

Practice issues from Serious Case Reviews

9. Misinterpretation of police decisions not to pursue a prosecution

What is the issue?

Other agencies interpret police not pursuing a prosecution as meaning that child protection procedures are not needed

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When cases involve parallel criminal and child protection investigations, a police investigation will focus on whether there is sufficient evidence to prove that a crime has been committed, whereas child protection enquiries seek to ascertain whether a child is at risk of significant harm.

Our analysis of the SCR reports found one instance in which the lack of evidence for a criminal prosecution affected the decision not to proceed with child protection enquires. In this case, a young person disclosed sexual abuse against an adult relative. There was a police investigation, but insufficient evidence was found to prosecute. Child protection activity also subsequently ceased. There was no multi-agency meeting regarding this decision.

Why does this occur?

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The **SCR report** in which this issue was identified gave the following underlying reasons:

- the lack of a criminal prosecution appeared to be interpreted by the wider multi-agency team as meaning that child protection procedures were not necessary
- the absence of a multi-agency meeting meant that information about the case was not effectively shared.

This document is one of a set of 14 briefings intended to support managers, senior managers and practitioners by:

- identifying difficult issues in multi-agency safeguarding work, focusing on interprofessional communication and decision-making
- exploring why these issues arise, and therefore how they might be addressed.

The briefings are based on analysis of 38 Serious Case Reviews (SCRs) published between May 2014 and April 2015, augmented by information gathered from multi-agency summits in London, Leeds and Birmingham. The summits were held in September 2015 and were attended by 194 practitioners and managers from across children's social care, health, education, police, probation and Local Safeguarding Children Boards (LSCBs).

The briefings are the result of a pilot process that developed and tested new ways that SCR findings can be shared and used to support improvement.

Participants at the three summits also identified a number of underlying reasons for this issue including the following:

Other agencies' understanding of police decision-making

Participants in the summits thought that other agencies lacked understanding of police processes and the reasons why they may not proceed with an investigation:

'If the police decide they aren't going to take action, people don't know on the ground why as there are different processes' (LSCB Manager).

Participants also commented that other professionals may not understand the role of the Crown Prosecution Service (CPS), and the factors they take into consideration when deciding whether or not to prosecute. One participant said:

'Other agencies do not understand, if the Crown Prosecution Service turn it down ... it is not anything less serious. We have had examples where the child doesn't want to cooperate, the police won't support them or pursue case' (Designated Officer).

Understanding of difference between police and social work legal basis

Professionals noted that there are clear delineations between the legal obligations of the police and the child protection obligations of other professionals. Collaboration is important but social work does not need 'endorsement by the police' to act. One participant gave a good example in which, although the police thought there was 'insufficient evidence'

in a particular case, children's social care (CSC) continued with their work based on 'the balance of probability' – so recognising that there are *'different levels of evidence required for criminal proceedings compared to child protection action'* (LSCB Manager).

Some professionals thought that confusion between police and social work roles may be exacerbated by language used in relation to child protection:

'Child protection language is needed. Thirty years later we are still using police investigation language, should be protection language' (Manager).

Influence of victim decisions to proceed

Practitioners commented that sometimes victims do not wish to proceed with criminal proceedings (e.g. in cases of child sexual exploitation). In some areas the police will not pursue these cases, which means that there is a risk of other agencies stepping down also. One representative commented that since high profile sexual exploitation cases, the police have changed their approach to working with victims, *'even where there isn't cooperation'* (Safeguarding Manager).

Role of meetings

Summit attendees emphasised the importance of opportunities for police, health and social care agencies to meet. They reported problems with a lack of multi-agency meetings or key people not attending or being invited. It was thought that a lack of communication between police and other agencies can result in perceived risk being 'downgraded'.

Solutions suggested by summit participants

Participants at the summits suggested the following possible solutions:

- better observation of child protection procedure and less attention on police processes
- increasing professional confidence to challenge decisions and escalate concerns
- better understanding of police and multi-agency roles.

Questions for you to consider

Unpicking the issue

1. Is this issue familiar to you?
2. Locally, is the issue exactly the same as described above? If not, what does this issue 'look like' for you?
3. What good practice is there in relation to this issue? Are there weaknesses you are aware of and how would you describe them?

Why do you think this happens in your local area?

1. Do some or all of the reasons described above apply in your area?
2. Is it an issue that has been identified in local SCRs, audits or inspection feedback? What light have these activities shed on the issue?
3. What knowledge do you have from your own experience about why this happens?
4. What organisational factors are involved locally?
5. How does local culture, custom and practice, within and between agencies, contribute to this?

Thinking through the solutions

1. Have there been previous efforts locally to address this issue? What was the result?
2. Given your understanding of the reasons for this issue, what further actions do you think would be helpful in addressing it?
3. What strengths can you build on, and what are the areas of difficulty?
4. What action would need to be taken at a strategic or leadership level?
5. Who would need to be involved to achieve improvement?
6. Are there any unintended consequences you anticipate for the different agencies and professions involved?
7. How will you know whether any actions have had an impact?

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