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Introduction

The Children Act 2004 is the response to the independent statutory inquiry chaired by Lord Laming set up to investigate the circumstances leading to the death of Victoria Climbie. It is designed to bring about a cultural change in the way that society deals with children.

Victoria Climbie was born on the Ivory Coast in October 1991 and brought to the UK in April 1999 to live with her Great Aunt Marie-Therese Kouao and her boyfriend Carl John Manning.

The following are extracts from the final report into Victoria's death:

"The food would be cold and would be given to her on a piece of plastic while she was tied up in the bath. She would eat it like a dog, pushing her face to the plate. Except, of course that a dog is not usually tied up in a plastic bag full of its excrement. To say that Kouao and Manning treated Victoria like a dog would be wholly unfair; she was treated worse than a dog"

On 12 January 2001, Kouao and Manning were convicted of Victoria's murder.

At his trial Manning said that Kouao would strike Victoria on a daily basis with a shoe, a coat hanger, a wooden cooking spoon and would strike her on her toes with a hammer. Victoria's blood was found on Manning's football boots. Manning admitted that at times he would hit Victoria with a bicycle chain. Chillingly, he said "You could beat her and she wouldn't cry...she could take the beatings and the pain like anything"

If Victoria had been hidden away by those responsible for her care it would be easier to understand how these events were allowed to occur, but Victoria was not hidden away. It is deeply disturbing that during the days and months following her initial contact with Ealing Housing Department's Homeless Persons' unit, Victoria was known to no less than two further housing authorities, four social services departments, two child protection teams of the Metropolitan Police Service, a specialist centre managed by the NSPCC and she was admitted to two different hospitals because of suspected deliberate harm.

The dreadful reality was that these services knew little or nothing more about Victoria at the end of the process than they did when she was first referred to Ealing Social Services by the Homeless Persons' Unit in April 1999. The final irony was that Haringey Social Services formally closed Victoria's case on the very day she died. The extent of the failure to protect Victoria was lamentable. Tragically it required nothing more than basic good practice being put into operation. This never happened"
If the agencies involved in Every Child Matters (which includes the MPS), adhere to the protocols detailed in this training, a repeat of this type of tragedy should be avoided.

Section 11 of the Children Act 2004 imposes a duty on specified agencies (of which the police are one) to make arrangements to ensure their functions are discharged having regard to the need to safeguard and promote the welfare of children.

It is important to note that this legislation covers children and young people under the age of 18 and also those still in the mother's womb.

Statement of Responsibility

The following is an extract from the Statement of Responsibility for the 'Every Child Matters' Programme by Commander Rod Jarman:

'The Childrens Act 2004 is the legal framework for the Government's national change programme 'Every Child Matters', which is a new approach to the well being of children and young people up to the age of 18 and includes those still in the mother's womb.

The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to achieve the five key outcomes for children under the Children Act 2004. (These will be examined in detail later in the lesson).

This means that the organisations involved with providing services to children - from hospitals and schools, to police and voluntary groups - will be teaming up in new ways, sharing information and working together, to protect children and young people from harm and help them achieve what they want in life. Children and young people will have far more say about the issues that affect them as individuals and collectively.

An integral part of the programme is the development of a shared responsibility across agencies for safeguarding children and their welfare.

The Metropolitan Police Service will continue safeguarding London's children and promote their welfare, obligations which are now statutory duties under Section 11 of the Children Act 2005. The MPS is committed to making sure that we, the staff working in this service, understand and fulfill these duties to the best of our ability.
The MPS is now obliged to capture information relating to the welfare of children at a lower level than we did previously. This provides an opportunity for early intervention by the relevant agencies to prevent issues becoming more serious.

Objects

After you have studied and understood this written lesson, you should be able to:

1. Recognise the need for Every Child Matters (ECM) protocols.
2. Identify the other agencies with responsibilities under the ECM legislation.
3. List the five key outcomes for children and young people under the legislation.
4. Identify situations when you should complete a Pre Assessment Checklist (PAC).
5. State the information required on a PAC.
6. State which IT System will be used to record ECM Pre Assessment Checklists (PACs).

