

# **Child Neglect**

## **Be Professionally Curious!**

### **Investigators / Practitioners Guidance Note**

This briefing note has been prepared by the National Multi Agency Child Neglect Strategic Work Group.

The group comprises of senior representation from the following stakeholders; Police, College of Policing, Department for Education, Public Health England, National Association of Head Teachers, OFSTED, Action for Children, NSPCC, Ministry of Justice, Assistant Director's of Children's Services, Local Safeguarding Children's Boards, Local Government Association, National Health Service.

It is intended to help practitioners understand the implications of the recent amendments to the criminal law on child cruelty offences and to raise awareness of emotional abuse and child neglect issues relevant to all agencies.

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# Be professionally curious!

Safeguarding children is everyone's responsibility. All children have the right to be safe and to be protected from all forms of abuse and neglect.

All practitioners whose work brings them into contact with children and families should be alert to the signs of abuse and neglect, know where to turn to if they need to ask for help, and able to make referrals to children's social care or to the police, if they suspect that a child is at risk of harm or is in danger.

Children will rarely disclose abuse and neglect themselves and, if they do, it will often be through unusual behaviour or comments. This makes identifying abuse and neglect difficult for professionals across agencies. We know that it is better to help children as early as possible, before issues get worse. That means that all agencies and practitioners need to work together – the first step is to be professionally curious.

While the presence of a potential indicator of neglect does not necessarily mean that a child is being neglected, it will always warrant further investigation. Practitioners must be 'professionally curious' to determine further information in the interests of the child. It is essential that professionals exercise professional curiosity at all times as it is likely that signs of any form of abuse including neglect will be identified when dealing with an un-associated incident.

# Change to the criminal law

## What the criminal law says

The current criminal law on child neglect is outlined in Section 1[2] (a) of the Children and Young Persons Act 1933. The Serious Crime Act 2015 (Section 66) introduced some important amendments to the Children and Young Person Act 1933. This Act seeks to clarify certain aspects of law around emotional abuse and does not replace the 1933 Act.

## Children and Young Persons Act 1933

Section 1 of the Children and Young Persons Act 1933 (“the 1933 Act”) provides for an offence of child cruelty. This offence is committed where a person age 16 or over, who has responsibility for a child under that age, wilfully (i.e. intentionally or recklessly) assaults, ill-treats, neglects, abandons, or exposes that child in a manner likely to cause “unnecessary suffering or injury to health”; or causes or procures someone else to treat a child in that manner. The maximum penalty for the offence is ten years’ imprisonment or a fine or both.

Section 1[2]{a}of the Children and Young Persons Act 1933 provides that, in a case where a parent (or the legal guardian) or other person legally liable to maintain a child or young person has failed to provide adequate food, clothing, medical aid or lodging or, if having been unable to provide such items, has failed to take steps to procure them, that person is deemed, for the purposes of the child cruelty offence, to have neglected the child in a manner likely to cause injury to its health.

Section 1(2)(b) of the 1933 Act provides that, in a case where the death of a child under three is proved to have been caused by suffocation while the child was in bed with a person aged 16 or over, that person is deemed, for the purposes of the child cruelty offence, to have neglected the child in a manner likely to cause injury to its health, if he or she went to bed under the influence of drink.

## Serious Crime Act 2015, Section 66 amendments

Section 66 clarifies, updates and modernises some of the language of, section 1 of the 1933 Act. The effect of the changes made by section 66 are to:

- A) Make it absolutely clear – by substituting for the current list of examples of relevant harm (which includes the outdated term “mental derangement”) the words “whether the suffering or injury is of a physical or psychological nature” – that cruelty which causes psychological or physical suffering or injury is covered under section 1 of the 1933 Act;
- B) Make it absolutely clear that the behaviour necessary to establish the ill-treatment limb of the offence can be non-physical (for example a sustained course of non-physical conduct, including, for instance, isolation, humiliation or bullying, if it is likely to cause unnecessary suffering or injury to health);
- C) Replace the outdated reference to “misdemeanour” with “offence”; and

D) Amend section 1(2)(b) so that:

- i. A person is also deemed to have neglected a child in the relevant manner where the person concerned is under the influence of “prohibited drugs”;
- ii. It is clear that the provision applies where the person comes under the influence of the substance in question at any time before the suffocation occurs; and
- iii. It applies irrespective of where the adult and child were sleeping (for example if they were asleep on a sofa).

