



Surrey Safeguarding Children Partnership Non-recent Abuse Policy

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Approved by:

Emerging Issues &

Policy sub-group

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About this document

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1. Relevant Legislation and Guidance

- **Children Act 1989**
- [Working Together to Safeguard Children 2023](#)
- **Keeping Children Safe in Education**

2. Introduction

This guidance is written to ensure that all allegations of non-recent abuse are dealt with in the same way and that victims of abuse have a fair and thorough process to report such matters regardless of when the abuse occurred. Disclosures of abuse and or Information about allegations may come into the Local Authority via several different routes but the process described below should be followed regardless of the initial point of contact. Please see the SCC LADO procedures for further guidance on referring and managing allegations ([3.2 Managing allegations against people that work or volunteer with children | Surrey Safeguarding Children Partnership \(procedures.org.uk\)](#))

This guidance covers allegations of non-recent abuse which relate to current or previous staff who work or worked in regulated activities with children. This includes foster carers, prospective adopters and volunteers. Throughout the guidance, the term 'professionals' will be used to cover all these roles, unless one is specifically excluded.

3. Definition of Non-recent Abuse

An allegation of **Neglect, Physical, Sexual or Emotional Abuse** made by or on behalf of someone who is now 18 years or over, relating to an incident which took place when the alleged victim was under 18 years old or the allegation relates to an incident two or more years ago which took place when the victim was under 18 years old.

4. General Principles

- Allegations of non-recent abuse should be responded to in the same way as contemporary allegations. The intervention should include both the investigation of the alleged incident(s) and consideration of any risk posed to child/ren;
- The police should be notified of the allegation as soon as it is made in order to discuss the allegation and decide the best way forward.
- Where there are current risks to any children, safeguarding and the managing of allegation procedures should be followed.
- The process of investigating non-recent abuse allegations is distinct from investigating contemporary allegations because the time lapse between incident and investigation can create significant difficulties in evidence and information collection; However, robust risk assessments and safety measures must be employed in all cases to ensure the safeguarding of the children whilst the allegations are investigated.
- Non-recent abuse allegations can often form part of a complex web of links between victims and perpetrators. This may occur in residential units but can also be true of any allegations; including personal life allegations where an individual who works in regulated activities with children may have historically engaged in a serious safeguarding matter and or abused a child in their personal life.
- Analysing and understanding current risk in these circumstances can be complex;
- Non-recent abuse allegations should consider the three strands of the investigation in the same way as contemporary allegations i.e. child protection, criminal investigation and employer action, where the alleged perpetrator is still employed or may be working with children or young people in a voluntary capacity;
- Risk assessments must be completed in each case to establish, on all the evidence available, whether there is a current risk to children. These risk assessments must be rigorous and proportionate, explicitly giving weight to the severity and the likelihood of harm and balancing this with any known protective factors. It is important that the police are involved in this risk assessment.
- In all cases there must be inter-agency consideration of the issues. This will involve an early dialogue between Children's Social Care, Police and any other agencies if appropriate. **The Police and Children's Services should always jointly agree**

when to inform the alleged perpetrator (s) of the concerns which have been raised:

- The victim should always be fully informed and supported regarding the process including the information which will be sought, in so far as this meets the needs of the criminal investigation. It is important that the views and wishes of the victim are obtained so that their voice is included in the process;
- Non-recent allegations of abuse should be considered at a Non-recent Abuse Strategy Meeting, chaired by the Director of Quality Assurance or the Assistant Director Quality Practice and Performance.
- The Local Authority Designated Officer (LADO) has a specific role in the response to non-recent allegations against people who work or worked with children;
- The LADO provides a central point of contact for professionals, promoting consistency and high standards to ensure the case is monitored, updated and worked in a timely way. This may include holding an **Allegation Against staff and Volunteers meeting (ASV)** as well as review – for more information see **Safer Workforce and Managing Allegations Against Staff, Carers and Volunteers**
- The LADO role is particularly relevant for people who continue to work or volunteer with children in regulated activities, as the LADO can provide both guidance and challenge to employers; in cases where the adults no longer work or volunteer within the children's workforce, the LADO has no remit and the responsibility lies with the police.
- The LADO can provide advice on thresholds for intervention as in contemporaneous cases;
- The LADO should be mindful of the timeliness of investigations. Timeliness does not necessarily mean that cases will be resolved quickly, due to the nature of the work.

5. Responsibilities

5.1 Responsibilities

A decision will need to be made by the police as to whether an allegation of a criminal offence has been made. Where this is judged to be the case the police will take the lead in the investigation. Where the police lead the investigation Surrey County Council is responsible for supporting this investigation if the abuse took place within the current County boundaries. This includes the LADO role. Where the police do not take the lead on the investigation Surrey County Council will have primary responsibility for conducting the investigation into non-recent abuse if the abuse took place within the current Country boundaries. This includes the LADO role.

