



NYSCP Non-Recent, Organised/Complex Abuse Procedures

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College of Policing: Managing Complex Child Abuse Investigations

HM Government: Working Together to Safeguard Children 2018

NYSCP Child Protection Procedures

NYSCP Managing Allegations Against Those Who Work or Volunteer with Children

1. Introduction

This procedure relates to three aspects of safeguarding children and young people:

- the disclosure of non-recent child abuse,
- organised/complex child abuse

The aim of this procedure is to provide information about what action is required by individuals and organisations, if they suspect such child abuse.

All organisations, including those from the voluntary and community sector, who may be asked to contribute to such investigations, need to ensure that they follow this procedure.

These procedures must be implemented in conjunction with other relevant NYSCP procedures in relation to safeguarding children and where appropriate the NYSCP Managing Allegations Against Staff Procedure.

Effective implementation requires robust multi-agency and partnership arrangements and as such the procedure and operational use of it will have oversight and scrutiny from the NYSCP.

2. Aim of the Procedure:

The aim of the procedure is:

- To signpost to the most relevant national and local guidance and strategies.
- To provide clarity on the procedure that should to be followed when a relevant concern is identified; and
- To provide information on the local arrangements in place.

3. Duty to Refer:

All professionals have a responsibility to refer a child to Children's social care under Section 11 of the Children Act 2004 if they believe or suspect that the child:

- Has suffered significant harm;
- Is likely to suffer significant harm;
- Has a disability, developmental and welfare needs which are likely only to be met through provision of family support services (with agreement of the child's parent) under the Children Act 1989;
- Is a Child in Need whose development would be likely to be impaired without provision of services.

3. Non-Recent Abuse (NRA) Disclosures:

Disclosures of child abuse are sometimes made by adults and young people a period of time after the abuse has occurred. For the purposes of this procedure non-recent abuse is determined as where the reported abuse occurred over one year before it was disclosed and/or reported.

There are many reasons for a disclosure not being made at the time and these include:

- Fear of reprisals
- Degree of control exercised by the abuser
- Fear of not being believed
- Not understanding until later that what they had experienced was abuse

As well as achieving some justice, support for the victim and ensuring current risk and safeguarding takes place, those dealing with cases of this nature should bear in mind that even though the offences are termed non-recent, the alleged perpetrator could be in current contact with children and young people as a parent, carer, worker or volunteer.

It is important that responses to disclosures of non-recent abuse are as high a standard of response to any other reported abuse. Wherever non-recent abuse enquiries involve more than one alleged perpetrator or more than one victim, the procedures for Organised and/or Complex abuse must be considered (see Section 4 below).

Guidance relating to managing allegations against staff should be read in conjunction with these procedures and can be located on the NYSCP website and accessed using the following link:

<http://www.safeguardingchildren.co.uk/admin/uploads/practice-guidance/managingallegations-against-staff.pdf>

3.1 Non-Recent Abuse (NRA) Disclosures involving a Child or Young Person: Any non-recent abuse disclosure involving a child or young person must be treated as if it is recent in terms of appropriate response to the child and their needs and NYSCP Child Protection Procedures followed. The risk assessment of such information should also consider the identification of other children who may be at risk and the same principles apply.

Effective sharing of information between professionals and local agencies is essential for effective identification, assessment and service provision. Anyone who has concerns about a child's welfare should make a referral to Children's Social Care. Referrals will NOT be accepted through any other route.

The referral form for a referral to NYCC Customer Resolution Centre is available through the NYSCP website and can be accessed using the following link:

<http://www.safeguardingchildren.co.uk/professionals/forms-for-professionals> If there is any doubt regarding risk contact should be made with NYCC Customer Resolution Centre for advice and/or guidance.

3.2 Non-Recent Abuse (NRA) Disclosure from an Adult:

- When an adult makes a disclosure to a professional that he or she has suffered abuse as a child, the professional to whom the disclosure is made should: Clarify whether there is a child or children who is/are currently at risk from the alleged perpetrator
- Ascertain whether the adult is aware of the alleged perpetrator's recent or current whereabouts and any contact the alleged perpetrator may have with children
- Advise the adult to contact report the police, explaining that there is a significant likelihood that a person who has previously abused a child will have continued and may still be doing so
- Offer the adult support in making contact with the police
- Provide information about relevant support services

Where there are concerns that the disclosure highlights an on-going risk to a child or children then appropriate action should be taken by the professional to safeguard children including contact with relevant agencies (see Section 3.1 above).

