PS 158 Dealing With Vulnerability Policy

June 2014

Version 1.0

Statement of legislative compliance
This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.
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AIMS AND OBJECTIVES OF THE POLICY

We recognise the complex issues surrounding those individuals whom we may come into contact with during our daily business who because of their situation or resilience, they are unable to protect themselves from harm or from others.

The Police have a Key role in identifying and managing those at risk and need to ensure that:

- Incidents involving those at risk are properly recorded, and
- The risk of harm is reduced through multi-agency information sharing processes and appropriate interventions and investigations.

Various assessments, reports, inquiries and action plans highlight the requirement to put needs of victims at heart of what we do and the importance of treating vulnerable persons with care and as individuals.

We must ensure that we do not categorise vulnerable people on the basis of the crime or incident and that we treat the person – not the incident.

Staff involved in dealing with other people need to understand that on occasions some people are faced with issues of vulnerability. Some of those issues may be short lived and can easily be mitigated by some immediate remedial action; some other cases may need support and intervention of other agencies.

We need to aim for all our officers and staff to use the National Decision Model, assess the best course of action in terms of dealing with an individual who they deem as having a level of vulnerability, albeit that may be a passive state. In allowing officers to use that process, as supervisors and managers we need to entrust our staff with autonomy and discretion. If an officer can justify with a clear rationale why they have taken a particular course of action then that should be supported.

The issues of how we deal with vulnerable victims and people cuts across a number of areas of business. This policy must be read in conjunction with other polices covering the delivery of policing.

Vulnerability is complex area and advice should be sought from your supervisor or Public Protection where there are any doubts about whether a person is vulnerable and/or what specific actions or steps are appropriate.

Vulnerability is wider than single groups of people. Incidents of anti social behaviour against a single individual may constitute disability hate crime or racism. Children and young adults may through their age or other circumstance be considered as vulnerable. Equally, elderly people and people with learning disabilities may, depending on their circumstances, be considered to be vulnerable.

Nottinghamshire Police promotes professional and ethical behaviour from all those within our organisation. We must acknowledge the vulnerabilities of some of the people we deal with and take steps to address them to meet the needs of the victim.
The new definition that Nottinghamshire Police and all staff will adhere to in terms of vulnerability assessment is – **A person is vulnerable if, because of their situation or resilience, they are unable to protect themselves from harm.**

Risk may be encountered with Adults, children, missing people, dangerous people, domestic violence cases and those with mental health issues. This policy applies to any occasion when a member of the Police Service in Nottinghamshire encounters a person who is deemed to be vulnerable.

**Factors involved in vulnerability**

There may be a combination of risks that cut across all areas. It is necessary to consider both the **situation** and **resilience** of the individual concerned before we can assess vulnerability.

**Situation** would include environment, employment, family and other relationships, crime and Anti social behaviour levels and many more.

**Resilience** would include personal factors such as Mental Ill Health, Learning disability, Physical disability, Physical Ill health, Age and Alcohol or drug dependency.

Achieving this policy requires that in our dealings with people we apply the principles of vulnerability from the taking of the initial call, through to any prosecution and support required thereafter. This will require striking a working, common sense balance between our assessment of vulnerability and our capacity to assist people in vulnerable circumstances and situations.

**POLICY STATEMENT**

**Initial Contact**

Customer Service Advisors will endeavour to establish the facts around an incident, the circumstances and situation of the individual reporting whether a victim or not (or reporting on behalf of another individual or other known individual(s) that are effected by the events). They will question the individual in an attempt to make an accurate assessment of the individuals’ vulnerability or future vulnerability. There is no prescribed check list to follow in making this determination; it will be down to the CSA’s rationale which will be recorded on the incident log. The CSA should consider not only the incident that is being reported, but also previous incidents at that location to base their decision. Just because an individual is distressed at the time of the call does not necessarily mean that the individual is vulnerable, just like age, sex, race, disability etc does not automatically categorise a person as vulnerable.

Officers must bear in mind they may be presented with a vulnerable person that has not been identified as such by the CSA. Similarly, they may come across such persons on the street or where no deployment has taken place. It is important for officers to use their own judgement when dealing with someone that may be vulnerable.