In all cases where an allegation of non-recent abuse has been made an ad hoc Non-recent Abuse Team (NRAT) will be set up to deal with the allegation. The Director of Quality and Performance will put together a team comprised of those most appropriate to the particular circumstances of the allegation. This will include nominating an appropriate NRAT Co-ordinator who will have primary responsibility for managing this ad hoc team. There should then be a dialogue with the Police about how any work identified can be progressed within the confines of any live investigation.

The NRAT is responsible for the Children's Social Care enquiries into any non-recent abuse allegation against people who work or worked with children, where the alleged victim was a child in the care of Surrey County Council at the time of the abuse and the abuse occurred in current County boundaries. The NRAT will also be responsible for supporting any police investigation.

The NRAT will also be responsible for nominating an 'allocated social worker' whose responsibility it will be to liaise with the NRAT and conduct enquiries on behalf of social care.

Where an adult making an allegation was looked after by Surrey County Council as a child, but was placed in another Local Authority, the responsibility for managing the investigation rests with the Authority in which the alleged abuse took place and where the adult was or is employed. The Non-recent Abuse Team will contribute to the enquiries and the Strategy Meeting. The Non-recent Abuse Team must ensure that they know the outcome of any investigation and consider any implications for the department, including any issues regarding the media. Any issues related to the media must be discussed with the CFLL Senior Leadership Team and agreed with the police. Any statements to the media or press

releases must be jointly agreed with the Police to avoid jeopardising any investigations or future court proceedings.

Non-recent abuse allegations against anyone else (ie family members or other people in the community) should be referred to Children's Single Point of Access (C-SPA). These cases will often be police led and generally only actively involve social care if there are any current risks to children either from within the family or the wider community.

Similarly, non-recent allegations related to the person's private life where they used to, but no longer, work in any capacity with children should be referred to the C-SPA.

Staff should be mindful that where non-recent cases become complex either due to number of children or staff involved, that there is complex abuse guidance within the Surrey Safeguarding Children Partnership Procedures.

5.2 Independence

If the person who is the subject of the investigation is a current or former SCC member of staff, then any enquiries undertaken by Children's Social Care should be undertaken and managed by someone who has no personal or professional relationship (e.g. is not part of the same team) with the individual.

Where the alleged perpetrator is still working, volunteering, or fostering, Social Care enquiries should not be undertaken by the social worker for any child in receipt of services from the individual. In the case of allegations against residential staff, social care enquiries should not be undertaken by the social worker for any child placed in the unit. Foster carers' supervising social workers, or the support social worker for potential adoptive carers, also should not undertake any such enquiries.

If the alleged perpetrator is a current Children's Social Care professional, the NRAT Co-ordinator will ensure that the relevant Service Manager is aware of the allegations as soon as this is known.

It is the responsibility of the relevant Service Manager to ensure that the relevant Directors and senior leadership are aware of allegations made against current staff or foster carers.

Enquiries will ordinarily be managed by someone senior to the individual about whom the allegation is made i.e. if the enquiry relates to a Team Manager the enquiry will be managed by a Service Manager. The principle of independence as set out above applies.

6. Non-recent Abuse Strategy Discussion

On receipt of the referral the NRAT Co-ordinator will hold a Non-recent Abuse Strategy Discussion with the relevant Sergeant (or where it relates to a large or complex investigation where it is believed that there are multiple victims or suspects, a Detective Inspector) from the police. Following this the NRAT Co-ordinator will inform and invite the LADO, who will attend to assess whether there is a need for further LADO involvement and/or a separate [Allegations Against Staff and Volunteers Meeting \(ASV\)](#). It is important to note that a Strategy Discussion is organised and chaired by Children's Social Care with a focus on the alleged victim(s). Whilst the ASV is organised and chaired by the LADO in relation to the alleged perpetrator.

The purpose of this Strategy Discussion will be to:

- Share all relevant information;
- Ensure all safeguarding checks and any resulting actions have been completed or are in process;
- Ensure the appropriate support is in place for the victim;
- Decide on how best to progress the case including deciding which is to be the lead agency going forward;
- Agree whether a Non-recent Abuse Strategy Meeting needs to be held.

Where the alleged perpetrator is deceased, a Non-recent Abuse Strategy Discussion will take place between the NRAT Co-ordinator and the relevant Police Sergeant. The purpose of the discussion will be to:

- Make a record of all allegations and analyse the allegations;
- Share information about where the alleged perpetrator was working, where the alleged victim was living and whether there are any other relevant allegations, including those related to live investigations;
- Agree a plan for any further work;
- Agree whether a Non-recent Abuse Strategy Meeting needs to be held.

