

## **6. CHILDREN AND THE JUSTICE SYSTEM**

### **INTRODUCTION**

6.1. The first *Safeguarding Children* report included a chapter on young people who commit offences. Children also experience the justice system in various other ways: in family proceedings and as victims of and witnesses to crimes. This chapter explores children's experiences and the safeguarding arrangements in place in those settings as well as assessing progress with the safeguarding of children and young people who commit offences. The scope of this chapter does not include the safeguarding work with children and young people carried out by the police.

6.2. There are many different agencies and organisations involved in the justice system. The first *Safeguarding Children* report highlighted that further work on aspects of the justice system was necessary, and this chapter draws on inspection work in some of the agencies concerned. However, the picture this chapter provides of how well children are safeguarded is only partial. Inspection arrangements have not covered every aspect of the justice system since there are parts of it that have been outside the remit of inspectorates and will remain so. There is a particular gap in respect of the higher courts, since it is only very recently that a unified courts service has been set up<sup>1</sup>, with associated unified inspection arrangements for the administration of HM Courts Service.

6.3. Also, while systems exist or are being developed for inter-agency collaboration within different parts of the justice system<sup>2</sup>, there have been limited mechanisms for sharing information and good practice on safeguarding between the criminal and the family justice systems. New arrangements in the courts service therefore provide an opportunity to develop a more consistent approach to the safeguarding of children and young people.

### **CHILDREN IN FAMILY PROCEEDINGS**

6.4. This section looks at the steps taken by the relevant agencies to safeguard children during family proceedings. Family proceedings involve, for example, care proceedings, adoption arrangements or contact and maintenance agreements for children whose parents are separated or divorced. The outcome of these proceedings usually has a significant impact

---

<sup>1</sup> The Courts Act 2003 established Her Majesty's Courts Service as a unified court administration across England and Wales from 2005. HM Magistrates' Courts Service Inspectorate also became HM Inspectorate of Court Administration with inspection responsibilities across the courts service. Inspectors do not inspect persons making judicial decisions or exercising any judicial discretion.

<sup>2</sup> Local Criminal Justice Boards established in April 2003 bring together local agencies at a strategic level in 42 Criminal Justice System areas. They include the police, Crown Prosecution Service, magistrates' and Crown Courts, National Offender Management Service and youth offending teams. A similar system for family justice is likely to establish 42 Local Family Justice Councils during 2005.

on the future lives of children. It is beyond the scope of this report to comment on policy or practice in relation to judicial decisions.

6.5. The Children and Family Court Advisory and Support Service (CAFCASS) is responsible for promoting the welfare of children in family proceedings. In 2003-04, it dealt with nearly 34,000 private law cases and more than 13,000 public law cases. Overall, nearly 74,000 children and young people were involved. This section draws on evidence from inspections of CAFCASS in England and Wales from March to December 2004 and visits to six care centres<sup>3</sup> and linked magistrates courts in England [ref.34. [http://www.hmica.gov.uk/files/53472\\_cd.pdf](http://www.hmica.gov.uk/files/53472_cd.pdf)].

### **Making safeguarding a priority**

6.6. Both CAFCASS and the courts emphasise and promote children's statutory rights. However, the term 'safeguarding children' is not consistently understood and used by either CAFCASS or the courts. This is partly because the courts have not been extensively involved in previous reviews of safeguards. It also reflects confusion in the context of family proceedings about the term 'safeguarding', which is generally associated with the narrower focus of child protection. Such confusion is a barrier to effective inter-agency working and understanding.

6.7. As a result, while there are elements of good safeguarding policy and practice, they are not brought within an explicit safeguarding agenda to build on the commitment to promote children's rights. During inspections, staff expressed considerable interest in the concept of safeguarding, but this has not so far been reinforced by a wider, multi-agency debate about what safeguarding means for family proceedings. Furthermore, CAFCASS does not yet fully address diversity issues either in recruitment or in front-line practice, and this is reflected in its reports to court.

