



Practice Guidance on Actions to be Taken when a Child / Young Person is Subject to a Threat to Life

1st November 2019

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Introduction:

The Guidance has been developed in response to a recommendation arising from a Case Management Review which examined the circumstances of a Looked After Child (LAC) who suffered harm as a result of a paramilitary threat.

The guidance has been developed by a multi-agency group which included representatives from the Police Service of Northern Ireland (PSNI), the Youth Justice Agency (YJA), Northern, Western and Belfast Health and Social Care Trusts (HSCTs), the Northern Ireland Housing Executive (NIHE), the Probation Board Northern Ireland (PBNI) and the Health and Social Care Board (HSCB).

This document seeks to provide advice, support and practice guidance to those staff and professionals who hold lead roles in protecting life and for safeguarding children and young people.

1. Scope of the Guidance:

The Case Management Review contained the following relevant recommendations:

Recommendation 5:

"Regional guidance should be developed on how professionals and agencies working with children who are looked after or on the Child Protection Register, should manage threats against a child, especially from paramilitaries."

This recommendation specified that the HSCB should lead on its implementation.

Recommendation 4:

"The PSNI should lead on a review for the development of co-ordinated multi-agency Child Protection Plans for children under threat which should be aligned with current Child Protection processes."

This recommendation specified that the PSNI should lead on its implementation.

The multi-agency group considered both of these recommendations and deemed that they should be combined and addressed through a guidance document given the connectivity of the two recommendations.

The multi-agency group in its deliberations determined that the scope of the guidance should be extended to:

- Include any child who is subject to a threat to life, and
- Align the concept of threat to that of the National Chief Police Officer's (NCPO) definition of a perceived or potential threat.

The guidance sets out the primary duties of the two lead agencies i.e. PSNI and HSC Trusts and their respective roles and responsibilities in investigating and responding to reports of children subject to a threat to life.

Reference in the Guidance to children and young people means (1) a person under the age of 18 or (2) persons aged 16-21+ who are care leavers and for whom HSC Trusts continue to hold statutory duties.

2. Legal Provisions

The guidance is underpinned by the following policy and legislative requirements.

United Nations Convention on the Rights of the Child places obligations on the state and organisations to safeguard and promote the welfare of children and young people. The following Articles are of particular relevance to this guidance and reflected in Co-operating to Safeguard Children and Young People in Northern Ireland:

- Article 3 (Best Interests of the Child)
- Article 4 (Protection of Rights)
- Article 6 (Right to survival and development)
- Article 12 (Voice of the Child)
- Article 19 (Protection from all forms of Violence)
- Article 20 (Children deprived of family environment)
- Article 33 (Protection form dangerous drugs and from being involved in making or selling these drugs)
- Articles 34 and 36 (Exploitation)
- Article 39 (Rehabilitation of child victims)

The Human Rights Act (1998) which incorporates the European Convention on Human Rights (ECHR) into UK legislation requires that state authorities must use their powers reasonably and proportionately to protect children and young people, and the ECHR holds them responsible for inhuman or degrading treatment inflicted within their jurisdiction. Article 2 of the European Convention on Human Rights stipulates the right to life and "everyone's right to life shall be protected by law".

United Nations Convention on the Rights of the Child (UNCRC) The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.

The Data Protection Act 1998 and GDPR (General Data Protection Regulation) is the legal frame work that sets guidelines for the collection and processing of personal information.

Section 32 (1) of the Police (Northern Ireland) Act which specifies

"It shall be the general duty of police officers:

- (a) To protect life and property;
- (b) To preserve order;
- (c) To prevent the commission of offences;
- (d) When an offence has been committed, to take measures to bring the Offender to justice.

This obligation is supported by Article 2 of the ECHR which is referred to as the "Positive Obligation" or the "Osman Ruling" within police protocols. The ECHR case of Osman v UK (28.10.98) directly informs the basis of the requirement by police to take all reasonable steps to protect a person whose life is in real and immediate danger from the criminal acts of others.