When the alleged perpetrator is deceased and a strategy meeting is not held, the victim's need for a response and a conclusion to the matter can still be recognised. Professional judgement will be needed to consider how best to manage this situation, and a decision will be made on a case-by-case basis. It may be possible for the social worker to complete a report which makes a recommendation about whether there is sufficient information, on the balance of probabilities, to substantiate the allegations. It is also important that appropriate support is provided to the victim.

7. The Purpose of the Non-recent Abuse Strategy Meeting

The function and purpose of the Non-recent Abuse Strategy Meeting is to make an agreed plan to progress the investigation in a way that is fair, consistent, thorough and timely. This is achieved by:

- Identifying a SMART action plan;
- Making recommendations regarding possible action under disciplinary procedures where appropriate;
- Co-ordinating support for the victim;
- Coordinating support for the alleged perpetrator as appropriate;
- Agreeing when and by whom the alleged perpetrator(s) should be made aware of the allegation, and that a Non-recent Abuse Strategy Meeting has taken place. The alleged perpetrator(s) should only be notified with the express prior agreement of the Police and only where necessary e.g. where the alleged perpetrator still works with children and will need to be suspended
- Considering whether any referral needs to be made to a regulatory body e.g. the Social Work England;
- Arranging any further Non-recent Abuse Strategy Meetings or a concluding meeting to inform all concerned about the outcome of the investigation.
- Where appropriate, make a referral to the LADO service.

8. Preparation for the Non-recent Abuse Strategy Meeting

The timing of the Non-recent Abuse Strategy Meeting will depend on the nature of the allegations and the amount of information known; the meeting will usually take place within 28 working days.

If there are current child protection concerns or the alleged perpetrator is currently working with children or has access to children, the Non-recent Abuse Strategy Meeting should be convened as soon as possible but by no later than 3 working days after the receipt of the referral.

Prior to the Strategy Meeting the NRAT Co-ordinator must:

- Ensure that details of the allegation are recorded on LCS, including details of alleged perpetrator;
- Ensure that relevant agency checks have been undertaken and that, where appropriate, reference to relevant service user files has been made to verify facts.
- Where possible obtain consent from the victim to share files with the police as this can speed up the process.

Prior to the Strategy Meeting the allocated social worker:

- Will check to see if the victim or perpetrator are currently known;
- Will check to see if they were known as a child;
- Will check if the Local Authority holds social care files and record searches using the File Search pro forma;
- Will check if the file is governed by Surrey County Council;
- Will request files from storage;
- May start to compile a childcare chronology;
- Will establish if there are any safeguarding concerns (eg currently working or volunteering with children, children of their own or in their family);
- Will request any personnel/disciplinary/conduct files and HR chronology;

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- Will check what information is held by social care (eg any previous investigations under the Managing Allegations procedures);
- Will write a report for the meeting which includes the circumstances of the allegations;
- Will contact the CF Insurance Fund and Policy Team on insurance@surreycc.gov.uk to find out if there are any civil claims which relate to the victim or perpetrator.
- Will contact the Council's Legal Services Team to appraise them of the facts of the case and ask them for advice on how to proceed.

This is not an exhaustive list and additional tasks may be necessary.

Prior to the strategy meeting the LADO will:

- Liaise with the LADO in another Local Authority if it is known the alleged perpetrator worked there.

The NRAT Co-ordinator and the LADO must ensure that the work is progressed in a timely manner.

9. Invitation to the Non-recent Abuse Strategy Meeting

When any agency is invited to attend a Strategy Meeting it is important to provide information about the allegation and the context so that the agency can identify an appropriate representative to attend the meeting.

It is the responsibility of the NRAT Co-ordinator and social worker to invite relevant agencies including, if appropriate, the LADO. The following should always be invited to attend:

- Police;
- Where appropriate, the current employer of the alleged perpetrator, if they are in employment.
- Any other relevant agency involved with the alleged perpetrator.

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- Where the allegation is against current or previous foster carers or prospective adopters, the following should always be invited to attend:
- The Service Manager for Gateway to Resources
- Where the allegation is against current registered manager for a residential children's home, Ofsted should be invited.

10. The Non-recent Abuse Strategy Meeting Process

A series of strategy meetings may be held to discuss the allegations. The format of the meetings will depend on the specifics of the case, but in the first instance meetings will centre on the alleged perpetrator(s).

Once the necessary safeguarding activity has taken place and there is no identified ongoing risk then these meetings may be converted to Review meetings rather than Strategy Meetings.

