



**Diogelu Gwent  
Gwent Safeguarding**

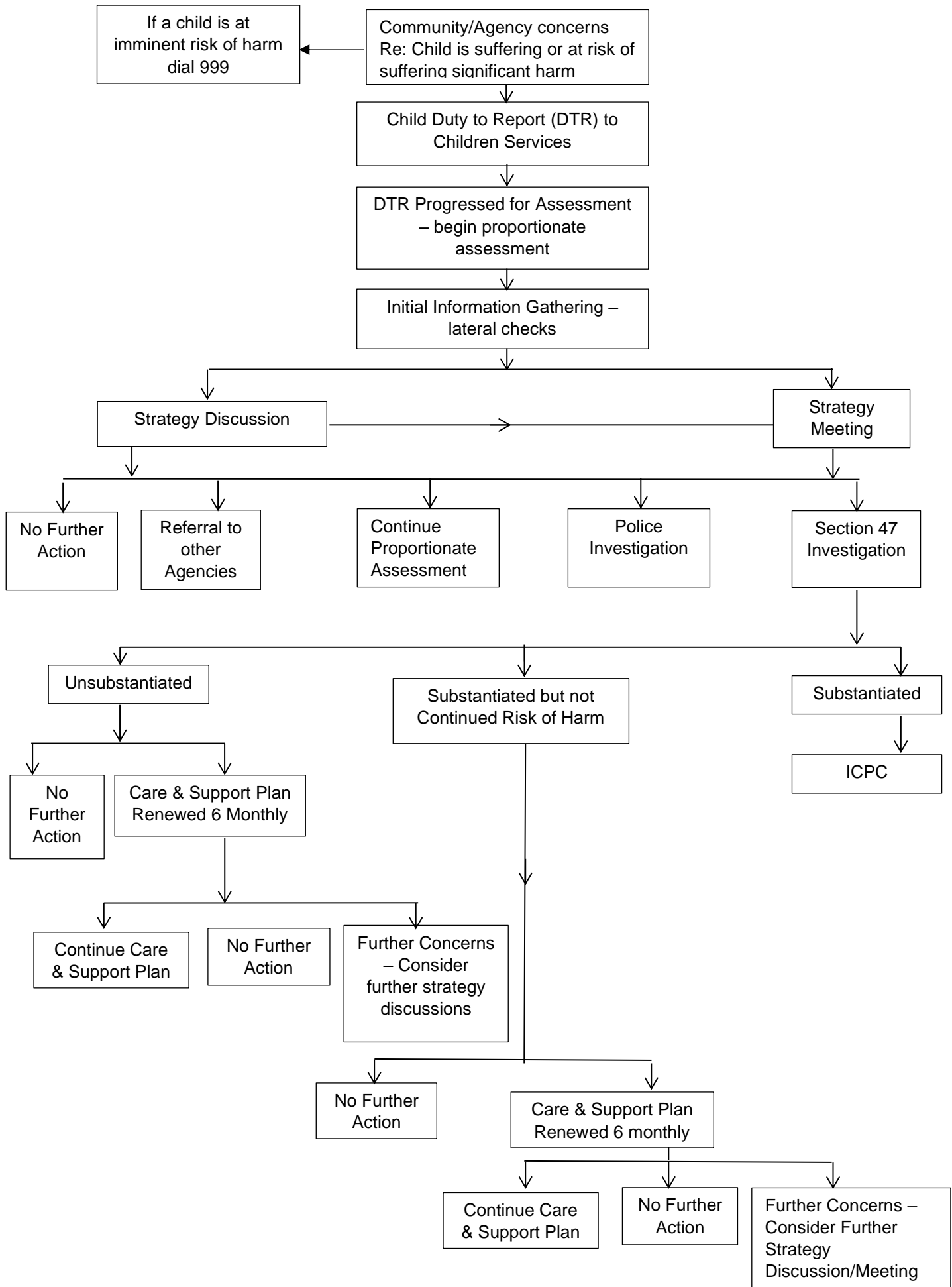
# **SOUTH EAST WALES SAFEGUARDING CHILDREN BOARD**

## **INTER-AGENCY PROTOCOL FOR CONDUCTING SECTION 47 CHILD PROTECTION ENQUIRIES**



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## Process for Managing Inter Agency Responses to Child Safeguarding Concerns