Safeguarding and promoting welfare is not new but has now been clearly defined as:

- Protecting children from maltreatment
- Preventing impairment of children's health and development
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care and
- Undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully

Children are amongst the most vulnerable members of society. It is therefore vital that we consider how best to safeguard them and promote their welfare in everything we do.
Specified Agencies

The specified agencies that have a duty under the legislation are as follows:

- Childrens' Services Authorities in England
- A District council which is not such an authority
- A strategic health authority
- A special health authority, so far as exercising functions in relation to England
- Primary care trusts
- NHS Trusts, all or most of whose hospitals, establishments and facilities are situated in England
- NHS Foundation Trusts
- The police authority and chief officer of police for a police area in England
- British transport Police Authority, so far as exercising functions in relation to England
- Local probation boards for an area in England
- Youth Offending Teams (YOTS) for an area in England
- Governors of prisons or secure training centres in England or directors of contracted out prison services or secure training centres
- Any person to the extent that they are providing services under Section 114 of the Learning and Skills Act 2000.

There are many agencies with responsibilities under Every Child Matters legislation whose primary roles are varied. The way each agency interprets and acts on the key outcomes will be slightly different. For example a primary school will view their responsibilities different to the MPS because the nature of their work is so dissimilar.
The Five Key Outcomes

These are the matters, that when questioned, children and young persons stated were the most important to them.

The five key outcomes for children and young people are as follows:

That Children should:

1. Be healthy
2. Stay Safe
3. Enjoy and achieve
4. Make a positive contribution
5. Achieve economic well-being

The five key outcomes are universal ambitions for every child and young person, whatever their background or circumstances. The outcomes reinforce themselves. For example, children and young people learn and thrive when they are healthy, safe and engaged and the evidence clearly shows that educational achievement is the most effective route out of poverty.

Child abuse can be caused by physical, sexual and emotional abuse, abandonment, neglect and children who suffer impairment from seeing or hearing the ill treatment of another (Domestic Violence) to young children being left home alone.

A child who is the subject of abuse will not be achieving one or more of the five key outcomes.
We shall now look at these in more detail.

1. **Be Healthy**

This means that you must ensure that:

- Children and young people are physically healthy.
- Children and young people are mentally and emotionally healthy.
- Children and young people are sexually healthy.
- Children and young people live healthy lifestyles.
- Children and young people choose not to take illegal drugs.

2. **Stay Safe**

Children and young people:

- Are safe from maltreatment, neglect, violence and sexual exploitation.
- Are safe from accidental injury and death.
- Are safe from bullying and discrimination.
- Are safe from crime and anti-social behaviour in and out of school.
- Have security, stability and are cared for.

3. **Enjoy and Achieve**

Children and young people should:

- Be ready for school.
- Attend and enjoy school.
- Achieve stretching national educational standards at both primary and secondary school.
- Achieve personal and social development and enjoy recreation.

4. **Make a positive contribution**

Children and young people should:

- Engage in decision making and support the community and environment.
- Engage in law-abiding and positive behaviours in and out of school.
- Develop positive relationships and choose not to bully or discriminate.
- Develop self confidence and successfully deal with significant changes and challenges.
- Develop enterprising behaviour.
5. **Achieve economic well-being**

- Children and young people engage in further education, employment or training on leaving school.
- Children and young people are ready for employment.
- Children and young people live in decent homes and sustainable communities.
- Children and young people have access to transport and material goods.
- Children and young people live in households free from low income.

**Police Action**

ECM will see an increase in the responsibilities and workload of operational officers but the intended outcome is that children within society will be safer and their opportunities to achieve their full potential will be enhanced.

If for example, you come across a child who has been assaulted by an adult, you have a clear course of action to follow with regard to the welfare of that child. You now also must consider which of the key five outcomes are not fulfilled.

With the ECM legislation, if the person who assaulted the child is also a child themselves, then you must also consider the five key outcomes with regards to them.

On dealing with a 16 year old persistent shoplifter who has a history of substance misuse, the child welfare aspects of the situation may before have been overlooked. If that shoplifter is pregnant then both her and the unborn child and any other children she may have are all within the ECM range.

The ECM legislation now means that as we go about our normal business we must now actively look for signs that children are living in or spending time in enviroments that do not promote appropriate physical and emotional development or there is evidence under one of the five key outcomes that children will not achieve their full potential.
Pre Assessment Checklist (PAC)

Information initially recorded by police for ECM purposes will be known as a Pre Assessment Checklist (PAC).

