

IPCC STRATEGY FOR DEALING WITH POLICE CONDUCT MATTERS RELATING TO CHILD ABUSE AND CHILD SEXUAL EXPLOITATION

Background

The IPCC is currently involved in a number of high profile investigations where potential failings in the police response to child abuse and child sexual exploitation have been identified.

It was agreed that a strategy for dealing with these and future cases was needed to ensure that we handle and make decisions about cases relating to child abuse and child sexual exploitation in a consistent and effective way. The strategy should guide our handling of cases while allowing sufficient flexibility for each individual case to be dealt with appropriately on its own merits.

Purpose of the strategy

Having a clear strategy will help us to ensure that:

- there is consistency in the way that decisions are made
- we are able to clearly explain how decisions have been reached
- we have the required capability to investigate issues in a timely fashion and to a high standard
- there is consistency in the way that investigations are approached
- consistent recommendations are made in similar cases
- we are able to respond to the scale of these issues and balance this work against other priorities
- we plan appropriately for how we will work with others in this area

More generally it should also:

- give the public confidence that investigations are being dealt with in a robust and effective way
- ensure that internal learning is identified and shared with investigation teams to help us improve the way that similar cases are handled
- ensure that learning from investigations is fed back to the police service to drive improvement in practice at both local and national level
- ensure that the CPS and forces have the information they need to hold officers and staff to account for their actions
- improve the way we communicate and share information with other organisations and inquiries undertaking work in this area and also reduce duplication of work

Because the IPCC is responsible for confidence in the complaints system as a whole, the strategy needs to cover all cases whether they are independently investigated, managed, supervised or investigated locally by the force.

Definitions

For the purposes of this strategy we will work to the following definitions:

Child abuse: we have adopted the NSPCC definition:

“Child abuse is any action by another person – adult or child – that causes significant harm to a child. It can be physical, sexual or emotional, but can just as often be about a lack of love, care and attention. We know that neglect, whatever form it takes, can be just as damaging to a child as physical abuse. An abused child will often experience more than one type of abuse, as well as other difficulties in their lives. It often happens over a period of time, rather than being a one-off event. And it can increasingly happen online.”¹

Child sexual exploitation: we have adopted the National Working Group for Sexually Exploited Children and Young People definition:

“The sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities. Child sexual exploitation can occur through use of technology without the child’s immediate recognition, for example the persuasion to post sexual images on the internet/mobile phones with no immediate payment or gain. In all cases those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability.”²

Key considerations

We are dealing with a wide variety of types of case which can be split into three broad categories:

- cases where it is alleged the police failed to investigate allegations of child abuse or child sexual exploitation adequately (relating to a lack of competence or thoroughness for example rather than a deliberate action)
- cases where it is alleged that police deliberately did not investigate or failed to carry out adequate investigations

¹ NSPCC (2015) What is child abuse? <http://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/>

² National Working Group for Sexually Exploited Children and Young People. (2008). What is child sexual exploitation? <http://www.nwgnetwork.org/who-we-are/what-is-child-sexual-exploitation>

- cases where it is alleged that a police officer or member of police staff was involved in child abuse or child sexual exploitation

In thinking about our ongoing response to cases involving child abuse/CSE we will consider:

- whether there is any more proactive work we should be doing to increase our awareness of other reviews and work in this area and what issues these may raise for the IPCC
- how we ensure that decision makers are able to make MOI decisions in a consistent way
- how we retain public confidence, regardless of the mode of investigation
- how we identify investigators to lead and be involved in relevant investigations, and how we ensure they have the necessary knowledge, skills and expertise to deal with the issues they may encounter
- whether any amendments will be required to the Investigation Delegation Scheme to reflect the strategy

Once investigations are underway, we will keep under review how we:

- use systems like Holmes to manage all documentation/administration in investigations to track individual officers across multiple investigations
- utilise the expertise available through the proposed new child abuse/CSE external reference group to add value to our ongoing investigations
- share knowledge and learning across investigation teams and feed this back in to the police service
- consider the challenges facing other organisations (including forces and the CPS) and how this impacts on our work
- ensure our findings, conclusions and recommendations are consistent across all investigations
- engage with other inquiries (including the independent panel inquiry into child sexual abuse and Operation Hydrant – the national policing response to these issues) and reviews, so that we can share information to reduce duplication, without prejudicing ongoing investigations