Repeat victims
Repeated anti social behaviour incidents against the same individual may indicate a vulnerable victim. The Force will use its systems to identify if the incident and the reporting person are part of a pattern that may suggest a repeat victim and vulnerable person. This forms part of the consideration of whether to classify a person as vulnerable.

Initial Actions of Attending Officer
The attending officer must both investigate any offences and take steps to reduce the risk of harm to the vulnerable victim. Officers are encouraged to make necessary proportionate use of their powers of entry to achieve this where the welfare of an individual is in doubt.

Vulnerability should not be based on the type of incident, though certain types of incident such as repeat ASB or hate crime may indicate vulnerability. Care should be taken to avoid primarily focussing on the crime/detection/action element response as this may prevent us listening to what the victim want to say and what is important to them. This may lead to a victim disengaging with the service and increases the likelihood of failing to report future incidents or pursue the existing incident. The focus should be on what the victim says and reviewing the individual’s circumstances and others they may be responsible for. Officers must not focus solely on the crime and the investigative actions we can take. This wider focus on the victim and the circumstances will help us to build a fuller picture of what has happened and help us deliver a better outcome for the individual concerned. This approach helps to build trust and cooperation, increases the victims feeling of control over the situation and empowers victims to make informed decisions.

There is a balance to be struck between respected the wishes of a vulnerable person and the Force taking the most appropriate action. A vulnerable person’s circumstances may cloud or distort their judgement and lead them to make decisions that are clearly not in their best interest. In such cases a balanced judgement needs to be made as to what is in the best interests of the vulnerable person.

Assessment of vulnerability
The attending officer needs to establish if the person is vulnerable because of their situation or resilience, they are unable to protect themselves from harm. To establish if a risk exists, the officer should endeavour, where possible, to engage with the victim and understand their circumstances and situation.

It is necessary to consider both the situation and the resilience of the individual concerned before we can assess risk.

Situation would include environment such as access to food and shelter, employment and financial difficulties, family and other relationships, crime and anti social behaviour levels and many more.
Resilience would include personal factors such as mental ill health, learning disability, physical disability, physical ill health, age and alcohol or drug dependency.

It is important to recognise a victim’s wish not to be labelled vulnerable, whilst balancing this against an impartial assessment of the situation. This is especially relevant in dealing with incidents where violence has occurred, e.g. in a care home, shelter accommodation, domestic abuse incident, but may also apply in less obvious circumstances such as reports of antisocial behaviour.

Questioning to establish vulnerability
The possibility of a prosecution in the future should not inhibit an officer from basic communication with the vulnerable person to determine their welfare. Care should be taken, however, to ensure that speaking to the person is confined to establishing the person’s safety and welfare using open questions to obtain the minimum amount of information to enable the person to give a brief account of anything that has occurred e.g. identify any offences, suspect(s) and ensuring the scene and any evidence is preserved. As soon as the welfare of the person at risk has been established or the officer has determined that the person is at risk of harm or has been harmed, the conversation should be brought to a close so that it does not constitute an interview.

Presence of a friend, support worker or appropriate adult
It may be helpful to have an adult supporter/ appropriate adult present while the officer establishes the person’s welfare (albeit that this is neither always practical nor appropriate). Where this is an option, the officer should be satisfied that the presence of the supporter/ appropriate adult will not adversely delay speaking to the individual, and will not inhibit the adult from speaking freely due to the possible involvement in any offences or the adults close association with a potential suspect.

Officers should use Language Line in order to communicate with persons who do not speak or understand English. Officers should not use family members, in particular children, to interpret unless as a last resort and then only to establish facts that might secure the immediate safety of all parties. Where a member of the family or member of the public interprets at the scene, their details should be recorded.

Recording of assessment
A record should be made of the content of the conversation, the timing, setting and people present.

Officers should record the following information about the person deemed vulnerable:-

- Their name, gender and date of birth and address
- Who was present when they were spoken to?
- Questions asked and their responses.
Description of their physical appearance and condition, demeanour and living conditions of the individual and their circumstances including injuries, clothing and state of cleanliness.

