

Threat to Life Guidance

A Threat To Life (TTL) is described as an incident whereby someone's life is in real and immediate danger.

It invokes a response under Article 2 of the Human Rights Act 1998 placing an obligation on law enforcement agencies to take reasonable steps to protect a person whose life is in 'Real and Immediate Danger'

There is a need for consideration and assessment of the impact of such a threat on individuals receiving the TTL (which could be a child) and those associated to persons(s) receiving the TTL including partners, children, family members and the wider community. This is required to ensure that any vulnerable adult or child is safeguarded. For the purposes of the TTL risk assessment, a child is considered to be any persons under the age of 18 years old as outlined within the Children Act 1989.

To ensure the safety of all, there is a need for a multi-agency response to ensure that all partners contribute to the risk assessment enabling a robust safeguarding plan in adherence with Working Together to Safeguard Children 2015.

Overview

Completion of the TTL assessment is the responsibility of Greater Manchester Police (GMP). However, where an individual who has been, or is due to be, served a TTL notice is a child or resides with or has regular contact with a child, GMP will be required to work together with Children's Services. There will be a requirement for GMP to discuss the case with Children's Services before serving the TTL in circumstances where children are involved. However it is acknowledged that in some cases children may only be identified on serving of, or after serving of, the TTL.

When a child is identified, an immediate discussion and referral should be made to the Local Area Children's Services department in line with Working Together to Safeguard Children 2015. Children's Services will respond no later than within one working day and where appropriate initiate a joint investigation.

A strategy meeting should always be convened to determine if a section 47 enquiry is required as outlined in Working Together to Safeguard Children 2015.

Whilst undertaking the strategy discussion it is important to recognise the child protection framework is predicated on a familial approach to assessing risk with the inherent assumption that parents may be partly responsible for the abuse that the child is experiencing. In cases of organised crime and threats to life the reality is that the risk may be derived from outside of the family network. This inherent assumption inevitably can too readily place the focus of intervention on parenting ability and not on the risks that are outside of parents' influence.

Where there are immediate concerns regarding the safety of a child who has been or is due to be served a TTL or is in contact with someone who has been served or is due to be served at TTL, removal of the child from risk of significant harm as outlined in the Children Act 1989 may precede the strategy meeting. In these circumstances a meeting should still be convened at the earliest opportunity once the child is no longer at risk of harm.

Where it is agreed a section 47 investigation is to be undertaken, it will be important to ensure that legal advice is sought from the beginning. Involving legal will support any work going forward to provide the courts with information that will satisfy them that the child concerned is suffering, or is likely to suffer significant harm. In addition, that the harm or likelihood of harm is attributable to the care given to the child, or likely to be given to the child if the order were not made, not being what it would be reasonable to expect a parent to give. There is a need to determine the level of external risk parents are subjecting their child to.

To proceed with any court application the court will require a factual evidence base. It should however be noted that if the sole issue is one of intelligence which has generated the need to issue a TTL and parents do not comply with the safeguarding advice provided, it is imperative that both GMP and Children's Services discuss their concerns with the respective legal representatives from both organisations ensuring all information that can be presented is provided to the advocates to make informed decisions. **The welfare of the child is paramount and must always be the guide.**

Legal Applications

Where consideration is given to seeking an order from the Family Court to protect a child who is considered to be at risk due to a TTL, it is necessary for the local authority to adduce cogent evidence to establish that the threshold criteria are met. Where a parent disputes a fact that the local authority assert goes to establishing threshold, the local authority must prove that fact on the balance of probability. A local authority will be dependent upon the police to provide the evidence to establish that a child is at risk of significant harm due to a TTL. It is frequently the case that the police evidence is based upon Police intelligence and there are restrictions upon the disclosure of this information.

The police will be required to prepare a statement setting out the extent of the information they are prepared to disclose to the parties that will be used to support an application to the Family Court, and the author of the statement will be required to attend court to give evidence.