Separately, we need to be mindful of the fact that:

- where a significant amount of time has elapsed since the action or incident in question, it is likely that a number of officers involved will have already left the police
- the IPCC could face criticism if it is perceived as focussing on events which happened in the past at the expense of investigating current issues
- despite the IPCC's expansion it is possible that as more forces complete their own reviews of practice the IPCC will become overwhelmed with referrals which cannot all be independently investigated or managed owing to capacity.

Working with other agencies

A number of other agencies are also undertaking work around child abuse/CSE:

- **HMIC** has on their programme for thematic inspections in 2015/16: “21st century child sexual exploitation and child protection”. They will also be contributing to an inspection led by Ofsted evaluating how local agencies work together to protect children, focusing on specific areas of concern such as the sexual exploitation of children and young people
- **Operation Hydrant** – the “national policing operation established to manage and coordinate the increasing demand being placed on police forces to respond to, investigate and manage risk in relation to non-recent child abuse committed by persons of public prominence or that which took place within an institutional environment.” This is led by Chief Constable Simon Bailey, Chief Constable of Norfolk Constabulary and ACPO Lead for Child Protection and Abuse Investigation
- the statutory **Independent Panel Inquiry into Child Sexual Abuse** is led by Justice Goddard. The purpose of this is to “consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from such abuse in future; and to publish a report with recommendations.”

As part of our work in this area we will consider how we share information with each of the agencies undertaking work in this area, to reduce the risk of duplication but also to ensure that learning from our work is able to drive improvement in police practice.

The remit of the IPCC is set out by the Police Reform Act 2002, which is focused on the actions or failings of individuals. We can only look at wider issues and learning where it arises from an individual case. In principle, the Independent Inquiry is approaching this work from a different angle and even where it looks at specific cases in detail, it will be examining wider institutional and structural issues rather than individual conduct. Our work therefore has the potential to be very complimentary.

Looking at individual responsibility for failings will involve the IPCC taking into account the actions and decisions of managers and this may be valuable evidence for the Independent Inquiry in considering structural, systemic or cultural issues.

Ensuring consistency, capacity and capability

We considered a number of options for how we could address the issues of consistency, capacity and capability. These are explained below but in summary our approach will be:

- to use a list of relevant factors to provide a consistent framework for how mode of investigation decisions should be made
- to allocate mode of investigation decisions to a small pool of people in our Assessment Unit to build knowledge and ensure a more consistent process
- to have a core team to deal with the most serious allegations with other investigations allocated to local teams with co-ordination at a management level and oversight by an investigation board
- to monitor the impact of CSE and child abuse investigations on our ability to deliver other types of investigation to ascertain whether any action is required to increase our capacity
- to take a range of measures to improve our capability to deal with these cases

Mode of Investigation (MOI) decision-making

We first considered how our decisions about the form investigations should take could follow a more consistent process. The first element of this was to develop a list of factors which decision-makers should consider when making a MOI decision. This is not an exhaustive list and the weight attributed to different factors will differ from case to case depending on the individual circumstances, however it provides a consistent framework.

The factors we will consider are:

- how long ago the alleged action or failing happened and whether it is capable of investigation
- whether there is an indication of a current risk to people
- the status of the officer or member of police staff
- whether there is any overlap with any other investigation
- the number of incidents involved
- what is happening now or has already happened with the complaints, complainants or conduct matters
- the nature of the complaint or allegation
- the public profile of, or public interest in, the alleged offence, perpetrator and/or victim
- the confidence the complainant or victim has in the police

- whether there is any indication of systemic failings

The second element was to consider who should make MOI decisions. We have an Assessment Unit where all decisions about referrals are made. We discussed whether referrals about CSE and child abuse should continue be allocated to Assessment Analysts in the same way as other referrals (i.e. they could go to anyone in the unit). However, we have chosen to have a small pool of people within the team who consider these referrals which will help to build knowledge and expertise, track trends and ensure a more consistent process.