The Children (Northern Ireland) Order 1995 is the principal statute governing the care, upbringing and protection of children in Northern Ireland. It covers the full

range of safeguarding activity including the promotion of a child's welfare, assessment of a child's needs, provision of support for children and families, protection of children and powers to assume or secure parental responsibility for children when required.

Co-operating to Safeguard Children and Young People in Northern Ireland, 2017 provides the overarching policy framework for safeguarding children and young people in the statutory, private, independent, community, voluntary and faith sectors. It outlines how communities, organisations and individuals must work both individually and in partnership to ensure children and young people are safeguarded as effectively as possible. Effective safeguarding activity is defined as:

- Promoting the welfare of the child and young person;
- Preventing harm occurring through early identification of risk and appropriate, timely intervention; and
- Protecting children and young people from harm when this is required

Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse (Northern Ireland) (Joint Protocol) sets out the procedures to be followed in cases where there have been allegation(s) or suspicion(s) of child abuse which requires the involvement of police and social services. The child / young person's welfare is the overriding consideration in a joint investigation and such investigations must be carried out thoroughly, sensitively and professionally. Close working and appropriate information sharing between PSNI and HSC Trusts is vital to ensure safeguarding and other decisions are in the best interests of the child / young person.

The Children's Services Co-operation Act (Northern Ireland) 2015 places a requirement on individuals and organisations providing children's services to children to co-operate with each other to devise and implement cross cutting strategies.

The Housing (NI) Order 1988 identifies the Northern Ireland Housing Executive as the agency tasked with responding to homelessness. The Order places a statutory duty on the Housing Executive to provide interim and/or permanent accommodation for certain homeless households depending on investigations and assessment of

their circumstances. There is also a duty to provide advice and assistance in relation to homelessness and the prevention of homelessness.

PSNI Service Instruction – Threats to Life which sets out the procedures of the PSNI around dealing with 'threats to life' arising from criminal, or potential criminal actions.

3. Core Principles

The following principles should be adopted by all agencies in relation to identifying and responding to children and young people subject to a threat to life:

- The safety, welfare and protection of the child/young person is paramount.
- Due regard must be given to the United Nations Convention on the Rights of the Child.
- A threat to life is an extreme form of child abuse and should be approached in the same way as safeguarding children/young people from other risks.*
- Parents should be supported to exercise parental responsibility and families helped to stay together, where it is in the best interests of the child. Partnership working with the NIHE in these circumstances is crucial to expediting an alternative accommodation option.
- Where necessary, robust arrangements should be put in place to protect other siblings and family members.
- Responses and interventions should be proportionate to the circumstances and level of assessed risk.
- Timely information sharing and the implementation of supportive and protective measures are critical to the prevention of harm.
- Partnership working to ensure effective safeguarding and shared responsibilities is the most effective way of ensuring that the child / young person's needs are met. Sound decision making requires the fullest possible understanding of the child's needs and circumstances

and this requires effective information sharing, strong organisational leadership and governance and collaboration and understanding between families, agencies and professionals.

- Agencies involved should ensure a full understanding of their respective roles and responsibilities. Decisions taken and actions agreed by the agencies should be followed and adhered to. Any deviation from agreed safety plans, including any Child Protection Plan deemed necessary, must be carefully considered in consultation with senior staff and authorised by agency management
- Written records of safety planning, decisions and agreed actions will be made, retained and promptly issued to all key agencies involved.

*Decision making and actions should be considered, measured, balanced and proportionate. This includes consideration of whether a child/young person's circumstances meet the criteria for referral to Child Protection case conference. This in turn, will determine whether they need to be the subject of a Child Protection Plan, and their name included on the Child Protection Register (Potential Physical Abuse).

4. Threat to Life

NCPO (National Chief Police Officers) define a perceived or potential Threat to Life as 'when considering all the circumstances relating to an individual, their involvement with, or knowledge of a crime or criminal behaviour or any other relevant information – a risk is identified that they may be exposed to a fatal attack or serious injury'.