Where the professional remains concerned about issues in relation to consent and confidentiality they should report the matter to their line manager or designated safeguarding lead (DSL) or alternatively contact NYCC Customer Resolution Centre for advice and/or guidance.

If there is any doubt regarding risk, professionals must discuss with their organisations designated safeguarding lead or contact should be made with NYCC Customer Resolution Centre for advice and/or guidance.

3.3 Required Response for all disclosures (from an Adult and/or Child):

When a disclosure of non-recent abuse is made the person receiving the information should record the discussion in detail. If possible, they should establish if the victim or referrer has any knowledge of the alleged perpetrator's recent or current whereabouts and whether there is any contact with children.

Whenever the alleged perpetrator has worked or currently works with children or young people and/or is employed by North Yorkshire County Council (NYCC) in any capacity, the NYCC Designated Officer (LADO) must be notified and consulted and the NYSCP Managing Allegations against Those Who Work or Volunteer with Children Procedure should be followed. Other partner organisation procedures should additionally be followed and designated safeguarding leads should be notified in the event of any disclosure that involves a member of staff or volunteer.

In view of the potential continuing risk that the alleged perpetrator may pose to children the person receiving the allegation or concern should make a referral to NYCC Customer Resolution Centre (see Section 3.1 above).

Where it is reported that the abuse in childhood took place in a different local authority the matters should be referred to the Local Authority and/or Police Force in the area in which the abuse is reported to have taken place. Parallel enquiries may be needed if the alleged perpetrator has contact with children elsewhere, but the co-ordination of Local Authority Children's Social Care (CSC) response should be the Local Authority responsible for the geographical area where the abuse is alleged to have taken place.

Where the abuse is alleged to have taken place in a Local Authority managed children's home, residential or boarding school, the Local Authority responsible for running the establishment concerned, irrespective of where the children's home, residential or boarding school is or was located, should be notified.

If the abuse is alleged to have taken place in any children's home, residential or boarding school (including private settings) within North Yorkshire the NYCC LADO team must be notified.

In some cases of delayed reporting of abuse, the responsibility for the running of an establishment may be unclear and in such cases the NYCC LADO team should be notified.

If there is any doubt contact should be made with NYCC Customer Resolution Centre or NYCC LADO Team who can provide advice and/or guidance.

It is important that there is effective communication about the roles and responsibilities between safeguarding partner agencies in such circumstances. NYCC and/or NYP must ensure that the details of any reported cases of non-recent abuse are communicated to the relevant statutory safeguarding partners within another local authority area who have the responsibility to progress the case and provide support to the victim and/or victims.

In view of the potential continuing risk the alleged perpetrator may pose to children, the person receiving the allegation or concern should make a safeguarding referral to NYCC Customer Resolution Centre (or the relevant Local Authority if the risk to a child or children is out of the North Yorkshire area - see Section 3.1 above).

3.4 Local Authority Children's Social Care Responsibilities:

Upon receipt of a report of non-recent abuse the receiving Local Authority should:

- Inform North Yorkshire Police) or the relevant Police Force (if the alleged abuse has taken place out of North Yorkshire area) at the earliest opportunity and establish if there is any information regarding the alleged perpetrator's current contact with children (irrespective of the wishes of the alleged victim as to whether a police prosecution should take place)
- Inform the NYCC Local Authority Designated Officer (LADO) or relevant LADO (if the alleged abuse has taken place out of the North Yorkshire area) if the alleged perpetrator worked or currently works with Children and/or Young People.
- Inform the NYCC CYPS Head of Safeguarding, Children and Families Service if the allegation indicates organised or complex abuse
- Help the victim identify appropriate therapeutic support (taking into account advice from the relevant police force if there is a potential or on-going criminal investigation). The alleged victim may also be a vulnerable adult and access to and communication with specific services for vulnerable adults must be considered.

3.5 Police Force Responsibilities:

The responsible Police Force for an investigation will be the force covering the area in which the alleged abuse is reported to have taken place.