# 1. Introduction

1.1 This protocol outlines the working arrangements between South East Wales Safeguarding Children Board (SEWSCB) and its partners 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 can be found in the following documents:

- ***The Wales Safeguarding Procedures (2019) and any subsequent documents resulting from the review of these procedures -***  
<https://safeguarding.wales/>
- ***Safeguarding Children: Working Together under the Children Act 2004***
- ***Individual agency internal procedures.***
- ***The Framework for Assessment of Children in Need & their Families.***
- ***Achieving Best Evidence in Criminal Proceedings Guidance 2011***  
[Achieving Best Evidence in Criminal Proceedings](#)
- ***Guidance on interviewing victims and witnesses, and guidance on using special measures***
- ***Keeping Learners Safe 2020***

# 2. Underlying Principles

- 2.1 All Members of the SEWSCB, as well as other agencies working to support children and families recognise that the welfare and protection of children is paramount, and therefore will work to safeguard children from abuse and neglect in order to comply with these aims.
- 2.2 All agencies must follow the Wales Safeguarding Procedures (2019), and any future Statutory Legislation and Guidance following the review of these Procedures.

# 3. Duty to Report Process

- 3.1 All staff have a duty to report any concerns suggesting a child may be at risk. These include concerns raised by children and young people, parents and carers, other family members and the local community, whether or not these are anonymous. Reports from these sources must be responded to and given the same weight as any other report.
- 3.2 Should any practitioner have concerns for a child's welfare timely advice should be sought from:

- Their organisation's Designated Safeguarding Person.
  - Their Local Authority Social Service Children Services department.
  - Or Local Authority Safeguarding Team.
- 3.3 Clear notes should be kept of concerns and advice and securely stored as per the organisation's own policy.
- 3.4 If there are urgent child safeguarding issues and a child may be in imminent risk of harm the Police should be contacted via 999 without delay.
- 3.5 If significant concerns persist a verbal report should be made to the Social Services by telephone, giving relevant and accurate names, dates of birth, and details of concerns so that immediate enquiries can be undertaken, and assessments completed. Report makers should also be aware that they may need to be contacted again in order to discuss or clarify concerns following the report.
- 3.6 This information should be followed up by a Duty to Report form (DTR) with full details within 48 hours.
- 3.7 A decision should be made in regard to the outcome of the report within 24 hours of receipt and recorded appropriately.
- 3.8 It is usually appropriate to share concerns practitioners have with families, and to advise them of a report to Social Services, **unless** it is felt that to do so may place the child at further risk of harm, or this may interfere with the collection of evidence, or any subsequent enquiries. Further information around seeking consent can be found in Wales Safeguarding Procedures, Section 2 - <https://safeguarding.wales/chi/c2/c2.p16.html>
- 3.9 Discussion between report maker and Children Services should take place to enable decision taking. Feedback on the outcome of the decision making should be made within 10 working days.

#### **4. Statutory Framework for Response**

- 4.1 Social Services, Children Services Department have statutory lead role in undertaking enquiries and co-ordinating a response in all situations where there are child safeguarding concerns and Section 47 of the Children Act 1989 places a duty on Children's Services to make enquiries in response to any information that suggests a child is at risk of suffering significant harm.

- 4.2 If the resulting enquiries indicate that a criminal act is disclosed then professionals should contact the police, via 999 or 101.
- 4.3 Effective assessment and decision-making can only be undertaken by the lead agencies if accurate and detailed information is shared between all agencies. For those agencies who are asked to contribute to Section 47 enquires please note there is a duty to do so in Wales Safeguarding Procedures, Section 3: part 1 - <https://safeguarding.wales/chi/c3pt1/c3pt1.p10.html>

When handling Complaints from families about the functioning of the Child Protection Conference there is a regionally agreed protocol that should be followed *Gwent Safeguarding Boards Complaints Procedures (2020)* – <https://www.gwentsafeguarding.org.uk/Documents-en/Children/Protocols-and-Procedures/Regional-Documents/Gwent-Safeguarding-Board-Complaints-Procedure.pdf>

Under the Social Services and Wellbeing Act Wales (2014) agencies involved in the conference process are required to share appropriate information and contribute fully.