In Northern Ireland HSC Trusts, PSNI, YJA and PBNI have encountered children / young people who are subject of threat to life. At the extreme end and on occasions such threat has resulted in significant harm being administered directly to the child / young person. At a minimum such threats can result in exclusion of the child / young person from their community and family. Appendix 1 provides some further background information.

Such threat and potential harm to children and young people is deemed to be an extreme form of child abuse, potentially falling within the definitions of harm contained in Co-operating to Safeguard Children and Young People in Northern Ireland i.e. Potential / Actual Physical Abuse; Emotional Abuse. The shared objective of the lead agencies is to protect and safeguard any child / young person who is subject to a threat to life, including threats to their safety and well-being, emanating from paramilitaries or elsewhere. Keeping children / young people safe from these risks is a safeguarding matter and should be approached in the same way as safeguarding children / young people from other risks. Children / young people should be protected from threats of harm which can have a negative impact on a child / young person's physical, social, emotional, mental and psychological wellbeing.

The guidance has established a regional agreed information system to record all incidents of young people / children subject to a threat to life reported to and investigated by the lead agencies. Appendix 2 sets out the key data fields to be completed by the HSC Trusts and reported on within the agreed information system.

5. Practice Guidance:

The following sets out the practice steps to be taken when the PSNI or Social Services receive information about a threat to life to any child/young person.

- Where Police become aware that a 'Threat to Life' has been made towards a person under 18 years, or someone aged 18 to 21 for whom the Health & Social Care Trust (HSCT) continue to hold statutory duties:
 - a) A referral must be made as soon as practicable to PSNI's Central Referral Unit (CRU) or, if received outside of CRU office working hours, to Public Protection Branch (PPB) on-call D/Inspector. They in turn will make a 'joint protocol' referral to the HSC Trust Gateway Team/Regional Emergency Social Work Service.

- b) CRU (or On-call PPB Inspector) will identify a Child Abuse Detective to assist the District Officer (who is managing the Threat to Life) and Social Services in arranging to speak with the child and/or the person with parental responsibility.
- 2. Where Social Services become aware that a child/young person's life is/may be subject to a Threat to Life:
 - a) They should immediately inform PSNI by 999 if they believe the risk of harm is imminent, or 101 in all other cases.
 - b) A referral must be made as soon as practicable to PSNI's Central Referral Unit in accordance with 'Joint Protocol'.
 - c) A Child Abuse Detective will be appointed to assist Social Services and the PSNI's District Officer (who is managing the Threat to Life) in arranging to speak with the child and/or the person with parental responsibility.
 - d) Social Services will liaise with other service providers as deemed appropriate and in accordance with The Data Protection Act 1998 and GDPR.
 - e) Social Services must assess the risk in relation to the wider family (other children) and take action where necessary to safeguard. This may include
 - i) Arranging a temporary move outside of the community or jurisdiction with family/friends. If a young person leaves the community or jurisdiction even on a temporary basis the PSNI and Social Services must ensure that the local District PSNI, Trust or corresponding authorities, for example, Tusla, An Garda Siochana are advised of the details of the young person, the

threat and where they are living and in accordance with The Data Protection Act 1998/GDPR.

- ii) Seeking alternative accommodation arrangements through immediate contact with the NIHE who has a statutory duty to provide temporary and/or permanent accommodation for certain groups of homeless person. A young person subject to a threat to life or children / young people subject of threat along with their parents / family may fall within this entitlement depending on their circumstances and/or eligibility for homelessness assistance. (Appendix 6 provides details of the NIHE Named Points of Contact)
- iii) If a child/young person's parents refuse to co-operate, social services should seek legal advice in regards to potential legal orders to protect the child / young person from harm. This may also include the convening of an Initial Child Protection Case Conference.
- where a child / young person subject to a threat to life is already known to Social Services, is a looked after child, or a child / young person on the Child Protection Register, the above process should be complied with to ensure that a focus is maintained on the management of risk associated with the threat to life. It is essential that the management of the risk associated with the threat to life takes account of other vulnerabilities and assessed risks, for example, child sexual exploitation, going missing, intellectual limitations, criminality, bail conditions etc that are identified and being attended to within any existing family support plan, child in need plan, looked after plan or child protection plan.
- 3. 'A Threat to Life Risk Assessment and Safety Planning Meeting' will be convened by the relevant HSCT as soon as necessary, but no longer than

