

argyll & bute



Argyll and Bute Protocol on
investigation of allegations of historic
abuse

ARGYLL AND BUTE PROTOCOL ON INVESTIGATION OF ALLEGATIONS OF HISTORIC ABUSE.

Introduction

The term historical abuse refers to reports of neglect; emotional, physical and sexual abuse which took place before the victim was 16 (or 18, in particular circumstances) and which have been made after a significant time lapse. The complainant may be an adult but could be an older young person making reports of abuse in early childhood. The reports may relate to an individual's experience in the family home, community or while they were a looked after and accommodated child in a residential, kinship or foster care setting.

Individuals may report historical abuse in the context of a therapeutic or counselling setting, within the statutory or third sector. Others may report historical abuse directly to the police, social work services, health or education. It is possible that the person reporting historical abuse may not be a direct service user but a parent/carer, partner or other family member of an individual accessing these services.

Professional's responsibilities

Any reasonable concern that a child may be at risk of harm will always over-ride a professional or agency requirement to keep information confidential. All service providers have a responsibility to act to make sure that a child whose safety or welfare may be at risk is protected from harm.

Service users should always be made aware of the circumstances when confidentiality needs to be breached, preferably during the initial stages of contact with a service.

When a report of historical child abuse is received by any agency/ professional, consideration needs to be given to the investigation of any current child protection concerns. This should include determining whether there are any children potentially still at risk from the suspected perpetrator(s). This may be in a professional capacity such as in a residential or foster care setting, within a personal family setting in the wider community, within other institutional settings or a combination.

It is not uncommon for individuals to report historical child abuse to practitioners in a therapeutic setting but to be unable or unwilling to go to the police. Consideration should be given to whether the individual requires support and protection as an adult at risk of harm.

Key messages from practice

- Allegations of historic abuse must always be taken seriously
- Allegations of historic abuse cannot be kept confidential and need to be shared to determine whether other children may currently be at risk
- Child sexual exploitation is hidden and young people will often not disclose, or may not recognise their abuse at the time

- Child sexual exploitation is sexual abuse even where the victim may not see it as such or may feel responsible – no child can consent to their own abuse
- Perpetrators of historic abuse may have significant access to children now
- Historic allegations may indicate a need to protect children currently exposed to risk
- Victims of historic abuse may need access to additional support or counselling and other services

Responding to allegations of Historic Abuse

Services supporting or taking part in investigations relating to individuals reporting historical abuse should be mindful of potential barriers to making a report. These may include the fear of not being believed or that the investigating agencies may side with the abuser(s), especially if the abuse has happened within a care setting.

As with all investigations into suspected or reported abuse, the agencies involved should take a measured, planned approach that balances current child protection risks with support for the individual. Multi-agency communication and collaboration is vital and services should be proactive in ensuring they have a clear understanding of each other's roles and remits.

Individuals reporting historical abuse should be offered ongoing emotional support and agencies should provide or access sources of support both during and after the investigation, as needed.

Practitioners need to be aware that it is not uncommon for a person to experience an increase in post-traumatic stress disorder symptoms as they are questioned about their abusive experiences. Services should be mindful of how this may impact on an individual's ability to convey essential information to inform the investigation.

Key to the investigation of reports of historical abuse is access to relevant records, including those relating to, for example, former staff in residential care settings and foster carers. Locating and retrieving records can be a challenge and the quality and level of detail may vary. Each agency should have clear protocols on record-keeping and record management, including record retrieval.

Where investigations into reports of historical abuse suggest that the reported abuse was part of a wider organised network or involved multiple abusers, agencies should follow the national guidance on managing complex child abuse investigations.

Actions on receiving an allegation of historic sexual abuse.

Where any practitioner receives information which indicates a possible disclosure of historic abuse this must be recorded and discussed with a supervisor, child protection adviser or equivalent at the earliest opportunity.

The supervisor or child protection adviser will contact the police and share the concerns. The Police will convene an Initial Referral Tripartite Discussion (IRTD) to agree how the allegations will be responded to.

The IRTD will be chaired by an appropriately trained officer of supervisory rank, involve a Locality Manager and nominated representatives from Education and Health. Where the allegation indicates that the abuse was perpetrated by a member of staff or within a service setting, including residential or foster care, HR from the relevant organisation will also be involved.

The IRTD will consider how the allegation of historic abuse needs to be investigated and seek to identify any children currently potentially at risk. See IRTD guidance for further information available on the HUB or the website at <http://www.argyll-bute.gov.uk/social-care-and-health/protocols-and-guidance> .

Where the IRTD identifies a requirement to make further investigations into allegations of historic abuse an interagency investigation team will be established to oversee all enquiries and will be responsible for the investigation through to its conclusion and for ensuring that any victims receive appropriate support.

Where the IRTD identifies that there may be children currently at risk and there is no requirement for immediate protective action, a Child Protection Case Discussion will normally be convened.

The Social Work Practice Lead with responsibility for enquiries into children potentially at risk will always be a member of the historic abuse investigations team to ensure coordination of actions.

Retrieval and Sharing of Records

Many investigations of historic abuse will require access to historic records and will require all partner agencies to undertake detailed searches of all historic records including archives. This can be complex and frustrating ensuring every possible avenue is exhausted. It may be necessary to request records from voluntary agencies e.g. where a child was placed by the local authority in a residential establishment run by a voluntary agency.

Where records are being shared between agencies as part of an investigation e.g. with Police or Legal Services, agencies must take a view on what information it is necessary/appropriate for them to share and only provide a copy/copies of that information. They must securely retain the original. Where investigations proceed to a prosecution access to originals may be required.

All records shared with the Police may be shared with the Procurator Fiscal; all records shared with Social Work may be shared with SCRA or used in court where statutory measures are required to protect a child.

No agency receiving records from another agency should pass them to another party in any other circumstance without the knowledge and permission of that organisation and any transfer or disclosure of documentation should adhere to the requirements of the Data Protection Act 1998 and this Information Sharing Protocol.