



Child Abduction Warning Notices Procedure

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

Any report of a child abduction or immediate child protection issue **WILL NOT** fall under this procedure.

Such cases must be considered a crime in action and the relevant force child protection procedures will apply and supersede this process.

Procedures:

Missing Persons Procedure

Safeguarding Children from Abuse

Other Documents:

Please note that Section 2 and Section 49 CAWNs are now available as templates on Niche

Process

Child Abduction Warning Notices (CAWNs)

As per College of Policing APP (2022)

- **Purpose** – To disrupt the activities of an individual who repeatedly associates with a young person under the age of 16 if living at home, or under the age of 18 if living in the care of a local authority.
- **Effect** – The notice identifies the child and confirms to the suspect that they do not have permission to associate with or to contact or communicate with the child, including online.

The CAWN makes clear that if the suspect continues to communicate with the child; they **may** be arrested and prosecuted under existing legislation, including child abduction legislation.

- **Test** – The CAWN is a non-statutory tool that can be served quickly to deter potential offenders, without any judicial oversight, as an early intervention tactic.

- **Duration** – The CAWN can be in place until the child reaches 16, or 18 if living under local authority care. A review will take place by the authorising officer every 6 months to determine whether it is still proportionate for the CAWN to remain in place.
- **Failure to comply** – Breach of a CAWN is not a criminal offence in itself but can be used as evidence in criminal proceedings.

Where prosecution is not possible, the breach of a CAWN can provide evidence to support civil proceedings such as applications for sexual risk orders, civil injunctions, or evictions.

The issuing of a CAWN holds no legal force and is intended to inform a person who has associated with children or a child that, should they continue to do so they may commit an offence.

A CAWN may be issued where:

- No criminal offences are committed
- The person is associating with children for whom they hold no parental responsibility
- It is a necessary and proportionate response to safeguard a child / children.

Aims of a CAWN:

- To safeguard the most vulnerable children from abuse and exploitation by adults who take advantage of a child or children being away from the care and control of their parents or carers, whether it is children who are living with families or children who are placed in local authority care.
- To deny access to those who abduct children of commonly used defences that a) they were not aware of the age of the child, (b) they thought that they would have had the consent of the person responsible for the child (reasonable excuse) and (c) they were providing a place of safety for a child suffering ill treatment. A fundamental principle is that the issuing of a CAWN is a valuable safeguarding and disruption measure.
- To provide a coordinated multi-agency response to improve safeguarding and reduce vulnerability

Types of CAWNs:

- **Section 2 Warning** - Applies to victims up to the age of 16yrs. The flag should be set to 6 months from the service date or the child's 16th birthday whichever is the sooner.
- **Section 49 Warning** – Applies to Victims up to the age of 18yrs AND in Local Authority Care. The flag should be set to 6 months from the service date or the child's 18th birthday whichever is the sooner.

It is essential that the correct CAWN is issued; otherwise, the CAWN will lose its value both in evidential terms and as a safeguarding tool.

Children under 16

To issue a CAWN in these circumstances a complainant statement from one of the parents/carers (whoever has full parental responsibility) is required. If parental responsibility is shared, just one statement is needed (can apply to any child including children in care under 16yrs).

Children under 18 who are in local authority care under Section 31, Children Act 1989

To issue a CAWN in these circumstances, a complainant statement from the local authority, most likely to be the child's designated social worker will be required. In cases of shared parental responsibility, such as interim care orders, the statement should be taken from the majority holder as outlined in the order.

NOTE: The key element here is that the Child is subject to a Care Order under, (Sec 31 CA 1989), if the child is in Foster Care or Residential Care, they may not be subject to a Care Order, in which case the upper age limit for the child at risk remains 16 yrs. and a CAWN under S2 should be used.

A CAWN cannot be issued in relation to a child aged 16/17 under a voluntary Section 20 Children Act 1989 Care Order as the local authority does not have parental responsibility for them. Parental responsibility will be outlined in the order.