Any concerns about the wider surroundings i.e. does the individual care for someone else, are they being cared for by someone else, do these arrangements cause concern or appear in need of re-evaluation and review?

If they have capacity, their consent to share information with other agencies.

**INVESTIGATION AND PROSECUTION – GENERAL CONSIDERATIONS**

**Focus on victim**
Victims often want their safety and wellbeing to be the focus of the response. By focusing on the crime and detection element, we may be failing to listen to what victims are actually telling us about their circumstances and situations. This may create a negative impression of the police service and increase the likelihood of not reporting future incidents, especially in groups and communities where victims are “hidden” or find it difficult to engage the service. It is vital to take both the report and the wider concerns of the victim seriously.

**Retraction of statements or victims wish not to pursue**
It is important to respect where possible and appropriate an individuals wish not to pursue a case further. There may be complexities in their situation that we are not aware of. Victims of violence may take a long time to leave a violent relationship and they may retract statements. Whilst it is important to encourage, though not coerce, victims to take positive action, it is equally important to respect the decisions they make. Retraction interviews, if handled inappropriately, may result in the feeling of secondary victimisation. Respecting their wishes to drop a case increases the likelihood of future incidents being reported and helps create an important sense of empowerment and control for the victim over a significant aspect of their life and circumstances. This must be balanced against the need for positive action and victimless prosecution where the evidence and the circumstances deem it appropriate.

**Obtaining evidence**
All interviews will be conducted in accordance with ‘Achieving Best Evidence in Criminal Proceedings’: Guidance on interviewing victims and witnesses, and guidance on using special measures 2011 and Nottinghamshire Police Investigation and Interview Procedures. See PD 534 Investigation Procedure. Consideration should be given to engaging with the CPS at an early stage to ensure issues of witness reliability are addressed at the earliest stage. See also section on interviewing vulnerable witnesses.

**Timing of statement taking**
Though it is often best to obtain statements as soon as possible to ensure the facts are still fresh in the victims mind, occasionally, it may appropriate to delay the taking of a statement, particularly in cases of rape or sexual assault. Delaying statement taking often
allows the victim to get the facts straight in their own minds and may improve the reliability of the evidence they give. There is a balance to be struck between securing evidence early or delaying to enable a fuller account to be given. This will vary depending upon the nature of the crime and the circumstances of the victim such as their age, the impact of the offence on the victim etc. It is important such interviews are conducted sensitively as victims of sexual assaults often continue to suffer long after the incident. In such cases it is also vital that the complaint is taken seriously from the outset. It should be remembered that evidence suggests that false reporting of sexual assault and domestic abuse is very rare.

**Interviewing Vulnerable Witnesses**

The factors and circumstances surrounding vulnerable witnesses may require a different approach to ensure reliability of evidence whilst supporting the witness and their needs. There is specific definition for witnesses considered to be vulnerable as defined by the Achieving Best Evidence and Coroners and Justice Act 2009. A victim or witness meeting this specific definition will engage certain statutory responsibilities. For individuals falling outside this definition, but still considered to be vulnerable within Forces' new definition of vulnerability, the ABE general principles should be considered as a means of improving the quality of evidence from victims and witnesses that may considered as vulnerable.

For witnesses who are under the age of 18, the role of an appropriate adult must be considered. For witnesses who suffer from a mental disorder or significant impairment of intelligence and social functioning or have a physical disorder or condition that is likely to affect their evidence, the Witness Intermediary Scheme may be used. This scheme operates on behalf of the courts to ensure witnesses understand the questions that are being asked and helps to improve the reliability of the evidence given.

Achieving Best Evidence (ABE) principles are to be used when interviewing vulnerable witnesses. Consideration should be given to the best method of recording interview evidence such as video recording or written statement. Consideration should be given to engaging with the CPS at an early stage. This should improve the reliability of witness evidence and minimise the risk of the witness being treated as unreliable.

**Updating Victims**

It is important to keep vulnerable victims and witnesses up to date with the progress of an investigation or prosecution. Vulnerable victims often need ongoing support throughout and after the process of investigation and where the prosecution is concluded. The reassurance given by frequent updates may help alleviate anxiety and concerns and ensures that continuing or repeat victimisation is reported.