If the alleged abuse has taken place in North Yorkshire contact should be made with North Yorkshire Police

3.6 Transferability of Risk:

Consideration should be given to the possibility of transferrable risk a potential perpetrator may pose in relation to children and young people and vulnerable adults. This is particularly relevant where:

- the potential perpetrator works within the adult sector but the disclosure relates to incidents involving a child victim,
- the alleged perpetrator works within the child sector but the disclosure relates to an adult victim
- the alleged perpetrator works in a position or setting involving both aspects (for example a hospital)

In such circumstances, NYCC Adult Social Care (or relevant LA Adult Social Care if the risk relates to vulnerable adults out of the North Yorkshire area) should be notified and included in any safeguarding and investigative process as well as any related assessment and therapeutic planning.

4. Organised/Complex (OC) Child Abuse:

4.1 Definitions:

Organised/complex abuse is often defined as:

“child abuse involving one or more perpetrators and a number of related or non-related children. The perpetrators may be acting in concert to abuse a child or children; one or more adults may be involved and they may be using an institutional framework or position of authority to recruit children from abuse”

North Yorkshire approach:

During 2020, as a result of learning from NYSCP case reviews, the definition in North Yorkshire has been widened. There can be a number of reasons as to why a case may be considered organised/complex and this can now extend to include one or more of the following:

- where the effectiveness of a partnership response is likely to have a significant impact on the confidence of victims, their families and/or the wider community
- the reported circumstances may attract significant public or media interest
- where the response may require specialist or additional resources that may involve an enhanced level of co-ordination and direction
- where the number of perpetrators and/or victims may require a significant response by more than one partner organisation
- the information indicates a significant level of threat, harm and risk posed to or by children and young people to third parties (high level of threat, harm and risk posed this could be for example where it is suspected that serious criminal acts have occurred, are threatened, are about to occur, or involve acts of preparation).

Organised/complex abuse can occur as part of a network of abuse across a family or community and/or within institutions, such as residential settings, boarding schools, day care, faith groups, sports clubs and voluntary organisations. It can also involve both physical and/or virtual abuse of children and young people through direct contact and/or the use of technology such as mobile phones, computers, games consoles, internet access and the use of social media platforms.

Where there is information that indicates there is a high level of threat, harm or risk to anyone this requires prompt action by professionals and contact must be established with the Police at the earliest opportunity.

This procedure must be read in conjunction with existing NYSCP Safeguarding Procedures and there should be no delay in the submission of referrals using existing safeguarding procedures. The decision as to whether the case fits Organised/Complex Case (OC) Procedures will be made subsequent to any initial safeguarding action.

4.2 General Principles

The single and most important consideration is the safety and well-being of any children and young people involved. As such the emphasis must be given to the safeguarding of children and young people as the primary consideration.

The strategic case management response must also recognise and address any racial, religious, cultural, language, sexual orientation, gender and/or special needs of any child, young person or other individuals involved.

All strategies and protocols should outline the support that will be required throughout the strategic case management period. Learning from cases have highlighted that many children, young people and families have reported the importance of contact being maintained throughout with the same professional(s) and that professionals are suitably experienced and trained to perform the relevant roles.

Cases of organised/complex child abuse are often complicated because of:

- the number of children and/or perpetrators involved;
- the serious nature of the of the abuse;
- timescale over which the abuse has occurred
- the need for therapeutic input,
- the need for joint communication strategies and the complex and time consuming nature of any consequent legal proceedings.

As such, any organised/complex strategic case management response requires thorough planning, good inter-agency working and attention to the welfare needs of all those involved. Partner organisations involved in any Organised/complex strategic case management response requires commitment from all organisations involved to work together in partnership to ensure that all relevant information is shared and that appropriate action is to minimise the risk posed by potential perpetrators to children and vulnerable adults.

Organised/complex abuse strategic case management should be undertaken as a co-ordinated and agreed response between NYSCP Statutory Partners (North Yorkshire Police, NYCC CYPS and relevant Safeguarding Leads within the Clinical Commissioning Group (CCG) Where relevant North Yorkshire Police will involve the Crown Prosecution Service (CPS) at an early stage to provide advice. Respective organisation Safeguarding Teams should have visible support from senior managers within organisations throughout the period the case is subject to case management under these procedures.