See **Annexes A and B** for the full detail and more information about the other options we considered.

How should investigation teams be structured?

We considered how to structure investigation teams to ensure the best use of resources, that we carry out high quality investigations and that there is consistency in the way we approach investigations. We considered dealing with these investigations in exactly the same way as other investigations, allocating them to staff in the local office to deal with without any additional co-ordination. We also considered creating a single team to deal with all investigations relating to CSE and child abuse.

We chose to adopt a model which includes a core team to deal with the most serious allegations and the flexibility to allocate other investigations to local teams with co-ordination at a management level and oversight by an investigation board.

More information about the options we considered can be found in Annex C.

Managing capacity

We considered ways in which we could manage the capacity to enable us to take on work in relation to CSE and child abuse in addition to other types of cases. We considered options which involved deciding in advance to take on a limited number of independent investigations; seeking additional resources (cash and people) externally to carry out the work or re-allocating resources internally from other work.

We believe that at the current time, it is best to make mode of investigation decisions based on the proposed criteria and monitor the impact this has on our ability to carry out other work. If there is any adverse effect on the rest of our business, we will then be in a position to take appropriate action to increase capacity.

The options considered are detailed in Annex D.

Increasing capability

We recognise the need to ensure that our staff have the skills and resources to carry out these investigations effectively. We are taking the following measures to increase our capability:

- creating a national external reference group
- carrying out a skills and experience audit of staff
- creating a knowledge hub to store resources and share information
- putting in place formalised means of communication between investigation teams
- creating an Investigation Board to provide centralised oversight
- implementing a specific quality assurance process to aid consistency of process and shared learning
- carrying out refresher training and update guidance on managed investigations
- reviewing what, if any, additional training is required for this type of case
- creating and actioning development plans for relevant staff

Annex E includes more detailed information about these measures.

Annex A – Suggested factors to inform MOI decision-making

<p>There does not seem to be any viable alternative to having the full range of investigative options available. However, there is a need for a more consistent triage / assessment process taking into account a range of factors to assist in determining MOI. A proposed list of factors to consider is outlined below. This is not an exhaustive list and the weight applied to each factor will differ from case to case depending on the facts of the case. This framework should be used in addition to the referrals assessment framework which is used to inform decision making in all referrals.</p>	
<p>How long ago did the alleged action or failing happen?</p>	<p>What bearing, if any does this have on our ability to investigate? For example, this may affect the availability of information which would be necessary to carry out an effective investigation.</p>
<p>Is there an indication that there could be a current risk to people?</p>	<p>If so, has this been recognised by the police force and have steps been taken (e.g. safeguarding measures) to address these risks. If there is a current risk to people, particularly to children and/or young people because of what has been alleged, it should be more likely to be independently investigated.</p>
<p>What is the status of the officer or member of police staff?</p>	<p>Is this person still serving with the police, retired, deceased? What bearing does this have on our ability to investigate the allegation?</p>
<p>Is there an overlap with any other investigation e.g. a criminal investigation into non-police individuals/organisations?</p>	<p>In some cases there may be a significant link between an investigation into the police and an investigation into other people who fall outside the IPCC's jurisdiction. An independent investigation may not be appropriate in these circumstances to avoid victims and/or potentially vulnerable witnesses being involved with multiple investigations, for example having to give statements about the same incident multiple times to different investigating bodies.</p>
<p>The number of incidents involved</p>	<p>A higher number of incidents relating to a specific individual or force could indicate increased seriousness or sensitivity. It may also have a bearing on the way in which an investigation would be run.</p>
<p>What has already happened or is happening now with the complainants / complaints / conduct matters?</p>	<p>Have any elements of the complaint or conduct matter been dealt with elsewhere or are they currently being dealt with elsewhere? Is there an ongoing criminal investigation by the police or National Crime Agency (NCA)?</p>
<p>What is the nature of the complaint / allegation?</p>	<p>Is it:</p> <ul style="list-style-type: none"> • An allegation that the police failed to investigate allegations of child abuse or child sexual exploitation adequately (relating to a lack of competence or thoroughness for example rather than a deliberate action)? • An allegation that police deliberately did not investigate or failed to carry out adequate investigations? • An allegation that a police officer or member of police staff was involved in child abuse or child sexual exploitation?
<p>The public profile of, or public interest in, the alleged offence or perpetrator</p>	<p>A high public profile or high level of interest may impact on public confidence.</p>
<p>The complainant / victim's confidence in the police</p>	<p>What is known about the complainant or victim's confidence in the police and what, if any, effect does this have on the MOI decision?</p>

