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# Falkland Islands Government

Department of Health and Social Services



## Section 69 Enquiries Procedure

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## Child Protection Section 69 Enquiries: Procedure

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### 1. Initiating Section 69 Enquiries

- 1.1 Where information gathered during a referral or an assessment (which may be very brief) results in the Social Worker suspecting that the child is suffering or likely to suffer Significant Harm, a Strategy Discussion/Meeting should be held. This is usually held within 24 hours, unless a carefully planned response is needed, in which case it should take place within 15 working days, depending on the seriousness of the case in order. The purpose of the strategy meeting is to decide whether to initiate enquiries under Section 69 of the Children Ordinance 2014. Where such a decision is made the Section 69 Enquiry must be completed within 10 working days.
- 1.2 A multi-agency assessment is the means by which Section 69 Enquiries are carried out. The assessment will have commenced at the point of referral and must continue whenever the criteria for Section 69 Enquiries are satisfied. While the timescale within which the assessment must be completed is 45 working days the outcome of enquiries under Section 69 must be available in time for an Initial Child Protection Conference which (if required) must be held within 15 working days of the Strategy Discussion/Meeting where the enquiries were initiated.
- 1.3 A Section 69 Enquiry is carried out by undertaking or continuing with an Assessment in accordance with the guidance set out in this chapter and following the principles and parameters of a good assessment as set out in the [Assessments Procedure](#). There will need to be a particular emphasis on the issues of concern and the analysis of risk.
- 1.4 Social Workers have a statutory duty to lead Section 69 Enquiries. The police, health professionals, teachers and other relevant professionals should support Social Services in undertaking its enquiries. The Team Manager has responsibility for authorising a Section 69 Enquiry following a Strategy Discussion.

- 1.5 The Section 69 Enquiry and assessment must be led by a qualified Social Worker, who will be responsible for its coordination and completion. The Social Worker must consult with other departments/agencies involved with the child and family to obtain a fuller picture of the circumstances of all children in the household, identifying parenting strengths and any risk factors. Enquiries may also need to cover children in other households with whom the alleged offender may have had contact. All agencies consulted are responsible for providing information to assist.

## 2. Purpose of Section 69 Enquiries

- 2.1 A Section 69 Enquiry is initiated to decide whether and what type of action is required to safeguard and promote the welfare of a child who is suspected of, or likely to be, suffering significant harm. The enquiry is carried out by undertaking or continuing with an assessment in accordance with the guidelines set out in this chapter and following the principles and parameters of a good assessment (see Assessment Procedure for further details).

## 3. Conducting section 69 enquiries

- 3.1 Social Workers with their manager should:

- lead the Assessment in accordance with this guidance
- carry out enquiries in a way that minimises distress for the child and family
- see the child who is the subject of concern to ascertain their wishes and feelings, assess their understanding of their situation and assess their relationships and circumstances more broadly
- interview parents and/or caregivers and determine the wider social and environmental factors that might impact on them and their child
- systematically gather information about the child's and family's history
- analyse the findings of the Assessment and evidence about what interventions are likely to be most effective with other relevant professionals to determine the child's needs and the level of risk of harm faced by the child to inform what help should be provided and act to provide that help
- follow the guidance set out in [AGG9 The Attorney General's Guidance on Achieving Best Evidence in Criminal Proceedings](#) (Guidance on interviewing victims and witnesses, and guidance on using special measures, where a decision has been made to undertake a joint interview of the child as part of any criminal investigation).

- 3.2 The Social Worker, when conducting a Section 69 Enquiry, must assess the potential needs and safety of any other child/children in the household of

the child in question. In addition, Section 69 Enquiries may be required concerning any children in other households with whom the alleged abuser may have contact.