The meetings will endeavour to reach an outcome which is agreed by the professionals involved. Agencies will be encouraged to make a recommendation and explain their reasoning.

The outcomes used by all parties (as identified by the DfE) should be:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

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Outcomes to strategy meetings are decided on the balance of probabilities. It should be noted that this is a lower standard of proof than that required in criminal cases; it is therefore possible to substantiate allegations even if police investigations have not resulted in a prosecution.

It should also be clear whether the person of concern is aware of the outcome and that a referral to DBS has been considered where relevant in cases where the outcome is substantiated.

A concluding letter should be sent to the alleged perpetrator confirming the outcome. The lead investigator from the Non-recent Abuse Team will be responsible for this task. The timing and content of this letter should be agreed in liaison with the police.

11. Minutes of the Non-recent Abuse Strategy Meeting

These meetings will be chaired through the Quality Assurance service and will be minuted by an identified minute taker.

Minutes should include details of the discussion and any agreed actions should be accurately recorded in order to formally record what has been agreed and who has responsibility. A copy of the minutes should be sent to all agreed parties.

The minutes of Non-recent Abuse Strategy Meetings could be made available to the victim but strictly only with the prior permission of the police and not before the conclusion of the investigation or subsequent trial. The request for minutes should be a written request. These minutes may be redacted to remove personal information, subject to review by the chair of the Non-recent Abuse Strategy Meeting and in consultation with the police. The alleged perpetrator would not generally be sent a (redacted) copy of the minutes until the conclusion of the whole process, particularly where there is a police investigation. Redacted minutes will be completed by the Chair, uploaded onto LCS and identified as such.

Minutes should be completed and uploaded to LCS within twenty working days.

Minutes of the meeting should be stored on both the alleged perpetrator and victim's files.

12. Recording

When a referral indicating an allegation/concern about an adult that works with children is received a LCS file must be created for both the alleged perpetrator and the alleged victim, if files do not already exist.

Care should be taken that personal information about individuals is only added to their file. Inevitably there will be information that will need to be added to both files, but this should wherever possible be kept to a minimum. The following guidance should inform decisions about what information should be placed on which file.

File	Information
Alleged Perpetrator	<ul style="list-style-type: none"> • Family Details; • Relevant personal History; • Relevant career History; • Case Notes relating to any of the above; • Case Notes relating to any discussion and/or meeting with the alleged perpetrator; • Written correspondence between Children's Social Care and the alleged perpetrator; • Any reference to the victim should use initials and the individual's LCS reference number, not their name; • Copies of the minutes from strategy discussions and/or strategy meetings.
Victim	<ul style="list-style-type: none"> • Family Details; • Personal History; • Case Notes relating to any of the above; • Case Notes relating to any discussion and/or meeting with the alleged victim;

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	<ul style="list-style-type: none">• Written correspondence between Children's Social Care and the alleged victim;• Any reference to the alleged perpetrator should use initials and the individual's Framework reference number, not their name;• A case note with the date and outcome of each strategy meeting.
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Access to files on LCS can be subject to a detailed audit in order to identify any unauthorised access. Unauthorised access to files is a disciplinary matter. All related files should be restricted with access given only to those that require it. If there is any indication that the individual that the concern/allegation relates to would have access to information on Framework, either themselves or through a third party, it is essential that the record is restricted.

On completion of the enquiries the Service Manager with line management responsibility for the team will agree with the NRAT Co-ordinator and LCS team what continuing restrictions are required, if any.

13. Sharing Records with the Police

Principles

Disclosure of SCC records to Surrey Police will be made in accordance with:

- The responsibilities of SCC under the Data Protection Act 2018 and The General Data Protection Regulation (GDPR)
- The principles of the [Surrey Multi Agency Information Sharing Protocol \(MAISP\)](#)
- The 2013 National Protocol and Good Practice Model for disclosure of information of cases of alleged child abuse.

SCC Children's services records containing personal data in respect of both alleged victims or perpetrators will be treated by Surrey Police as sensitive information in any future criminal proceedings arising from the investigation and will not be passed to the Court and or Defence without further agreement of SCC or Court Order. This does not limit disclosure to the CPS during the investigation.

Information Sharing Process

Surrey County Council will make available to Surrey Police all records held relevant to the operation(s). Where SCC identify records potentially relevant to the investigation but not yet specifically requested by Surrey Police, it will notify Surrey Police for a decision on whether disclosure of that information is required.

Redaction

Surrey County Council will provide records on a pro disclosure basis. The need for redaction will be minimal and in cases where redaction is necessary, the redacted items will be listed, and this list will be shared with Surrey Police.