two working days. Those invited should include the PSNI District Officer who is managing the threat, the relevant Child Abuse Detective, the child who is subject to the threat, the person with parental responsibility, and other service providers as deemed appropriate*. The purpose of this meeting is to put plans in place to ensure effective safeguarding and protect the child's life. This will require the sharing of information which must be done in accordance with The Data Protection Act and GDPR. This meeting should continue, if necessary, to be convened once per fortnight, or more frequently to manage risk and review the safety plan.

- a) Social Services will be responsible for completing and managing the 'Information System Key Data Fields' (Appendix 2).
- b) At this meeting the 'Threat to Life: Risk Assessment and Safety Planning Proforma' (Appendix 3) will be completed by the relevant HSCT member.
- c) All information systems (PSNI and Social Services) must be updated to take account of risk and safety measures agreed and in place. Social Services must also complete an Alert for the Regional Emergency Social Work Service.

*YJA attendance will be necessary in all cases where the child/young person subject to a credible threat to life and is in receipt of YJA services or in those situations where YJA is working with a sibling of the young person subject to threat to life. Where the case has been closed to YJA within the previous three months, the appropriateness of attendance will be considered.

6. Monitoring and Review

This Guidance will be reviewed annually to take account of learning and any policy changes. Data provided through the respective Information Systems will be monitored to track trends and outcomes and analysed to ensure that accurate

information is held in relation to children/young people subject to threat to life/limb and reported to the two lead statutory agencies.

APPENDIX 1

Background Information

The report "Children and Young People Engagement Project: Research Report, March 2016" makes reference to engagement work with children and young people undertaken by the Northern Ireland Commissioner for Children and Young People (NICCY) and its findings which included "a substantial degree of concern about paramilitary activities and intimidation and violence towards young people". This report cites that paramilitary activity was a recurrent theme across research papers and throughout consultation. In particular, concerns were expressed that young males residing in disadvantaged communities, who had low levels of educational attainment, few prospects, were vulnerable to paramilitary organisations on a number of front including;

- Being targeted by paramilitaries and asked to carry out tasks for them which could include criminal activities;
- Borrowing money from paramilitaries and falling into a situation of "owing them" including drug debt, or getting into trouble with them for failure to repay debt;
- Becoming victims of paramilitary expulsions, beatings or shootings.

These findings resonate with the Childhood in Transition report which found that "Many children and young people were exposed to community violence, rioting against the police, paramilitary style threats and punishments" and that: "Violence impacted on children and young people's feelings of safety, their freedom of movement, opportunities for play and levels of victimisation."

Information System: Key Data Fields

Dataset for Systematic Collection of Information on Children / Young People Subject to Paramilitary Threat

Data Fields	Drop Down Menu
Name of Trust / PSNI District where threat originated	•
Date Threat reported to Trust / PSNI	//
3. Nature of Threat	•
Initials of Young Person subject of threat	
5. Date of Birth	//
6. Gender	Male Female
7. Legal Status of Young Person	 Previously unknown to Trust / PSNI Looked After Family Support Child In Need On Child Protection Register Subject to statutory supervision by YJA/PBNI N/A
8. Source of Threat	•
Assessment of Threat in Terms of Validity / Seriousness	LowMediumHigh
10. Interventions	Article 66 investigation•

11. Outcome of Intervention	Young person moved temporarily
	to extended family / friends Young person and family relocated to temporary accommodation Young person deemed Looked After and placed in a care placement Other
12. Was the Threat Lifted	YesNo
13. Was the Threat Acted Upon	YesNo
14. If Yes, give detail	

It is intended that the dataset will be available electronically to be maintained and inputted to by named Trust Leads. Further guidance on maintenance of the system and reporting requirements will be provided to Trusts in due course.

