



## **Multi-agency Protocol for Thresholds for Joint Social Services / Police and Single Agency Child Protection Section 47 Enquiries**

### **CYSUR: THE MID AND WEST WALES SAFEGUARDING CHILDREN BOARD**

<b>Version</b>	<b>Revision Date</b>	<b>Owner</b>	<b>Date approved by Exec Board</b>	<b>Review Date</b>
V1	April 2012	Dyfed-Powys LSCBs	n/a	May 2018
V2	December 2017	Mid and West Wales Safeguarding Board (Policies and Procedures Sub-Group)	25 <sup>th</sup> January 2018	January 2020
V3	October 2022	Mid and West Wales Safeguarding Board (Policies and Procedures Sub-Group)	24 <sup>th</sup> January 2023	24 <sup>th</sup> January 2025

## 1. Introduction.

- 1.1 This protocol provides guidance to the Social Services, Police and other parties involved in any Child Protection enquiries strategy discussions and/or meetings undertaken under Section 47 of the 1989 children Act that require either joint Social Services and Police Child Protection, Section 47 enquiry or investigation, or a single agency Child Protection Section 47 enquiry or investigation.
- 1.2 The protocol has been developed in partnership by multi-agency organizations of the Policies & Procedures Sub Group on behalf of CYSUR: The Mid & West Wales Safeguarding Children Board.
- 1.3 The protocol complements the below documents and should be read in conjunction with them:
  - *Working Together To Safeguard People Volume 5- Handling Individual Cases To Protect Children At Risk*
  - *Wales Safeguarding Procedures*
  - [CYSUR Regional Threshold and Eligibility for Support -The Right Help at the Right time 2017](#)
  - [Social Services and Well-being \(Wales\) Act 2014](#)
  - [Children Act 1989](#)
- 1.4 This protocol compliments the CYSUR Regional Threshold & Eligibility Document: 'The Right Help at the Right Time' which provides guidance to professionals regarding different thresholds, needs and services for children and their families across the continuum and spectrum of need ranging from universal services, preventive services to those in need of statutory intervention and children at risk of harm and in need of protection. This guide will be used when children are identified to be at potential risk of harm and require formal statutory intervention under Sec 47 of the 1989 Children Act.

## 2. The Child Protection Process

- 2.1 In accordance with the Wales Safeguarding Procedures [Social care Wales \(safeguarding.wales\)](#) and the Social Services and Well Being (Wales) Act 2014, a Care & Support Assessment must be undertaken following a child protection referral in order to establish if a child is in need of Care & Support and/or requires protection. The Care & Support Assessment must include seeing the child, and speaking to or communicating with the child to the extent where the person making the assessment is satisfied that the child is safe. This requirement should not however delay any intervention or immediate protective measures being undertaken if an initial assessment concludes the child is at immediate and significant risk.
- 2.2 The consent of a parent/person with parental responsibility should be sought before undertaking a Care & Support Assessment, and any continuing intervention, unless professional judgement suggests that this would place a child at risk of further harm. The manager in Social Services with responsibility for Child Protection should only consider dispensing with the consent of the parent/person with parental responsibility if it is deemed that this would increase the risk of harm to the child at risk or professional

judgment concludes the child/young person is able to consent themselves, without parental consent.

- 2.3 During the Care & Support Assessment Process, the appropriate manager in Social Services with responsibility for Child Protection should decide whether a Child Protection strategy discussion/meeting is required, and, if so, should arrange the Child Protection strategy discussion/meeting as soon as possible and no later than 24 hours after making the decision. The discussion/meeting should involve at a minimum the local authority children's social services and the police, and other parties as appropriate, including health, education, any referring agency, and, in the case of regulated services, Care and Social Services Inspectorate Wales (CSSIW). At the strategy discussion/meeting the participants should share and discuss all information that has been received/gathered and decide the next course of action within 24 hours or without delay if there is immediate concern for the safety and welfare of the child.
- 2.4 Sometimes professionals from other agencies, like health and education, may hold important information pertinent to the case, potentially providing a vital piece of missing information, which could inform the decision making process and affect the outcome of a strategy discussion/meeting.
- 2.5 When there are concerns about neglect, emotional and psychological abuse, it is recommended that the manager in social services with responsibility for Child Protection consider a strategy discussion and/or holding a strategy meeting with all relevant professionals and staff, including health and education, to ensure all available information is considered.
- 2.6 The decision about whether Child Protection Section 47 enquiries are required, and if so, whether the enquiries are undertaken as a single agency or jointly, must be made at a Child Protection strategy discussion/meeting. The participants are also required to plan the process and management of the Child Protection Section 47 enquiries.
- 2.7 All relevant agencies should receive a copy of the strategy discussion/meeting minutes. This provides a safety net to ensure that if agencies were not involved in the strategy discussion/meeting, but have information they feel is important to the case, they could respond.

