



Swindon Multi Agency Risk Panel
Operating Protocol
and
Terms of Reference

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1. Terms of Reference: Swindon Multi Agency Risk Panel

1.1 Multi Agency Risk Panel (MARP) Meeting

The MARP does not replace or supersede any current policy or procedure in relation to child protection nor does it singularly address exploitation of children and should be followed in conjunction with current child protection procedures.

No agency should delay action and referrals whilst waiting discussion at the MARP meeting. Action to protect children who are at risk should be a priority for all agencies and the MARP meeting serves as a process to ensure that activity is coordinated, information is shared and the safety plan is quality assured. Each of the organisations engaged in the panel will be expected to agree to implement and adhere to the principles set out in the Terms of Reference.

The monthly MARP meetings provide the framework to allow regular action planning and information sharing for children who are assessed to be at high risk. The risks might be due to episodes of going missing, sexual exploitation or criminal activity. The ethos of MARP is to quality assure the plans in place to keep the child safe, to review the risks in the cases and to focus on the prevention and pursuing of perpetrators in relation to exploitation of children. It acknowledges that the case responsibility for the protection of children sits within the care/ safety planning outside of panel in the 'home' agency/service.

A Strategic meeting of MARP will take place at regular intervals to ensure the opportunity to reflect on the process and effectiveness of the panel.

In the case of each referral discussed at the meeting the chair will check progress and ensure that an action plan has been developed. Intelligence and information shared at the meeting will be recorded on both police and social care systems. This will allow analysis of themes, patterns and trends emerging from MARP. This may include the identification of serial perpetrators and involvement of gangs/groups or premises/locations linked to sexual exploitation and other criminal activity. Analysis and actions developed as a result of this will be brought back to subsequent meetings and action plans developed.

1.2 MARP Meeting Scope

The MARP will consider children and young people up to 18 years old where, upon completion of the Vulnerability Checklist (see appendix A), the risk is assessed to be high.

MARP will take account of statutory duties and powers of partner organisations, including those contained within the Crime and Disorder Act 1998; Section 82 of the NHS Act 2006; the Mental Capacity Act 2005 and statutory guidance to support the Multi-Agency Public Protection Arrangements (MAPPA).

The panel works within the guidance of Working Together 2015 and is not intended to replace or supersede the South West Protection Procedures (SWCPP) Escalation Policy.

The panel cannot develop risk management plans for young people over the age of 18. However it is important to ensure that young people over 18, who are at risk, are safeguarded. For this reason, when young people are discussed at panel before they reach the age of 18 the panel will consider the need for a transition plan and other ways the risks can be managed e.g. by referral to the Safeguarding Adults procedures.

1.3 MARP Meeting Aims

The names of the children being referred for discussion will be circulated to those attending prior to the meeting to enable research and information gathering to be completed and shared at the meeting. This will ensure that all information available within the agencies can be shared. All attendees should be fully prepared to update cases from their agencies perspective.

The MARP process is intended for a sharing of information; a focused discussion and quality assurance re:

- All possible powers and options being utilised to protect the victim and disrupt the offenders
- All agencies working together
- All agencies recording the relevant details of the case on their systems to ensure others have access to the information
- Coordinate with other processes such as MARAC and MAPPA as necessary
- Links/patterns with any cases/locations/venues are identified
- Above all else agencies are working together to make a positive difference to children

The MARP meeting does not have statutory responsibilities for case management decisions regarding cases brought to the meeting; these are the responsibility as set out in statute and policies within each agency.

1.4 MARP Agenda

The agenda for MARP meeting will include:

- Quality assurance of the compliance of actions agreed at previous meetings.
- New cases – summary of information, agencies involved, proposed or identified safeguarding plans for the child.
- Children identified as at high risk of sexual exploitation.
- Missing children identified as being at high risk.
- Children at high risk of criminal exploitation.
- Review cases – progress of case and any issue in relation to this i.e. agencies not participating in case management. Strategic issues in relation to resources etc. (this is not a case management discussion and should be no more than an update from the lead agency and compliance against key tactical options available).
- Sharing of Information from complex strategy meetings or mapping exercises in relation to the cases discussed.
- Identify perpetrators – to ensure all control/disruption measures have been taken and perpetrators have access to appropriate support programmes.

- Identification of Cross border issues – identification of trends, issues, review of joined up working with neighbouring authorities (Strategic Agenda).
- Identify problem locations and trends – issues identified from problem profile, progress against issues identified. Identification of other agencies/departments that may need to be involved (Strategic Agenda).

1.5 Roles and Responsibilities

The Chair's role in each meeting will be to ensure that:

- The meeting stays child focused and on safeguarding children.
- Ensures all agencies are represented at the appropriate level and if not report back to the relevant agency that their service is not being adequately involved.
- All members are offered equity with regard to opportunities to contribute to the meeting.
- The function of the meeting is maintained and it is conducted within the agreed terms of reference.
- Actions are collated and identified.

