

PROCEDURES AND GUIDANCE

Investigating Complex (Organised or Multiple) Abuse and Historical Abuse

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Complex (organised or multiple) abuse may be defined as abuse involving one or more abusers and a number of children. The abusers concerned may be acting in concert to abuse children, sometimes acting in isolation, or may be using an institutional framework or position of authority to recruit children for abuse. The abuse may have occurred over a long period of time but may not have come to light until recently (see point 5 onwards for historical abuse below).

Complex abuse occurs both as part of a network of abuse across a family or community, and within institutions such as residential homes or schools. Such abuse is profoundly traumatic for the children who become involved. Its investigation is time-consuming and demanding work requiring specialist skills from both Social Work and Police staff. Some investigations become extremely complex because of the number of places and people involved, and the time scale over which abuse is alleged to have occurred. The complexity is heightened where, as in historical cases, the alleged victims, where incidents occurred or where the alleged perpetrators may no longer be linked to the setting or employment role.

Each investigation of organised or multiple abuse will be different according to the characteristics of each situation and the scale and complexity of the investigation. Each requires thorough planning, good inter-agency working, and attention to the welfare needs of the children involved. The independent Chair of the LSCB should always be notified and be available to facilitate effective inter-agency working.

1. DESIGNATION

Children's Social Care and the Detective Chief Superintendent of the Police may designate an enquiry a 'Major Enquiry' at any time, in consultation with the co-decision makers from both agencies. They will also maintain an overview of the conduct of the investigation, brief the LSCB and any time there is disagreement between agencies they will arbitrate as necessary.

Children's Social Care will appoint a Co-ordinator for the enquiry, whose role will be to liaise between agencies, co-ordinate information and arrange and chair the Strategy Discussion/Meeting.

If the Major Enquiry involves a number of school age children, the LEA will appoint a Senior Officer to oversee their response and monitor its liaison with the other agencies involved.

The Police will appoint a Senior Investigating Officer of appropriate rank and experience, and should consider the use of Major Incident Room Standard Administrative Procedures and the Home Office Large Major Enquiry System.

A team from Children's Social Care or NSPCC or both, and Police, should be brought together to manage and conduct major investigations where a criminal investigation runs alongside child protection enquiries. Team members need expertise in conducting investigations, child protection procedures and children's welfare and they should be committed to working closely together.

2. STRATEGY MEETINGS

As soon as an enquiry has been designated a 'Major Enquiry', a Strategy Meeting will be convened by the Enquiry Co-ordinator. The membership of this group should include Senior Officers of the enquiring agencies, the Enquiry Team, and any Senior Officer appointed by the Local Education Authority. Where the enquiry focuses upon one establishment, for example, a school or residential establishment, the Head Teacher or manager of the establishment should normally be included in the Strategy Meeting (s).

The Strategy Meeting will be conducted similarly to section 47 enquiry (see ERYC tri.x Section 1.3.3 Child Protection Section 47 Enquiries) However, the following relevant areas for decision making will also be considered:

- Recognise and anticipate that an investigation may become more extensive than suggested by initial allegations;
- Consider what information will be shared; with whom it will be shared; who will share the information; and when information will be shared;
- Head teachers, in particular, need to be clear what information can be shared with the Governing Body of their Schools;
- Where the enquiry centres around one establishment, e.g. a School or residential establishment, consideration will be given as to how staff can be enabled to respond appropriately to children and families during and after the enquiry;
- Consider the need for independence at all levels of the investigation/enquiry and in providing support for the children;
- Liaise as necessary with the Crown Prosecution Service at an early stage before arranging services for a child in need of counselling or therapeutic help so that the help can be given in a way which is consistent with the conduct of the criminal investigation;
- Make 'contingency plans' e.g. if there is a possibility that children will need immediate protection and/or provide interim services and support;
- Ensure that an appropriate venue is available for interviews and the interviews are conducted in accordance with Achieving Best Evidence Guidance;
- Ensure that appropriate resources are deployed to the investigation including access to legal and other specialist advice, resources and information;
- Ensure that records are safely and securely stored and a high level of confidentiality maintained at all times;
- Provide care and support for the investigation team – much of the work may be difficult and distressing;
- Agree a communications strategy encompassing authority members, staff, children and families, the media and Social Care Region;
- How best to inform and liaise with parents.