Is the complaint or conduct matter capable of investigation?	Is there anything in the circumstances which means that an investigation could not be carried out?
Is there any indication of systemic failings?	If the issue is purely systemic, consideration should be given to whether it could be dealt with more appropriately elsewhere.

Annex B – Who makes MOI decisions?

Option	Pros	Cons
<p>1. Limit the number of people involved in MOI decision-making – SELECTED OPTION</p> <ul style="list-style-type: none"> • All CSE / child abuse cases filtered through a small group of people in Assessment Unit • Decisions made by Head of Assessment Unit in consultation with lead Operation Managers (OMs) on CSE/CA and lead commissioner(s) • There will need to be an agreed way of getting these cases to the right people 	<ul style="list-style-type: none"> • Key factors in the decision more likely to be consistently picked up and highlighted for decision-making • Small group would contain information while also allowing for discussion with others who have knowledge • Small group of analysts allows for resilience • Allows for themes/trends to be picked up across forces • More likely to have a consistent approach to decision-making with fewer people involved • Build-up of knowledge will facilitate quicker decision-making • Lead OM and commissioner would have overarching knowledge of ongoing and previous cases • Small group of decision-makers will be more easily able to explain why different decisions have been made in relation to specific circumstances 	<ul style="list-style-type: none"> • This could limit exposure of assessment analysts to other types of case, reducing breadth of knowledge • Increased exposure to potentially distressing material for certain members of staff • Limited knowledge of local issues with force • Would still be likely to require consultation with local Operations Manager regarding resources • There could be practical issues with doing this if we are receiving a large number of referrals
<p>2. Retain current system.</p> <ul style="list-style-type: none"> • Single Points of Contact (SPOCs) for identified forces where we have had a number of referrals, all other referrals being dealt with by whole team of assessment analysts • Decisions made by Head of Assessment Unit in consultation with local OM and commissioner 	<ul style="list-style-type: none"> • SPOCs are already in place and have knowledge of force issues and decisions made • Availability of whole pool of assessment analysts could support quicker assessment of referrals at this level • Local OM and commissioner will have better knowledge of local issues with force • Local OM will have knowledge of what resources are available locally 	<ul style="list-style-type: none"> • Any knowledge or learning built up will be more thinly spread across a wider pool of people • Less likely to pick up trends and linkages between cases if the only element of consistency is the Head of the Assessment Unit • Risk of more inconsistent consideration of decisions with more people involved

Annex C – How should investigation teams be structured?

Option	Pros	Cons
<p>1. A single team leading all child abuse/CSE investigations - tasking out additional work to other resources in the organisation as required</p>	<ul style="list-style-type: none"> • Centralised knowledge • Build expertise • Identify trends and linkages • Increased consistency • Training can be delivered to those who need it quickly and in a focussed way 	<ul style="list-style-type: none"> • Location issues – cases all over England and Wales • Emotional effect on staff • More tricky to manage fluctuations in workload (moving people in/out of central team) • High demand on a single team could cause delay to cases
<p>2. Investigations being carried out in the same way as any other investigation in local offices with a central “challenge group” providing challenge and a consistent quality control function across all investigations. Investigation decisions would be made by the local commissioner.</p>	<ul style="list-style-type: none"> • Geographically closer to deal with forces/witnesses etc. • Challenge group could help identify issues of consistency, linkages etc. • Easily adaptable to fluctuating workload • Local knowledge of force issues • Investigation decisions being made by local commissioner will help timely decision making 	<ul style="list-style-type: none"> • Less opportunity to build knowledge • More difficult to share information/learning • More risk of inconsistent decision-making • Potentially heavy requirements of challenge group
<p>3. Central co-ordinating “board” – 1 or 2 OMs providing oversight and deputy chair and 1 or 2 lead commissioners – with investigations being delivered by local offices. Investigation decisions would be made by the deputy chair or a lead commissioner.</p>	<ul style="list-style-type: none"> • High-level decisions made in a consistent way by ops managers / commissioners • Investigation teams geographically closer to deal with forces/witnesses etc. • Easily adaptable to fluctuating workload. • Centralised management oversight can co-ordinate sharing of learning • Would provide senior level oversight of managed investigations • Could be used for transparency and accountability with notes where appropriate published on IPCC website 	<ul style="list-style-type: none"> • Single commissioner loses benefit of local commissioner force knowledge • Potentially a large number of investigations for the board to retain oversight of • Oversight by deputy chair or a single lead commissioner could cause delay to case decision-making compared to local decision-making