- 3.3 In determining which professionals should be involved in a Section 69 Enquiry, consideration could include who are the family most likely to cooperate with. In all cases where there is a known propensity to violence within the family household, consideration should be given to the strategy to be adopted, with Police advice or assistance if appropriate, about how to reduce the risks before any visits take place.
- 3.4 The child must always be seen and communicated with alone in the course of a Section 69 Enquiry by the Social Worker, unless it is contrary to his or her interests to do so. The Strategy Discussion Meeting will plan any interview with the child. The Record of Section 69 Enquiry and Reports to Child Protection Conferences should include the date(s) when the child was seen alone by the Social Worker and, if not seen alone, who was present and the reasons for their presence.
- 3.5 Before a child is seen or interviewed parental permission must be gained unless there are exceptional circumstances that demonstrate that it would not be in the child's interests and to do so may jeopardise the child's safety and welfare. Relevant exceptional circumstances would include:
  - the possibility that a child would be threatened or otherwise coerced into silence
  - a strong likelihood that important evidence would be destroyed, or
  - that the child in question did not wish the parent to be involved at that stage, and is competent to take that decision.
- 3.6 In such circumstances, the Social Worker must take legal advice about how to proceed and whether legal action may be required, for example through an application for an Emergency Protection Order or a Child Assessment Order.
- 3.7 The police should:
  - help other departments understand the reasons for concerns about the child's safety and welfare
  - decide whether or not police investigations reveal grounds for instigating criminal proceedings
  - make available to other professionals any evidence gathered to inform discussions about the child's welfare
  - follow the guidance set out in [Achieving Best Evidence in Criminal Proceedings](#) (Guidance on interviewing victims and witnesses, and guidance on using special measures, where a decision has been

made to undertake a joint interview of the child as part of any criminal investigation); [UK Guidance](#) may also be referred to.

### 3.8 Health professionals should:

- undertake an appropriate health assessment including any medical tests, examinations or observations, to determine how the child's health or development is and if it has been or is likely to be impaired
- following the assessment refer the child for any of a range of specialist assessments available in the Islands or a referral overseas if necessary. The lead health practitioner (most likely a designated GP but may be another health professional where appropriate) would need to request and coordinate these assessments and collate the reports
- ensure appropriate treatment and follow up of health concerns.

### 3.9 All involved professionals should:

- contribute to the Assessment as required, providing information about the child and family
- consider whether a joint enquiry or investigation team may need to speak to a child without the knowledge of the parent or caregiver.

## 4. Outcomes of a Section 69 Enquiry

4.1 Social Workers are responsible for deciding what action to take and how to proceed following Section 69 Enquiries. The outcome of a Section 69 Enquiry must be endorsed by the Team Manager.

4.2 A Section 69 Enquiry may conclude that the original concerns are:

- not substantiated; although consideration should be given to whether the child may need a full assessment to receive services as a [Child in Need](#)
  - substantiated and the child is judged to be suffering, or likely to suffer, [Significant Harm](#) and an Initial [Child Protection Conference](#) should be called or so serious that legal advice needs to be sought regarding applying for an order to protect the child
  - Substantiated but due to the individual circumstances the case can be proceeded with via Child in Need
- 
- **Concerns not substantiated**

4.3 Social workers with their managers should:

- discuss the case with the child, parents and other professionals
- determine whether support from any services may be helpful and help secure it
- consider whether the child's health and development should be re-assessed regularly against specific objectives and decide who has responsibility for doing this.

4.4 All involved professionals should:

- participate in further discussions as necessary
- contribute to the development of any Plan as appropriate
- provide services as specified in the Plan for the child
- review the impact of services delivered as agreed in the Plan.

4.5 Outcomes may be:

- **No Further Action:** Enquiries have revealed that there are no causes for concern. The child may be a [Child in Need](#) but the family do not wish for services to be provided, in which case the case will be closed.
- **Family Support to be provided:** Enquiries have revealed that there is no evidence that the child is suffering, or is likely to suffer, significant harm but there are needs that could be met by the provision of services via Early Help, under section 22 of the Children Ordinance 2014 or by signposting the family to another agency. The family are willing for a package of support to be provided, or continue to be provided.

