Age of Criminal Responsibility (Scotland) Act 2019

Investigative interview, social work reference guide (DRAFT)

**Please read in conjunction with Operational Guidance**

|  |
| --- |
| **Notification**  |
| Have police contacted social work in relation to a possible incident that may need a response under ACR legislation?  |  |
| SW share relevant information with police to assist with any immediate planning and action needed.  |  |
| Can this be dealt with without using ACR powers?  |  |
| **IRD**  |
| Is an IRD required? |  |
| Have participants been agreed?  |  |
| Has relevant information been gathered?  |  |
| **Specific circumstances**  |
| Is this a retrospective IRD (police urgent questioning)?  |  |
| Has a place of safety (POS) order been used? (Additional recording is required for reporting purposes) |  |
| Are police seeking search or forensic orders?  |  |
| **Early action** |
| Do child protection procedures need to be considered for any child?  |  |
| Is there a need for early referral to Reporter |  |
| What support is needed for the child or parent (or other child/ family)? |  |
| **Gather information** |
| What is known about the child and their circumstances?  |  |
| Who is currently involved with or knows the child? |  |
| **Consideration of investigative interview: has the following been considered:**  |
| The criteria for an investigative interview;The necessity of an interview in relation to the police investigation;The suitability of conducting an interview with the child and,If this would be in the child’s best interests  |  |
| **Planning the investigative interview: the child**  |
| What are the child’s health and wellbeing needs? |  |
| Does the child have additional needs/ requirements for an interview?  |  |
| **Planning the Interview: the parent** |
| Consider any additional needs of the parent |  |
| Does the parent have parental responsibilities and can therefore agree to an interview  |  |
| **Child’s current circumstances** |
| Consider current circumstances, care arrangements and family relationships  |  |
| **Seeking Agreement for an interview**  |
| Can the child agree to the interview? |  |
| What is the child’s legal status? |  |
| Does the parent have parental responsibilities in relation to the child? |  |
| Does the parent meet the criteria to agree to the interview? |  |
| Does the parent meet the criteria to agree?  |  |
| Has written information been provided to child and parent (leaflet)  |  |
| Who will speak to the child and parent to help the understanding of the situation and processes?  |  |
| **Child Interview Order (CIO)** |
| Has agreement been sought first or agreement is not possible (eg after urgent circumstances/ no option to seek agreement)  |  |
| Has there been consultation and agreement between police and SW to apply for the CIO?  |  |
| Has there been discussion with child and parent about intent to apply for the Order?  |  |
| Have police applied for the CIO?  |  |
| Ensure planning takes account of CIO timescales for interview  |  |
| Have child and parent been provided with a copy of the Order?  |  |
| Is child aware of their right to appeal? |  |
| Has written information (police leaflet) been given to child and parent? |  |
| Who will speak to the child and parent to help the understanding of the situation and processes? |  |
| Has a provisional plan been developed to be included in application for CIO?  |  |
| \*\* Police apply for the Order and will advise SW on any specific provisions included if the Order is granted or if the Order is not successful (police can appeal). Planning must take account of the child’s right to appeal and timeframe for this.  |  |
| **The Child Rights Interview Practitioner (ChIRP)** |
| \*\*Early contact with a ChIRP will be made by police via Scottish Government process where an investigative interview is being considered |  |
| Has the ChIRP been identified? |  |
| Has contact been made with the CHIRP to discuss planning for the interview?  |  |
| Has the child and parent been advised of their right to have a ChIRP and the arrangements being made for this?  |  |
| Has the child had a private consultation with their ChIRP before interview? |  |
| Have the interviewers discussed the plan for the interview with the ChIRP? |  |
| Has child received advice, support and assistance from a ChIRP before and during the interview? |  |
| Has ChIRP been given a copy of the plan for the interview?  |  |
| **Child’s supporter**  |
| Does the child know they have the right to have a supporter?  |  |
| Where the interview is by agreement the parent will be the child’s supporter, has this been discussed with the child and the parent?  |  |
| Where there is a CIO, has the child been consulted about who could be their supporter (within the criteria)? |  |
| Have the interviewers agreed this person will be suitable?  |  |
| Have interviewers discussed the plan for the interview with the supporter?  |  |
| **Planning the interview – key steps**  |
| Pre interview briefing with police and SW. |  |
| Strategy – identify purpose, aims and objectives of the interview, roles and responsibilities including that of the ChIRP and supporter. |  |
| Consider specific needs and requirements of the child. |  |
| Write a draft plan for interview – a provisional plan is required for any CIO application. |  |
| Consider any directives that are part of an Order – police and SW must comply with any directives |  |
| Consider any child protection and wellbeing issues. |  |
| Consider and agree location, transport, timing and practical arrangements including discussions with child and parent/ carers. |  |
| Consider recording processes and requirements.  |  |
| Ensure child, parent and ChIRP receive copy of the plan and leaflets as well as face to face discussion.  |  |
| Agree roles and responsibilities with contingencies built in. |  |
| Ensure support for interviewer is in place for interviewers.  |  |
| Ensure local evaluation process is in place to review process and practice and ensure future learning.  |  |
| Consider support and wellbeing needs of the child and family.  |  |
| Ensure relevant information is shared with lead professional/ named person. |  |
| At all times ensure child’s rights are upheld and relevant information is provided (including written information) to the child and any relevant family, members/ carers. |  |
| **Recording of the interview**  |
| Check equipment required for visual recording. |  |
| Agree roles for note taking. |  |
| Ensure relevant recordings for child’s file. |  |
| After the interview  |
| Focus on support and wellbeing needs of the child and the family and any further action, intervention needed.  |  |
| Is an updated assessment of needs and /or risks required?  |  |
| Is a referral to the Reporter required?  |  |