<p>4. Central team taking the lead on CSE / CA cases and dealing with the most serious while other cases are dealt with by local teams. An Investigation Board will provide oversight of everything. There would be a nominated lead commissioner. SELECTED OPTION</p>	<ul style="list-style-type: none"> • Includes the centralised expertise and oversight of options 1 and 3 • Allows for the application of the investigation delegation scheme to individual cases • Allows flexibility of allocation of resources • Allows investigation team to be located close to the force where appropriate. • Part of the remit of the Investigation board could be to look at capacity and capability and to meet with external experts providing non-case specific advice 	<ul style="list-style-type: none"> • Potential for a disconnect between the central team and local teams • Potentially a large number of investigations for the board and central team to retain oversight / involvement
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Annex D – Managing capacity

Option	Pros	Cons
<p>1. Carry out a limited number of independent investigations with the majority that need IPCC involvement being managed or supervised.</p> <p>This would have limited impact on current expansion plans.</p>	<ul style="list-style-type: none"> • Enables us to have involvement in a larger number of investigations • Robust management and co-ordination between investigations can aid consistency and linkages between investigations • Resources for independent investigations can be focussed on those cases where we believe there is more difficult with the police investigating themselves 	<ul style="list-style-type: none"> • Resources required for management can be underestimated • Limited experience of managing investigations as we have not been doing many recently • Public confidence in police ‘investigating themselves’ • If there are senior officers who have previously been in forces where issues have arisen then this could affect our ability to appoint them as a credible IO in their current forces • Managed investigations will still impact on our ability to resource independent investigations • Under current Home Office proposals it is possible managed and supervised investigations will cease to exist
<p>2. Increase the capacity to carry out most investigations independently by seeking resources (cash and people) externally.</p> <ul style="list-style-type: none"> • Offer secondments to staff from similar organisations e.g. PONI, PIRC. • Offer secondments to police officers. • Offer secondments / short term contracts to people with specialist backgrounds e.g. child protection workers. <p>This would enable CSE / child abuse cases to be investigated independently without significant impact on current expansion plans.</p>	<ul style="list-style-type: none"> • Increases capacity • This could be used not only as way to increase capacity but also capability by seeking people with specific skills 	<ul style="list-style-type: none"> • We don’t know what, if any resources may be available from these sources • This would require additional funding. PCCs and chief officers may question any further charges in light of top slicing already carried out • No knowledge of PRA or IPCC systems/processes – would require training and support which would in turn impact on resources • Public confidence/perception issues with us bringing in police officers to conduct independent investigations • Risks of association, however remote, may be important presentationally

