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| Case 05 Issue 39 – Child sexual abuse | | LEARNING THE LESSONS |
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Failure to adequately follow up concerns within a family

Officers fail to pursue an investigation following concerns raised, raising issues about:

- *Recording and passing information on*
- *Considering risks posed to all vulnerable people in contact with a suspect*
- *Prioritising the progression of an investigation*

This case is relevant to the following areas:

Public protection



Investigation



Overview of incident

Ms A contacted the police on 999 to report a concern for two of her nieces, Miss B and Miss C. Ms A told police she believed her sister's (Mrs D) partner, Mr E had been having an inappropriate relationship with Miss B since she was 13 years old (she was 23 years old at the time of this call) and also had concerns about her younger niece, Miss C, who was five years old. Miss B was the daughter of Mrs F and Miss C was the daughter of Mrs D.

Ms A told the IOPC she had longstanding concerns that her sisters' partner, Mr E, had been abusing her niece, Miss B, for over 10 years. She said she reported her concerns to police after speaking to a niece who had informed her of a text message which referred to Miss B terminating a pregnancy. Ms A said "This was the first evidence I had that could confirm my suspicions." She also said her earlier suspicions were based on the fact that Mr E and his partner would often visit Miss B's home and that this was always instigated by Mr E. She also said that on one occasion Miss B had lied about her whereabouts and it later transpired she had been at Mr E's home. She said Mr E had suggested Miss B had visited another friends' house but Ms A now believed he was lying.

Ms A told the IOPC that over the last 10 years she had attempted to encourage Miss B to report Mr E to the police but had been unsuccessful.

Ms A recalled discussing her concerns with a police officer a few days after her initial phone call to police. She said it was likely she would have told them Miss B's address and that she would have expected them to approach them with caution. She said she could not recall telling the police officers to keep her report hidden from her family. She said she may have told them not

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to inform Mr E but recognised it would have been impossible to investigate her concerns without telling her family she had contacted police. Mrs A said she recalled the police officer saying he would contact Miss B and would look into her concerns.

Evidence showed that PC G, PC H and PC I visited Mrs A. The IOPC requested witness statements from all three officers. PC G and PC I said they could not recall the report.

PC H made contemporaneous notes of the visit in her pocket notebook (PNB). These notes explained that Miss B and her sister Miss J lived with their aunt, Mrs D, and her partner Mr E, when their mother Mrs F was detained under the mental health act.

Within her pocket note book (PNB) PC H recorded that around 15 years previously, when Miss B was 13, Mr E and Miss B had “too close relationship”. Her PNB entry referred to Miss J and Mrs F witnessing Mr E and Miss B kissing around this time. It also recorded that a few years later Miss B overdosed around the time she sent a text to Mr E stating she had to get rid of a baby and referenced an incident in which she had lied about her whereabouts and later admitted she had stayed with Mr E.

In a further statement to the IOPC, Mrs A explained that around the time of her report to the police she became aware that another of her nieces, Ms L had sent explicit photos to Mr E when she was 16-18 years old. Mrs A could not recall if she disclosed this to the police.

Following this, PC I created an incident log to record Mrs A’s concerns. PC I documented that Mrs A had suspicions about Mr E for a while but “never felt she had sufficient evidence to support any sort of allegation.” She wrote that Mrs A believed Mr E to be of “bad character”. Information about key incidents were not included in the log. However, PC I did record that Mrs A had claimed Miss J had once witnessed Mr E viewing pornographic material while in his care, Miss C had witnessed Miss B (aged 13-14) and Mr E kissing on a number of occasions and Miss C recalled Miss B regularly sitting on Mr E’s lap. PC I also noted that Mr E exhibited inappropriate behaviour towards Miss B when she was hospitalised for an overdose.

PC I recorded that Mrs A wanted to remain anonymous but kept up to date on the investigation. She also recorded that, at that point in time, Miss B and Miss C were unaware Mrs A had contacted the police and Mrs A believe they would “categorically deny” anything to do with Mr E if police were to speak to them.

PC I added the family’s details onto the log and recorded that Miss B and Miss C were vulnerable and intimidated victims and witnesses because they were under 18 years of age at the time of the alleged offence.

The log also indicated that response officers conducted primary checks on Mr E which found he had been the subject of a similar allegation around five years previously. This allegation was not progressed due to the Crown Prosecution Service’s concerns about the interview. PC I recorded that the risk to Miss B was low at that point in time.

PC I discussed the report with A/DS M who told the IOPC she was working in a Police Conference Liaison officer role at the time. She said this role “did not involve the day-to-day investigation of offences against children...” However, on the day this report was shared with her A/DS M was providing on-call cover to the Child Abuse Investigation Team (CAIT) and explained her responsibilities were to “offer advice to officers calling over the phone. To deal with incidents that needed immediate response such as the death of an infant... Also to monitor

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crime reports that fell within the CAIT remit..." In relation to this specific incident she said her role was "limited to only providing telephone advice on one occasion to one officer."