4.6 Where services are to be provided under Section 22 of the Children Ordinance 2014, the Social Worker or their team manager should convene a [Child in Need](#) Planning Meeting within 7 working days to agree a [Child in Need](#) Plan.

- **Concerns of significant harm are substantiated and the child is judged to be suffering, or likely to suffer, significant harm** (N.B. Where immediate protective action is required, the advice of the Crown Counsel for Safeguarding should be sought).

4.7 Social workers with their managers should:

- convene an Initial Child Protection Conference. The timing of this conference should depend on the urgency of the case and respond to the needs of the child and the nature and severity of the harm they may be facing. It should take place within 15 working days of a Strategy Meeting or the Strategy Discussion at which section 69 enquiries were initiated if more than one has been held. The request to convene the conference must be supported by a team manager
- consider whether any professionals with specialist knowledge should be invited to participate
- ensure that the child and their parents understand the purpose of the conference and who will attend
- help prepare the child if he or she is attending or making representations through a third party to the conference. Give information about advocacy agencies and explain that the family may bring an Advocate, friend or supporter.

#### 4.8 All involved professionals should:

- Familiarise themselves with the Safeguarding Children and Young People Procedures 2014 and follow the procedures laid out in this document
- contribute to the information their agency provides ahead of the conference, setting out the nature of the agency's involvement with the child and family;
- consider, in conjunction with the police and the appointed conference Chair, whether the report can and should be shared with the parents and if so when; and
- attend the conference and take part in decision-making when invited.

## 5. Recording of Section 69 Enquiries

- 5.1 The Social Worker should record the information gathered and actions during the course of the enquiry and its outcomes on a Record of Section 69 Enquiries on Azeus, which should be approved by the Team Manager.

## 6. Dispute Resolution

- 6.1 If Social Services decides not to proceed with a Child Protection Conference then other professionals involved with the child and family have the right to request that a conference be convened, if they have serious concerns that a child's welfare may not be adequately safeguarded.

## 7. Working Together to Safeguard Children

7.1 All professionals must ensure that referrals in respect of children who are suffering or who are likely to suffer significant harm are seen as paramount and that agencies work together with a co-ordinated approach to ensure the safety and well-being of the child.

7.2 In particular, police and social services must familiarise themselves with the principles of Working Together to Safeguard Children (2018) and ensure the key practice expectations around joint working are complied with.

### 7.3 Referral Process

7.3.1 When a referral is received by Social Services indicating that a child has suffered or is likely to suffer significant harm partner agencies should be informed of this and their attendance at a strategy meeting requested. Social Services will decide on which agencies are invited to attend/contribute and will consider suggestions from other agencies.

### 7.4 Strategy Discussions / Meetings

7.4.1 A strategy discussion should be convened. For urgent referrals this should take place at the earliest possible point and no later than 24 hours.

If it is deemed that a strategy meeting should be convened, this should be within 5 working days.

### 7.5 Membership

7.4.2 Strategy discussions will involve a Social Services Manager and a Police Officer (normally the Public Protection Officer or a Detective Sergeant).

Strategy Meetings will normally involve the above plus representatives from Health and Education (if the child is of school age). Other relevant professionals will be invited as relevant to the case.

### 7.6 Social Services

7.6.1 A strategy meeting will be held using the principles above but will be chaired by the Team Manager mirroring the above process. Police attendance is essential. Health are required to contribute. As a minimum Social Services, Health and Police must be present.

## 7.7 Process and recording

7.7.1 The strategy meeting will be recorded on Azeus by Social Services and a copy will be provided to all attendees.

7.7.2 A record of the information provided by partner agencies either involved in the discussion or otherwise will be kept on Azeus.

## 7.8 Content

7.8.1 The strategy meeting should be the process for agreeing between the involved agencies that based on the referral information, there is reasonable cause to believe that a child is suffering or is likely to suffer significant harm.