The members' roles will be to ensure that:

- The information shared is done so in accordance with current guidance and is accurately recorded on each agencies system.
- They attend meetings regularly or send a deputy from their own area of expertise.
- Contribute to the information sharing (see appendix C) which enables the meetings to fulfil their purpose.
- Contribute to the actions agreed during the meetings and provide timely reports on progress and outcomes.

1.6 Membership of the MARP Meeting

Panel membership should include:

- Police
- Children's Social Care
- Early Help Services
- Youth Offending Team
- Sexual Health
- Education
- CAMHS
- Quality Assurance & Review Team
- Probation
- Lay Member

A range of other agencies will be invited to attend when relevant. This may include:

- Drug/Alcohol teams
- Housing
- Community Safety Partnership Representatives

1.7 Notifications made to the Panel

A social worker or lead professional (in consultation with partners) should use the Vulnerability Checklist (*see Appendix A*) to assess the level of risk before considering referral to the panel. Children assessed as high risk children should be referred to panel.

If a young person deemed to be at high risk is placed within Swindon from another local authority, the expectation is that a representative of the placing authority will complete the vulnerability checklist and attend the Swindon multi-agency risk panel. A representative should contact the panel Chair, in the first instance, to discuss the case.

If a young person who has been discussed at MARP is moved to another Local Authority, the case holding team has the responsibility to refer the case to the host Local Authority MARP Equivalent. If there is no such equivalent process, the option is for Swindon MARP to continue to QA safety plan.

Referral checklists should be returned to the MARP Administrator using email (internal):

hrehman@swindon.gov.uk or secure email: hrehman@swindon.gcsx.gov.uk

1.8 Governance

The management and leadership responsibility of the group rests with children's social care, however the other agencies are required to support the work of the MARP as part of their safeguarding and child protection duties to support the local authority.

The Local Safeguarding Children Board has a role in ensuring the effectiveness of services and has a particular interest in CSE. Hence on a quarterly basis the Chair will ensure a written report is made to the LSCB Child Sexual Exploitation and Missing sub group outlining its work and how it is ensuring improved interventions and outcomes for children and young people.

The panel will agree recommendations to be made to the relevant organisations on action to be taken to disrupt and prevent the activities of perpetrators. Effective working together depends on an open approach and honest relationships between agencies. If disputes arise, resolution will be sought in line with the South West Child Protection Procedures (SWCPP) Escalation Policy however the chair of the panel may also escalate any concerns outside of the meeting given their strategic roles.

Each member of MARP is accountable to its own organisation and will report back to their managers as determined by their agency. However the Chair of the Multi- Agency Risk Panel will report to the (LSCB Child Sexual exploitation and Missing sub group on a quarterly basis) as outlined earlier. The business of the Multi-Agency Risk Panel Meetings including issues, decisions, actions, responsible individuals and timeframes for communication will be accurately recorded in minutes.

2. Operating Protocol

2.1 Referral Process

Social workers who have identified a child at high risk, or are concerned a child may be at high risk of exploitation will complete a Vulnerability Checklist List (VCL- see appendix A) to enable reflection on the issues and further discussion with their supervisor to agree the referral to MARP which will need to be completed by Social Worker 7 days in advance of MARP.

Agenda and supporting papers including VCL's for all cases will be distributed 5 days in advance of the meeting. Any paperwork or VCL submitted after the 7 day deadline will not be considered for that month's Panel. It is expected that the child's Social Worker and or supervisor will attend to present initial VCL's and case information.

When a case is to be reviewed the following will occur:

- The VCL will be updated by the Social Worker to identify any key changes.
- If a CHIN/ Core Group takes place between reviews- good practice would be to complete/update the VCL within that setting to ensure there is a multi-agency input of known/suspected risks.
- All forms to be submitted 7 days in advance of the meeting.
- All MARP reviews will be presented by relevant Managers

2.2 Format of Meeting

- Timeframe for review of each case will be agreed at MARP.
- MARP will focus on the 'Pursue' agenda for disruption activities against the perpetrators in each case.
- MARP notes of the meeting will be circulated within 7 days of the meeting.

Initial cases

- Social Care present the key details of the child and the VCL for discussion at panel.
- Multiagency intelligence/ contributions is then gathered.
- Associated risks and level of risk is then agreed by panel as Low/Medium/High.
- Perpetrators - disruption activities and what orders have been thought of is then considered (see appendix E).
- Key reflections and comments are then made to the allocated worker and manager and actions agreed by others as appropriate

Review cases – please note this is for update only

- Recommendations / actions from the previous meeting are reviewed.
- Multi agency update/ intelligence/ significant events since last review are gathered.
- Associated risks and level of risk to be agreed by panel as Low/Medium/High.
- Perpetrators- disruption activities and what orders have been considered is updated.