Communication with parent/carers may be by means of a meeting, or if appropriate, by means of a letter. For example, in the case of an enquiry that centres on a school/educational establishment, with the agreement of the Strategy Meeting, a letter from the Head teacher or Governing Body could be sent simultaneously to all parents whose children have had contact with the alleged offender. Any such letter should be factual, brief and to the point and take account of the confidential nature of the enquiry. The letter should also carry information, including a contact telephone number to enable its recipients to seek further assistance, advice and reassurance;

The enquiry may benefit from the appointment of a Parent Liaison Officer.

Where Children's Social Care's own staff (or Foster Carers) are being investigated, it is essential to ensure independence and objectivity on the part of the Social Work team. Where it is practicable in the circumstances to conduct a rigorous and impartial investigation using the Authority's own staff, it is essential to ensure sufficient distance (in structural and geographical terms) between such staff and those being investigated. This means that the inclusion of staff members or managers from the institution or workplace under investigation should be considered with particular care.

Regular strategic planning meetings and reviews should be held to consider the conduct of the investigation, progress, next steps and the effectiveness of joint working and any additional resources required. Throughout the investigation there needs to be a means of identifying and acting on lessons learned from the investigation e.g. in respect of policies, procedures and working practices which may have contributed to the abuse occurring, as the investigation proceeds and at its close;

The Waterhouse Inquiry report 1974 noted the importance of adequate referral information about suspected abusers. It is probable that an investigation will identify individuals who are suspected abusers but against whom prosecutions are not brought. If a suspected abuser is working with

children in a child care position, or in the education service, evidence and information should be shared to support disciplinary proceedings and to enable, where appropriate, the referral of suspected abusers to the Disclosure and Barring Service (DBS) and the relevant regulatory bodies.

At the conclusion of the enquiry/investigation, an evaluation of the investigation including lessons learnt should be summarized in an Overview Report with recommendations and an Action Plan for the Safeguarding Children Board, highlighting any practices, procedures or policies which may need further attention and require either inter-agency or individual agency action plans.

3. TIMING OF INTERVENTION

The first priority should always be the need to protect a child, but the knowledge, that in cases of organised abuse, the risk to a child may escalate if the perpetrators escape detection, must be considered. This will mean that on occasions those professionals involved will need to weigh the risk of delaying enquiries, and the implications this has for an individual child, against the benefits of the collection of evidence against an abuser or group of abusers and the consequent benefit to a wider group of children if the case is conclusive.

4. TIMING OF THERAPY

There will be occasions when a child, who is required as a witness in court, has a need for immediate therapy prior to the court hearing. There should always be discussions with the Crown Prosecution Service and the legal advisor to the Children's Social Care about the particular needs of any individual child. The welfare of the child is of **paramount importance**.

Reference should be made to the CPS guidance '*Provision of Therapy for Child Witnesses Prior to a Criminal Trial*' <https://www.cps.gov.uk/legal-guidance/therapy-provision-therapy-child-witnesses-prior-criminal-trial> and the local protocol developed by the Hull Child Witness Service (which can now be obtained from the Hull Safeguarding Children Board (Tel: (01482) 846082).

5. HISTORICAL ABUSE

It is not unusual for people to disclose experiences of physical, sexual and/or emotional abuse and/or neglect which constitute 'significant harm' only when they reach adulthood. 'Significant harm' is defined as a situation where as a child the person suffered a degree of physical, sexual and/or emotional harm (through abuse or neglect), which was so harmful that there should have been compulsory intervention by child protection agencies into the life of the child and their family.