- 4.4 In line with appropriate Achieving Best Evidence guidance, all staff involved in undertaking Child Protection Section 47 enquiries should have completed the appropriate training and have relevant competence and skills in this area.
- 4.5 Further to this all staff undertaking child safeguarding enquiries/investigations should have regular Supervision with appropriately trained managers in order to ensure oversight of practice and decision taking

## **5. Responding to Duty to Reports, Initial steps and Information Gathering**

- 5.1 Following receipt of a Duty to Report form to the Children Services department a proportionate assessment will commence. Initial information gathering will inform decision taking in regard to the threshold which will be made by the relevant Team Manager/Senior Practitioner within 24 hours as to whether child protection enquiries should be made, or not.
- 5.2 The assessment process should include information gathering such as:
- Checking Children's Services records for all relevant information
  - Confirming information with the report maker

- Contact other agencies including Police, Education, Health, Probation, Youth Service and/or other Local Authorities where relevant, seeking relevant information.
- 5.3 Consideration should be given as to what extent, if any, family members/parent should be involved at this stage of the process including whether the parent or those with parental responsibility should be approached for their consent to 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. 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. Wales Safeguarding Procedures Section 3, part 2, *Working with the child and family during Section 47 enquiries* - <https://safeguarding.wales/chi/c3pt1/c3pt1.p14.html>
- 5.4 When the proportionate assessment has collated information which raises Child Protection concerns a Strategy Discussion should be convened between Social Services and the Police, and other relevant practitioners within 24 hours (such as, Health /education/probation etc.) to decide if the threshold for a SECTION 47 Child Protection investigation has been met, to plan the investigation and to consider which agencies should undertake it.
- 5.5 There are situations where an assessment of risk and protection may need to be undertaken quickly. The purpose of this will be to inform a Strategy Discussion between the Police and Social Services in order to plan an immediate Section 47 Child Protection enquiry. The circumstances in which this might be required include:
- Where there is risk to life or serious harm, which may require immediate action to secure safety
  - Access to child is being refused
  - Parents deliberately frustrate or prevent enquiries in other ways
  - There is the need for a joint visit as a result to investigate a criminal offence.
- 5.6 Consideration should also be given as to whether, and how, the wishes and feelings of the child should be ascertained, and whether a home visit is appropriate or whether the child would be compromised and would need to be spoken to at another location in order to afford the child concerned every opportunity to feel safe and speak openly about the concerns raised.
- 5.7 A Strategy Discussion/Meeting should be held no later than 24 hours after deciding there are concerns in relation to significant harm. If the concerns

warrant it, a Strategy Meeting may be necessary to consider complex issues of risk.

- 5.8 Where a decision is taken not to proceed to a Strategy Discussion consideration needs to be given to what other actions might be taken to promote the child's well-being. The reasons for the decision should be recorded on the child's case file

## **6. Immediate Protection**

- 6.1 In circumstances where children are at immediate risk of serious harm the priority for all agencies is to take immediate action to safeguard that child. Where a single agency has had to act immediately to protect a child, Children's Services must be notified as soon as possible of the action taken so that the Section 47 Child Protection Enquiry process can be commenced.
- 6.2 In light of a child being at serious or immediate risk of harm Police should always consider using Powers of Police Protection. Police can remove a child to a place of safety for up to 72 hours.
- 6.3 Safeguarding the child may be possible by;
- securing the removal of the alleged perpetrator, however this decision should be considered alongside an assessment of the remaining parent or carer's ability to protect the child
  - In other cases, it may be necessary to ensure that a child remains in, or is removed to a safe place by voluntary arrangement or powers obtained under an Emergency Protection Order under Section 44 of the Children Act (89)
  - Legal advice should also be sought where appropriate, to gain a Child Assessment Order when parents / carers refuse to engage.

## **7. Objectives, Initial Strategy Discussions, Section 47 Child Protection Enquiries**

### **Objectives of SECTION 47 Investigations**

- 7.1 The objective of the Investigation 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 additional 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 – i.e., considering whether a place of safety within the family, or with an external party needs to be assessed and secured in order to safeguard the child - to decide whether other action (e.g., support/services) is needed to promote and safeguard the welfare of the child
- consider whether a child protection medical is required, and the
- outcome of SECTION 47 to feed into longer term decision making for the child.