[See link included in the Useful Resources section for the Home Office Circular document \[March 2015\] covering all aspects of the Serious Crime Act 2015.](#)

### **Implications of the law change: guidance for investigators and practitioners**

‘Ill-treatment’ includes a ‘sustained course of non-physical conduct, likely to cause a child unnecessary suffering or injury to health’. This must be considered in cases relating to ‘emotional cruelty’.

The term ‘Wilful’ is retained within the act. “The courts have held that ‘wilful’ misconduct means ‘deliberately doing something which is wrong, knowing it to be wrong or with reckless indifference as to whether it is wrong or not’. Although there is no definable threshold for when a minor neglectful act becomes a criminal offence, each single incident must be examined in the context of other acts or omissions and the possibility of a criminal offence should be considered.”

The criminal law only forms one small part of our collective response to child abuse and neglect. The remainder of this guidance note looks at what child neglect is why it matters and sets out the shared imperative for practitioners and investigators to work together and act early to safeguard children.

# Are you confident that you know what child neglect is?

- Neglect is the failure to meet a child's basic needs. Neglect can happen over a period of time, but can also be a one-off event.
- Incidents often don't meet social care or criminal thresholds: It is the cumulative effect that is most impactful.
- A child may be left hungry or dirty, without adequate clothing, shelter, supervision, medical or health care.
- A child may be put in danger or not protected from physical or emotional harm.
- They may not get the love, care and attention they need from their parents.
- A child who is neglected will often suffer from other abuse as well, both inside and outside of the home.
- Neglect is dangerous and can cause serious, long-term damage - even death.

## How common is neglect?

Neglect is the most common reason for a child to be the subject of a child protection plan or on a child protection register in the UK, while it is estimated to affect up to one in ten children. It occurs when parents or carers cannot or will not meet a child's basic needs. This might be because they do not have the necessary skills or support, or because of the impact of other problems such as mental health issues, and dependence on or the misuse of alcohol and drugs.

## The effects of neglect

Neglect can have serious and long-lasting effects. Not only will it make a child's life miserable but it can affect all aspects of their development and future relationships. It can be anything from affecting early brain development, language delay, physical injuries from accidents, low self-esteem, poor school attendance, to, self-harm and suicide attempts. In the very worst cases where a child dies from malnutrition or being denied the care they need. In some cases it can cause permanent disabilities.

Though neglect can affect any child, its impact particularly applies to infants and very young children who, among all the age groups, are at the highest risk of death and/or incurring lasting mental and physical damage.

## Neglect comes in several different forms:

- Physical neglect: failing to provide for a child's basic needs such as food, clothing or shelter.  
Failing to adequately supervise a child or provide for their safety.
- Emotional neglect: the omission of love and failing to nurture a child. Emotional neglect can overlap with emotional abuse (see below), but is a different form of maltreatment.
- Educational neglect: failing to ensure a child receives an education.
- Medical neglect: failing to provide appropriate health care, including dental care and refusal of care or ignoring medical recommendations.
- Emotional abuse: the persistent emotional maltreatment of a child. It may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, and may involve serious bullying.

## Potential indicators of neglect

The warning signs and symptoms of child neglect vary from child to child. By understanding these indicators, we can respond to problems as early as possible and provide the right support and services for the child and their family.