A case identified as organised/complex will require the formation of an OC Strategic Case Management Group (SCMG) and may involve dedicated teams of professionals consisting of

safeguarding specialists predominately from NYSCP statutory partners (North Yorkshire Police, North Yorkshire County Council and relevant Health Professionals) for the purpose of the safeguarding response, investigation and support to involved parties. However, other specialist safeguarding professionals may be called upon to support any response by inclusion in either the OC Strategic Case Management Group (SCMG), the formation of a dedicated team or as required.

NYSCP Executive Statutory Partner Leads (Director of CYPS, Assistant Chief Constable NYP, Chief Nurse North Yorkshire CCGs) will be notified by the NYSCP Business Unit as soon as possible, of any case identified as requiring a response under Organised/Complex Case Procedures.

It is for each statutory partner organisation to determine the suitable representation for involvement in the organised/complex abuse case management response group, however, such individuals must be empowered with full decision-making authority on behalf of their organisation.

It is recognised that those who pose a risk to children, young people and vulnerable adults often operate across geographical and operational boundaries and these procedures include the potential involvement of more than one Local Authority, Police Force and Health Authority area. The Organised/Complex Strategic Case Management Group (OC SCMG) will oversee any such arrangements.

4.3 Initial Identification of OC Cases and Required Action:

The early identification of circumstances requiring the instigation of these procedures is critical.

All professionals should be alert to the requirement to consider whether a case requires consideration under these procedures and promptly discuss any concerns with their organisation Dedicated Safeguarding Lead (DSL) or promptly highlight this as part of any referral process. A referral should be immediately referred either to the Police (if urgent) or NYCC Customer Resolution Centre. In non-urgent cases that are already open to NYCC CYPS the case worker responsible for the case should be contacted at the earliest opportunity.

The action outlined in this procedure will NOT delay an immediate action required to be taken by the Police and Local Authority in the discharge of their responsibilities under Working Together to Safeguard Children 2018.

If there is any concern that any manager currently employed by a statutory partner (Police, Local Authority or CCG) are implicated or there is a potential conflict of interest, the matter should be referred directly to;

- the Head of Safeguarding in North Yorkshire Police or Head of Professional Standards (the latter in relation to any police manager).

The Head of Safeguarding or Head of Professional Standards for North Yorkshire Police will take appropriate action, including communication with the relevant statutory partner(s) at strategic level within the organisation.

It is not unusual for organised/complex abuse to emerge from a case already under investigation which was initially perceived as a non-complex case. These procedures will need to be applied as soon as the potential complexities of the case are recognised.

It is important that any new referrals to NYCC and/or NYP are screened by operational teams and considered at the earliest stage as to whether they require consideration under these procedures.

The NYCC CYPS Head of Safeguarding; NYP Head of Safeguarding and Designated Nurse for Safeguarding Children must be notified immediately. In the identified manager's absence, the normal deputising arrangements for respective organisations must be followed.

An initial OC Strategic Case Management discussion must be held by the NYCC, NYP and Designated Nurse for Safeguarding Children leads, within 24 hours of any notification being made to this group.

Where it is determined that the case should be progressed under these procedures, an OC Strategic Case Management Group (OC SCMG) meeting will be convened within 72 hours to share information and agree the next steps. Where further information sharing needs to take place in order to confirm the decision an OC SCMG can be held and the decision deferred.

It is the responsibility of the NYCC CYPS, NYP and the Designated Nurse for Safeguarding Children to agree which named representatives are required to participate in the initial OC SCMG. This should include an appropriate lead communication officer (NYCC and/or NYP) to provide advice as required.

4.4 Conflicts of Interest:

Where professionals are known to be implicated as potential perpetrators of abuse, it is imperative that direct line managers are not placed in a position of conflict through involvement in either the OC Strategic Case Management Group (SCMG) or forming any part of the safeguarding case management response.

An early assessment to determine the scale of the case management response should help to identify such circumstances.

The early assessment should also seek to highlight professionals who may be impacted through personal association (for example with any child or individual involved), or, personal association with any settings or profession involved (for example in an education setting or hospital). This assessment needs to be undertaken to identify any potential conflicts of interest but also to identify welfare issues for the professionals involved.