Authority to issue a Warning Notice

The decision to issue a CAWN should take into consideration the reliability and timeliness of any intelligence / allegations; the suspect must be assessed as posing a current safeguarding risk to the child, but there is insufficient evidence to take more formal action.

A CAWN can be issued to any relevant suspect over the age of criminal responsibility. The consideration of proportionality and necessity will form the basis of a risk assessment process. However, it is also necessary to consider the impact of a CAWN on the suspect.

For a **suspect** under 18 years, this will need to be considered carefully to ensure that the issue of a CAWN is appropriate and that safeguarding of the child victim and also the child suspect remains the primary motivation for police action. Consideration should also be given to ensuring an intermediary or appropriate adult is present where there are concerns about capacity to ensure the suspect understands the implications of the CAWN.

The authorising officer of Inspector or above will ensure that an entry is recorded on Niche to provide provenance and the rationale that has been considered for this tactic.

Parental responsibility statement

The person who has lawful control of the child (i.e. – who has parental responsibility) should inform the child that they do not have permission to be in the company of, or to communicate or associate with the suspect in any way and at any time. These restrictions must be made very clear so the child is in no doubt of their parent/carer's wishes. It is important to explain what the CAWN means to the child and how it protects the child from risk of significant harm. This is not intended to make the child responsible for their own welfare and safety, but to make sure they know why action is being taken so that the child can contribute to their own safety.

A statement will be taken by police from the person who is responsible for lawful care of the child – this should include:

- where parental responsibility lies
- the fact that restrictions and wishes of the parental carer have been made clear to the child

- the concerns the parent / carer has for the child due to the association [as this an important factor justifying the measure]
- confirmation of the child's name, age, and date of birth

Street names

There may be occasions where the suspect knows the subject by a different name or "street name". In such cases both the above statement (from the person with parental responsibility) and the Warning Notice should refer to the name(s) by which the subject is known by the suspect.

In some cases, it may be necessary to withhold the "true" name of the subject from the statement and Warning Notice. For example, if the child has previously used an alias in order to conceal their true identity from the suspect. In these cases, if a prosecution is subsequently undertaken, appropriate statements will be needed to confirm that Child X (true name) is the child known to the suspect as Child Y (alias) and CPS reviewing lawyers will need to consider the issue when disclosing evidential statements to the defence.

The PNC dept must be contacted with a view to manage the circulation of the individual if these circumstances exist.

Photographs

For the purposes of issuing an effective Warning Notice, the key is that the suspect is clear as to which child is being referred to – whatever name is being used by the child. Photographs therefore are important.

Where possible a good quality and recent photograph of the subject should be obtained from a family member or guardian and, subject to any sensitive issues regarding names as outlined above, their statement should confirm the identity of the subject in the photograph. The photograph should be exhibited to their statement.

The photograph should be shown to the suspect at the point of the Warning Notice being served. The photograph should be exhibited to the statement produced by the officer serving the Warning Notice.

Serving the CAWN

The suspect should be informed of the parent/carer's wishes, the Warning Notice read out, the photograph shown and the suspect asked to confirm that they understand what they have been told.

The wording of the Warning Notice should not be deviated from since doing so may allow the suspect later to cast doubt on what exactly they were told.

It should be emphasised to the suspect that the responsibility for complying with the Notice is theirs not the subject's.

The Warning Notice will be served on the suspect in two copies. One copy will be left with the suspect. The second copy with Photograph will be retained by the police for scanning into NICHE for reference or production. A copy of the photograph is not to be left with the suspect.

If a CAWN is being issued in a Police Station, consider issuing it in a location covered by CCTV. This avoids ambiguity in the future about what was said and lessens the possibility of the perpetrator denying receiving the warning notice. If out in the Community, consider utilising body worn video.