Threat to Life: Risk Assessment and Safety Planning Pro forma

This document should be completed at the initial Threat to Life Risk Assessment and Safety Planning meeting in response to a credible 'threat to life' regarding a child/young person. It should be reviewed and updated at any subsequent risk assessment and safety planning meetings. Threat to Life Risk Assessment and Safety Planning meetings are convened by the HSCT who are responsible for ensuring completion and appropriate dissemination of the pro forma and subsequent review records.

1. Meeting Details:

Soscare number

Police reference number

Planning Meeting:	
Venue:	
Attendees:	
2. Child / Young Person Details:	
Name of child , age, DOB, and gender	

Child Home Address	
Child current address/ placement and contact details	
Parent/Guardian details (inc address)	
Status of the child / young person i.e. Child in Need,	
Child Protection Register,	
Looked After Child etc.	
Previous Assessment of	
Threat to Life / Limb Risk	
Date of assessment	
Name and designation of persons completing assessment	
3. Details of Threat to Life:	
Source and Date of Referral:	
Source of Threat, if known:	
Date of Threat:	
Nature of Threat (physical exclusion from community etc	
Timescale for Threat to be car	ried out:
Any other information:	

4. Previous / Currer	nt involvement with Social Servi	ces: Tick below			
Yes	No				
If Yes, please comp	lete below:				
Date/s of Involvement	Reason	Status of Child i.e. Child in Need, CPR, LAC ETC			

5. Knowledge of the following at time of assessment:

a) Underlying Vulnerabilities

<u>Factors</u>				Considerations & Rationale
				Each of the text boxes below expand to allow all relevant information to be included
Sexual Abuse	YES	NO	Suspected	
Physical Abuse	YES	NO	Suspected	
Emotional Abuse	YES	NO	Suspected	
Previous Threats	YES	NO		
Break Down of Family Relationships/isolation	YES	NO	Suspected	
Domestic Abuse	YES	NO	Suspected	
Substance Misuse	YES	NO	Suspected	
Family history of Mental Health Difficulties	YES	NO		
Learning Disability/Difficulties	YES	NO	Suspected	
Isolation from Peers/Social network	YES	NO		

Bereavement/Loss	YES	NO	
through multiple moves			
Migrant/Cultural issues	YES	NO	
Unsuitable/Inappropriate placement	YES	NO	
Any Other Information	YES	NO	

b) Moderate Risk Indicators

<u>Factors</u>			Considerations & Rationale
		· · · · · · · · · · · · · · · · · · ·	Each of the text boxes below expand to allow all relevant information to be included
Multiple Callers with child	YES	NO	
Multiple accommodation/placements	YES	NO	
Concerning use of Mobile Phone/Multimedia devices	YES	NO	
Expressions of Despair	YES	NO	
Challenging Behaviours	YES	NO	
Unexplained absence or exclusion from education/work	YES	NO	
Lack of engagement with relevant others	YES	NO	
Current inappropriate / unsuitable accommodation	YES	NO	
Drug Misuse	YES	NO	
Alcohol Misuse	YES	NO	
Substance Misuse	YES	NO	
Internet use	YES	NO	

Involvement in criminality	YES	NO	
Previous Threats	YES	NO	
Any other information	YES	NO	

c) Significant Risk Indicators

<u>Factors</u>			Considerations & Rationale
			Each of the text boxes below expand to allow all relevant information to be included
Concerning Absences	YES	NO	
Inappropriate Relationships	YES	NO	
Any Physical Abuse/ unexplained injury	YES	NO	
Any Emotional Abuse	YES	NO	
Unexplained acquisition of money / purchases	YES	NO	
Addresses of Concern	YES	NO	
Previous Threats	YES	NO	
Allegations of Supplying Drugs	YES	NO	
Is the Young Person known to the Youth Justice System	YES	NO	
Any other information	YES	NO	

Each of the text boxes above expands to allow all relevant information to be included. It is important that the child/young person is considered in the context of his/her family and so relevant information/risk factors impacting on family members should also be included when completing the tool.