6.8. Whether children should participate and be involved in family proceedings is the subject of widely diverging views. Currently, most children have little or no say in formal arrangements about their future, such as where they will live or with whom they will have contact. CAFCASS has developed a draft child participation policy and has a programme of work to enhance the involvement of children but practitioners vary considerably in the extent to which they believe children should be actively involved in private law cases. Also, although staff are required to report to the court on the child's wishes and feelings, report reading by researchers and inspectors shows that a summary or an interpretation is sometimes substituted for the child's own words. Since children rarely attend court, the opportunity accurately to represent and take into account their views is therefore weakened.

6.9. The courts rarely encourage children to attend, except in adoption cases where there is often a child-centred and celebratory approach. There is

---

<sup>3</sup> Within the current structure of courts that deal with family proceedings, care centres are county courts whose jurisdiction covers the full range of public and private law.

little conclusive research evidence to support or negate greater child involvement in family proceedings, including attendance at court. However, some research shows that children themselves often wish to be more involved in family proceedings [ref.35

<http://www.nspcc.org.uk/inform/downloads/YourShout.pdf>]. Involving children could contribute to achieving improved outcomes by giving them a better understanding of their situation and greater engagement with the court's decision and its impact on their lives.

6.10. In practice, child attendance at court is only one of a range of options for giving children greater involvement in decisions about their future. There is also scope for agencies involved in family proceedings to work together to consider other options, which include:

- giving children party status within statutory provisions and other linked procedures;
- giving children age-appropriate information about the proceedings from commencement to conclusion, including any necessary follow-up;
- where requested by courts, seeking children's wishes and feelings about the reasons underlying the court proceedings and reporting such matters to courts, orally or in writing;
- facilitating children's attendance at court for appropriate parts of the proceedings or for pre-hearing court visits; and
- seeking children's views as service users about the quality of services received, primarily through agency customer surveys but also on occasions through inspection, research or other methods.

6.11. Effective safeguarding in practice has been significantly hindered by widespread and chronic delays in allocating CAFCASS staff to both public and private law proceedings. Steps have been taken to address delays but they remain a problem in some areas. In court proceedings, the *Protocol for Public Law* aims to enable courts to deal fairly, sensitively and efficiently with cases involving children and families in public law proceedings [ref.36 [http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/LocalAuthorityCirculars/AllLocalAuthorityCirculars/LocalAuthorityCircularsArticle/fs/en?CONTENT\\_ID=4068210&chk=EIYVVR](http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/LocalAuthorityCirculars/AllLocalAuthorityCirculars/LocalAuthorityCircularsArticle/fs/en?CONTENT_ID=4068210&chk=EIYVVR) and <http://lawzone.thelawyer.com/cgi-bin/item.cgi?id=111452&d=204&h=240&f=209>]. It is too early to determine if the protocol has had a significant impact on reducing delays. However, a few courts have established case progression officers to help ensure compliance with the Protocol. Court staff indicate that these posts have made a positive contribution, both to inter-agency working and to reducing delay.

6.12. CAFCASS invests considerable management time in inter-agency collaboration, attending around 150 ACPC meetings and sub-committees and around 40 Family Court Business Committees. Despite this level of involvement, there is no agency-wide mechanism for sharing general

information relevant to safeguarding. There is little involvement in ACPCs of court staff or magistrates. How to achieve greater involvement from the wide range of agencies who work with children is a recurring theme for consideration in setting up Local Safeguarding Children Boards.

6.13. In common with some other services, there has been some concern about lax recruitment procedures in CAF/CASS, particularly in relation to staff who have direct contact with children. Plans have been introduced to strengthen procedures, including ensuring that staff are appropriately checked with the Criminal Records Bureau (CRB).