It is important that any potential conflicts of interest or welfare issues are raised at the earliest possible opportunity. If known prior to a meeting, this should be raised in advance with the Chair. This should be considered as a standing agenda item at the initial and subsequent meetings.

4.5 Confidentiality:

In all organised/complex strategic case management responses it is essential that all professionals involved maintain a high level of confidentiality. Partner organisations involved in such cases will be signatories to the NYSCP Information Sharing Agreement or will be requested to sign the Agreement prior to involvement in any organised/complex strategic case management response and confidentiality arrangements will be highlighted in any case management response meetings.

4.6 Organised/complex Strategic Case Management Group (OC SCMG) Meeting:

To ensure a co-ordinated response an OC SCMG Group Meeting will be Chaired by North Yorkshire Police (or in exceptional circumstances by NYCC CYPS). The group should meet

within five working days of the agreement by the statutory partners. The OC SCM where enacted will act as a steering group to formulate and co-ordinate the required response.

It is a primary responsibility of this group to ensure that the welfare of children and any vulnerable adults are paramount at all times.

A Police Gold group may be held in parallel with the OC SCMG process, however, this should be by agreement between the NYCC CYPS Director and NYP ACC as an additional requirement.

Where an OC SCMG is established the membership must comprise of senior managers that are able to commit to decision making and resources on behalf of their organisation. The OC SCMG must have the following core membership that should remain constant through the strategic case management response process (although there may be a need to add or co-op in other personnel as the strategic case management progresses):

- NYCC CYPS Assistant Director/Head of Safeguarding
- NYP Head of Safeguarding
- NYP Senior Investigating Officer
- Senior Health Representative (Designated Doctor/Designated Nurse)
- NYSCP Safeguarding Manager
- NYSCP Business Unit Manager

The group may also include the following members as necessary:

- Senior Legal Adviser
- Communication Officers
- Other senior professionals relevant to the specific case will be invited as appropriate.

At an initial OC SCMG meeting a protocol for information sharing across all agencies along with a clear communication strategy and a terms of reference must be agreed.

The meeting must take ownership for the leadership of the strategic case management. Whilst the tasks and functions of a OC SCMG may vary from case to case but should also normally include the following:

- The governance of future handling of the safeguarding strategic case management
- The governance for the sharing of information, to ensure that safeguarding teams secure full access to records from all partner organisations affected; individuals holding important information, and to commit all those involved to providing the necessary support to obtain records from any relevant organisations.
- Relevant communication with Regulatory Bodies
- To ensure safety and welfare for those involved in the safeguarding response
- To help ensure that all known or perceived risks to children, young people and families that emerge during the course of the investigation are acted upon immediately, the OC SCMG should develop a risk management protocol and regularly review risk indicators in relation to the subject children.
- An assessment of the information known to date
- Undertake an initial mapping exercise to determine the scale of the investigation and identification of those known to be involved, impacted and/or implicated
- Consider any immediate safeguarding action required
- A decision on the scale of the response, resources roles and responsibilities and action management arrangements

- Identification of key senior leads to manage the safeguarding response, investigation and support required
- Agree the key Communication and Legal leads in support of the OC SCMG
- Agree what information needs to be secure and/or restricted
- Consideration of any cross boundary issues and planning of appropriate liaison and sharing of resources for joint working arrangements
- Review and agree sufficient operational support and technological resources to support the safeguarding response
- Agree an initial safeguarding response, investigative, communication and support strategy
- Consider the communication and support arrangements for affected children, families, settings, professionals and community
- Agreement for support, supervision and de-briefing of resources involved in the safeguarding response
- Timescales for the key stages of the safeguarding response, investigation and support

All meetings held in accordance with this Procedure require accurate records of meetings to be kept. Appropriate information security processes should be applied in the recording and sharing of information.

At the conclusion of the meeting, key strategic leads should be briefed within respective organisations (as agreed at the meeting). This includes NYCC CYPS Director (who will brief the NYCC Chief Executive), the NYSCP Independent Chair and Scrutineer and Senior Communication Leads.

The OC SCMG is responsible for monitoring and reviewing compliance with a criminal investigative procedures Practical guidance should be given to interviewing officers in line with this policy.