The incident log showed that A/DS M made contemporaneous notes about Mrs A's report. On the log she recorded Mrs A's concerns were "a third party allegation" and "it is not clear why the caller feels that now is a good time to report the offence as the family have suspected it for a number of years."

A/DS M recalled asking the response officers to prepare a report for Miss C on the police database which contains information and reports relating to incidents where a child, young or vulnerable person comes to the notice of the police and there are concerns for their wellbeing or safety. These reports are shared with other agencies such as social services departments to assist them in fulfilling their safeguarding responsibilities. A/DS M explained that she considered to Miss C, who was a five year old child, to potentially be at risk which is why she requested the report to be completed. A/DS M did not create a referral for Miss J on the database and justified this on the basis that all of the information about the case was included in the referral for Miss C – stating that this would have been an unnecessary duplication of work.

PC H completed the report on the database – of which Miss C was the sole subject – the same day. On the report PC H summarised Mrs A's concerns and provided information about the allegation from five years previously about Mr E. PC H also recorded that Miss C's parents and cousin were unaware of Mrs A's concerns and noted officers had not spoken to Miss C.

A/DS M recorded she had carried out checks with social services who confirmed the family were not known to them. A/DS M also wrote she had informed social services of Mrs A's concerns and the allegations against Mr E from five years ago but recorded that there was nothing at this time to suggest Miss C was at risk.

The investigation was referred to the referrals desk. The role of the referrals desk is to facilitate and process incoming information relating to safeguarding. DS N was the referrals manager responsible for managing the referrals desk's response to Mrs A's concerns. Force policy stated the referrals manager's core duties included: "decision making in relation to report of child; recording decisions and relevant information on police records; representing [THE FORCE] as decision maker in strategy discussions and meetings; ensuring risk assessments are completed and sharing information with partner agencies."

DS N recorded on the incident log that he had reviewed the investigation and spoken to Mrs A who had "reiterated the concerns of this report". DS N recorded the incident about Miss B staying overnight at Mr E's address and said that this happened "some years ago". He also recorded that Mr E is not the legal uncle of Miss B and "nor is there a direct blood relationship." DS N also recorded that Mrs A believed Mr E had groomed Miss B and that she "will not welcome contact by police."

Records showed DS N spoke to Mrs O, a social worker, to discuss Mrs A's report. His record of this stated that Miss C's mother was aware of the previous allegations against Mr E.

Mrs O told the IOPC she would have expected separate database referrals to be made for each child whereas in this case a referral was only made for Miss C. She also recorded that in her telephone conversations with DS N he had stated that the Ms AI "might have an agenda". Mrs O stated there had been a general rise in malicious reports around this time so any information which provided an insight into an individual's motivation for reporting a concern was "helpful and was likely to influence my decision making."

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Force policy suggested DS N could have considered visiting Miss C and Miss J and making further enquiries with the local authority and a preparing a database referral for Miss J. No evidence was found to indicate DS N considered and/or directed officer or considered pursuing these actions. Force policy also stated that a rationale should be recorded for all decisions relating to the force database. No record could be found on DS N's rationale for his decision making in relation to Miss J.

The investigation was moved to the CAIT unit and was allocated to DC P who became the officer in charge (OIC) and DS Q, who was the supervising detective sergeant. There was no evidence that DS N recorded a formal, verbal handover with DS Q or DC P. DC P stated she could not recall receiving a formal, verbal handover. However, there was a note on the incident log which indicated DS N asked DC P to contact him to discuss Mrs A's anonymity.

The incident log showed that the main line of enquiry on the CAIT unit's investigation was to contact Miss B to ascertain if she wanted to make a disclosure to the police. In her written response to the IOPC DC P said she believed Mrs A's concerns to be circumstantial and historical. She explained in interview with the IOPC that she believed there was no indication that Mr E and Miss B's relationship had continued into adulthood. She said that if they believed that concerns were ongoing then it would have influenced the way the unit handled the investigation.

In his written response to the IOPC DS Q recalled his primary consideration was to develop a strategy which "provided ongoing safeguarding for the child" and that "No specific crime was alleged".

A few days after the investigation was passed to the CAIT unit DC P recorded she attempted to contact Mrs A but was unsuccessful.

Eventually, after a number of days had passed, DS Q was able to speak with Mrs A. DS Q recorded a summary of this conversation which stated the concerns as being whether Mr E had previously engaged in an intimate relationship with his wife's sister's daughter Miss B who was at this point 23 years old. He also recorded that "The concerns about the conduct of their relationship are historical and were initially identified some 10 years ago... If he [Mr E] had engaged in such a relationship does the fact that he did indicate he may represent a risk to other children & specifically his own daughter [Miss C] who is 5 years of age."

Mrs A told the IOPC she recalled speaking to an officer who told her there was nothing the police could do because Miss B was "over age" and that the officer explained Miss B would have to come forward before they could take any action. Mrs A said the officer did not ask to speak to any other family members who had concerns, include her brother and mother who also had longstanding concerns.