**Closing cases without prosecution**

Where a decision is made not to progress a case for whatever reason, this should be explained to the victim at the earliest opportunity and in a sensitive and considerate manner. It is important to reassure the victim that their incident is taken seriously and they are believed whilst encouraging them not to hesitate in further contacting the Police should
the incident reoccur or another type of incident occurs. This will help ensure victims continue to report incidents and we are made aware of any pattern of repeat victimisation, which may in turn, increase the likelihood of successful future interventions.

**Supporting Victims**

Some of the issues affecting vulnerable persons may be short lived and can easily be mitigated by some immediate remedial action; other cases may need support and intervention of other agencies and stakeholders. Early engagement with support agencies is important, but the support offered should be based on the desired outcome for the victim and their wishes.

**SAFEGUARDING ADULTS & CHILDREN**

When a crime is suspected, the Police will take the lead in deciding how to proceed with the investigation.

When an adult or child is unable to protect themselves from harm and is suffering or at risk of abuse they are in need of **safeguarding**.

Nottinghamshire Police will work with Nottingham City and Nottinghamshire's Adult and Children Safeguarding Boards and their associated protocols. Both Boards are committed to providing adults, children and young people in need of protection or support, with services, which will protect them from harm, promote their health and welfare and minimise any adverse consequences of abuse.

The contact which all officers and staff have with members of the public provide opportunities to identify concerns about children and adults and trigger the appropriate multi-agency response to ensure their protection.

All police and staff have a duty to identify, and refer children and families who may require access to the wide range of services and support which are available to prevent problems from developing into abuse. Acting within relevant legislation and in line with information sharing agreements, Nottinghamshire Police will disclose relevant information to our partners in protecting victims of crime, abuse or neglect either physically or within a legal framework.

All officers and staff will adhere to the jointly agreed protocols and the associated definitions.

*A definition of abuse is given at Appendix A.*

The Safeguarding process aims to cause minimal interruption to services being provided to an individual or a group of people during the investigation process or the need for repeat questioning of alleged victims and witnesses.
Safeguarding and sharing information

Safeguarding will often involve the sharing of information with partner agencies. This must be done in accordance with the provisions of the Data Protection Act 1998, Crime and Disorder Act 2003 and the Human Rights Act. The principles of information sharing are:

- Information should only be shared on a need to know basis when it is in the best interests of the vulnerable adult.
- Confidentiality must never be confused with secrecy.
- Informed consent must be obtained, but if this is not possible (due to lack of capacity) and others are at risk it may be necessary to override this requirement.

It is important that officers or agencies do not give assurances to victims of absolute confidentiality in cases where there may are concerns about abuse and particularly in situations when other people are at risk.

Information Sharing and Safeguarding Strategy Meetings

All information shared during Strategy discussion meetings is confidential to those professionals attending the meeting, unless otherwise agreed. Decisions to share information outside of these parameters must be arrived at with the permission of the Chair, or the source of the information.

All enquiries should be carried out in a reasonable and timely manner within the time framework as determined by the agreement of meeting. The safety and rights of the person(s) known or suspected to be experiencing harm must be considered at all times throughout an investigation.

Not all information sharing will occur in a formal setting of such meetings. Regardless of the circumstances in which information sharing takes place, it is important to ensure the principles stated in the section above on safeguarding and sharing information are adhered to.

Multi Agency Safeguarding Hub (MASH)

In Nottinghamshire, a number of partner agencies work together as part of the Multi-Agency Safeguarding Hub (MASH). The MASH operates for the safeguarding of adults and children who are resident in Nottinghamshire County only. Nottingham City is not yet part of the MASH. However, Nottinghamshire Police have a referral team within the MASH who act as central point of contact for safeguarding notifications generated by police officers and staff, and this team operates across both City and County local authorities.