### **3. Thresholds.**

- 3.1 When an allegation is made that a child has been significantly harmed as a consequence of extra familial abuse the police will take the lead agency role and carry out a single agency investigation. The police will refer to Social Services Department with responsibility for Child Protection about the allegation and hold a strategy discussion. In the event of the child's Care & Support needs becoming apparent during the police investigation the police will inform the appropriate Social Services Department.
- 3.2 The following table provides the threshold guidelines for either joint or single agency Child Protection Section 47 enquiries in response to allegations of physical, sexual and emotional abuse, and neglect. It is important to note that at the referral stage, the allegation may not be substantiated, and that a Care & Support Assessment is required before determining whether the threshold has been met.
- 3.3

<b>ALLEGATION OF SEXUAL ABUSE</b>	
<b>Type of referral/report</b>	<b>Intervention threshold guidelines</b>
<b>Allegation of child sexual abuse.</b>	Social services and police will always undertake the Child Protection Section 47 enquiries jointly.
<b>Diagnostic medical findings of sexual abuse;</b> that is, a child is medically examined and the paediatrician reports that there are medical indications of sexual abuse, with/without the child making an allegation or other	Social services and police will always undertake the Child Protection Section 47 enquiries jointly.
<b>Non-diagnostic medical findings of sexual abuse;</b> that is, a child is medically examined and the paediatrician reports that there are medical indications of sexual abuse, but they are not conclusive. The child does not	Social services and police will always undertake the Child Protection Section 47 enquiries jointly.
<b>Child exhibiting sexualised behaviour.</b>	<p>Social services to undertake single agency enquiries, unless there is information/evidence to indicate that a criminal offence has been committed.</p> <p>If during the single agency enquiries information/evidence indicates that a criminal offence has been committed, for example, child sexual abuse, the social services will inform the police. A strategy discussion/meeting will be held and Child Protection Section 47 enquiries will be jointly undertaken by social services and police.</p>

<p><b>Sexually active young people:</b></p> <p><b>Children under the age of 13 years.</b></p> <p><b>Young people aged between 13 and 16 years.</b></p>	<p>Please refer to the <i>Wales Safeguarding Procedures Practice Guide: Safeguarding Children where there are concerns about Harmful Sexual Behaviour and Safeguarding Children from Child Exploitation, where appropriate.</i> <a href="http://socialcare.wales/safeguarding.wales">Social care Wales (safeguarding.wales)</a></p> <p>In accordance with the Sexual Offences Act 2003 children under the age of 13 years are of insufficient age to give consent to sexual activity.</p> <p>Social services and police will always undertake the Child Protection Section 47 enquiries jointly.</p> <p>In accordance with the Sexual Offences Act 2003 the age of lawful consent to sexual activity remains at 16 years, although it is acknowledged that mutually agreed, non-exploitative sexual activity does take place between teenagers and that it does not cause significant harm.</p> <p>If an initial assessment indicates that the sexual activity is neither exploitative nor coercive, and both young people consent, it is usually recommended that a social services and/or health intervention is undertaken.</p> <p>Whilst a criminal offence may have been committed, in such circumstances the police will decide the level of any criminal investigation, but will not seek to criminalise young people.</p> <p>During the social services and/or health intervention if it becomes evident that the young person has been exploited, coerced, and/or did not consent to the sexual activity, a strategy discussion/meeting should be reconvened and an agreed course of action undertaken in accordance with the <i>Wales Safeguarding Procedures. Please refer to the Practice Guide Safeguarding Children from Child Sexual Exploitation and Safeguarding Children where there are Concerns about Harmful Sexual Behaviour, where appropriate.</i> <a href="http://socialcare.wales/safeguarding.wales">Social care Wales (safeguarding.wales)</a></p>
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<p><b>Young people aged between 17 and 18 years.</b></p>	<p>Consenting sexual activity is not an offence over the age of 16 years, however young people continue to be protected by the <i>Children Act 1989</i>. In any Care &amp; Support Assessment/ strategy discussion/meeting consideration needs to be given to issues of sexual exploitation and the abuse of power when deciding about intervention. Consideration should be given to the Wales Safeguarding Procedures Practice Guides <i>Safeguarding Children where there are concerns about Harmful Sexual Behaviour and Safeguarding Children from Child Exploitation, where appropriate.</i> <a href="http://socialcare.wales.gov.uk/safeguarding">Social care Wales (safeguarding.wales)</a></p>
	<p>In accordance with the Sexual Offences Act 2003 the young person in this age group is not deemed able to give consent if the sexual partner is in a position of professional trust, such as a foster carer or teacher, or is a family member as defined in the legislation. In the event of a complaint against a professional <i>The Wales Safeguarding Procedures Section 5</i> should be followed and joint social services/police enquires undertaken. <a href="http://socialcare.wales.gov.uk/safeguarding">Social care Wales (safeguarding.wales)</a></p> <p>If a report is received that indicates that a child has been abused by another child which does not fit the above criteria, that is, they are not in a relationship, <i>please refer to the Wales Safeguarding Procedures Practice Guide Safeguarding Children where there are concerns about Harmful Sexual Behaviours.</i> <a href="http://socialcare.wales.gov.uk/safeguarding">Social care Wales (safeguarding.wales)</a></p>

