

Memorandum of Understanding

Between

423d Air Base Group (USAFE)

And

Cambridgeshire Local Safeguarding Children Board, United Kingdom

Concerning

Interagency Working and Information Sharing Protocol: Which sets out the Arrangement regarding the welfare of children who live in Cambridgeshire and whose parents are members of the US Visiting Forces in the United Kingdom.

Article I

Purpose

This agreement establishes the mutual understanding of the basic responsibilities and procedure between the 423d Air Base Group and Cambridgeshire Local Safeguarding Children's Board (the Cambridgeshire local authority) henceforth referred to as "the parties" in the management of child abuse and neglect cases involving the children of US military and civilian personnel (and their family members) of the United States armed force assigned in the United Kingdom.

Principal locations relate to the Tri-base community of RAF Molesworth, RAF Alconbury and RAF Upwood, but also include US personnel and their families who reside in Cambridgeshire.

Article II

Authority

This agreement is concluded in accordance with the NATO Status of Forces Act, the Visiting Forces Act of 1952, the 2010 Working Together to Safeguard Children guide, and the Children Act 1989.

The Commander, United States Air Forces in Europe, represented by the 423 ABG/CC, and representatives from the Cambridgeshire Local Safeguarding Board and Cambridgeshire County Council – Office of Children and Young People Service (CYPS) pursuant to entering into this agreement, recognize the terms and provisions of the NATO Status of Forces Agreement, the Visiting Forces Act of 1952, and other agreements between the United Kingdom and the United States of America.

Nothing in this Protocol will preclude either party from taking immediate action to protect a child involved in a child abuse or neglect incident, regardless of the child's nationality or the sponsor's employment status.

Article III

Responsibilities

The 423d Air Base Group, in accordance with standard practice, will:

- A. Organize and manage a Family Advocacy Program in accordance with current United States Air Force regulations and directives.
- B. Organize Central Registry Boards (CRB) for the Tri-base community. The CRB is held at the 501st Combat Support Wing, RAF Alconbury and is chaired by the Wing Vice Commander. It meets monthly or as required to reviews all existing cases of alleged child abuse or neglect. The CRB is a multidisciplinary team that makes administrative determinations for suspected family maltreatment meeting DoD/AF definitions. The CRB operates according to AF FAP Standards (2009).
- C. Organize Clinical Case Staffing (CCS) in accordance with current USAF regulations and directives.
- D. Organize High Risk for Violence Response Teams (HRVRT) for the Tri-base community and relevant Family Advocacy Officer (FAO). In appropriate

- situations UK authorities maybe involved to further assist in the safeguarding of the family where US resources are limited.
- E. Organize Child Sexual Maltreatment Response Team (CSMRT) for the Tri-base community and relevant FAO. In appropriate situations UK authorities may be involved to further assist in the safeguarding of the family where US resources are limited.
 - F. The relevant FAO or designated representative shall immediately, by phone, inform the County Council's Children's Services Department at 0345 045 5203 during business hours or 01733 234724 for urgent requests of all cases where there is a reasonable cause to suspect child abuse or neglect. NOTE: For cases involving children from outside Cambridgeshire, notification will be made to the county concerned, or to the Cambridgeshire authorities, as the circumstances dictate. This will lead to a strategy discussion to establish the process set out in points g, h, and i below.
 - G. In all cases where there is a reasonable cause to suspect child abuse or neglect the Family Advocacy Program will promptly, whenever possible prior to contacting the family, liaise with Children's Services in the area where the alleged incident took place. The Family Advocacy Program will also keep Children's Services briefed on the progress/outcome of investigations undertaken by the visiting forces in line with the provisions to determine the division of criminal jurisdiction set out in the NATO Status of Forces Agreement.
 - H. The Family Advocacy Program will identify the lead/named FAO who will maintain liaison and involvement in any meetings and follow-up activities including those actions agreed at strategy meetings to investigate allegations of child abuse and neglect. Section 47 of the Children Act of 1989 places a duty on local authorities to make enquiries into the circumstances of children considered to be at risk of significant harm and, where these enquiries indicate the need, to undertake a full investigation into the child's circumstances. Keep Cambridgeshire County Council CYPS briefed during child protection inquiries and criminal investigations undertaken by the USAF to allow appropriate authorities to determine prosecutorial jurisdiction in line with the provisions relating to criminal jurisdiction set out in the NATO Status of Forces Agreement, the Visiting Forces Act of 1952, and the Association of Chief Police Officers Protocol for Criminal Investigations.
NOTE: The rules pertaining to the division of criminal jurisdiction over alleged offenders is determined separately under the NATO SOFA and the Visiting Forces Act 1952 and the lead on criminal investigations is a matter for our respective law enforcement agencies.
 - I. Whether a child and their family live on or off the base, the visiting forces will cooperate with Children's Services, and where appropriate Cambridgeshire Police, in the undertaking of enquiries and investigations. This will include