Nottingham City and Nottinghamshire County Councils have produced specific detailed guidance to assist practitioners in identifying a child, young person’s and/or family’s level of need, and referral pathways to the most appropriate service to provide support including the threshold for referral to Children’s Social Care. These are Pathway to Provision (County) and the Family Support Strategy (City). Similar ‘thresholds and pathways’ guidance has been produced aimed at providing a consistent approach to making appropriate adult safeguarding referrals.
The MASH deal with safeguarding concerns, where someone is concerned about the safety of a child or adult, and/or think they might be at risk of harm.

Within the MASH, information from different agencies is collated and used to decide what action to take. As a result, the agencies are able to act quickly in a co-ordinated and consistent way, ensuring that vulnerable children and adults are kept safe.

*RISK AND RESPONSE MODEL*

Anyone may be at risk depending on their situation and circumstances and our response will depend on a number of factors. A tiered approach is applied to guide assessment, response and recording of incidents of vulnerability. These are based on the degree of risk and intended outcome. Cases may require different levels of recording on Police systems and/or referral to other agencies through MASH to help address any ongoing concerns or issues of vulnerability. Establishing vulnerability is complicated with no strict criteria. Consequently, whilst officers are trained in identifying and assessing vulnerability, such assessment is a matter of discretion of this officer dealing with the incident. Nottinghamshire Police supports the exercise of such discretion provided the judgement is reasonable in the circumstances and the facts known at the time.

**Grading of vulnerable callers**

In accordance with our graded response policy, all vulnerable calls will treated as Grade 2 – Priority, unless the criteria for Grade 1 – Emergency applies. This requires attendance as soon as possible within at least or 60 minutes.

**Tier 1 - definition**

This relates to individuals who are temporarily vulnerable because of their situation or circumstances.

Examples of people who may fall into this category would include

- An inexperience driver who breaks down in the fast lane of the motorway.
- A person who gets drunk on a night out and is walking home alone.

Our response should be based on our capacity to respond and the appropriateness of our involvement.

**Response, Recording and Referral**

The Police role here is to ensure that people don't come to harm. The incident will be subject to initial recording only. A referral through MASH is not required unless there are ongoing concerns, for instance there were children in the care the vulnerable person.

Nottinghamshire Police will work with Nottingham City and Nottinghamshire’s Adult and Children Safeguarding Boards and their associated protocols.
Tier 2 - definition
These individuals may have on-going risks that the Police cannot deal with effectively as a sole agency and their problems can be best addressed by other professionals with our support. These individuals may be at greater risk of harm, but not currently suffering abuse or at risk of abuse. These would be individuals who require access to services or a child and family requiring early intervention and support to prevent a situation escalating.

Examples may include
- people with learning or physical disabilities
- People with mental health and or alcohol issues.
- Unsupported Elderly people that cannot cope with day to day matters.
- Children who experience poor parenting, behavioural issues, self esteem issues, family breakdown etc.

Response, Recording and Referral
Once the immediate concern has been dealt with, the incident will be comprehensively recorded on Police systems. The Pathway to provision (County), Family Support Pathway (City) and Thresholds and Pathways (Adults) should be referred to in order to establish the appropriate level of service needed. A referral or enquiry should then be made to the appropriate service. If in any doubt about the level of risk a C51 – Notification of Child or Adult Safeguarding Concern should be submitted to the police team in the MASH. The police team will either advise on the appropriate course of action or route the notification accordingly.

Tier 3 - definition
These are individuals that are unable to protect themselves and who are being abused or who are at risk of abuse.

Examples of these could be
- The person with a learning disability who is bullied by local youths
- An elderly person who has a carer that assaults them.
- A person who while being treated for mental ill health is sexually assaulted by another patient
- A child who is abused/ assaulted by an adult

Response, Recording and Referral
The Police role is not only to deal with the initial concern, but to look to solve the long term issues as part of the multi agency safeguarding process. In many of these cases there will be a crime and we will need to ensure that an appropriate investigation takes place- for which we will lead. The incident will must be comprehensively recorded on Police systems, including the record of a crime even where the victim specifically requests no police involvement, or where police involvement would frustrate the work of other agencies.
If the harm does not amount to a crime then Adults or Children’s Social Care will take the lead. Police response and referral routes will depend on the urgency of the situation. In any event a C51 – Notification of Child or Adult Safeguarding Concern should be submitted to the police team in the MASH. If urgent action is required by other agencies then the officer dealing should make the initial referral/enquiry by telephone to the appropriate service.