<p><b>Allegation that a child or young person is exhibiting sexually harmful behaviours.</b></p>	<p>In most circumstances joint social services and police Child Protection enquiries should be undertaken in respect of the alleged victim. Please refer to the Wales Safeguarding Procedures Practice Guide <i>Safeguarding Children where there are Concerns about Harmful Sexual Behaviour</i>. This specifies multi-agency responses must be proportionate and include early support to prevent harm to others.</p> <p>The police will interview the alleged perpetrator where considered appropriate in accordance with the Police and Criminal Evidence Act (PACE), 1984.</p>
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<b>ALLEGATION OF PHYSICAL ABUSE</b>	
<b>Type of referral/report</b>	<b>Intervention guidelines</b>
<p><b>Allegation of physical abuse with injuries to child;</b> that is, medical evidence of injuries, with/without an allegation by the child.</p>	<p>Social services and police will always undertake the Child Protection Section 47 enquiries jointly.</p>
<p><b>Report of concern that a child might be physically abused, but the child has not made an allegation and there are no injuries.</b></p>	<p>Social services to undertake Care &amp; Support Assessment and/or safeguarding intervention.</p> <p>If required, Police to be updated with the outcome and for consideration of whether further Police involvement is required.</p> <p>If during their assessment and/or enquiries social services become aware that more serious abuse has occurred, that warrant criminal investigation, Police will be informed and a strategy discussion/meeting will be held to decide if joint Child Protection Section 47 enquiries should be undertaken.</p>

<b>ALLEGATION OF NEGLECT</b>	
<b>Type of referral/report</b>	<b>Intervention guidelines</b>
<p><b>Allegation/report of serious neglect</b> indicating the neglect is persistent and severe, and a child is suffering or likely to suffer significant harm.</p>	<p>Social Services and police will undertake the Child Protection Section 47 enquiries jointly.</p>

<p><b>Allegation/report of neglect</b> where there are concerns about the child's welfare, but the neglect is not initially assessed as persistent and/or severe that warrant criminal investigation.</p>	<p>Social Services to undertake Care &amp; Support Assessment and consider single agency Child Protection Section 47 enquiries and/or safeguarding intervention.</p> <p>If required, Police to be updated with outcome for consideration of whether further Police involvement is required.</p>
	<p>If during their assessment and/or enquiries social services become aware that more serious neglect has occurred, that warrant criminal investigation, Police will be informed and a strategy discussion/meeting will be held to decide if joint Child Protection section 47 enquiries should be undertaken</p>