- 7.2 The child must always be spoken to by a Social Worker. The child should always be empowered to participate fully in the Section 47 process, this includes where a child has a disability, in which case the means of communication should be in their preferred medium to maximize their opportunity to participate in the process. In circumstances where a child has additional needs, consideration must be given to the involvement of a practitioner who has expertise in engaging children with specific additional needs. See also 8.9 *Offer of Advocacy*.
- 7.3 Consideration must also always be given to speaking /interviewing all children of the family / household – this should always happen where the alleged abuser is a parent/carer
- 7.4 Additionally consideration should be given to seeing / interviewing any other child that the alleged perpetrator has significant contact with.
- 7.5 In circumstances where permission is sought from the persons with parental responsibility to speak to a child alone and is refused, or cannot be acquired after reasonable steps to obtain, Children Services, in conjunction with the Police, and agency legal representatives, must give careful consideration to the next steps required which may include application for an Emergency Protection Order or Child Assessment Order.
- 7.6 The handling of the enquiries will have been primarily decided by the Strategy Discussion/Meeting (see above) and should follow those agreed actions.

## Initial Strategy Discussion

- 7.7 Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, there should be a strategy discussion involving Children's Services, Police (Police Protection Unit) and the referring agency (and an appropriate member of the Paediatric Team, as appropriate).
- 7.8 Children's Services are responsible for convening the strategy discussion. As the lead agency it is the responsibility of Children's Services Team Managers / Senior Practitioners to chair the discussion.
- 7.9 The purpose of the strategy discussion is to decide what actions are required to investigate the concerns that have been raised. The strategy discussion will plan the initial response to the child protection concerns and will agree whether Section 47 enquiries should be initiated, and how, when and by whom, enquiries are to be progressed, and whether they are undertaken by a single agency or they become a joint investigation with Social Services and Police. See Wales Safeguarding Procedures, Section 3, part 1 - <https://safeguarding.wales/chi/c3pt1/c3pt1.p8.html>
- 7.10 Matters to be discussed at Strategy Discussion and Meetings
- 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.
  - If a Criminal Investigation is required or has commenced planning should be done in conjunction with Achieving Best Evidence Guidance [\*\*Achieving Best Evidence in Criminal Proceedings\*\*](#) Within which the principles of undertaking an ABE interview should be considered, that is joint planning for the initial visits by police and social services, child's capacity to participate, completing the ABE booklet.
  - Agree the timetable for Section 47 Enquiries
  - Agree an action plan for Section 47 Enquiries
  - 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. At this point all relevant children should be considered in regard to medical assessment.
  - 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.

- 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 practitioners not present at the strategy meeting should be informed at this stage
- Consider whether a Child Protection Conference is required
- Agree process for review
- Consider whether a practitioner strategy meeting is required

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

## **Section 47 Child Protection Enquiries**

### *Single Agency Section 47 Enquiries*

7.12 Following initial information sharing at the Strategy Discussion, if there is no further role for the Police or criminal aspects that need to be investigated, Social Services can carry out a Single Agency Section 47 Enquiries. This does not mean that Social Services can not undertake visits to the child or family with appropriate partner agencies such as health or education. However, the responsibility for the investigation and outcome remains with Social Services.

### *Joint Agency Section 47 Enquiries*

7.13 Children Services and Police together carrying out initial enquiries and speak with children, parents, and witnesses. Police and Children Services will always undertake joint section 47 investigations in response to any allegations where a criminal offence may have been committed. Information gathered may be used in a criminal prosecution and therefore Achieving Best Evidence guidance must be adhered to. If Police or Children services disagree on the need for a joint section 47 investigation, actions to safeguard the child or young person must take priority. However, this must be escalated to Safeguarding Leads within the respective agencies so resolutions can be considered.