Actions to be undertaken

The three thresholds for a TTL are Low, Medium and High. The level of risk is determined by information obtained by GMP which will include checks with partners to enable a robust risk assessment to be carried out. The level of risk will determine the action to be implemented.

In every case whether Low, Medium or High Risk is assessed as the outcome, a strategy meeting should take place to ensure all the relevant information is shared and actions taken are clearly documented. Any actions to be taken and decisions made at the strategy meeting should be signed

off by someone at Manager level. Management decisions must clearly state the reason for the decisions and not just a signature.

The following is a guide of actions to consider under each threshold of risk but consideration should always be made for **exceptional circumstances**.

Low Risk

Where a TTL is assessed as Low, the indication is that there is no 'real and immediate' threat identified. However this does not relinquish the original threat, it indicates that a person(s) does not have the intention or capability to facilitate the threat.

Where a TTL is assessed as Low and the person receiving a the TTL is a child or an adult who resides with or has frequent contact with a child, a discussion and referral needs to be sent to the relevant Children's Services department within one working day and a strategy meeting convened in adherence with Working Together to Safeguard Children 2015.

A joint assessment of the family circumstances and risk to the child needs to take place to ensure the child has not and will not suffer significant harm as a consequence of the TTL. The strategy meeting should be used as the vehicle for sharing information.

In circumstances where the threshold for Child Protection has not been met, a clear decision making record must be completed outlining the reasoning for this decision. This must be completed by someone at manager level.

In circumstances where repeat 'Low threats to life' incidents take place, consideration should be given to the impact of the repeat incidents on children involved and determine if this increases the risk to warrant a Section 47 enquiry as outlined in Working Together to Safeguard Children 2015. It is important that TTLs are not considered in isolation. If there is an agreement that the repeat TTL incidents escalate the threat level, GMP and partners must determine the best course of action to safeguard the child.

Where the threat level is increased to Medium or High, the guidance for this risk level must be applied.

Medium and High Risk

Due to the level of concern and potential harm that can occur, the response to Medium and High risk is the same.

Medium

Where a TTL is assessed as Medium this indicates that the alleged threat is likely to occur if the person(s) making the threat have the right resources and details to carry out the threat. The intention is assessed to be present but this is conditional.

The threshold of risk can escalate very quickly to High in these cases. For example the person(s) intending to carry out the threat may be provided information to locate the intended victim which provides the capability to carry out the threat.

High

Where the TTL is assessed as High the threat is considered to be real and immediate. The Victim, suspect and location of the threat is identifiable.

Where a TTL is assessed as Medium or High, safeguards need to be implemented immediately to remove any children from risk of harm. This applies to Children who have received a direct threat and for those that have received a threat indirectly through having frequent contact with someone who has been served a TTL.

In these circumstances GMP should refer to the relevant Children's Services local authority immediately and no later than within working day.

A strategy meeting should be conducted to determine if a section 47 enquiry is required in adherence with Working Together 2015. It is acknowledged that due to the potential imminent risk of harm, safeguarding the child through the issuing of a Police Protection Order or Emergency Protection Order may precede the strategy meeting. In all circumstances where a child is not made subject of an order and placed in Local Authority care, consideration must be made for referral to Initial Child Protection Conference. If it is decided not to pursue this there must be a clear rationale and decision making process from someone at manager level.

A joint assessment of the family circumstances and risk to the child needs to take place to ensure the child has not and will not suffer significant harm as a consequence of the TTL. This will require the sharing of information from GMP with partners to allow the assessment to take place thoroughly.

In circumstances where a child is served a TTL directly, removing the child to a safe location may require the child to be placed in Local Authority care. Children's Services and GMP will need to undertake a risk assessment to ensure that placing the child in Local Authority accommodation does not place any other children in that accommodation at risk of harm. It is important to work with parents to ensure they understand the risk to their child, any siblings and themselves.

The child or parents/carers may identify an address or appropriate adult for the child to reside with to remove them from risk of immediate harm. Any addresses or individuals will need to be checked by Children's Services and GMP to ensure that there are no concerns with the address or persons who reside there.

