



Scenario



Child concern with CP



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

Police Scotland staff on making a referral to the reporter

Reporter:

You wanted to discuss concerns about two children: a 12-year-old girl called Helen, and a 9-year old girl called Rachel

Police:

Helen is a 12-year-old girl. She'd been attending a local youth club. She told her mum that a youth worker at the club (Kenny, who was 35) had been abusing her at the club. Her mum immediately told the police.

An IRD has been conducted and where it was decided that Helen should be jointly interviewed.

In her joint investigative interview, she said that on several occasions Kenny had been taking her into the youth club's storeroom and had been touching her sexually. This had been going on for the last three months.



We interviewed three other children at the club. None of them had witnessed any inappropriate behaviour by Kenny, but two of them said that they'd seen Helen go into the storeroom with Kenny and thought it a wee bit odd.

We've now interviewed Kenny. He's denied being involved in any sexual behaviour towards Helen. He's suspended from his job at the youth club.

We've spoken with Helen's parents. They say that over the last few months, Helen has been behaving differently at home and school – she's been quiet, withdrawn and just seems sad - but has not said that there's anything wrong until now. They've asked the social worker for some help and support for Helen herself and for themselves too. Helen has already said (during the JII) that she would like to talk to someone. She hasn't been sleeping and has been having nightmares.

We've been having a discussion in the office about whether Helen should be referred to the children's reporter. We weren't sure. Some of us thought this was a serious offence that was committed against Helen and that we should tell the reporter.

Reporter:

You need to think about the test in section 61 of the Children's Hearings (Scotland) Act 2011. This requires the police to consider 2 things:

- Is the child in need of protection, guidance, treatment or control?

and

- Might it be necessary for a compulsory supervision order to be made in relation to Helen?



If the answer to both is yes, then you must refer Helen.

If you look at the [Guidance on Referrals to the Reporter](#), especially Appendix 3 which if you think about the summary we've just covered in this training, there are some key questions that are designed to help you grapple with the 2 criteria.

Firstly, and crucially, how concerned are you about Helen? So you should be thinking about things like how high is the risk to her, and what has the impact of this been on her?

The higher your concern, the greater the risk, the more significant the impact ... the more likely it is that you need to refer Helen to the reporter. What do you think?

Police:

I am concerned about what Helen has gone through. It's terrible. It seems to have had quite a significant impact on her. However, as to risk, the immediate risk – of further harm - that has been removed. The risk or concerns I have, are more about the long-term impact of what's happened to her.

Reporter:

Okay, let's think about the key issues the guidance identifies. First – is the risk ongoing?

Reporter:

And then we need to think about the response of Helen and her parents to the concerns here – do they understand those concerns, and does it look like they will engage with any relevant services that might assist in addressing them?



Reporter:

Okay, now let's think about the statutory criteria firstly do you think that Helen needs protection, guidance, treatment or control?

Police:

You could say that she needs to be protected – although that's already been done, I suppose. She needs some kind of intervention to support her deal with what's happened. Not sure if you would refer to that as "guidance" or "treatment" but there needs to be something.

Reporter:

And do you think that it might be necessary for a compulsory supervision order to be made in relation to Helen?

Police:

No, I don't think it is necessary. The things that Helen needs can be done on a voluntary basis.

Reporter:

On reflection looking at the criteria do you think Helen should be referred to the reporter?

Police:

No.

Reporter:

I agree. I think that's a sound decision.



Okay, let's turn to Rachel, the 9 year old girl. What are your concerns about Rachel?

Police:

Rachel is Kenny's daughter. She lives with him and her mum. She has no brothers or sisters. We jointly interviewed Rachel following Helen's statement about what Kenny had done. She didn't disclose anything of any concern.

Reporter:

What other information do you have about the family?

Police:

The home conditions are good. There is nothing of concern on our records. Contact with social work revealed nothing of concern there either.

As we said when talking about Helen, Kenny denied being involved in any sexual behaviour towards Helen. Rachel's mother has supported Kenny. He doesn't believe that he could do what Helen has alleged. She thinks she's lying about it.

We don't have any other information.

Reporter:

Okay, let's think about the guidance and the kinds of things you should be asking yourself.

How concerned are you about Rachel?



Police:

That's a difficult question to answer. The basis of any concern about Rachel would be because she is living in the same house as Kenny who is alleged to have sexually assaulted Helen. There is nothing of concern from Rachel's statement. However I would have some serious concerns if what Helen has said about Kenny is true. We have no further evidence which supports what Helen has said. The PF is unlikely to prosecute Kenny.

Reporter:

Remember, as the guidance makes clear, questions about evidence are for the reporter. As it happens, in a case like Rachel's the reporter would not require to lead evidence to corroborate what Helen says in her joint interview. Unlike in criminal proceedings, what Helen says Kenny did could be proved without the need for corroboration if Helen's account in that interview was considered to be credible and reliable.

Police:

Well, I am concerned about Rachel. There is clearly a risk to her although it's difficult to say at what level. And while the family continue to all live together that risk is an ongoing one. It's also a concern that Kenny is supported by Rachel's mother who doesn't believe what Helen has said or that there is any risk to Rachel.

Thinking about the impact on Rachel, well there hasn't been any as far as we're aware.

Reporter:

Let's turn to what we need to consider around engagement and co-operation – whether any concerns can be addressed on a voluntary basis.



Police:

There's nothing to suggest what concerns there are for Rachel will be addressed. The suspect, Kenny, denies doing anything wrong. His wife supports him and they are still all living together in the same house.

Reporter:

So, thinking about the statutory criteria.... First question – does Rachel need protection, guidance, treatment or control?

Police:

Well, it hinges on the risk posed by Kenny to Rachel and whether what Helen says is true. If it is then Rachel needs protection. And, as we've discussed, in a situation like this, we don't decide whether to make a referral based on OUR assessment of the evidence. I think the answer to this question has to be "yes".

Reporter:

The second of the criteria is whether you think that a CSO might be necessary for Rachel.

Police:

Again I think the answer is yes it might be. Leaving aside the question of what the risk is, there is no question of anything happening on a voluntary basis to change the current situation with Kenny staying in the same house as Rachel.

So I suppose, as the answer to both questions is "yes", we should make a referral to the reporter.

Reporter:

As with Helen, I think that's a soundly reasoned decision.