Further guidance is contained within the following documents:

See also [Achieving Best Evidence in Criminal Proceedings](https://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf)
https://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf

It is vital that all statements to the media are cleared, via the NYP Senior Investigating Officer (SIO), at the level of the CCM SMG and the SIO must always be made aware of any presentence communications to ensure that the integrity of the prosecution is maintained.

Careful consideration must be given throughout the strategic case management response to the health and social care needs of child victims, adult survivors and families, particularly those may have additional complexities due to being witnesses/potential witnesses.

An OC SCMG must also consider whether independent or third sector agencies operating in establishments (such as residential homes) should be directly involved in, or have knowledge of the strategic management of the investigation. This consideration should include communication with the establishment's regulatory body (such as Ofsted).

A OC SCMG should agree a schedule of dates for future meetings in order to:

- Monitor the progress, quality and integrity of the safeguarding response
- Review and reassess any risk indicators for the children, young people, vulnerable adults, families, settings and professionals involved
- Re-evaluate resource requirements
- Consider the appropriate timing of the conclusion of the OC SCMG

- termination of the investigation
- Review and debrief the strategic case management response and operational practice for any good practice and learning.

An OC SCMG should remain in existence until conclusion of any criminal proceedings, where relevant.

Whilst an OC SCMG structure is in place, progress updates will be provided to the NYSCP Executive and NYSCP SPRG Group.

If during a meeting, the case does not meet the threshold of organised/complex procedures, then the investigation should be managed under normal existing child protection arrangements. If, after further enquiries are made, it becomes clear that the situation is determined as more complex, then a further OC SCMG meeting should be re-convened.

4.7 Associated Procedures:

In addition to other NYSCP procedures, where relevant, these procedures must be implemented in conjunction with the NYSCP Managing Allegations Against Professionals Procedure and can be located on the NYSCB website and using the following link:

Where formed, a CCM SMG should identify those professionals from within and outside their organisations who have the required expertise, skills and qualifications to deal with a complex abuse investigation.

4.8 Crossing Geographical and Operational Boundaries:

It may be evident from the outset or become so during an investigation that there are:

- victims and/or potential victims
- and/or perpetrators and/or potential perpetrators

in more than one geographical area.

At the outset, the responsibility for managing any safeguarding response and/or criminal investigation lies with the Local Authority/Police Force in the locality where any abuse has occurred, where the victim(s) are resident and/or where the potential perpetrator(s) are believed to operate. Where operationally possible, the Local Authority/Police will make the necessary approaches and contact other relevant areas through an established OC SCMG or via the Senior Investigating Officer. There will be occasions where there are urgent safeguarding requirements where this is not operationally possible and OC SCMG should be notified as soon as possible any developments.

Where operationally feasible, once it is recognised that there are potential victims and/or perpetrators in other areas, a joint approach should be made through an established North Yorkshire OC SCMG to the appropriate Police Force, Local Authority CSC and Health partners. A documented agreement should be reached between all parties regarding the responsibility for safeguarding responses, investigative action and support to those involved, within the new geographic area. The original OC SCMG should retain oversight and co-ordination of the investigation. If the numbers of victims and/or perpetrators outside of the original geographic boundary increases to such an extent that that area cannot respond, then a joint investigative team in the new geographical area should be established.

It is essential that there is a joint OC SCMG to provide overall planning. There must be close working between co-ordinators and clear processes for full information sharing.

4.8 Closure:

There must be a clearly defined exit strategy not only in relation to closure of the safeguarding response and investigation, but also with regard to any children, young people and families who may require on-going support at the conclusion of any criminal trial or investigation.

If a potential perpetrator is working or volunteering with children, young people or vulnerable adults the case should be referred to the NYCC LADO Team and, in conjunction with these procedures, managed through the NYSCP Managing Allegations Against those who work or volunteer with children Procedures.

At the conclusion of the safeguarding response and investigation each partner organisation should undertake a review, with a view to identifying any requirement for a partnership or single agency review; changes to policy; practice or processes that may be necessary.

The OC SCMG should have a final meeting where concluding information and debriefing can be shared. The OC SCMG must evaluate the safeguarding response, investigation and support and where relevant an overview report should be compiled with the support of the NYSCB and any good practice and areas for development identified and disseminated accordingly. The storage and security of material relating to the investigation should be agreed.