### ALLEGATION OF EMOTIONAL ABUSE

Type of referral/report	Intervention guidelines
<p><b>Allegation/report that a child is being emotionally abused</b>, which is reported as being persistent and severe, and the child is suffering or likely to suffer significant harm.</p>	<p>Social services to undertake Care &amp; Support Assessment and/or safeguarding intervention. If required, Police to be updated with outcome for consideration of whether further Police involvement is required.</p> <p>If during their assessment and/or enquiries social services become aware that more serious abuse has occurred, that warrant criminal investigation, Police will be informed and a strategy discussion/meeting will be held to decide if joint Child Protection Section 47 enquiries should be undertaken.</p>

### OTHER ALLEGATIONS/CONCERNS

Type of referral/report	Intervention guidelines
<p><b>Allegation/report of concerns for a child in relation to Female Genital Mutilation (FGM), Honour Based Violence (HBV) or Forced Marriage (FM)</b> where the child is suffering or likely to suffer significant harm</p> <p><b>Or</b> child is in immediate danger.</p>	<p>Social Services, Police and other relevant agencies to hold a strategy discussion and a Strategy Meeting to be held</p> <p><b>Or</b> Emergency Protection Procedures undertaken and strategy discussion/meeting to take place</p>
<p><b>Report of Missing Episodes</b>, Including repeat and serious Incidents.</p> <p><b>Or</b> Serious incident</p>	<p>The Wales Safeguarding Procedures Practice Guide-Safeguarding Children who go missing from home or care should be followed.</p> <p><b>Or</b> Social Services to undertake a Care &amp; Support Assessment prior to strategy meeting if appropriate.</p>

<p><b>Report of Child Sexual Exploitation concerns*</b>  (* can be combined with missing episodes)</p>	<p>CSE is recognized as a form of Child Sexual Abuse and Should be responded to as such. Police (CRU) to have a strategy discussion with Social Services to agree on appropriate action and protection. Please refer to the Wales Safeguarding Procedures Practice Guide, Safeguarding Children from Child Sexual Exploitation and Working Together To Safeguard People Volume 7- Safeguarding Children from Child Sexual exploitation. <a href="#">Safeguarding children from child sexual exploitation   GOV.WALES</a></p>
<p><b>Report of Radicalisation, Extremist and Terrorism Concerns</b></p>	<p>Initial Police Enquiries and or Police (CRU) to hold a strategy discussion with Social Services (and if school age, Education) to agree on appropriate action: SSD Care &amp; Support, Police only action and/or strategy meeting if appropriate. PREVENT Process to be followed Social Services to agree Channel Panel. Please refer to the Wales Safeguarding Procedures Practice guide of Safeguarding children form radicalization</p>
<p><b>Allegation/Report of Modern Day Slavery</b></p>	<p>Initial Police Enquiries and or Police (CRU) to have a strategy discussion with Social Services to agree on appropriate action: SSD Care &amp; Support, Police only action and/or strategy meeting if appropriate. Social Services to agree National Referral Mechanism</p>
<p><b>Allegation/Report of Abuse concerning a professional/ person in a position of trust with children through their work</b></p>	<p>Please refer to Process's under section 5 of the Wales Safeguarding Procedures <a href="#">Social care Wales (safeguarding.wales)</a></p>

#### 4. Conclusion.

4.1 Following an allegation of child abuse the police will also decide whether a criminal investigation should be undertaken. The Home Office Guidance *Achieving Best*

*Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children 2001* will be followed for all investigative interviews of children for Child Protection enquiries and criminal investigations.

- 4.2 In the event of organised abuse coming to the attention of social services and police during their enquiries the *Complex Child Abuse Investigations: Inter-Agency Issues (Welsh Assembly Government) 2004* procedure should be followed (see *All Wales Child Protection Procedures 2008 Part 4*).
- 4.3 Any disagreements between parties about the outcome of Child Protection strategy discussions/meetings and whether enquiries should be undertaken by a single agency/jointly should be managed in accordance with the *Mid & West Wales Safeguarding Board Professional Resolution Protocol (in progress)*.
- 4.4 The decision about whether Child Protection Section 47 enquiries are undertaken by a single agency or jointly by Social Services and Police should follow this protocol. However, it is recognised that particular circumstances might require different decisions. The reasons for all decisions should be recorded.