Serving the CAWN using an intermediary

If the suspect has a learning disability, is mentally vulnerable, deaf, visually impaired or cannot read, the person serving the CAWN should invite them to nominate an intermediary or appropriate adult to help check the documentation with their consent. If there is a reason to believe the suspect does not understand English sufficiently then an interpreter should translate the CAWN into the appropriate language when the notice is served. The interpreter should provide a statement and exhibit the translated copy of the CAWN.

Statement by officer serving the CAWN

The officer's statement will include the following information:

- that they served a copy of the Warning Notice (exhibited) on the suspect
- that they read the Warning Notice to the suspect
- that the suspect knew the subject by the name of [X]
- that they showed the photograph of the subject (exhibited) to the suspect
- that they told the suspect it was his responsibility, not the subject's, to ensure compliance with the Warning Notice
- that the suspect confirmed they understood what they were being told.

More than one subject or suspect

If a suspect is believed to be associating with more than one child a statement of parental responsibility will be required for each subject and a separate Warning Notice will need to be served on the suspect for each child.

If a child is believed to be associating with more than one suspect, then each suspect should be served a notice in relation to the child.

Recording of the CAWN

Note: As this process is reliant on interdepartmental processes and the accurate recording of the issue of the Notice on Police systems, it is imperative that the below processes are carefully followed without exception.

NICHE

The OIC will be responsible for:

- Determining that the issuing of a warning notice is an appropriate course of action
- Obtaining CJA from parent or guardian
- Obtaining authorisation for the issuing of the notice from the authorising officer (Inspector or above). The authoriser details should be recorded on the Notice front page
- Completing the required paper warning form with all relevant information ensuring the correct warning for the circumstances
- Service of the Warning on the Suspect

- Contacting the FCR via airwave to request that a STORM log is created when the notice has been issued (one per child) and providing full person details and details of any associated incident to enable completion of STORM person tabs
- Submit PPN which will subsequently inform the relevant Local Authority
- Attach a copy of the CAWN notice to the suspects person record. In the type field select the option of “Child Abduction Warning Notice”
- Email photograph of victim to Intelligence for a non-PACE photo to be added to the victim’s person record.
- Sending a ‘Child Abduction Warning Notice scanned’ workflow task to inform CROMU and PNCB that the Scanned document is ready for processing.

The FCR Controller will be responsible for:

- Creating the STORM log (one per child) using the opening code ‘Police Generated Activity’ the description field should be updated to show that the notice has been issued using the words “CAWN notice issued”
- Creating and validating the location address of where the notice is issued.
- Cross referring any related incident
- Creating person tabs for the involved persons (first name, surname, date of birth, address, telephone number) as follows:
 - for the recipient of the notice (the suspects), the person relation type ‘Child abduction warning notice’ must be used.
 - for the child involved (victim), the person relation type ‘Vulnerable Aggrieved’ must be used
 - disposing of the STORM log using the disposal code ‘Police Generated Activity’.
 - recording the qualifier ‘Child Abduction Warning Notice” at the point of disposal.
- Once disposed the incident will pass across the interface and an occurrence will be automatically created in NICHE

Front Office Counter Staff will be responsible for:

- Register file details on the retention log/spreadsheet, secure retention of the original statement and CAWN with photo attached, filed with disposal date as relevant 16th or 18th birth date.
- Securely dispose of files and record disposal details on the log upon the file reaching the disposal date or if informed by the authorising officer that the file can be disposed earlier due to review decision to discontinue the notice.

CROMU staff will be responsible for:

- Processing “Child Abduction Warning Notice” scanned document tasks
- Cross entity links involved persons and addresses (where minimum data standards are met)
- Ensure that the correct person classification ‘Child Abduction Warning Notice’ is present on the nominal record of the recipient (suspect) of the warning notice.
- Ensure that the correct person classification “Vulnerable Aggrieved” is present on the nominal record of the victim.
- Where information is missing or ambiguous send a task to the OIC to request the information.