The PAC is the method for recording incidents where a child or young person comes to the notice of police and there are concerns about their well being or safety. This allows the raising of concern within the MPS or with partner agencies about a child failing to achieve the five key outcomes.

Within the MPS, the PAC will be recorded directly onto the MERLIN system.

MERLIN Come to Notice (CTN) reports have been updated so that they are able to capture concerns about the five key outcomes not being met. The PAC is recognised nationally as the form used by professionals to raise concerns about a child/young person and has been adopted to replace the previously used term CTN.

Circumstances when a MERLIN PAC must be completed:

All instances of a child or young person who comes to the attention of a police officer, or front line police staff member, where is it believed there are concerns about the child's well being or safety, must be recorded onto a MERLIN PAC Form as soon as reasonably practicable and within that tour of duty.

It is of paramount importance that when dealing with a child or young person, an assessment is made of the person's vulnerability and whether that person is at risk of immediate harm. If there are concerns about the risk faced, removing them to a place of safety using Section 46 Children Act 1989 - Police Protection- must be considered.

It is unrealistic to provide a complete list of those circumstances when a child comes to notice that a PAC will be required, therefore officers must use their own judgement if cases do not fit within the guidelines below. However, if in doubt ALWAYS submit a MERLIN PAC.

Categories/Circumstances

- **Evidence of Prostitution** - A child comes to notice/arrested for prostitution
- **Runaway**
- **Subject of Prosecution** - A child or young person who has bee arrested and is either:
  - Informed that the police are not proceeding with the case despite having sufficient evidence to prosecute.
  - Released on bail pending further investigation.
  - Issued witha penalty notice for disorder.
  - Taking no further action because of insufficient evidence to prosecute.
- **Truanting** - Cases of truancy detentions under Section 16 of the Crime and Disorder Act

- **Victim of any Crime** - Includes racial/sexual/religious discrimination or abuse

- **Arrested** - This includes when a child is present when parent/s or carers are arrested

- **Breach of Child Curfew** - Breaches of child curfew schemes set up under Section 14 of the Crime and Disorder Act 1998 (CDA)

- **Victim of Bullying/Harassment**

- **Child stopped/searched under the Misuse of Drugs Act 1971**

- **Child Care/Welfare**
  
  - When a pregnant woman comes to police notice, the MERLIN PAC must be completed in circumstances where the welfare of the unborn child gives cause for concern.

  - A child who is on the child protection register (now referred to as child protection plan).

  - Child found wandering e.g. young age unaccompanied etc.

  - Child found to be suffering or experiencing mental health problems.

  - Families where Mental Health issues are known or suspected, whether in an adult (where children are in the household) or child, PAC to be completed for the child (only one MERLIN form is required for the incident).

  - Domestic Violence incidents where a child or children are present at the time whether in the same room or elsewhere in the house.

  - Domestic Violence incidents where children are part of the family but not in the location at the time of the incident.

  - A child who is the subject of a care/wardship order has been found in circumstances giving rise to concern.

  - A child who is present when police are searching premises.

  - Substance abuse by a child.

  - Child involved in public order offences.
• Child subject of an ASBO or ABC.

• Child not attending school.

• Child carers (a child who cares for an adult family member or sibling) where there are concerns that a child is unable to meet one or more of the five key outcomes.

• Child not having access to medical attention or general health care.

• Child victim of serious sexual assault.

• Child engaged in unlawful sexual activity.

• Involved in a road traffic collision.

• Injury/illness in the street or on private premises.

• Health and Safety incidents e.g. chemical leaks in sports premises/schools or young person injured whilst working in a shop/factory etc.

- **Child under 10 yrs Criminal Act** - Any action on the part of a child under 10 that would justify an application for a child safety order under Section 11 of the Crime and Disorder Act (e.g. where the child has committed an act which would amount to an offence if he/she were over 10).

- **Intra-Familial Abuse** - A child has been found in circumstances of potential harm giving cause for concern as described in the terms of reference for the Child Abuse Investigation Command (SCD5).

