

## Briefing note for adults at risk: advice for investigators

### Key considerations

Risk is dynamic and officers should reassess and respond when circumstances change.

Identify any specific vulnerabilities the victim may have that create a risk of harm. Take effective action to address them and refer to specialist services for appropriate support.

Vulnerable victims will require additional support through the criminal justice system.

Understand your obligations under the Victims' Code of Practice.

Partnership working to safeguard victims will provide a holistic response.

Engage supportive investigative agencies in appropriate cases.

This advice should be read in conjunction with the briefing note for adults at risk – initial investigation and safeguarding, **APP on investigation and prosecution and case management**. Investigations involving adults who have specific vulnerabilities or care and support needs can present investigators with additional considerations over and above standard investigative responses. There are several pieces of advice developed to help officers to support vulnerable victims through the criminal justice system included in **Annex E**.

Take steps to rectify any omissions or gaps in the initial response.

Investigations should focus on gathering all evidence, including that which may

point away from the allegation. Keep assessing risk of harm; ensure that appropriate police actions have been taken and referrals for support from other organisations have been made. Assess whether the victim's support for criminal justice processes remains appropriate.

## Safeguarding

- Reassess the risk posed to the victim as circumstances of the investigation change, for example suspect released on bail.
- Ensure that safeguarding referrals are being assessed effectively through contact with adult social care (ASC). Understand and use local escalation procedures where required.

- Review safeguarding plans where necessary. This may require further strategy discussions with relevant partner agencies or your attendance at multi-agency case conferences to **share information** and coordinate interventions.
- There are many orders that may be applied for to create the best possible safeguarding environment for the victim. However, care must be taken to apply only those conditions that are required to support victim safety. An uncharged suspect should have the minimum restrictions placed on them so that their rights under Article 8 of the Human Rights Act, and other rights, are not unnecessarily infringed.
- Where it is necessary to seize mobile phones and this is the only source of emergency contact for the victim, consider providing a replacement.

## Support through the criminal justice system

- Vulnerable, intimidated and persistently targeted victims of certain crimes have rights to an enhanced service under the Code of Practice for Victims of Crime 2020. Be aware of your responsibilities under the Code and review support arrangements. Keep the victim updated on the investigation progress.
- Enable victims to give their best evidence and ensure that case files contain the relevant information relating to the victim's needs to inform the Crown Prosecution Service (CPS). Refer to **Annex E**.
- Victims with a disability, a seriously debilitating illness or at the end of life may be too unwell to attend police premises for a video-recorded interview. Consider recording an interview in situ.
- Investigators must establish that persons known to the victim who offer support, for example during interview, are not involved in the abuse.
- If an interview needs assessment establishes that the victim requires support to give their testimony and there is no appropriate person known to the adult themselves, the use of a registered intermediary should be considered. These experts facilitate communication and can be involved throughout the entire process, from pre-interview through to court. A registered intermediary can be secured by contacting the Specialist Operations Centre of the National Crime Agency on 0845 0005463.
- Special measures requests should be discussed with the victim and CPS at the earliest opportunity.

## Investigation

- You will likely have established suspected criminal offences against the person at risk. There are many areas of APP that will advise you on specific investigations, for example domestic abuse, modern slavery, rape or sexual offences. **Annex A** provides useful information regarding abuse and neglect of adults for relevant lines of enquiry.
- Abuse within a care setting may involve several suspects who may be under pressure from relatives/work colleagues to provide limited or untrue accounts. In cases with multiple suspects, or where witness testimony will be required against relatives/work colleagues, obtain all witness and suspect accounts as soon as possible to avoid contamination or witness interference.
- Consider the role and assistance of other agencies and organisations involved in adult safeguarding and investigations. Their assistance and advice is often crucial. **Annex C** describes the role of agencies including the Care Quality Commission (see **Memorandum of Understanding between National Police Chiefs' Council (NPCC) and CQC**) and the Office of the Public Guardian (OPG).
- Investigations of wilful ill-treatment or neglect of adults can be complex and you will require investigative skills, at least to PIP level 2. **Annex B** and the **CPS – Older people: prosecuting crimes against** policy provides further advice for case building.
- The issue of pressure sores as a cause of safeguarding concern often arises for investigators. This matter is covered in depth in the **Department of Health and Social Care Protocol** and will assist you in understanding when the threshold for police intervention is met.
- Third-party material, such as care logs, may be crucial to building your case and such evidence should be sought at an early stage to prevent delays to the investigation. Careful scheduling of material will be required for **disclosure** purposes.
- Early investigative advice (EIA) from the CPS should be sought in complex cases.
- The National Police Chiefs' Council Homicide Working Group has published **a guide to investigating death and serious harm in healthcare settings**.
- After a safeguarding case is concluded, there are certain circumstances when a review of that case is required, and officers may be involved in a Safeguarding Adults Review (see **Annex D**).

## Suspect considerations

- Understand the risk posed by your suspect. Check all usual indices such as the Police National Computer (PNC), Police National Database (PND), ACRO and local intelligence. Also consider other sources such as the Adult Local Authority Designated Officer (LADO) in the current area or other places where the suspect may have resided or worked.
- Consider the use of appropriate protective orders where the criteria are met, alongside other **tactical options**, such as bail conditions, for prevention.
- Consider that the suspect may be vulnerable themselves and consider the most appropriate way to deal with them, holding them to account for any abuse or neglect.
- Where professionals and persons in position of trust (see **Annex B**) are suspects, consider if they have access to other adults with care and support needs. Follow local referral processes for professional suspects, such as the Adult LADO, and consider further escalation options such as Ofsted/CQC.
- Consider the use of the **Common Law Disclosure Scheme** for professionals and persons in positions of trust suspected of adult abuse, so that employers are aware of risks posed by people seeking or in caring roles.
- The criminal investigation may run alongside an internal disciplinary process where the suspect is suspended and prevented from attending work due to the enquiry. This can put additional strain on the suspect, colleagues and employers. Avoid any unnecessary delays in completing enquiries.
- Investigators will need to consider how best to sequence interviews and other investigative processes. Should a disciplinary enquiry take place first, there may be a potential for questioning to reveal lines of enquiry in the criminal investigation, give an indication of potential defences or clarify issues, making the criminal investigation simpler and shorter.