### 7.8.2 Meeting structure

- the meeting will be chaired by the Team Manager
- the meeting will follow a proforma to focus discussion on the following aspects:
  - information shared by each agency
  - immediate actions to safeguard the child
  - risk factors
  - protective factors
  - decision on the threshold for Section 69
  - agree actions and outcomes and timescales
  - joint or single agency investigation
  - whether or not a CP medical is required
  - when the allegation is of a sexual nature the SARC procedures should be followed
  - when concern surrounds Fabricated or induced illness (FII) the [RCPH Perplexing Presentations FII guidance 2021](#) should be followed.
- strategy meetings are not designed to be a full assessment and should not take longer than 30-45 minutes unless for complex situations/multiple victims.
- the strategy meeting will agree the following:
  - if a review strategy meeting is required
  - what additional information is still required
  - what actions will be undertaken by which agency with timescales

## 7.9 Information Sharing

7.9.1 In all cases the strategy meeting will include the sharing of all information within the knowledge of those agencies represented, relevant to the

assessment of significant harm to the child/children concerned. Any gaps in information should be identified and arrangements on how to gain this information should be considered.

7.9.2 Information shared should include the age, understanding, cultural and communication needs of the child/children to be considered and addressed in the plan for the investigation.

## 7.10 Interviews and other evidence

7.10.1 The strategy meeting should consider, identify and record the decision in relation to how any interview of the victim(s) will be undertaken and by whom and within what timescale.

7.10.2 Police and Social Services must follow the guidance set out in [Achieving Best Evidence in Criminal Proceedings](#); Guidance on interviewing victims and witnesses, and guidance on using special measures, where a decision has been made to undertake a joint interview of the child as part of the criminal investigations; [UK Guidance](#) may also be referred to.

7.10.3 There is an expectation that where children are to be interviewed in relation to reasonably suspected criminal offence, the approach to those children will be joint (Police and Social Worker) from the outset, unless there are exceptional circumstances which prevent this. Social Workers should as a minimum observe evidential interviews of children, and those who are trained to undertake Achieving Best Evidence interviews may be materially involved in the process of interviewing children alongside Police.

7.10.4 Any delay in interviewing any of the above (particularly a child who is suspected to be the victim of abuse) should be explained and recorded as being in the best interests of the child.

7.10.5 The extent to which supportive adults/parents will be involved in the process of investigating safeguarding issues should be addressed and agreed upon at the strategy meeting.

7.10.6 The police will arrange for the involvement of an Intermediary in cases of a particularly young child or one who has significant communication difficulties.

7.10.7 The strategy meeting should agree and record whether any specialist assessment (for example forensic or paediatric medical examination) will

be required, within what timescales and by whom that will be arranged and facilitated.

#### **7.11 Immediate Safety**

7.11.1 Consideration should be given to concerns about any immediate safety issues for the child/children involved and plans for necessary protective action made and recorded. For Social Services these should be clearly identified as an interim safety plan.

#### **7.12 Timescale**

7.12.1 The aim is that decisions regarding the safety of children in line with section 69 Children Ordinance 2014 are arrived at within 24 hours of the strategy discussion. However it is acknowledged that some investigations (according to the level of risk/type of evidence present) may be more urgent than others.

7.12.2 In all cases the strategy discussion/meeting should take place as soon as possible after the referral being received. Where child/children are likely to be at risk of immediate harm, the strategy meeting/discussion should take place immediately and agree a plan to safeguard the child/children during the process of investigation.

7.12.3 If, in exceptional circumstances, these timescales are not met the reasons for this must be clearly recorded, e.g. would further compromise the safety of the child.

#### **7.13 Outcomes**

7.13.1 The outcome of the investigation will be recorded on the S69 form on Azeus and will be emailed to those agencies involved in the strategy discussion/meeting at the conclusion of the investigation. This record will reference all relevant information and evidence gathered during the process of the investigation by all agencies involved.