- Key reflections and comments are made to the allocated worker and manager and actions agreed by others as appropriate.

2.3 Missing Children Who At High Risk

Each month the police identify information regarding children who are at high risk due to going missing (these cases will have already been assessed by ACP/FCP/MASH/ Social Work Teams). Specifically those children:

- Who have been missing/absent for three or more occasions within 90 days.
- Are under 13 years.
- Are missing for longer than 24 hours or away from their home/placement.
- Any other cases identified as high risk by Police where missing is a factor.

Those missing children who are not open cases to Children's Services will be followed up by the Early Help Operational Manager representative on the panel for dissemination to the relevant service for consideration of follow up action.

The identity of these specific missing children will be sent out with the MARP agenda 5 days prior to the meeting which will enable all professionals attending to review what information they may have in preparation for sharing at the meeting.

If during MARP any child protection concerns are highlighted, a referral will be made or the relevant allocated social worker and team manager/supervisor will be advised.

2.4 Children At Risk Of Criminal Exploitation

Each month the Police will share information in relation to children where there are emerging concerns around criminal exploitation in Swindon in the same way as for missing (i.e. names will be shared prior to the meeting). Intelligence sharing is invaluable in preventing and reducing the vulnerability of those children brought to MARP. The information sharing protocol requires intelligence to be shared on a need to know basis, if a child is at risk of significant harm, the usual child protection procedures are expected to be followed. Any child who reaches that criteria and is of high risk in relation to criminal exploitation should be referred to MARP using the VCL.

Information / Intelligence re non-domiciled (from other local authorities) children and young people will be shared at the panel for discussion and record. Information will be recorded on the social cares database for audit trail and information sharing by FCP/MASH as a contact record and referral back to the home borough will be undertaken by the Police. If the child is placed by another Local Authority in care in this area, the usual process referral is to be followed by the placing Local Authority.

2.5 Strategic Planning

The panel will hold strategic meetings on a regular basis to enable reflection and an opportunity to evidence the impact of multi-agency working and evaluate the work of the panel.

The agenda for Strategic meetings will include

- MARP Activity Data- to be co-ordinated by MARP Administrator.

- Measurement of impact of the panel- so what? (To include preventative measures including orders used for disruption of perpetrator activities).
- National trends- CSE and Missing Children Manager.
- Local themes/ Mapping of suspects / associates.
- Strategic service responses.

2.6 Quality Assurance

A quality assurance framework has been agreed for MARP. This will enable the panel to measure and evidence the impact of the panel. At each strategic meeting, quantitative activity data will be presented in relation to children that have been subject to MARP to analyse impact and effect.

Each month MARP will gather information from agencies which will contribute to help the panel to measure the impact of its work. The CSE and Missing Lead will also complete 2 pieces of audit work on an annual basis that will be scoped by outcomes of SCR's or specific practice deficits identified by the MARP.

It is acknowledged that MARP has a role in challenge through the use of the LSCB Escalation Policy and this information will be captured. This Escalation process will also be used in cases where there are practice issues including recording. All challenges will be recorded and analysed by quarterly strategic meetings.

A Quality Assurance sub group for MARP will meet between Strategic Meetings to lead the work to ensure the meeting is effective, to interpret the data we collect and oversee the audits. An action plan will be agreed by the Strategic Meeting and reviewed and updated regularly.

An Independent Evaluation will be commissioned for November 2016.

Vulnerability Checklist 2 (Revised March 2016)

Please complete this form when you are concerned about a child (under 18) who you believe might be at risk of Child Sexual Exploitation, Criminal Exploitation or is persistently missing. It is intended to help you think about what are known to be the risk factors and inform further action required.

To complete this form, you will need to discuss the subject areas with the child and his/her carer/parent and other professionals involved with the family. You will need to make some observations in relation to your assessment of the child's situation. If there is insufficient information to complete a field, please leave it blank.

If the child does not have a Social Worker please submit this form as set out below to Children's Social Care Family Contact Point Tel 01793 466903.

This document is also to be used as a referral into Swindon Multi-agency Risk Panel (MARP). MARP will not replace or override current safeguarding or child in need procedures.

The checklist contained in the document is not exhaustive and should be used to summarise the information held by different agencies involved with a Child/Young Person. It is intended to assist with decisions making and does not remove the need for professional judgement which should take account of factors such as age and maturity of the young person.

If you suspect that anyone is in immediate danger, call the Police on 999.

If a child/young person is currently at risk of significant harm, including from CSE, refer immediately to your local Children's Social Care team.