**ECM does not** affect police Action in respect of Sec 46 Children Act 1989.
Action to be taken by the Initial Reporting Officer:

- Assess the child's safety.
- If the child is at risk of immediate significant harm, take action that is necessary to ensure the well being and safety of child - consider Sec 46 Children Act 1989 - Police Protection.
- Perform the following checks on those present: PNC, Crimint, CRIS, MERLIN and record the results on a PAC.
- Complete a MERLIN PAC.
- Bring the MERLIN report to the attention of a supervising officer, as soon as possible and in any case before the end of your tour of duty for checking and certifying that the action taken is correct.
- When a CRIS report has been created for a domestic dispute/violence incident, the reporting officer MUST ensure that they have put the MERLIN number onto the CRIS DETS page and the CRIS number onto the MERLIN report in the appropriate box, to save duplication by the Community Safety Unit (CSU)
- If unsure, seek advice from your local Child Abuse Investigation Team (CAIT)

Points to note:

1. Nothing has changed in relation to the reporting of crime on CRIS. If a crime has been committed, then a CRIS report must be completed.

2. If the crime is one that identifies one of the five key outcomes not being met, then a MERLIN PAC must also be completed.

3. If there is no crime but one of the five key outcomes is not being met, then a MERLIN PAC must be completed.

4. The situation may be one that can be resolved by the reporting officer, e.g. a one off case of truanting - resolve the matter yourself but still complete a PAC

5. If the incident is below the MERLIN threshold it should still be included in another report i.e. EAB, CARB, Stop & Account Form etc.

EABs, Book 101, CARBs and other police forms are being redesigned to include a reference to ECM. In future there will be a requirement to acknowledge on the amended forms that the five ECM key outcomes have been considered.
Information required on a Pre Assessment Checklist (PAC)

There will not be a specific PAC form produced for staff to carry with them. The required information should be recorded in your pocket book and is as follows:

1. Full name of the child/children including D.O.B or E.D.D. (Estimated Date of Delivery for an unborn child)
2. Address where the subject(s) live
3. Details of parents/carers and their relationship to the children
4. Contact numbers including mobile telephone numbers
5. Name of school/nursery attended
6. Which key outcome(s) is not being met
7. Parents/carers informed - consent given?
8. Report of the circumstances including who the subject(s) was/were with at the time
9. Include details of any vulnerable adults or dangerous people or places
10. Any other references e.g. CRIS, CRIMINT etc.

Plus any further information that may assist the Public Protection Desk.

If there is more than one child in the household, you are not required to submit a PAC for each one. Obtain the names and ages of any other children and submit them on the same PAC.

The parent or carer should be told, when possible, that a report will be submitted which could lead to an assessment being completed at a future date by an appointed professional. Try to obtain their approval and record whether their consent was given or not.
Public Protection Desk

The Borough based Public Protection Desk will collate and analyse information received on PACs and make a decision as to the most appropriate course of action. If a local solution can be employed to deal with the key outcomes not being met, then the PPD will refer the matter back locally as a solution. If the matter is referred to SCD(5) Child Abuse Investigation Teams it will either be referred to an appropriate outside agency or managed by SCD(5) themselves if they are above the PAC threshold.

Remember that Every Child Matters was introduced to prevent a tragedy like the death of Victoria Climbie occuring again and it is vital and mandatory that you as Police Officers comply with the legislation.

On the following pages are two flow charts (numbered as Flowchart 1 and Flowchart 3) that may assist you when considering your requirements under the Every Child Matters legislation.
Flow-chart no 3 Initial intervention actions to be taken by police officers/PCSO see Section 2.5

- Can initial officer address key outcomes?
  - Yes: Complete MERLIN PAC
  - No: Does concern meet MERLIN PAC threshold?
    - Yes: Complete MERLIN PAC
    - No: Kickz

Options
- Other local or police led intervention options
- Refer to MPS Cadets
- ASBO Yellow card process
- Provide list of local safe activities
- Contact Carer
- Letter
- Phone
- Visit

- Incident requires an MPS record?
  - Yes: Record MPS system/Form 5
  - No: NFA

- Record on appropriate MPS system/Form 5 key outcomes have been met and are being met.
  - Yes: CRIS, EAB, Stop & Account, Collision Book, Pocket Book, Book 101