- attending all relevant meetings and exchanging all relevant or releasable information.
- J. Provide Children's Services with access to information concerning cases where Children's Services are involved in accordance with applicable US laws, Air Force regulations, and the NATO Status of Forces Agreement.
 - K. If, as a consequence of safeguarding or legal procedures a child or children are subject to a UK Child Protection Plan or are subject to a UK Court Order and the child and family live on base, the Family Advocacy Program will facilitate visits by Social Workers and/or officers appointed by the UK courts in support of the protection plan or Court order.
 - L. Where US military families are resident off the base, the Family Advocacy Program will encourage them to register with the relevant UK authorities and services as appropriate. The Family Advocacy Program will liaise with these authorities as appropriate for each given case, to include the Cambridgeshire Police when necessary, and will provide information as far as it is consistent with legislation governing confidentiality and the sharing of personal data.
 - M. Consult and request assistance from the local office of the Children's Services Department when appropriate to meet the needs of the family and children.
 - N. Where appropriate, invite Children's services to attend scheduled meetings of the Tri-Base community Central Registry Board (CRB), Clinical Case Staffing (CCS), High Risk for Violence Response Team (HRVRT), and Child Sexual Maltreatment Response Team (CSMRT) to assist with decisions on appropriate case management.

RESPONSIBILITIES OF CAMBRIDGESHIRE COUNTY COUNCIL CHILDREN'S SERVICES DEPARTMENT

The Department's staff will:

- A. Immediately, by phone, advise the Family Advocacy Officer (FAO), or his/her designee at 423rd Medical Squadron (MDS) at (0) 1480 844 552 of any concerns in regard to cases of children in need or children suspected to be suffering actual, or likely to experience, significant harm which involve United States military and civilian personnel (and their family members) assigned to or employed in the Tri-base community. Written confirmation of the case will also be provided as soon as conveniently possible or within 72 hours. The information to be provided will include, where known, the child's name and date of birth, address, home telephone number and details of the alleged child abuse or neglect including any steps that have already been taken for the immediate protection of the child. Information regarding the identity of a specific referent (e.g., the name of a

- child's teacher, care-giver, or health care provider) will not be provided to the family. However, the agency from which the referral was made (e.g., U.S. Military) may be disclosed.
- B. Where the information provided to CYPS constitutes or may constitute, a criminal offence against a child it will discuss the case with Cambridgeshire Constabulary Child Abuse Investigation Unit (CAIU) immediately. This liaison will lead to a decision about whether to convene a Section 47 (Children Act 1989) Strategy meeting and include the FAO as necessary.
 - C. Liaise with FAO or his/her designee to identify the lead/named FAO who will maintain liaison and involvement in any identified Section 47 strategy meetings and follow up activities including those actions agreed at strategy meetings to investigate allegations of child abuse and neglect.
 - D. When circumstances suggest that a placement for a child should be sought away from their home, primary consideration should be given to enable placement of the child within the military or local community where the child normally resides. Procedures (i.e. "welfare checks") relating to placement of endangered children with immediate family, friends or kinship will be adhered to. If, following the strategy meeting recommendation, a family member, kin or family friend is identified for temporary placement, the background of that party will be immediately screened through law enforcement/child welfare channels to ensure they do not have a criminal history. The welfare check will not delay emergency placement and can typically be done on the same day it is requested. No special training or certification is required for identified parties to serve as child placement resources.
 - E. Keep the 423rd MDS FAO informed on the progress and outcome of Child Protection and criminal investigations undertaken by Children's Services or Cambridgeshire Constabulary CAIU to allow appropriate authorities to determine prosecutorial jurisdiction in line with the provisions relating to criminal jurisdiction set out in the NATO Status of Forces Agreement, the Visiting Forces Act of 1952, and the Association of Chief Police Officers Protocol for Criminal Investigations.
 - F. Provide FAO or other appropriate personnel in the Tri-Base community with access to information in accordance with the NATO Status of Forces Agreement, Visiting Forces Act or other applicable laws and regulations, concerning cases where United States military personnel, civilian employees or other family members are involved.
 - G. Inform the FAO or his/her designee of any ongoing Child Protection Processes in relation to any child where United States military personnel, United States DoD

