

**IN THE MATTER OF THE INQUIRIES ACT 2005**  
**THE INDEPENDENT INVESTIGATION INTO CHILD SEXUAL ABUSE**

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**RULE 9 STATEMENT OF CHIEF CONSTABLE SIMON BAILEY**

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- I. I am Chief Constable Simon Bailey and I currently have responsibility as the National Police Lead for Child Protection and Abuse Investigation (CPAI).
- II. I make this statement in response to the letter dated the 13<sup>th</sup> of February 2018 received from Alexandra Merity, the Investigation Lawyer on behalf of the Inquiry and is in addition to my initial statement, which I provided to the Inquiry on the 13th of March 2018.
- III. Again, for ease, I have adopted the same headings as set out in the letter
- IV. With reference to my below answers, it should be taken into consideration that any police investigation undertaken within a custodial institution would be subject to appropriate permissions by the relevant governor or manager. Therefore it may be that certain initial investigative actions are undertaken by staff at the establishment, prior to police arrival.
- V. With reference to custodial institutions, it is my understanding that Secure Children's Homes come under the management of Local Authorities and their local policies apply. Secure Training Centres are run by private companies, and have requirements set under their contracts and service specifications. In the 2015 "The Appropriate Handling of Crimes In Prisons" Protocol, which I exhibit as SB/12, principles are set out relating to the referral, investigation and prosecution of crimes committed in prisons. It applies to all prisons and YOI establishments operated by HMPPS (previously NOMS) and covers crimes committed in prison by any person including prisoners, staff, social and professional visitors and contractors. This protocol was agreed by NPCC, and the College of Policing has noted this protocol and supports its aims.

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**2. What types of sexual abuse against a child would police ordinarily be expected to investigate? For example, would police normally be expected to investigate the following type of incident, assuming it is in the child's best interests to do so?**

***a. Sexual abuse, as defined in the guidance mentioned above, committed by an adult in a position of trust and authority, against a child.***

2.1. Yes, police would be expected to investigate this type of offence.

***b. A sexual offence committed by an adult in a position of trust and authority, against a child, such as a sexual assault (within the meaning of section 3 of the Sexual Offences Act 2003), or another sexual offence against a child (such as that described in section 9 of that Act)***



2.2. Yes, police would be expected to investigate both types of offences. Although the question posed in part b above is specific to adults in a position of trust, it is important to note that in terms of a sexual offence being committed against a child, there could be occasions whereby police may not undertake an investigation. An example could include circumstances whereby the 'suspect' (a child) is below the age of criminal responsibility and following a multi-agency strategy discussion it is decided that social services should undertake a 'single agency' investigation. This is important when considering settings the sexual abuse of children in custodial institutions as there is the possibility of peer on peer offending in addition to adults in positions of trust.

**3. What investigative steps would be expected in all cases? In particular, would the following investigative steps be expected in all cases?**

3.1. Every investigation is different and may require various approaches to progress to a prosecution. In some instances, the identity of the offender is known from the outset and the investigation is expedited through to a suspect management phase. In other more complex investigations, the identity of the offender may never be known or is only discovered following detailed investigation.

3.2. In almost every case, a child sexual offence would be a 'reactive' investigation (as opposed to a proactive, intelligence led investigation).

3.3. The priorities for any police officer, whatever their rank, experience or role, should be to:

- Preserve Life
- Preserve Scenes
- Secure Evidence
- Identify Victims
- Identify Suspects

3.4. It is difficult to provide a prescriptive account of what investigative steps should be followed when a crime is alleged as each investigation is different. If the alleged offence has taken place in a custodial institution, protocols may exist that allow staff from a relevant establishment to undertake an initial investigation prior to police arrival.

***a. An interview of the alleged victim is carried out ( with consent if required) in accordance with Achieving Best Evidence in Criminal Procedures published by the Ministry of Justice***

3.5. Yes, an Achieving Best Evidence (ABE) interview would be expected, if it was in the best interest of the child. Any decisions about the interview should be discussed as part of a multi-agency strategy discussion as is a medical examination and the timing of an interview should be discussed with the forensic physician or paediatrician.