General Details:

Name and role of worker completing assessment		Agency and contact details	
Child/young person's Name/Alias/Known as		Local Authority currently living in	
Language (s) spoken		Date of Risk Assessment	
Age/DOB		Legal Status: <i>(i.e. at home, In care, under Emergency Protection order (EPO), or under Police Protection Order (PPO))</i>	
School			
Ethnicity		Gender	
Address			

Section 1. Vulnerabilities – factors that are known to make a young person more at risk of being targeted for CSE.			
Involvement with the Youth Justice System? <i>(If yes provide brief details including type of criminality)</i>		Is the child receiving support or services from any other Agency, such as drug & alcohol or mental health services	
Known to Children's Social Care/CP Plan / LAC, now or previously?	Yes: No:	Physical/Learning Disabilities/ Communication disorders	
Migrant/Refugee/ Asylum /seeker/ trafficked?		Sexuality (If known)	
Has sexual exploitation previously been identified as a specific issue for this child? Please provide details	Yes: No: If Yes when:		
Family			
Neglect by Parent/Carer/Family member			
History of/current family domestic abuse <i>(including risk of forced marriage/risk of honour based violence /familial child sexual abuse)</i>			
Physical/Emotional/ sexual abuse by parent/carers /family member			
History of current substance misuse in family			
Poverty or Deprivation			
Family history of mental health difficulties impacting parenting			
Unsuitable or inappropriate accommodation <i>(inc. street homeless, staying with inappropriate adults/ hostel/B&B)</i>			
Breakdown of family relationships			
Family bereavement - Recent bereavement or loss			
Family history of exploitation (criminal or adult sexual exploitation)			
Parents possible perpetrators or groomed vulnerable adults			
Child / Young Person			
Low self-esteem or history of being bullied or of bullying			

Lack of positive relationship with a protective / nurturing adult	
Young carer	
Disconnecting from support networks <i>i.e. family/ friends</i>	
Living in a chaotic or dysfunctional household	
Unsure about their sexual orientation or unable to disclose sexual orientation to their families/ friends	
Living in a gang neighbourhood (<i>postcode gangs</i>) Ethnicity (<i>Bullying or gang ethnicity</i>)	
Gang association either through relatives, peers or intimate relationships	
Section 2. Risk Indicators: Children are groomed and exploited in different ways. It may be difficult for parents, carers and practitioners to differentiate between ordinary teenage behaviour and the risk of or involvement in sexual exploitation but below are some signs that <u>may</u> suggest that the child is being groomed for sexual exploitation or actually being sexually exploited.	
Within family / home / relationships:	
Change in behaviour being more secretive / withdrawn/isolated from peers or not mixing with usual friends	
Increasingly disruptive, hostile or physically aggressive at home or school Including use of sexualised language	
Associating / relationship with significantly older men or women who encourage emotional dependence, loyalty and isolation from safe Relationships (<i>record details of adults i.e. occupation/ description</i>)	
Physical or emotional abuse by a boyfriend / girlfriend or controlling adult including use of manipulation, violence and/or threats	
Associating with other sexually exploited children	
Multiple callers - (<i>unknown adults/older young people</i>) -(<i>Record description /names etc.</i>)	
Estranged from family	
Regularly coming home late or going missing from home, care or education for any period of time (whether reported or not).	
Returning home after long intervals appearing well cared for.	

Health and Mental Health:	
Change in physical appearance (<i>new clothes, more/less make-up, weight gain/loss</i>)	
Increased health / sexual health related problems	
Marks or scars or physical injuries on the body or face which they try to conceal	
Expressions of despair (<i>Inc. depression, mental ill health, self-harm, suicide thoughts/ attempts, overdose, eating disorder</i>)	
Branding (<i>i.e. of gang logos</i>)	
Repeat/unplanned pregnancy or pregnancies (<i>including ending in termination/ miscarriage(s)</i>)	
Sexually Transmitted Infections (STIs) and/or repeat tests particularly with negative results	
Behaviour and experiences:	
Concealed /concerning use of the internet including web-cam, online gaming (<i>via X-box, PlayStation</i>), chat rooms etc.	
Use of Social Media (<i>Facebook, Twitter, Instagram, Snapchat, Whatsapp etc.</i>)	
Exclusion from school or unexplained absences from, or not engaged in school/ college/ training/ work	
Reports of being taken to hotels, nightclubs, takeaways or out of area by unknown adults	
Sexualised risk-taking, including on internet or mobile phone, such as sexting (<i>sending explicit messages or photos to adults or peers</i>)	
Young gay/bisexual exploring sexuality in unsupported way	
Association with gangs	
Increasing use of drugs or alcohol or misuse of drugs or alcohol	
Fear of victimisation from other gangs due to gang affiliation or rivalry	
Constrained by 'rules' of a gang	
Inability to negotiate exit from a gang due to fear/dependency	