### *Whether a Medical Examination is Required*

7.14 Consideration should always be given to the need for a medical examination of each child about whom there are concerns. There should also be consideration of the need for other children in the household or in contact with the alleged perpetrator to be medically examined

- 7.15 The person co-ordinating the Investigation should discuss the need for a medical examination with a suitably qualified and experienced Paediatrician or forensic medical examiner/ physician and agree the timing and location of the examination taking account of the best interests of the child.
- 7.16 Although a medical examination is not a requirement in every Child Protection Section 47 Enquiries, it needs to be considered regardless of whether the child has any apparent or visible injuries or appears neglected. The medical examination should only be dispensed with if those managing the enquiry are satisfied that they can achieve the purposes of the enquiry without it. This must involve discussion with the appropriate member of the Paediatric Team.
- 7.17 The purpose of the medical assessment within Section 47 Enquiries is:
- To ensure that the child's health is holistically assessed
  - To re-assure the child about their health and well-being
  - To obtain an assessment about possible indications of abuse
  - To ensure that any injuries or signs of neglect or abuse are noted for evidential purposes
  - To secure forensic evidence
- 7.18 Medical assessments in child protection are highly skilled procedures. The examination should be conducted by a Paediatrician with appropriate expertise in child sexual abuse and/ or a Forensic Medical Examiner (FME) if there is a need to collect forensic evidence.
- 7.19 Ordinarily, the medical will take place after the child has been spoken to, 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]
- 7.20 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. When parental consent is not provided, and the child is deemed unable to give consent for themselves then legal advice should be sought to consider if an application to court is required

## **8. Strategy Meetings**

- 8.1 In some circumstances the initial strategy discussion may agree that a strategy meeting is required depending on the needs / complexity of the case.

The Team Manager/Senior Practitioner in Children Services is responsible for convening the meeting. This should be undertaken as soon as possible.

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

- Concerns of sexual abuse, including possible sexual exploitation, trafficking or where a child displays harmful sexual behaviour
- Concerns re neglect, physical injury, emotional abuse, and pre birth concerns
- Concerns that a child has been reported missing from home, professional's judgement should be used in considering the need for a strategy meeting/discussion based on an analysis of risk, the circumstances of the missing episode, length of time the child has been missing and previous missing reports.
- When a missing child is considered to be at immediate/high risk of harm.
- Children looked after who are reported missing, professional judgement based on the vulnerability and risk to the child/young person must be considered and a strategy discussion/meeting should be held within 24 hours of the decision to hold one. For children looked after who remain missing for 3 consecutive days a strategy discussion /meeting must be held on the 3<sup>rd</sup> day of the missing episode, regardless of assessed level of vulnerability or risk posed to the child/young person.
- Multiple or organised abuse
- Alleged abuse about a practitioner or by a person in a position of trust.
- Concerns that a child is subject of fabricated or induced illness (refer to the Welsh Government guidance document, Safeguarding Children in whom Illness is Fabricated or Induced (2008). In incidents where Fabricated Illness is suspected parents should not be informed of professional's concerns.
- An incident of significant or repeated domestic abuse where the child is present in the household.
- Where Police have used their Emergency Powers of Police Protection to remove a child from a parent or caregiver.
- Where a family subject of an incomplete Section 47 Enquiry 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.
- Where MAPPA (Multi Agency Public Protection Arrangements) have identified potential risks to a specific child.
- In situations where Female Genital Mutilation is suspected.
- In situations where there are concerns regarding Forced Marriage and/or Honour Bases Violence.

8.3 If a strategy meeting is not convened in the above circumstances, the reasons for this should be recorded.

8.4 Further Strategy Discussions would only be held:

- Where the matter has been deferred pending a CP medical and this information is now available and requires further discussion.
- Where the matter is particularly complex and / or there is significant further information to discuss.
- If there is a single agency Section 47 Enquiry by Social Services, Police should be notified by email of the outcome of the single agency SECTION 47 and where relevant, that a decision has been made to hold an ICPCC.