## **CHILDREN WHO ARE VICTIMS OF, OR WITNESSES TO, CRIME**

6.14. Children who are victims and/or witnesses in criminal proceedings need special care. This section examines arrangements for safeguarding these children. It draws on area inspections and thematic reviews of safeguarding arrangements in the Crown Prosecution Service. The Crown Prosecution Service prosecutes people who have been charged with a criminal offence. It advises the police on cases for possible prosecution, reviews cases submitted by the police and prepares and presents cases at court. Under new statutory and shadow charging schemes, prosecutors are providing early advice to the police before charges are brought and making the charging decision in more serious and contested cases. The aim is to lead to improved case building and, while the time between arrest and charging may increase in some cases, delays in progressing cases in courts should reduce.

### **Making safeguarding a priority**

6.15. The Crown Prosecution Service pays attention to safeguarding children in some aspects of its work and arrangements. For example, it attaches particular importance to cases involving child abuse and domestic violence and this is reinforced by domestic violence co-ordinators and child abuse specialists in Crown Prosecution Service Areas (although the latter are not a formal requirement). There is no explicit strategy for considering the wider safeguarding issues of children in criminal proceedings and an overall approach to considering children as victims needs to be developed.

6.16. The lack of an overall approach to safeguarding is reflected in the varying links that Crown Prosecution Service Areas have with ACPCs, despite a recommendation in the first *Safeguarding Children* report that they should be developed. The Crown Prosecution Service is not among the statutory partners in the new Local Safeguarding Children Boards and the role and involvement of Areas will need to be considered in consultation and guidance. Similarly, although some Areas are involved with Multi Agency Public Protection Panels, whose primary focus is public protection including child protection, there is no national policy on this issue.

### **Children as victims**

6.17. The Crown Prosecution Service has a child abuse policy and accompanying guidance. These have not been updated for some time, although guidance has been issued on relevant statutory changes including particular implications for children. Most Areas have child abuse specialists, but there is no formal requirement for them to do so and they do not exclusively handle all child abuse cases in all Areas. There are limited opportunities to share information on and learning from child abuse cases and little data is collected or analysed nationally on child abuse cases and trends.

6.18. The Crown Prosecution Service has issued a model joint protocol between the police, prosecutors and social services for the exchange of information during the investigation and prosecution of child abuse cases. This covers the circumstances, process and procedures for sharing information between the agencies, and in particular sensitive and third party material for disclosure. However, not all 42 criminal justice system areas have implemented it, and there are some local difficulties in getting all parties to sign up to it. The existence of protocols governing the timeliness and quality of and access to medical evidence in child abuse cases varies between Areas. Where written protocols do not exist, liaison arrangements depend on staff continuity and co-operation.

6.19. The handling of child abuse cases and the quality of child abuse casework and preparation are generally satisfactory. Where performance is good, it includes the use of child abuse specialists, the correct application of policy and the achievement of expeditious and appropriate guilty pleas. Most files are always properly identified as child abuse cases, but a few are not and this can cause delays or mean that an appropriate specialist is not assigned to the case. Also, in many cases, files do not show that a lawyer has seen and assessed the quality of video evidence given by a child. The absence of adequate records in this respect is of concern. One Area has addressed this by introducing a form for the reviewing lawyer to record that they have watched and assessed the videotape of the child's interview.

6.20. In cases of domestic violence, the direct and indirect effects and long-term psychological impact on children are widely acknowledged. A thematic inspection of the handling of domestic violence cases by the police and the Crown Prosecution Service found that the presence of children was not automatically recorded or notified by police, although recent inspection work found that this issue is actively being addressed [ref.37 <http://www.homeoffice.gov.uk/hmic/dvrep.pdf>]. Also, the police and prosecutors were reluctant to involve children in cases. In many cases, files sampled did not show clearly if children were involved, and where they were, that the children's safety and interests had been considered. There were examples where a significant risk to a child was apparently ignored. Neither did the files always indicate if the child is to be used as a witness and the reason for the decision. To address these issues the Crown Prosecution Service has produced revised policy and guidance, with a supporting national training pack, which explicitly requires prosecutors to consider the views of a child [ref.38 <http://www.cps.gov.uk/publications/docs/DomesticViolencePolicy.pdf>]. Diversity issues are also specifically addressed.