During her interview with the IOPC DC P recalled she was aware DS Q and Mrs A had made an agreement that "[Mrs A] should be afforded the opportunity to speak to [Miss B] to see if she could encourage her to come forward and disclose any concerns to the police."

Throughout the duration of the investigation no officer made any attempt to contact Miss B directly.

As part of the investigation a Child Risk Assessment Matrix (CRAM) was carried out and identified no risk factors in relation to Miss B, Miss J and Miss C and highlighted the presence of

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the suspected/history of previous abuse risk factor in relation to the allegation against Mr E from five years ago. The risk assessment also highlighted the relevance of the mental health issues risk factor and referred to Mrs F's mental health history. It also recorded that it was unknown whether the following risk factors were relevant to the household: chaotic/co-sleeping arrangements, emotional stressors within the household, divided family structure, person with new/revived access to a child, deprivation or poverty in local area and substance misuse.

In relation to the CRAM research, DS Q recorded on the incident log that "the information identified has been considered and necessary to take action is detailed in the investigative & safeguarding strategy that has been conducted." DS Q was questioned by the IOPC on whether he had any concerns about Miss J being at risk, if he assessed if any offences had been committed in relation to Miss J and if he considered making a database referral in relation to Miss J. DS Q responded saying he had nothing to add.

DC P was asked about her consideration of risk in interview with the IOPC. DC P said she did not consider if there were any potential risks posed to other members of the family i.e. apart from Miss B and Miss C, because "at that time we were dealing with what we were aware of then".

DC P spoke to Mrs A again and established that Mrs A had still been unable to contact Miss B. It was agreed that Mrs A would continue to make efforts to engage with Miss B and encourage her to speak to officers if Mrs A's concerns were correct. DC P said she did not recall speaking to Mrs A about the allegations made against Mr E five years ago.

DS Q was asked in interview about his approach to identifying potential witnesses. He replied stating he had nothing to add. In response to a similar question DC P said "I do not feel it appropriate to speak to potential witnesses before affording a victim the opportunity to speak to me."

DS Q was asked if he considered adopting any other potential lines of enquiry such as obtaining a statement from Mrs A or contacting the school(s) of vulnerable witnesses. DS Q said he had nothing to add. DC P said she did not pursue other evidential opportunities because Miss B had not made a substantive allegation.

Around five weeks after Mrs A made the initial call to police DS Q tasked DC P with preparing a closing plan for the investigation. A couple of days later DC P uploaded her closing plan and a couple of days after that DS Q authorised the closure on the basis that he was "satisfied that no concerns have been identified and... there is no reason to believe [sic] that the children are at ongoing risk."

Five years later Mr E was arrested on suspicion of the systemic sexual and physical abuse of Miss B.

Since this investigation took place the CAIT unit was disbanded.

Type of investigation

IOPC independent investigation.

Outcomes for officers and staff

A/DS M

1. A/DS M, who passed the investigation to the referrals desk was determined to have a case to answer for misconduct in respect of the allegations he did not examine the potential risks posed by Mr E to Miss J and considered if she was a possible victim of sexual abuse and neglected to record his assessments and decisions regarding safeguarding Miss J on the incident log. A/DS M received learning as a result.

DS N

2. DS N, who was the referrals manager on this case, was determined to have a case to answer for misconduct in respect of the allegations he did not hold a formal verbal handover with the investigations detective sergeant when the case was transferred to investigating officers and did not consider making a database referral for Miss J who was under 16 years of age at the time of the report and had allegedly observed inappropriate behaviour, as well as failing to record any rationale for this. DS N had retired from the force by the time the investigation took place.

DS Q

3. DS Q, who supervised the investigation, was determined to have a case to answer for gross misconduct in respect of the allegations he did not consider all the evidence available to the CAIT, including evidence from similar past allegations against Mr E, did not ensure officers attempted to contact the alleged victim and potential witnesses and authorised the closure of the investigation despite being aware of potential lines of enquiry had not been pursued and there were potentially other vulnerable people at risk from Mr E. The force did not accept the IOPC's findings and dealt with DS Q outside the formal disciplinary process.

DC P

4. DC P, who was the officer in charge of the investigation, was determined to have a case to answer in respect of the allegations she did not consider all the evidence available to the CAIT, including evidence from similar past allegations against Mr E, did not ensure officers attempted to contact the alleged victim and potential witnesses and requested to close the investigation despite being aware potential lines of enquiry had not been pursued and there were potentially other vulnerable people at risk from Mr E. The force did not accept the IOPC's findings and dealt with DC P outside the formal disciplinary process.

Questions to consider

Questions for policy makers and managers

1. How does your force make sure officers and staff investigating safeguarding concerns fully consider the risks posed to all children in a household or family network?

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2. How does your force make sure all relevant details about safeguarding concerns are recorded and shared with investigating officers?

Questions for police officers and police staff

3. How would you have balanced concerns about the anonymity of the informant and relationships within the family with the need to progress the investigation?
4. When you pass a case onto a new team how do you make sure they receive an adequate handover?
5. How would you have made sure you contacted potential victims to gain an initial account if you were investigating this case?