Flag for the Suspect

- Create a Child Abduction Warning Notice flag on the nominal record of the recipient (suspect) of the warning notice. The effective date should be the date of issue.
- Adding the correct expiry date depending on the type of Notice:
 - Section 2 Warning – Applies to victims up to the age of 16 years. The flag should be set to 6 months from the service date or the child’s 16th birthday whichever is sooner.
 - Section 49 Warning – Applies to victims up to the age of 18 years. The flag should be set to 6 months from the service date or the child’s 18th birthday whichever is sooner.
- Update the remarks field with “Notice Served on (ENTER VICTIMS NAME)”
- Add a person to notify as the Niche Unit “Safeguarding Missing & Exploitation”. The review date should be set to either 6 months or the victim 16th/18th birthday (depending on warning type) whichever date is soonest.
- Ensure the time before expiry to send notification is set to 14 days.

Flag for the Child

- Create a “PVP Vulnerable Child” flag-on the nominal record of the victim of the warning notice. The effective date should be the date of issue.
- Adding the correct expiry date depending on the type of Notice
 - Section 2 Warning – Applies to victims up to the age of 16 years. The flag should be set to 6 months from the service date or the child’s 16th birthday whichever is sooner.
 - Section 49 Warning – Applies to victims up to the age of 18 years. The flag should be set to 6 months from the service date or the child’s 18th birthday whichever is sooner.
- Update the remarks field with “Notice Served on (ENTER SUSPECTS NAME)”

PNC staff will be responsible for:

- Processing the PNC circulation template
- Update the OEL that a marker is in place
- Creating an information marker on the child and the suspect regarding the Warning Notice. Using “Locate / Information” Marker
- Applying an expiry date using the following rule:
 - Section 2 Warning - Applies to victims up to the age of 16yrs. The flag should be set to 6 months from the service date or the child’s 16th birthday whichever the sooner, or
 - Section 49 Warning - Applies to Victims up to the age of 18yrs. The flag should be set to 6 months from the service date or the child’s 18th birthday whichever is the sooner
- Weeding the marker from the PNC as per weed date or prior to the expiry date if advised to do so as a result of case review by the authorising officer.

The Authorising Officer (Inspector or above) will be responsible for:

- Conducting a six monthly review of their authorised CAWNS and deciding whether it is proportionate and necessary to retain or discontinue the CAWN.

- Recording a clear rationale on the OEL as to the outcome of the review.
- Informing Safeguarding Exploitation & Missing Detective Inspector by return email when continuance is required, and request review date is superseded with a further 6 monthly review date.
- Informing Safeguarding Exploitation & Missing Detective Inspector where multiple CAWNS have been issued to an individual and a perpetrator assessment is required.

Safeguarding Missing & Exploitation Team

- Requesting timely reviews by Authorising Officers
- Removing / Extending CAWN flags and review dates on both suspect and victim following review by Authorising Officer.
- Liaising with PNCB where flags are to be archived / extended

Timeline, declaration and review

The issue of a CAWN should be viewed as a protective and proactive measure to safeguard a young person. However, it can also be seen as a restrictive measure imposed on people who may not have been convicted of any offences against the child. Frequent assessment of intelligence relating to the suspect and subject is therefore required in order to provide evidence of justification and proportionality.

The following steps need to be adhered to closely as any successful prosecution will rely on evidence of proportionate and justified action in which the suspect was clear as to their obligations:

- From outset officers should expect to be working to a **6 month timeline** on the Warning Notice. This allows for an appropriate amount of time to monitor intelligence and assess risk.
- At point of authorisation – **the Warning Notice should be served on the suspect within 48 hours**. Experience suggests that subjects will associate with the suspect on a regular and consistent basis. A proactive stance should therefore be taken to issue the Warning Notice quickly, once authorised.
- Any officer who has been appropriately briefed can issue the Warning Notice on the suspect but must record accurately and fully the fact it has been served and the response of the suspect. This is important as the serving officer's statement can play a vital part in the chain of evidence in a prosecution.
- Review – **a clear 6 month review date should be set** by the authorising officer (Inspector or above) at which point, a full review of intelligence concerning the child and suspect will be conducted. The review should be conducted with the relevant OIC. **The authorising officer (Inspector or above) will then authorise its retention or discontinuance.**
- The above decision and its justification will be recorded on the relevant Niche profile.
- The suspect will be informed of its continuance or removal, The Parent Carer of the subject will also be informed. This will be recorded on the Niche profile. **PNC will also be updated.**
- If a suspect serves time in prison etc during the set 6 month period, it may be appropriate to inform the prison of the existence of the Warning Notice and the fact that suspect should not be in contact with the subject directly or indirectly.
- The risk should be re-evaluated upon release and a decision made as to the issue of a new Warning Notice or reissue of the existing one. Whatever the decision, the above steps should be followed in terms of informing the suspect and recording the issue / service of the Warning Notice and justification for the action being taken.

ACTION FOLLOWING NON-COMPLIANCE with a CAWN

Note: The suspect cannot be arrested for non-compliance with the CAWN as there is no such criminal offence. ANY SUBSEQUENT ARREST MUST BE FOR A SUBSTANTIVE OFFENCE

Arrest or Voluntary Attendance

If there is evidence that the terms of the CAWN has not been complied with – for example, the suspect has been seen with the child, or the child is reported missing and is then found with the suspect then consider arrest of the suspect for a substantive child abduction offence (such as section 2 Child Abduction Act 1984 or section 49 Children Act 1989) or make arrangements for them to voluntarily attend a police station.

Interviews

The relevant department should be contacted to assist where possible with evidence preparation. Guidance should be taken at this point as to the need for any specialist support - i.e. video interview etc.

Consideration must then be given to the key evidential points to prove – including that the suspect was aware of the child’s age and that he had been explicitly informed that he did not have the permission of those with lawful authority to associate with the child.

Debrief

A ‘Safe and well’ check will be conducted when a missing child is located, together with the completion in NICHE of the Missing From home Return template. In line with the guidance in the Missing from Home and Care, Joint LSCB Protocol a full debrief return interview will be conducted by partners. This information will be shared with the police by way of the MFH coordinator.

The details of the debrief may well provide a valuable source of information to support a prosecution and therefore may ultimately be recorded in the form of a statement, whether the debrief was conducted by an officer or by a third party – i.e. a care worker, parent or associate of the subject.

Although hearsay, this evidence may be admissible under hearsay rules. It may also be admissible to prove, for example, not the truth of what was said, but the fact that it was said; or to show the attitude and demeanour of the subject etc.

Follow up statement from person with lawful authority

At the point of an offence being suspected, a follow up statement should be taken from the parent / guardian / carer to confirm that the circumstances had not changed since they made their original statement and the Warning Notice had been served i.e. that the same concerns for the subject’s welfare remained, that the restrictions had not been changed, that the subject knew this and that no permission or consent had been given to the suspect regarding contact.

Decision to prosecute

Any decision to prosecute will be subject to the Statutory Charging Scheme. Early investigative advice may be sought from CPS at any stage of an investigation and should be considered. It is advisable that a full briefing is conducted with the relevant evidential review officer prior to CPS submission, due to the complexities of the legislation.

Alternative options where there is insufficient evidence to prosecute

Where insufficient evidence is available to prosecute a suspect for a substantive offence, consideration should be given to what other legislative provisions may be available to investigators to safeguard the child. Non compliance with a CAWN could provide evidence for the consideration of using other statutory instruments for the safeguarding of a child (eg, Sexual Risk Orders.)

Definition of Special Terms

For the purpose of this procedure the following terms are applicable:

- Subject child or young person
- Suspect intended recipient of the notice

Note: In compliance with the Freedom of Information Act all force policies and procedures that are not marked as OFFICIAL-SENSITIVE will be published on the NYP Website. It is necessary to apply Government Security Classification (GSC) see Protective Marking Procedure for advice on how to mark and handle documents.