**Tier 4 Critical - definition**

This tier may include many of the issues raised in tier 2 and 3 except the situation has reached a critical point whereby if no action is there will be grave consequences for the individual.

Examples of this would include:
- Where harm is ongoing and of such a significant level that there is threat to life or that serious injury (including mental breakdown) is likely.
- Where suicide has been attempted or an attempt suspected
- Where to confidence of individuals or the wider community is so seriously compromised that they may take matters into their own hands.
- A child that is seriously assaulted or neglected or is in need of emergency protection procedures.

**Response, Recording and Referral**

The Police will respond urgently and effectively to address any immediate and ongoing issues as part of a critical multi agency response and urgent telephone contact will be made with Local Authority Social Care Services. The incident will be comprehensively recorded on Police systems including the record of a crime even where the victim specifically requests no police involvement. A C51 – Notification of Child or Adult Safeguarding Concern should be submitted to the police team in the MASH in addition to the urgent telephone contact.

Nottinghamshire Police will work with Nottingham City and Nottinghamshire’s Adult and Children Safeguarding Boards and their associated protocols. Both Boards are committed to providing adults, children and young people in need of protection or support, with services, which will protect them from harm, promote their health and welfare and minimise any adverse consequences of abuse.
Related documents and Appendices

APPENDIX A - DEFINITION OF ABUSE

Child Abuse

The term Child Abuse relates to the age of the child at the time of the alleged offence (under 18 years) and not their age at the time of reporting it.

The term, “Child Abuse”, is any form of maltreatment of a child. This includes offences, or suspected offences relating to physical, sexual or emotional abuse, or neglect, of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm.

Working Together (2013) defines abuse as:

“A form of maltreatment of a child; somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.”

Pages 85 -86 of Working Together (2013) details the main types of abuse and the associated definitions.

Working Together to Safeguard Children 2013

Adult Abuse

The reference point for Adult Abuse is No Secrets - Department of Health (2000), this defines abuse as:

"A violation of an individual’s human and civil rights by any other person or persons."

Page 9 -10 of No Secrets defines the main forms of abuse namely, physical, sexual, psychological and emotional, financial or material, neglect and acts of omission, discriminatory and institutional abuse.

No Secrets 2000, Department of Health Guidance
## APPENDIX B - QUICK GUIDE TO PATHWAYS

### 1) Contacts:

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<td></td>
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<tr>
<td></td>
<td>Adults</td>
<td>Customer Service Centre Tel: 0300 500 8080</td>
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<tr>
<td>Tier 1 &amp; 2</td>
<td>Children</td>
<td>Children – Early Help Unit Tel: 01623 433500 Email: <a href="mailto:early.help@nottscc.gov.uk">early.help@nottscc.gov.uk</a> <a href="mailto:early.help@nottscc.gcsx.gov.uk">early.help@nottscc.gcsx.gov.uk</a></td>
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<td>Adults</td>
<td>Nottingham Health and Care Point Tel: 0300 300 3333</td>
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<td></td>
<td>Children</td>
<td>Children and Families Direct Tel: 0115 8764800 Email: <a href="mailto:candfdirect@nottinghamcity.gov.uk">candfdirect@nottinghamcity.gov.uk</a></td>
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### 2) Contacts:

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<tr>
<td></td>
<td>Nottinghamshire County</td>
<td>Out of Hours Emergency Duty Team (children and adults) Tel: 0300 456 4546</td>
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<td>Nottingham City</td>
<td>Out of Hours Emergency Duty Team (Children and Adults) Tel: 0115 9159299</td>
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### 3) General Contacts:

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<th>ext: 101 x 800 3170 Email: <a href="mailto:mashpolice@nottinghamshire.pnn.police.uk">mashpolice@nottinghamshire.pnn.police.uk</a></th>
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## Administration

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### Monitoring and review

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### Registered Owner

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>ACC Jupp</td>
<td>SUPT Helen Chamberlain</td>
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