Displaying signs of harassment/Unwanted attention	
Fear of gang leaders	
Evidence of sexual bullying and/or vulnerability through the internet and/or social networking sites	
Involved in criminal offending activity (<i>i.e.</i> ASB/criminal damage/theft)	
Unusual association with groups of adults	
Appearance and possessions:	
Unexplained amounts of money, mobiles, credit, expensive clothing, jewellery or other items/gifts	
Having multiple mobile phones, sim cards or use of a phone that causes concern - multiple callers or more texts /pings than usual	
Possession of hotel keys/cards or keys to unknown premises	
Overt sexualised dress	
Incidents: If any of the below are known to have happened and the Police or Social Care are not yet aware you must refer to Children's Social Care/the local CSE Team. Report to the Police in emergencies.	
Child under 13 engaging in sexual activity	
Child over 13 engaging in penetrative sex with someone over 15 years	
Abduction or forced imprisonment	
Being taken to brothels/massage parlours	
Child meeting different adults and exchanging or 'selling' sexual activity	
Entering/leaving vehicles cars with unknown adults	
Frequenting areas known for on/off street sex work	
Receiving rewards of money or goods for introducing peers to CSE adults.	
Disclosure of sexual/ physical assault followed by withdrawal of allegation	
Being taken to clubs or hotels and engaging in sexual activity	

Association with taxi firms/takeaway owners (night - time economy)	
Seen in CSE hotspots <i>(certain flats, recruiting areas, cars or houses)</i>	
Please add any additional information that you feel is unusual/ relevant /concerning	
Other Children who are associated with young person (Please provide details)	
Action/s already taken or to be taken (with timescale):	Done (date) / To be done (timescales) and any appropriate details:
Discuss with line manager	
Initiate Early Help Record	
Contact Family Contact Point Tel 01793 466903 for consultation.	
Refer to Children's Social Care	

Professional assessment of risk
Emotional Health:
Physical Health:
Sexual Health:
Social & Environmental

Young person's view of risk

What do you think needs to happen to make people less worried about you? What would the next steps be to help with this?

Parent or carers view of risk

What do you think needs to happen to make people less worried about you? What would the next steps be to help with this?

Summary:

Please remember to note:

- **What is it that you are worried about?**
- **What is working well? (include strengths, exceptions, resources, goals, willingness, etc)**
- **What needs to happen to decrease risk and improve safety.**

Professional Judgement

With the information you have highlighted and with your knowledge of the family., what is your professional opinion of the level of risk in relation to CSE, Missing and Criminal Exploitation and does the child meet the criteria for a referral to the Multi-Agency Risk Panel.

Referral Yes/No

If not please record the reason for the decision:

Please include child's safety/ care plan here:

Please complete suspect / associate form on next page- It is essential for gathering of intelligence for mapping of suspects/ associates.

SUSPECTS

Do you have any information that might identify an individual who might pose a risk of harm to the child as a result of CSE?

No action will be taken against any person named here based only on the information that you provide.

Please complete the below with any information you may have.

This information needs to be e-mailed to CSEPPD@wiltshire.pnn.police.uk or Multiagency Safeguarding Hubs (MASH) as per your normal practice in relation to child protection referrals to police:

Name or Nickname:			
DOB:	Age:	Gender:	
Ethnic appearance:			
Any distinguishing fixtures: <i>(tattoos, Marks, scars)</i>			
Phone numbers : <i>Any number you may hold or made aware</i>			
Address: <i>Any addresses linked to the person or localities where the child may have been taken</i>			
Any social media you know is using: <i>(Facebook, Twitter, Instagram, Snapchat, Whatsapp etc.)</i>			
Suspected/known links to others who may pose a risk.			
Vehicle:			
Made	Model	Colour	Registration
Is there a risk present to others, i.e. other child/vulnerable adult?			
Why do think this person is a perpetrator and what is the relationship with the victim <i>(if any)</i>			
Are there any risks that cannot be disclosed due to confidentiality/data protection?			
Any other details you have for the perpetrators/suspects.			
What immediate risks does the young person face?			
Refer to Social Care or Police accordingly:	YES	NO	
Immediate strategy meeting:	YES	NO	
Refer to local multi-agency meeting:	YES	NO	
Support agency to complete Early Help Record / Signposting:	YES	NO	

Appendix B Information Sharing Protocol

The protocol affects all staff engaged with work that requires information to be shared with or is given to them by other organisations.

The benefits of this Information Sharing Protocol

- Help remove barriers to effective information sharing
- Provide guidance to assist in complying with legislation
- Help to ensure that consent to share personal information is obtained whenever it is required
- Help to ensure that information is shared when there is a requirement to do so
- Help to ensure that all agencies comply with relevant legislation
- Raise awareness amongst all agencies of the key issues relating to information sharing and give confidence in the process of sharing information with others

Principles of Information Sharing

Effective information sharing underpins integrated working and is a vital element of both early intervention and safeguarding. Each partner can hold different pieces of information which need to be placed together to enable a thorough assessment to be made.

To share information about a person you need a clear and legitimate purpose to do so, as this will determine whether the information sharing is lawful. For partners working in statutory services, the sharing of information must be included within the powers of the service. This will also apply if partners from the voluntary sector are contracted to provide a service on behalf of a statutory body.