Organisational responses to allegations by an adult of abuse experienced as a child must be of as high a standard as a response to current abuse because:

- There is a significant likelihood that a person who abused a child in the past will have continued and may still be doing so;
- Criminal prosecution may be possible if sufficient evidence can be carefully collated.

Wherever historical abuse enquiries relate to alleged abuse within institutions such as children's homes or residential/boarding schools, professionals should follow the processes listed above for investigating complex (organised or multiple) abuse; and consult the Government guidance '*Complex Child Abuse Investigations: Inter-Agency Issues*' (Home Office and DH, 2002). http://www.workingtogetheronline.co.uk/documents/Complex_abu.pdf

The required response from a professional receiving the information, when an adult discloses childhood abuse, is to record the discussion in detail. If possible, the professional should establish if the adult has any knowledge of the alleged abuser's recent or current whereabouts and contact with children.

In view of the potential continuing risk the alleged abuser may pose to children, the professional should make a referral to the Local Authority Children's Social Care Department in line with LSCB guidance and procedures. The Local Authority Children's Social Care Social Worker receiving the referral should seek sufficient information to develop a chronology, and all records must be dated and the authorship made clear.

If information about the current whereabouts of the alleged abuser has not yet been gathered, the Local Authority Children's Social Care should establish this as a matter of urgency. The adult who has disclosed should be asked whether they want a police investigation and must be reassured that the police are able and willing to progress an investigation, even for those adults who are vulnerable as a result of mental ill health or learning difficulties.

Local Authority Children's Social Care should reassure the adult that, even without their direct involvement, all reasonable efforts will be made to investigate the alleged abuse. Local Authority Children's Social care should support the adult to access therapeutic or other services, as appropriate. The Local Authority Children's Social Worker should:

- Inform the police at the earliest opportunity and establish if there is any information regarding the alleged abuser's current contact with children, irrespective of the wishes of the victim as to whether a police prosecution should take place;
- Inform the Local Authority Designated Officer (LADO) if the adult who has disclosed requests a police investigation or if the allegations involve organised and complex abuse (police involvement in an investigation will depend on a number of factors, including the victim's wishes and the public interest);
- Initiate a child protection enquiry if the alleged abuser is known to be currently caring for children or has access to children. This must include making a referral to Local Authority Children's Social Care in the area where the alleged abuser is currently living.

Where an adult alleges abuse in childhood in a different Local Authority area, the case should be transferred to agencies in the area where the abuse is alleged to have taken place. Parallel enquiries may be needed if the alleged abuser has contact with children elsewhere. The co-ordinating Local Authority Children's Social Care should be the one responsible for the geographical area where the abuse is alleged to have taken place.

Where the abuse is alleged in a former children's home or residential school, the responsible Local Authority Children's Social Care should be the one relating to the Local Authority responsible for running the establishment concerned, irrespective of where the children's home or residential/boarding school is/was located. The responsible police service for investigation will be the one covering the area where the alleged abuse is said to have taken place. It is important that there is effective communication about roles and responsibilities between agencies in such circumstances. See earlier information and the Home office guidance relating to Complex Abuse listed below.

For further government guidance refer to:

'Complex Child Abuse Investigations: Inter-Agency Issues', (May 2002)
http://www.workingtogetheronline.co.uk/documents/Complex_abu.pdf

The National College of Policing Guidance *'Managing complex child abuse investigations'*
<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-abuse/complex-investigations/>

'Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures' (Ministry of Justice, 2011)
https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf

'Code of Practice for Victims of Crime' (Ministry of Justice, October 2013)

<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

'Guidelines on Prosecuting Cases of Child Sexual Abuse' (CPS, revised 2017)

<https://www.cps.gov.uk/legal-guidance/child-sexual-abuse-guidelines-prosecuting-cases-child-sexual-abuse>

'2013 Protocol and Good Practice Model Disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings' October 2013

<https://www.cps.gov.uk/legal-guidance/child-abuse-protocol-2013-protocol-and-good-practice-model-disclosure-information>