6. Summary

	Conclusions n explored)	(explain	any	decisions	taken	not	to	pursue	а

Suspected at risk of Threat of Life and Limb		
(Medium)		
Confirmed at Threat of Life a (High)	risk of and Limb	
No risk of Threa and Limb e (Low)	at of Life videnced	
8. Safety Plan		
Task	By whom	Target Date
Completed by: -		
Social worker:		
Police Officer:		
Date:		
Review Arrange	ments:-	
_	ments:- 	
Date:		

HIME:					
Record of Attendees:					
1. Summary of Discussion:					
2. Updated Safety Plan					
	,				

Circulated to:

PSNI Contact Details

PSNI Central Referral Unit - 02890 259299

Monday to Sunday <u>0900 – 1700</u>

'Out of Hours', to the PSNI Call Management Centre on the non-emergency number: **101**

In an emergency, dial '999'

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HSC Trust Contact Details

Northern Ireland Health and Social Care (HSC) Trusts Gateway Services for Children's Social Work

(for referral)	Belfaet HSC Trust 028 90507000				
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urther Contact Details	Greater Belfact Gateway Te	am			
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urther Contact Details	Greater Lichern Gateway	North Down Galeway Team	Down Gateway Team		
or ongoing professional Existent	Team	James Street	Children's Services		
	Slewsetstown Road Health	Newtownards, B723 4EP	81 Market Street		
7 4 7 1	Centre	Tel: 028 91818518 Fac: 028 90564830	Compatrick, BT30 6LZ Tel: 028 44613511		
	212 Slowartstown Road	Fall O2D DOUGHBAR	Fax: 028 44615734		
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	Fax: 026 90629627		İ		
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Sec. 34	Park	75 Avendalo Urive	7A Castlerock Road Coleraine, BT51 3HP		
3 4 7 2	Hithead Road	Batydara, BT39 908			
	Foomebridge, 8741 3SF	Tel: 028 94424377 Fax: 028 9334 2531	Tel: 028 7032 5462 Fax: 028 7035 7614		
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		Southern HSC Trust			
Telephone (for referral)	108007837745 (Free of	hone number from landlines o	nkv)/ 028 37415285 (Ce	entral number)	
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Further Contact Details	Craigsyon/Banbridge	Newry/Mourne Galeway Team	Armagh /Dungannon	Central Gateway Tear	
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N 109 4	Brownlow HASS Centre	Dromalane Road	E Floor	Lisnally Lane	
e a a a a a	f Legahory Centre	Mewry, BT35 SAP	South Tyrone Hospital	Armagh, B161 7HW	
5 B A 5	Craigavon , BT85 58E	Tel: 028 30825000 Option 1	Cartand Road	Tel 028 37415285	
	Tel: 026 38343011	Fax: 028 30825016	Dungannon, BT71 4AU	Fax: 028 37522544	
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7 73 8 7	Fax: 028 71314091	Omagh, B179 ON5	Tel. 028 56344103		
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This document is available, on request, in accessible formats, including Braffle, disk, audio cassette and infliority languages.

Updated May 2015

NIHE NAMED POINTS OF CONTACT

Name	Region	Email / Telephone Number
Pauline Campbell	Belfast: Belfast Housing Solutions and Support Team	Email: Pauline.Campbell@NIHE.GOV.UK Tel: 028 95983886
Mairead Flatley	Northern: Twickenham House Ballymena	Email: Mairead.Flatley@NIHE.GOV.UK Tel: 028 95984650
Melvin Spiers	Southern: Marlborough House Craigavon	Email: Melvin.Spiers@NIHE.GOV.UK Tel: 028 95983894