Obtaining and sharing information

The sharing of information must have due consideration with the law relating to confidentiality, data protection and human rights. Having a legitimate purpose for sharing information is an important part of meeting those legal requirements. It is important only to share as much information as is needed and records should be accurate, relevant and up to date

Signatories to the protocol may lawfully share confidential information without obtaining consent if this can be justified in the public interest. Judgement is required on whether there is sufficient public interest using the facts of each case individually. Public interest can arise when protecting children from significant harm, promoting the welfare of children or preventing crime and disorder.

Proportionality and necessity are factors to be taken into consideration when deciding whether or not to share confidential information. In making the decision, practitioners must weigh up what might happen as a result of the information being shared against what might happen if it is not and apply their professional judgement.

The nature of the information to be shared is also significant where the information is sensitive and has implications for the practitioner's relationship with the individual, recognising the importance of sharing information in a timely manner if it is in the child best interest to do so.

Confidential information

Confidential information is:

- Private or sensitive personal information
- Information which is not already lawfully in the public domain or readily available from another public source

- Information that has been shared in circumstances where the person giving the information could reasonably expect that it would not be shared with others

Obtaining consent

Consent must be informed, in other words the person giving consent needs to understand:

- Why the information needs to be shared
- Who will see it
- How much will be shared

What are the purposes and implications of sharing, including the impact on the child/young person

Retaining and storing Information

Information must not be retained for longer than necessary for the purpose for which it was obtained.

Signatory services should ensure that they have physical and electronic security in place for the stored data and that there is awareness, training and management of the systems where the information is stored.

Regular review

This protocol will be reviewed at least annually and amended to take account of changes in law, guidance and lessons learned from sharing data.

It is good practice for signatories to set out their policy on sharing information when clients first join a service and when securing information, the process should be transparent and respect the individual. Consent must not be obtained by coercion and must be sought again if there are to be significant changes in the use to be made of the information.

A child or young person, who is able to understand and make their own decisions, may give or refuse consent to share information. This would generally include children aged over 12, although younger children may have sufficient understanding. The child's view should be sought as far as possible. If a child is competent to give consent or refusal but a parent disagrees each individual case should be considered and again professional judgement should be applied.

When assessing a child's ability to understand, practitioners should explain in a way suited to their age, language and likely understanding. Where a child cannot consent, a person with parental responsibility should be asked to do so, on their behalf, although there are circumstances where this might be inadvisable. Where parenting is shared only one person with parental responsibility for a child needs to give consent.

It may not be appropriate to let a person know that information about them is being shared nor to seek their consent to share the information. For example, this would arise when sharing information is likely to hamper the prevention or investigation of a serious crime or put a child at risk of significant harm. In these circumstances, practitioners need not seek consent from the person or their family nor inform them that the information will be shared.

Similarly, consent need not be sought when practitioners are required to share information through a statutory duty or court order. However, in most circumstances they should inform the person concerned that they are sharing the information, why they are doing so and with whom.

Sharing Information Appropriately and Securely

Information should be shared in accordance with the principles of the Data Protection Act 1998

Practitioners should:

- Only share the information which is necessary for the purpose

- Understand the limits of any consent given, particularly if it is from a third party
- Distinguish between fact and opinion
- Only share it with the person or people who need to know and check that the information is accurate and up to date
- Record decisions on sharing information and the reasons for doing so or not
- If deciding to share the information, record what was shared and with who

Appendix C Multi Agency Risk Panel Confidentiality Statement

The purpose of the Multi Agency Risk Panel meeting is to share relevant information and coordinate multi-agency actions to safeguard children and promote their welfare. Information relating to actual or suspected perpetrators of Child Sexual Abuse will also be shared when it is reasonable to believe that doing so will prevent a crime and or safeguard children. In order to assure a co-ordinated response that fully addresses safeguarding concerns relating to child sexual exploitation, all relevant data should be shared and considered by the Panel, as permitted within the stipulations of the Data Protection Act.

Much of this information is protected from public disclosure. The information sharing protocol followed by Swindon Children Services overarching procedures for information sharing and confidentiality is included in the Operating Protocol and Terms of Reference for MARP (See Appendix C)

Swindon Local Safeguarding Children Board's overarching procedures for information sharing & confidentiality can be accessed via www.swindonlscb.org.uk

Attendees at Panel meeting will not disclose any information shared or discussed outside the meeting other than pursuant to the mandated agency responsibilities of that individual.

Public statements about the general purpose of the Panel may be made, as long as they are not identified with any specific case.

The minutes of the Panel meeting are not to be reproduced, copied or divulged in any way. Information obtained at a Panel meeting is not to be discussed or revealed to persons not required in the interests of the child to have access to that information without first obtaining written permission from the source of this information.