- civilian employees or other family members are involved. This includes where children may become subject to Child Protection Conferences and where they are subject to a Child Protection Plan.
- H. Coordinate any meetings including Child Protection Conferences and Core Group meetings at RAF Alconbury as required by Children's Council guidance. Participate in FAP-coordinated meetings (e.g., HRVRT, CSMRT, CCS, etc.) in person or via telephone, when appropriate. Advise and invite FAO to any relevant meetings they may be required to attend.
- I. Arrange annual liaison meetings with FAO at 423rd MDS to assist with effective working arrangements and review of this Memorandum of Agreement.

Article IV

Financial Responsibilities

Neither party shall incur any financial obligations as a result of this agreement.

Article V

Settlement of Disputes

Disputes will be resolved by negotiations between the parties at the lowest level possible. Disputes that cannot be resolved at lower levels will be referred to higher-levels within their respective organizations, as appropriate for resolution. Disputes will not be referred to arbitration, litigation, or other resolution by a third party. Inconsistencies between the present agreement and other existing agreements will be resolved through consultation between the parties.

Article VI

Modification of Agreement

This agreement may be amended or supplemented at any time upon mutual consent of both parties. Amendments and supplements must be in writing and will include full title and date of conclusion of the agreement being amended.

Article VII

Inception, Duration, and Termination

This agreement will become effective upon the date of the last signature. It will remain in effect for 5 years and should be reviewed annually by the Parties. This agreement may be terminated immediately if both parties consent in writing to immediate termination.

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This agreement may be extended or modified upon mutual written consent of the parties. The agreement may also be terminated unilaterally, with three months notice given to the other party.

This agreement is completed in three original copies with, each text being equally authentic.

FOR 423 AIR BASE GROUP

FOR CAMBRIDGESHIRE LSCB, UK

Signed by:
by:

Signed by:

Signed

Commander
Executive,

County

Independent Chair

Cambridgeshire LSCB

Deputy Chief

Cambridgeshire

Council

on:

on:

on:

Annex A

Definitions

DEFINITIONS

A child: anyone who has not yet reached their eighteenth birthday.

Children's Services: a branch of the Local Authority providing social care and education services to the community. Children's Services have a number of statutory responsibilities including the investigation of child protection concerns.

Local Safeguarding Children Board: The LSCB is a statutory inter-agency forum established by the Children Act 2004. It has a wide range of responsibilities regarding the safeguarding of children and young people within Cambridgeshire. These include establishing safeguarding procedures and protocols to govern the interactions of member agencies regarding keeping safe and child protection.

The Children Act 1989: UK legislation governing the interface between families and the state's involvement in their lives when there are concerns regarding the welfare of children.

USAF: the United States Air Force, part of the American military establishment. The USAF has a number of operational air bases in the United Kingdom.

Safeguarding: the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care which is undertaken so as to enable children to have optimum life chances and enter adulthood successfully.

Working Together 2006: statutory guidance on inter-agency working to safeguard and promote the welfare of children. 2.143 states: "Each Local Authority (LA) with a US base in its area should establish liaison arrangements with the base commander and relevant staff. The requirements of English child welfare legislation should be explained clearly to the US authorities, so that LAs can fulfill their statutory duties".

Visiting Forces Act of 1952: legislation governing aspects of legal jurisdiction with regards to visiting Forces in the UK.

NATO SOFA: an international agreement delineating the rights, responsibilities, and rules under which sending and receiving states deal with military forces in their sovereign territory.

Appendix 1 -Abbreviations used in this protocol

CCS	Clinical Case Staffing (US)
CRB	Central Registry Boards (US)
CSMRT	Child Sexual Maltreatment Response Team
FAO	Family Advocacy Officer (US)
FAP	Family Advocacy Programme (US)
HRVRT	High Risk for Violence Response Teams (US)
LA	Local Authority (UK)
LSCB	Local Safeguarding Children Board (UK)
NATO	North Atlantic Treaty Organisation (UK & US)
RAF	Royal Air Force (UK)
SOFA	Status of Forces Agreement
S17	Section 17, Children Act 1989 (UK)
S47	Section 47, Children Act 1989 (UK)
UK	United Kingdom
US	United States
USAF	United States Air Force (US)