

Chapter Twenty

Considering and Managing Pre-trial Therapy

Introduction

- 20.1 This chapter sets out how the agencies involved with child witnesses agree to manage arrangements for pre-trial therapy, and the issues associated with providing therapeutic support to abused children who are, or are likely to be, witnesses in a forthcoming criminal trial relating to child abuse.
- 20.2 Many of the issues are also relevant when a child is subject to care proceedings.
- 20.3 This chapter does not address formal court preparation of a child witness for which separate arrangements are in place.
- 20.4 The wishes and feelings of the child or young person are crucial when deciding whether therapeutic support is given and in what form.
- 20.5 The potential impact on criminal proceedings must always be considered, whilst ensuring that this does not compromise the child's best interests, which are paramount.
- 20.6 The decision about the need for therapeutic support is required to be considered on an inter-agency basis, and should take account of the implications for criminal proceedings.

Deciding on therapeutic support

- 20.7 This may be sought/offered through a number of routes:
- resulting from the child protection enquiry/criminal investigation
 - child may be already receiving therapeutic support prior to investigation
 - identified within a child protection plan for a registered child
 - identified within a care plan for a looked after child
 - referred by GP (with or without knowledge of the criminal proceedings)
 - referred by an educational psychologist (with or without knowledge of the criminal proceedings)
 - referred by an expert witness in order to provide further information for a criminal trial
 - referred by parents/carers prior to a trial
- 20.8 Professionals who provide therapeutic support to children must be aware of the guidance and the implications for the criminal process in terms of both disclosure and contamination of evidence.
- 20.9 It is important that the initial joint investigative interview with the child, including any visually recorded interview, is undertaken prior to any new therapeutic work in order that the original disclosure is not undermined.
- 20.10 Where it becomes apparent that a child is already receiving therapeutic support at the point of the criminal investigations and child protection enquiries, there must be discussion as to how the work should proceed. The fact that therapeutic work is already underway will not necessarily prevent a case proceeding before a criminal court.

- 20.11 The decision to seek therapeutic support for a child will normally be made following a professional assessment of need and a recommendation that this is in the best interests of the child. The decision to refer will be made by those responsible for the welfare of the child, including those with parental responsibility. The decision should take account of the implications for criminal proceedings, which may themselves have therapeutic benefit for the child.
- 20.12 The police should inform the Crown Prosecution Service as soon as therapeutic support is recommended, using a named contact point for the case relating to the child. Direct consultation between the professionals may be advisable in some cases and should be arranged through the police officer in the case.
- 20.13 The Crown Prosecution Service should advise the police of the potential impact of any proposed therapeutic support on criminal proceedings in each individual case.
- 20.14 There will be cases where referral is made direct by a family member, or by a professional unaware of the criminal proceedings or of this chapter. Therapeutic services must therefore be alert to this possibility and should always seek to establish whether criminal proceedings or care proceedings are in progress. If so, the therapeutic service should ensure that steps are taken to follow this chapter. This may include convening the pre-trial planning meeting described below, if there is no involvement with children's social care.
- 20.15 Where it is considered that therapeutic intervention is appropriate and has been commissioned, a pre-trial planning meeting will be convened.
- 20.16 Where children's social care is involved with the child, the team manager or service manager will convene and chair the meeting, and arrange for a formal record of it to be made.
- 20.17 Where children's social care is not involved, the therapeutic service commissioned to undertake work, or already involved with the child, should convene the meeting.
- 20.18 A formal record of the meeting should be made and it should be noted that this may be disclosed in criminal proceedings.
- 20.19 Pre-trial planning meetings will involve relevant personnel from children's social care, police and the service offering therapeutic work. It may also include:
- parents'/carers (unless implicated in the alleged abuse)
 - the child themselves, if of sufficient age and understanding
 - other relevant professionals

Considerations at the pre-trial therapy meeting

- 20.20 The purpose of the pre-trial meeting is to agree the parameters and nature of any proposed therapeutic support, ensuring that the process is subject to regular review. It will further agree lines of communication between the person who will undertake the work and other professionals.

- 20.21 Following confirmation at the meeting that therapeutic intervention is in the best interests of the child (including taking into account the child's right to justice), the provision of the specified therapeutic support may commence.
- 20.22 In deciding on what therapeutic support is appropriate to pursue pre-trial the following considerations apply:
- therapeutic support is on an individual basis i.e., no joint or group sessions are normally acceptable because of the increased risk of contamination of evidence
 - where joint or group sessions are already in progress, the implications for continuing must be considered, and in addition the particular implications for recording what takes place
 - therapeutic support may be subject to challenge at court. Therefore, it is better that only one worker provides the support
- 20.23 The person providing therapeutic support must be able to demonstrate professional competence or a sufficient level of supervision if called in a subsequent trial.
- 20.24 If, during a therapeutic session, a child refers to the abuse they have suffered, the worker:
- should listen and acknowledge what has been said
 - should not seek clarification or ask probing or investigative questions
 - consider whether there is new or additional allegations or information which require urgent discussion with the police/social worker
- 20.25 The person who will provide therapeutic support should be given sufficient information about the nature of abuse alleged by the child to be able to judge if the child begins to make new or additional allegations within a session.
- 20.26 Care should be taken in the recording of therapeutic sessions. Immediate, factual and concise and accurate notes must be made for each session, which must be retained in their original format so that they can be produced at a later date if required. Any notes, visual or audio recordings, pictures etc. used during the therapeutic sessions must be similarly maintained.
- 20.27 The person undertaking therapeutic work needs to ensure that parents/carers, and any child of sufficient age and understanding, are told that records are kept and that confidentiality cannot be guaranteed.
- 20.28 Any disclosure of new allegations by the child, or any material departure from or inconsistency with the original allegations should be reported to the detective inspector of the police child abuse investigation unit (CAIU) and to the social worker allocated to the child. A further pre-trial planning meeting will be convened at the earliest opportunity to determine and agree the best course of action in the light of the new information or allegations.
- 20.29 A pro-forma document will be completed following each session and will include:
- date and location of session
 - duration of session
 - details of the person undertaking the work with the child
 - details of child

- details of other persons present
- confirmation that records of the therapy sessions have been made

20.30 The pro-forma documents will be copied prior to any criminal trial and the original document forwarded to the Crown Prosecution Service via the police.

20.31 It will be the responsibility of the reviewing Crown Prosecution lawyer to seek confirmation from the police as to:

- whether therapeutic work has been undertaken
- if so, whether the witness said anything inconsistent with the disclosure to the police
- and what sort of therapeutic work was undertaken

Problem Resolution

20.32 Any dissatisfaction should be resolved as simply as possible, this would normally be via discussion between the social worker, the person providing the therapeutic support and police officer in the criminal case.

Please refer to Chapter 23: Resolution of Professional Disagreements in Work Relating to the Safety of Children - [Hyperlink](#)

20.33 Where disputes remain a further pre-trial planning meeting should be convened, involving the Crown Prosecution Service, and involving appropriately senior agency representatives.

References

20.34 Provision of Therapy for Child Witnesses Home Office/ CPS/ DoH 2001