It is the responsibility of the individual or agency to ensure the confidentiality of the minutes by making appropriate arrangements for the minutes to be kept in a place of adequate security. If you do not have anywhere secure to keep them, please destroy or return them to the Chairperson.

Appendix D Legal Powers to Disrupt Child Sexual Exploitation (CSE)

A. Council Powers

The following gives an overview of the legal powers available to the council's to disrupt CSE:

1. Injunction under the High Court's inherent Jurisdiction.

The recent case of Birmingham City Council v Riaz demonstrates that the High Court is willing to exercise its inherent jurisdiction to grant Injunction Orders following an application by the Council against perpetrators of CSE. The orders in the Birmingham case included injunctions prohibiting the men having any direct or indirect contact with the child or approaching them in a public place or having any young person under 18 in their car with whom they are not previously associated. The court agreed to allow publication of the names of the persons against whom the orders were made. It is important to note that the High Court does not have jurisdiction to attach powers of arrest to any term of the injunctions, which makes the policing of these orders very difficult.

2. Civil injunction under the Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 gives courts on application by the Council (or the police) powers to grant injunctions for anti-social behaviour against a person aged 10 or above if they are engaged, or threaten to engage in, anti-social behaviour or to prevent them from engaging in anti-social behaviour. The order which can prohibit the respondent from doing anything, or require the respondent to do something described in the injunction has an obvious application for banning individuals who may approach children in public places such as parks or particular localities.

3. Protection from Harassment Act 1997 -- Restraining orders

Restraining orders can be made on application by the Council (or the police) by a court under Section 5 of the Protection from Harassment Act 1997. The court can make a restraining order either on the conviction or acquittal of a defendant for any offence where the court believes a restraining order is necessary to protect a person from harassment.

4. Section 222 Local Government Act 1972.

A local authority can bring criminal or civil proceedings in its own name, including applying for injunctions, where it considers it expedient for the promotion or protection of the interests of the inhabitants of their area. Local authorities may use this provision to enforce their Children Act duties – as such wide-ranging injunctions could be obtained against known perpetrators.

5. Child protection powers

The Council has a duty under Section 47 Children Act 1989 to investigate and make enquiries in relation to children in its area where the Council has reasonable cause to suspect that a child is suffering, or is likely

to suffer, Significant Harm (including through child sexual exploitation) or where a child is subject to a police protection order or emergency protection order. The Council has the power to apply to the court for an emergency protection order for emergency protection of a child (under the age of 17) and/or an interim and final care order which the court can grant if set grounds under the Act are satisfied. If granted these orders give the Council parental responsibility and the power to remove/keep a child in accommodation provided by the Local Authority. Where a child is section 20 accommodated or under an EPO, Interim/final care order the Council can (provided it can satisfy the grounds as set out in the children Act) place a child in secure accommodation for up to 72 hours and can apply to the court to keep a child in secure accommodation for a longer period.

6. Other powers of specific Council departments

There are a number of other powers specific to certain local Authority departments which can be used to disrupt CSE which are as follows:

i. Local Authority Planning Department

Every Local Authority has Planning Enforcement Officers, whose role is to investigate breaches of planning control including unauthorised buildings, unauthorised uses of land and buildings, the regular monitoring of developments for which planning permission has been granted to ensure compliance with the terms and conditions of a planning permission, untidy land, illegal advertisements and the illegal stationing of caravans on land, initiate action and co-ordinate activity to secure removal.

ii. Public Protection Teams

Local Authority Public Protection Teams comprise the three functions formerly known as: Trading Standards; Environmental Health and Licensing. There are numerous detailed and specific powers available to Public Protection Teams as defined in numerous forms of government legislation. These powers can best be summarised as being access to trade premises during business hours usually without giving notice. Typically, this would involve visits to premises for routine inspection, for example: food safety, health and safety, compliance with licensing conditions.

iii. Local Authority Revenues and benefits Team

Local Authority Revenues and Benefits Teams predominately deal with Benefit Fraud in relation to Housing Benefit and Council Tax Benefit as well as investigating DWP benefits such as Job Seeker's Allowance and Disability Living Allowance under the Welfare Reform Act 2007. Each Benefit Fraud Investigator is an authorised officer in accordance with the Social Security Administration Act 1992. They can exercise powers under Sections 109b and 109C in respect of Housing Benefit and Council Tax Benefit. In addition they can exercise such powers under The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013. Under the above powers an employer is legally required to provide any information requested about employees such as wage details, bank details, next of kin, National Insurance number, date of birth, period of employment, address, etc.

iv. Strategic Housing

Under the Housing Act (2004 Parts 1-4) which applies to all residential premises within an area the Council has powers to deal with both property conditions affecting the health and safety of its occupants and the management of such premises. This legislation can be applied to any premise that is being used for residential purposes, for example domestic dwellings, commercial. outbuildings, etc. It can also be applied to deal with empty dwellings.