7.13.2 The outcome of a safeguarding investigation will be agreed between those agencies involved in the original strategy discussion and will be based on the evidence gathered during the investigation. Agreement should be reached about whether the risk of significant harm to the child/children is substantiated, the means of protecting the child and any ongoing assessment or other action required. This will usually be agreed at a review strategy meeting.

### **8. Single and Joint Agency Investigation: Police and Social Services**

- 8.1 The primary responsibility of the Public Protection Officer is to undertake criminal investigations of suspected, alleged or actual crime relating to child abuse.
- 8.2 Social Services has the statutory duty to make, or cause to be made, enquiries when circumstances defined in Section 69 Children Ordinance 2014, exist.
- 8.3 Where a referral indicates a potential criminal offence, there is an expectation that a joint Police and Social Work investigation will take place. Police will have primacy with regard to the criminal investigation. Social Services will have primacy with regard to safeguarding of the child.
- 8.4 **Deciding whether to carry out a single or joint investigation**
- 8.4.1 The joint investigation will usually involve the Police and Social Worker conducting joint interviews and working as co-investigators for the duration of investigation. Though the investigating Social Worker and Police officer may not work together in undertaking every task during the investigation process, all information forthcoming should be shared between the agencies as soon as practically possible, in order to ensure that the understanding for each agency, views about risk and necessary actions are based on the same levels of understanding about evidence and assessment in the case.
- 8.4.2 There is a presumption that delay in progressing a safeguarding investigation will prejudice the welfare of the child
- 8.4.3 Should there be difference of opinion that cannot be resolved cases should be escalated through the normal escalation process.
- 8.4.4 A joint decision will be made regarding the appropriate level of intervention and of Police involvement throughout the process, depending on the individual circumstances and context of each case.
- 8.4.5 Where initial allegations are imprecise or concerns arise gradually, it is likely that agreement will be reached for further assessment to determine whether a child is at risk of significant harm.
- 8.4.6 If agencies agree a single agency enquiry or investigation is appropriate, there should still be an exchange of relevant information, possible involvement in strategy discussions and agreement reached as to the feedback required by the non-participating agency. A case may start with

single agency status, but further assessment/information indicates a need for joint investigation.

8.4.7 Any decision to terminate enquiries or investigations must be communicated to the other agency for it to consider, and the rationale recorded by both agencies

8.4.8 The decision regarding single or joint agency investigations should be authorised and recorded by the designated line managers in both the Police Social Services, noting which agency is going ahead.

## 8.5 **Joint Agency Investigation**

8.5.1 A joint investigation must always be initiated whenever there is an allegation or reasonable suspicion that one of the circumstances below applies, regardless of the likelihood of a prosecution:

- a sexual offence committed against a child of either gender under 18 years of age, including sexual offences committed by young people, but excluding 'stranger abuse'.
- physical injury, which could be considered serious either by the extent of the injury, age of the child or by repeated assaults of a minor injury, e.g. murder, manslaughter, violence to a child constituting actual or grievous bodily harm, repeated assaults causing minor injury.
- all non-accidental injuries
- Serious neglect or ill-treatment constituting an offence under
- Section 82 of the Crimes Ordinance 2014 – Cruelty to, or neglect of, person under 16
- Section 81 of the Crimes Ordinance 2014 -Being drunk while in charge of a child under 7
- Section 80 of the Crimes Ordinance 2014 - Abandoning young child
- institutional and complex abuse investigations
- fabricated or induced illness which must also be reported to the Head of Social Services and the Police.
- allegations against those whose work with or whose voluntary activities provide access to a child/children, e.g. Falkland Islands Government staff in a role that brings them into contact with children, babysitters, foster carers, voluntary group leader/helper (must also be reported to senior managers in Social Services and the Police). The Safeguarding Children and Young People Procedures should be followed.

8.5.2 Cases of minor injury should always be considered for a joint enquiry/investigation if the child is:

- Subject to a Child Protection Plan
- Cared For by the Falkland Islands Government.