<p>3. Increase the capacity to carry out mostly independent investigations by making use of existing resources.</p> <ul style="list-style-type: none"> • Look at staff who will be coming back from Hillsborough or whose contracts may be ending and could be extended. • Use more CWM support to input to investigations <p>This is likely to adversely impact on other IPCC business</p>	<ul style="list-style-type: none"> • Staff already have knowledge of IPCC processes and ways of working • Could introduce some good practice from other areas • Making use of skills available internally 	<ul style="list-style-type: none"> • This would impact on the delivery of other work, as existing staff (including those returning from Hillsborough) would be otherwise engaged in other investigations or appeals work
<p>4. Balance competing priorities (expansion and CSE/child abuse cases) by making decisions according to the proposed MOI criteria, with the most serious and sensitive being investigated independently. SELECTED OPTION</p>	<ul style="list-style-type: none"> • It may be right that these are among the most serious and sensitive cases the IPCC sees and should take up a large proportion of our resources • Monitoring will allow action to be taken at an early stage if other types of work are suffering in order for the IPCC to be involved in all the CSE/CA cases we think we should be involved in 	<ul style="list-style-type: none"> • If this type of case is more complex than we had foreseen, it could mean the total number of investigations we are able to carry out is reduced • This would require us to re-visit the MOI, seek additional funding and/or negotiate new targets with the Home Office

Annex E – Suggested measures to increase capability

<p>There will be a need to ensure that staff have the appropriate skills, training and support to carry out these investigations. Some suggested measures which could be taken are listed below.</p>	
National external reference group	A reference group would provide us with a forum to engage with external experts and to seek advice on our strategic approach to this work. A proposal with some options for what this group could look like is set out in a separate paper.
Skills / experience audit	To identify where there are already skills and experience in dealing with such matters and how current these are.
Knowledge hub	A SharePoint based site could provide us with a platform to store resources and to enable investigators to share information. A proposal for what this could look like is attached at Annex F.
Formalised communication between investigation teams	The proposed knowledge hub could provide a repository for information but there would be value in those involved in these investigations meeting on a regular basis to share learning and experiences as they could be anywhere in the country and this may not happen naturally.
Investigation Board	Leads from areas such as the Commission, press, legal and policy to provide input and try to ensure consistent advice from these areas and reduce duplication of work.
Quality assurance	A small consistent group of people who carry out all quality assurance activity in CSE/child abuse cases will help to identify where there is potential for inconsistency in the different investigations and address this. It could also contribute to shared learning.
Refresher training and/or guidance on managed investigations	Clarifying what the expectations are of IPCC investigators when managing an investigation and assisting them in explaining this to the forces they are managing.
Review of what, if any, additional training is required for this type of case	A simple example which has already arisen is the terminology used by the police about CSE / child abuse – acronyms etc.
Create and action development plans for relevant staff	Based on skills audit and review of training.

Annex F – Proposal: Child abuse/CSE knowledge hub

Background

Early engagement with commissioners leading on cases involving child abuse/CSE and a number of enquiries from lead/other investigators working on relevant cases has suggested that it could be beneficial to develop a SharePoint site to collate key resources and enable information to be shared between investigators. This is an interim measure while the Knowledge and Information Management project is developing.

Proposal

It is suggested that a child abuse/CSE knowledge hub could contain:

- **Copies of historic/current national guidance, legislation and codes of practice relevant to the investigation of cases involving child abuse/CSE.** Materials could be obtained from key points of contact at the College of Policing and other organisations to ensure that investigators have access to the correct materials. Materials no longer available in the public domain could be stored for ease of reference by all investigators.
- **Copies of relevant eLearning packages and training standards developed by the College of Policing (and its predecessor bodies) relevant to the investigation of cases involving child abuse/CSE.** Materials could be obtained from key points of contact at the College of Policing and other organisations to ensure that investigators have access to the correct materials.
- **Links to relevant resources, guidance reports and training materials produced by relevant groups or organisations which could be used by investigators to develop their awareness of key issues or identify good practice.** Some initial work would be needed by the policy team to identify and upload initial content.
- **A news section enabling us to retain a corporate memory of new or emerging developments relevant to our work in this area.** Limited horizon scanning would be needed to support this but it could provide a useful resource for investigators or to support wider watching brief area work around children and young people.
- **A list of relevant closed and ongoing cases involving child abuse and CSE.** This would help us to maintain oversight of ongoing cases. This would help investigators to see where relevant investigations have been undertaken historically. This list could also be strengthened by including details of recommendations made to forces historically which would be of wider benefit to investigators when developing final reports.

Resources

Resource would be needed from the policy team to set-up and maintain the SharePoint site, however it is envisaged that the site could grow organically if

investigators are encouraged to upload and share key resources or information which they find during the course of their work