The Local Housing Authority (LHA) also has a duty to:

- a. Inspect the condition of all housing stock within its area.
- b. Deal with category one hazards and has the power to deal with any category two hazards found within a residential premise and has a range of enforcement powers including powers of entry available to them to carry out this function.
- c. Licence all mandatory Houses of Multiple Occupation (HMOs) within its Borough (HMOs are when five or more unrelated people are living in three or more storeys of a premise).

2. Police Powers

1. Child Abduction notices under section 2 of the Child Abduction Act 1984.

A Child Abduction Warning Notice authorised by a child's parent and issued by the police (or the local authority in the case of a looked after child aged 16-18) warns a suspected perpetrator to stop associating with a named child. As such, the adult is made aware that a concern has been raised about the relationship and that authorities are watching. Abduction Notices can be used as evidence in criminal proceedings that the adult knew the age of the child, which is clearly stated on the warning notice. Moreover, breach of an Abduction Notice can become grounds for the issuing of the new Sexual Risk Order.

2. Anti-Social Behaviour and Crime and Policing Act 2014

The police also have a number of powers introduced by the Anti-Social Behaviour and Crime and Policing Act 2014 to disrupt child sexual exploitation as follows :

- i. A Sexual Risk Order (SRO) is a civil preventative order which the police can apply to a magistrates' court for in respect of a person over the age of 18, if that person has on at least one occasion done an act of a sexual nature and the police have reasonable cause to believe that an order is necessary to protect the public in general or specific members of the public. An 'act of a sexual nature' has not been defined in the legislation and the guidance states this 'will depend to a significant degree on the individual circumstances of the behaviour and its context', which means this order may be used by police and the NCA to disrupt grooming activity. An SRO lasts a minimum of two years and has no maximum duration. Breach of an SRO is a criminal offence, which can attract a term of imprisonment of up to five years.

- ii. A Sexual Harm Prevention Order (SHPO) is a civil preventative order which the police can apply to a magistrates' court for in respect of a person over the age of 18. It can be made against a person who has been convicted or cautioned in relation to a sexual offence to protect any members of the public in the UK, or vulnerable adults and children abroad, from sexual harm, including protecting children from grooming activity. The SHPO must be made for a minimum of 5 years and can be made for an indefinite period if necessary. The order can contain any prohibitions aimed at protecting children and others. Breach of a SHPO is a criminal offence, which can attract a term of imprisonment of up to five years.
- iii. Closure notices: The police can issue a closure notice in respect of premises which they have reasonable grounds for believing have been, or are likely to be, used for activities related to specified child sex offences. The changes mean that closure powers will now capture a wider range of offences relating to child sexual exploitation and the police will be able to take proactive action if they believe the premise is going to be used for child sex offences.
- iv. Child sexual exploitation at a hotel - A police officer can serve a notice on a hotel requiring them to disclose the names and addresses of guests where there is reason to believe there is child sexual exploitation. Failure to comply is a criminal offence.

3. Police Protection order

Under Section 46 of the Children Act 1989 Where a constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may make a Police protection order which gives the police the power remove a child to suitable accommodation and keep them there; or take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which they are then being accommodated is prevented.

4. Police prosecutions

The police can also prosecute for a wide range of offences as listed below:

- Rape of a child under-13 years - Section 5, Sexual Offences Act 2003
- Assault of a child under-13 years by penetration - Section 6, Sexual Offences Act 2003
- Sexual assault of a child under-13 years - Section 7, Sexual Offences Act 2003
- Causing or inciting a child under-13 years to engage in sexual activity - Section 8, Sexual Offences Act 2003
- Sexual activity with a child - Section 9, Sexual Offences Act 2003
- Causing or inciting a child to engage in sexual activity - Section 10, Sexual Offences Act 2003
- Engaging in sexual activity in the presence of a child - Section 11, Sexual Offences Act 2003
- Causing a child to watch a sexual act - Section 12, Sexual Offences Act 2003
- Arranging or facilitating a child sex offence (child under-16) - Section 14, Sexual Offences Act 2003

- Meeting a child following sexual grooming (child under-16) - Section 15, Sexual Offences Act 2003
- Paying for sexual services of a child - Section 47, Sexual Offences Act 2003
- Causing or inciting child prostitution or pornography - Section 48, Sexual Offences Act 2003
- Controlling a child prostitute or a child involved in pornography - Section 49, Sexual Offences Act 2003
- Arranging or facilitating child prostitution or pornography - Section 50, Sexual Offences Act 2003
- Trafficking into, within or out of the UK for sexual exploitation - Sections 57, 58, 59, Sexual Offences Act 2003
- Section 2 of the Child Abduction Act 1984 to be used as standard with all under-16s identified as missing with a named perpetrator where an address is known
- Section 58 of the Sexual Offences Act 2003 must be used for all identified and trafficked under-18-year-old children within the UK, and a referral made to the National Referral Mechanism which is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support

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Swindon Borough Council

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