8.5.3 In other cases of minor injury, the circumstances surrounding the incident must be considered to determine the 'seriousness' of the alleged abuse. The following factors should be included in any consideration by the Police and Social Services:

- age, special needs and vulnerability of child or others in household
- any previous history of minor injuries to child/other children in the household
- the intent of the assault, e.g. strangulation may leave no marks, but is very serious
- whether a weapon or implement was used
- consistency with and clarity/credibility of child's account of injuries
- predisposing factors about alleged perpetrator, e.g. criminal conviction/s, history of violence, substance misuse and/or mental health problems
- a history of domestic violence
- previous concerns of a Falkland Islands Safeguarding Children Board member department
- unusual circumstances are present, e.g. suspected complex abuse or fabricated and induced illness
- the child (if age appropriate) wishes Police involvement

8.5.4 There will be times that after discussion, or preliminary work, cases will be judged less serious and it will be agreed that the best interests of the child are served by a Social Services led intervention, rather than a joint investigation.

8.5.5 In all cases, the welfare of the child remains paramount and always takes precedence over the need to commence or conclude any criminal investigation.

## 8.6 **Social Services Single Agency**

8.6.1 Where Social Services assess that the circumstances fall into one of the following criteria, it may progress single agency enquiries following discussion and agreement with the Police (and after making relevant checks):

- emotional abuse with no apparent physical symptoms, unless extreme circumstances constitute an offence of cruelty
- minor physical injury caused to a child in circumstances amounting to poor parenting/care
- minor physical abuse, except for injuries to infants: no visible injury or minor injury; the child provides a coherent account of how the non-accidental injury occurred and there was no intent to injure her/him; where there has been no previous allegations regarding that child or the alleged perpetrator
- minor neglect through inappropriate supervision or poor parenting/caring skills
- indirect suspicions of sexual abuse, including over-sexualised behaviour of a child, anonymous reports and concerns by other professionals.

The [FISCB Threshold Document](#) should inform this decision.

8.6.2 Where information is received indicating a person who has been identified as being a risk to children is living in, or has access to, a household where there are children, Social Services and Police must discuss the circumstances and agree the need for a single enquiry or joint investigation.

8.6.3 Where a minor crime, initially agreed by Police as inappropriate of further Police investigation, is subsequently discovered to be more serious, the case must be referred back to the Police.

## 8.7 **Police Single Agency**

8.7.1 Criteria for Police single agency investigations are those where:

- an allegation of childhood abuse is made by adults (the possibility of current risks to children should be determined and referred to Social Services)
- an alleged offender is not known to the child's family, i.e. stranger abuse providing there are no current child protection concerns arising from the case (in accordance with Achieving Best Evidence, consideration will still be given to joint investigative interview/s).

8.7.2 Where the Police conduct a single agency investigation out of hours (in response to the duty to respond and take action to protect the child or obtain evidence), the Out of Hours Social Worker must be informed immediately and, if appropriate, a joint investigation commenced. If a

Social Work Assistant is on duty, they must contact the person Second On-Call who will be a qualified Social Worker.

- 8.7.3 In all cases where the alleged abuser has current contact with a child, a referral should be made to Social Services for a strategy discussion to consider joint investigation and the protection of the child victim and other children.
- 8.7.4 In cases where an individual convicted of a sexual offence or violent offence is being released from prison the [Release of Offenders from Prison Procedure](#) should be followed in conjunction with the [Safeguarding Children and Young People Procedures 2014](#).
- 8.7.5 In all cases where Police undertake a single agency investigation, details of any victim aged under 18 must be referred to Social Services, which is responsible for assessing if the investigation raises any child protection issues and if supportive or therapeutic services are appropriate.
- 1.3.78 Social Services and the Police must inform each other of any allegations or suspicions of child abuse or neglect, including 'stranger abuse'. Line managers must be consulted in cases of uncertainty and advice recorded.