the Team Manager/Senior Practitioner.

All professionals contacted and the family themselves, should receive details of the outcome in writing from Children & Family Services, within 15 working days of the strategy meeting/strategy discussion.

There are three possible outcomes arising from Section 47 enquiries:

- concerns are not substantiated
- concerns are substantiated, but the child is not judged to be at continuing risk of significant harm
- concerns are substantiated and there is continuing risk of significant harm

Concerns are not substantiated

Enquiries may not substantiate the original concerns about the child being at risk of harm. In these circumstances, no further action may be necessary.

However, Children & Family Services and any other appropriate agencies should always consider with the family, whether there is a need for help and support and how this would be offered if they would like it. In such circumstances it may be appropriate to hold an inter-agency planning meeting to arrange the completion of the core assessment and the formulation of a 'child in need' plan.

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Concerns are substantiated, but the child is not assessed as at continuing risk of significant harm

There may be substantiated concerns that a child has suffered significant harm, but it is agreed that a plan for ensuring the child's future safety and welfare can be developed and implemented without the need for a Child Protection Conference. An example would be, if the perpetrator of abuse has permanently left the household.

This decision must be taken by the operational Team Manager /Service Manager after full consultation with the family and all agencies that have been consulted during the enquiry process. In these circumstances an inter-agency planning meeting to agree the completion of the core assessment and the formulation of a 'child in need' plan will be held.

Concerns are substantiated and the child is assessed to be at continuing risk of significant harm

Where it is judged that a child may continue to suffer, or be at risk of suffering significant harm, Children & Family Services will convene an Initial Child Protection Conference, which must be held within 15 working days of the strategy meeting or strategy discussion.

8. Role of the Strategy Meeting Chair

The Chair of the strategy meeting is responsible for ensuring that all appropriate contributors have been invited. Each meeting should, in addition to the agenda outlined above in 7c, begin with the Chair confirming that all those who should be invited to the meeting have been and note any apologies. The Chair should also outline previous strategy meetings in relation to the child, with relevant dates and address unresolved actions from previous meetings.

Details of all strategy meetings will be recorded on the Strategy meeting template. Strategy meeting minutes will include timescales for actions and identify the named person responsible for implementing decisions or actions. The Chair will ensure that the minutes will be circulated to all agencies in attendance and any other agency considered relevant by the Chair, within 5 working days of the meeting. The Chair will be responsible for making the necessary arrangements for minutes to be inputted onto electronic records. Individual agencies, on receipt of the minutes, will follow their internal procedures for filing the document.

9. Resolving Professional Differences

Professionals who either do not receive information about the outcome of a section 47 enquiry and/or are unhappy about the decisions that have been made to protect a child, have a **CONTINUING RESPONSIBILITY** to further

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pursue an appropriate resolution to their concerns. In the first instance, they should make representations to their own line manager and contact the Children & Family Services Team Manager/ Senior Practitioner in an attempt to resolve the issues. If this cannot be resolved the Child Protection Co-ordinator within Children and Family Services and the Detective Superintendent in charge of the police PPU will discuss and formulate an agreed consensus decision.

All professionals and agencies involved with the child and its family and those who have taken part in the enquiries, have **the right and continuing responsibility** to request that Children and Family Services convene a child protection conference if they have concerns that the child may not otherwise be adequately safeguarded.

On receiving such a request from the concerned agency manager, Children and Family Services will arrange for a child protection conference to be convened. The concerned agency will be expected to attend the conference and provide a report outlining their concerns.

In the event of continuing disagreement between agencies about the management of a case, where the issues of possible significant harm [child protection concerns] are a factor, every effort should be made to resolve these differences by discussion and negotiation involving senior managers.

If this is not successful, the matter will be referred to the LSCB case audit group, who will be required to make a judgement within 5 working days.

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