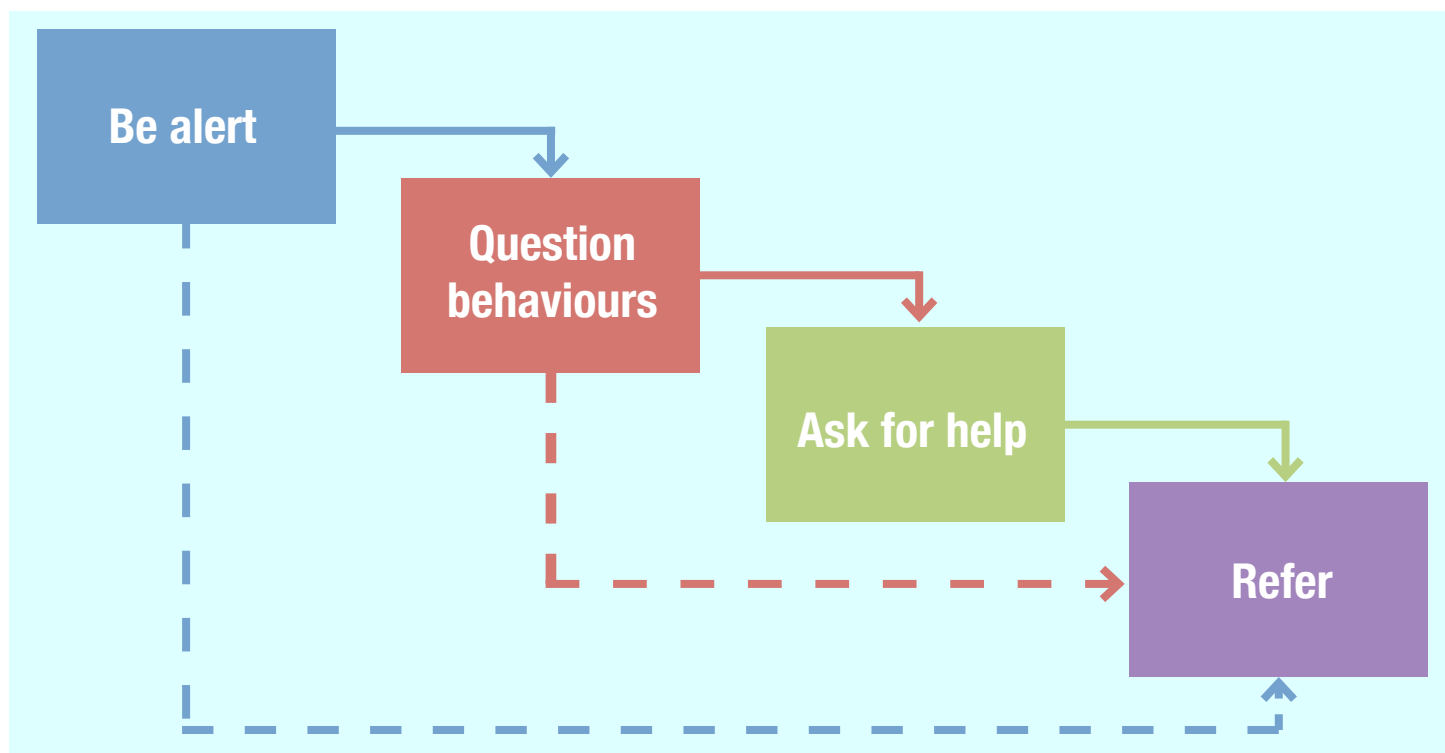
- Children who are living in a home that is indisputably dirty or unsafe
- Children who are left hungry or dirty
- Children who are left without adequate clothing, e.g. not having a winter coat
- Children who are living in dangerous conditions, i.e. around drugs, alcohol or violence
- Children who are often angry, aggressive or self-harm
- Children who fail to receive basic health care
- Parents who fail to seek medical treatment when their children are ill or are injured.

## What to do if you have concerns

Being professionally curious means looking to identify indicators of neglect and not being reliant on legal thresholds alone. Professionals should instead explore the significance of one or a number of indicators of neglect when investigating an incident in a home setting or elsewhere. Child neglect can be multifaceted and enduring, and as such may be difficult to pick up from one single incident. It may involve a broader set of circumstances which can only be pieced together through the accumulation of evidence.

There will be many occasions when the issue is one of poor parenting and/or the carer's lack of knowledge, rather than a deliberate and wilful act. For instance parents who have learning disabilities who are neglecting their child will require a different kind of response than those who don't have learning disabilities. Neglect can be best observed through observing the interaction between a parent and their child.

It is also important to remember that in many cases support can be offered to parents so they can provide safe, loving homes for children. This can only be achieved through sharing information and effective inter-agency working. Coordinated, local action can prevent problems from escalating and ultimately mean that other interventions, either crime related or through social services, are less likely. The message to all professionals is clear. All signs of neglect at all levels must be subject to intervention, information gathering and referral.





# Useful resources

[Report Child Abuse Helplines](#)

[What to do if you're worried a child is being abused: Advice for practitioners \(2015\) – advice to help practitioners identify child abuse and neglect and take appropriate action](#)

[Working Together to Safeguard Children \(2015\) – statutory guidance in inter-agency working to protect children](#)

[When to suspect child maltreatment \(National Institute for Health and Care Excellence, 2009\)](#)

[Information Sharing – Advice for practitioners providing safeguarding services to vulnerable children, young people, parents and carers \(2015\)](#)

[The Serious Crime Act 2015](#)

[Copy of Home Office circular on the Serious Crime Act \(2015\)](#)