8.5 Section 47 Enquiries Determinations: reference Wales Safeguarding Procedures (2014)

Determination 1: Concerns of significant harm not substantiated - *Safeguarding concerns are unsubstantiated, but consideration should be given to whether the child may have unmet care and support needs. Therefore, recommend a care and support needs assessment under section 20 of the Social Services & Wellbeing Act Wales (2014) or report to preventative services. Decision should be ratified by relevant manager and a 'no further action' letter sent to parents.*

Determination 2: Concerns of significant harm are substantiated but child is not at continuing risk of significant harm - *In the old procedures, where the above was seen to apply, it was suggested a decision not to proceed to a conference should be carefully considered, and a suitably qualified and designated person within social services would need to endorse this decision. This appears to be omitted from the new procedures.*

Determination 3: Concerns substantiated, and the child is judged to be experiencing or at risk of abuse, harm, or neglect - *Continuing risk of significant harm, therefore social services should convene a child protection conference*

### **Recording**

8.6 All agencies will record their involvement within the Section 47 Enquires process from Strategy Discussion to Outcome in line with their own agency procedures and documentation. The document will be retained on the child's file.

8.7 If Achieving Best Evidence (ABE) documentation has been completed this will be retained by the Police. The Police must provide copies of the Initial Contact with the child to Social Services, and this should be retained on the child's file

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

See Wales Safeguarding Procedures, Section 3, part 1: *Recording Section 47 information and key decisions* -

<https://safeguarding.wales/chi/c3pt1/c3pt1.p13.html>

## Offer of Advocacy

- 8.9 As much as possible the child, parents or caregivers should be actively involved in the Section 47 enquiries process. Having access to independent advocacy can help facilitate effective participation.

Parents and carers should be provided with details of how they can access advice, advocacy, and support from independent sources at the earliest opportunity.

Similarly, children and young people should also be involved throughout the Section 47 enquiries process, and it should be recognised children and young people often have a clear perception of what needs to be done to ensure their safety and wellbeing. Children should be listened to at every stage of the child protection process and independent advocacy can help support their effective involvement. Therefore, children should also be given information on how to access advocacy services and other sources of support.

To facilitate effective participation with the child, parents, and carers, as a minimum Social Services should explain the Section 47 process, possible outcomes and how to access to the complaints process with regard to the level of understanding, and practitioners should be prepared to answer questions posed openly, unless doing so would impact adversely on the safety and welfare of a child. It has been found particularly effective if parents/ carers are provided with written details of the above, again with regards to the level of understanding and any specific communication/ language requirements.

See Wales Safeguarding Procedures Section 3, part 1 *Working with the child and family during Section 47 enquiries* -

<https://safeguarding.wales/chi/c3pt1/c3pt1.p14.html?highlight=advocacy>

## 9. Resolving Professional Differences

- 9.1 Practitioners who either do not receive information about the outcome of a Section 47 Enquiries investigation and/or are unhappy about the decisions that have been made to protect a child, have a **CONTINUING RESPONSIBILITY** to pursue an appropriate resolution to their concerns. In the first instance, they should make representations to their own line manager and contact the Children Services Team Manager/ Senior Practitioner in an

attempt to resolve the issues. If this cannot be resolved the Child Protection Co-ordinator within Children Services will discuss and formulate an agreed consensus decision. Consideration should be given to invoking the Resolving Professional Differences protocol in cases where differences cannot be resolved informally. See Gwent Safeguarding *Multi Agency Practice Guidance Resolving Professional Differences* - <https://www.gwentsafeguarding.org.uk/Documents-en/Children/Protocols-and-Procedures/Regional-Documents/GWENT-Multi-Agency-Practice-Guidance-Resolving-Professional-Differences-2018.pdf>

#### **For Information Advice and Assistance Service Children**

Blaenau Gwent	01495 315700	dutyteam@blaenau-gwent.gov.uk
Caerphilly	0808 100 1727	contactandreferral@caerphilly.gov.uk
Monmouthshire	01291 635 669	Childduty@monmouthshire.gov.uk
Newport	01633 656656	Children.duty@newport.gov.uk
Torfaen	0800 328 4432	Socialcaretorfaen@torfaen.gov.uk

#### **Glossary**

**Report** - A report to social services is taken to mean submitting a Duty to Report form (previously MARF)

**Report Maker** - The practitioner or member of the public who reports to social services concerns about possible abuse, neglect of an adult at risk or harm, abuse, or neglect to a child

**Practitioner** - The term 'practitioner' has been used as a blanket term to describe anyone who is in paid employment as well as unpaid volunteers