3.6. The Ministry of Justice (2015) Code of Practice for Victims of Crime (The Victims' Code) places a statutory obligation on criminal justice agencies to provide a minimum standard of service to victims of criminal conduct in England and Wales.



3.7. The interview of a child should take place following a strategy discussion with children's social care. This provides access to more detailed information about the child, which can be used to plan and conduct the interview and also assist registered intermediaries, if required. A caveat to this is that an interview should not be delayed for a strategy discussion if it is not in the best interests of the child. This process is also subject to any local agreements and protocols that may exist. If the interview is of a child who is detained in a custodial institution, the permission of the Governor, Head of Safeguarding or Manager would have to be sought, depending on the institution type prior to the interview commencing.

**b. A medical examination is carried out on the child (subject to obtaining appropriate consent) if there are any marks or injuries**

3.8 Depending on nature of the complaint that has been made, and a strategy discussion, and being in the best interest of the child, this would be expected. APP guidance states that children 'presenting with an immediate or recent assault (described as acute) should have a forensic medical examination. Local and national guidance should be followed where the forensic examination of a child is required. Officers are advised to ensure that all evidential opportunities presented by forensic medical examinations are pursued. There should be a strategy discussion with the medical examiner and children's social care for the majority of children that disclose assault (and for all those who disclose sexual assault that took place sometimes weeks, months of even years earlier) Police are advised that late examinations may offer important forensic and clinical information as well as the opportunity to start the therapeutic process.

3.9 The Royal College of Paediatrics and Child Health and the Faculty of Forensic and Legal Medicine have published "Guidelines on Paediatric Forensic Examinations in Relation to Possible Child Sexual Abuse." These 2009 guidelines state that 'for the purposes of examinations in relation to alleged child sexual abuse, a child is someone under the age of 16'. Individuals aged between 16 and 18 years old can be routinely examined without the involvement of a paediatrician. For young people aged 16 or over who have complex disabilities and/or learning disabilities, a discussion with a paediatrician could be helpful.

3.10 The timing of an examination should be determined by the circumstances of the case, any medical treatment has to take priority although the procedures to gather and preserve evidence may be carried out at the same time.

3.11 This is also subject to any local agreements and protocols that may exist and if the interview is of a child who is detained in a custodial institution, the permission of the Governor, Head of Safeguarding or Manager would have to be sought, depending on the institution type.

**c. Explore whether there are any eye-witnesses of the incident or its surrounding circumstances, and if so, take statements from them**

3.12. Yes, this would be normally expected as part of any police investigation. The witnesses themselves may be children, and therefore a strategy discussion may need to take place to decide how and if an account should be taken.



**d. Video or photographic evidence of the incident is viewed**

3.13 Yes, this would be expected as part of the police investigation. Again, if the alleged offence has taken place in a custodial institution, then access would have to be granted by the custodial institution to their CCTV and body-worn cameras footage if available.

**4 If there are any circumstances in which those steps would not be expected, please explain what they are.**

4.1 The best interests of the child are paramount in any investigation. Therefore, if any of the above investigative stages put the child at further risk of harm either from others, or to themselves, then they should not be undertaken until that risk has been mitigated.

4.2 It may be that the child does not consent to one of the above investigative steps.

I believe this statement has completed the questions asked of me by the inquiry. Where I have not been able to provide an answer in full I have provided relevant information to the inquiry in signposting where this information can be obtained (either by exhibiting the relevant document or providing the hyperlink). This is not intended to frustrate the inquiry but merely to serve in providing an efficient response within the given timescales.

I believe the information set out in this witness statement is true to the best of my knowledge.

**DPA**

Signed

**(CC SIMON BAILEY)**

Dated 23<sup>rd</sup> April 2018