A working agreement should be drawn up with the carers, parents, police and Children's Services agreeing to the conditions.

If the person(s) being served a TTL is not a child but has frequent contact with or resides with a child the following actions should be considered.

All contact with Children should be suspended until the threat is reduced and there is no risk to any child. A working agreement should be implemented as detailed above.

The person(s) should be asked to leave the address so the child can remain unless it is assessed that the address is considered to be at risk due to the association with the individual who has been served the TTL. GMP will undertake this risk assessment and make this available to Children's Services.

Any address the person(s) identifies to move to must not have children residing within it. There is a need for GMP and Children's Services to assess any addresses put forward.

Only in exceptional circumstances where there is no threat to an address but the person(s) who has received the TTL is unable to move, such as a disability, should the children be moved to enable the person(s) with the TTL to remain in the property.

Threats to Life incidents are extremely complex and in some cases multiple TTL's maybe issued as part of one dispute. In these circumstances a manager will need to agree the most appropriate and safe process of managing multiple assessments. Due to the complexity of these cases there is a requirement to undertake immediate thorough risk assessments to ensure all the information contributes to the TTL risk assessment and safety plan. Each Local Authority will need to agree how to manage the volume of risk assessments safely and efficiently dependant on their local processes and systems.

In some cases a robust Section 47 assessment may be adequate until further assessment can take place.

Disruption Notices

A disruption notice will be served on a person(s) whom GMP have information to suggest is/are involved with or is planning to harm another person.

If an individual is served with a disruption notice then consideration should be made regarding the safety of any children residing with that individual or those who have regular contact

The concerns regarding the person's lifestyle may cause a child significant harm and therefore a referral should be made to the relevant Children's Services authority to undertake a joint risk assessment within one working day of the disruption notice being served.

A strategy meeting will need to be convened to determine if a section 47 enquiry is required as outlined in Working Together to Safeguard Children 2015.

A joint risk assessment will need to be undertaken including consideration of suspending contact with children.

Due to the potential risk the individual may pose actions outlined under Medium and High risk TTL should be followed where a disruption notice is served.

Wider community

Consideration should always be made about notifying other agencies involved with families who are subject of threat to life notices. Agencies such as Schools, Housing, Health, Youth Offending and other statutory and voluntary partners may be working with the families or undertaking home visits to the address and it is essential they are provided with the appropriate information to safeguard their staff in carrying out their duties and to ensure that other service users/pupils are not at risk.

GMP will need to agree a form of words to be shared with partners to do this to ensure confidential information is not shared which could place other people at risk of harm.

It is imperative that information is shared with Schools to ensure that any children affected by threat to life notices attending the school are:

- Provided with the appropriate support
- Not placed at further risk by having contact with children of individuals who may be involved with the Threat to Life; eg opposing gang members, organised crime groups
- Aware of the appropriate action to take should an individual who has been served the TTL attend at the school premises to collect or visit a child

The school will need to implement an appropriate risk assessment and action plan should any of the above occur.

In circumstances where a child has been served a TTL, a risk assessment would need to be undertaken to determine if it is appropriate for the child to continue attending the school premises as they may pose a risk to themselves and other children. The school would need to identify an alternative education provision if it was deemed unsafe.

The above should be considered as part of all strategy meetings that are convened and relevant agencies invited to share information.

As part of the GMP's Gold command process the senior officer will consider the wider community impact and appropriate actions to safeguard communities affected by the Threat to Life.

Further Sources of Information

Challenger Safeguarding Lead

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Deputy Head of Children and Families (Legal) Group

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Working Together to Safeguarding Children 2015

<http://www.workingtogetheronline.co.uk/>

Safeguarding Children and Young people who may be affected by gang activity 2010

<https://www.gov.uk/government/publications/safeguarding-children-and-young-people-who-may-be-affected-by-gang-activity>

ACPO National Threats to Life Guidance 2013