## Children as witnesses

6.21. NSPCC research into child witnesses' experiences, mostly in sexual offence cases, found that waiting for a trial to start is stressful and giving evidence is itself traumatic [ref.39 <http://www.nspcc.org.uk/inform/Research/Summaries/InTheirOwnWords.asp>]. The testing of evidence by defence counsel is often intimidating and not always couched in language that children understand. The NSPCC research identified a number of shortcomings in witness support for children, including vulnerabilities not picked up and brought to the court's attention, lack of pre-trial contact with a supporter, delays on the day of the trial and little choice about how children could give evidence.

*'The defence wasn't nice. He was horrible. He said I was a liar. No one warned me beforehand that he'd say that... There were things I wanted to say but didn't get a chance to say.'* (Jason, 10) [ref.39

<http://www.nspcc.org.uk/inform/Research/Summaries/InTheirOwnWords.asp>]

6.22. There is now great emphasis nationally on the care and support of witnesses and various measures are in place for supporting children and their parents or carers through the court process, provided by both public and voluntary sector organisations. Under the "No Witness, No Justice" scheme<sup>4</sup> specialist witness care units provide a single contact point for victims and witnesses. All witnesses who are being called to court have their needs assessed to identify any problems which could prevent them giving evidence or attending. Such problems include transport problems, language difficulties, disabilities or fears of intimidation. Training for witness care officers will address the specific needs of children. In some police forces, Child Abuse Investigation Unit staff who are involved in a particular case also provide support. Liaison is encouraged between Crown Prosecution Service caseworkers and Crown Court officers to ensure that the needs of child witnesses are identified and met.

6.23. Special measures have been developed to support witnesses who are children under 17 as well as for specific categories of adults [ref.40 <http://www.homeoffice.gov.uk/docs/yjceact.html>]. These are particularly applicable in sexual offence and child abuse cases. Special measures include the video recording of the child's first interview, the giving of evidence over a TV link or behind a screen and the opportunity to meet court staff before the trial. Around 75% (approximately 4,500) of witnesses requiring special measures in 2003-04 were children.

---

<sup>4</sup> A joint Crown Prosecution Service and police project established on a pilot basis in five criminal justice system areas in July 2003 for national roll-out by December 2005. It aims to inform, protect and support witnesses better to increase witness attendance at court, improve trial outcomes and enhance witness satisfaction.

6.24. Of the sample of cases<sup>5</sup> examined in which children were witnesses, appropriate special measures were being used in the majority of cases. However, inspection evidence shows that in some Areas potential eligibility for special measures is not being identified early enough in the process by the police, and in some cases it is not identified until the day of the trial itself. The NSPCC research also found that some children were afraid of being seen by the defendant or the public gallery over the TV link, but arrangements were rarely made to meet their concerns [ref.39 <http://www.nspcc.org.uk/inform/Research/Summaries/InTheirOwnWords.asp>]. The Crown Prosecution Service does not currently gather or analyse data to investigate links between the use of special measures and successful case outcomes. Also, in the cases examined, appropriate letters to children under the Direct Communication with Victims scheme<sup>6</sup> were not sent in all relevant cases.

#### **Good practice**

North Yorkshire Crown Prosecution Service Area has prepared desk top instructions to assist in the preparation of applications for special measures. These include sample forms and guidance for their completion. Training has also been provided for lawyers and caseworkers specialising in dealing with cases involving vulnerable witnesses, including children.

[HMCPST]

## **CHILDREN AND YOUNG PEOPLE WHO COMMIT OFFENCES**

6.25. Children and young people who commit offences present particular challenges for safeguarding. In July 2004, there were 2,746 young people in custody<sup>7</sup>. In 2003, young people were sentenced in around 24,500 cases in youth or magistrates' courts and in around 1,500 cases at the Crown Court<sup>8</sup>.

6.26. The youth justice system has developed significantly in recent years. The establishment of the Youth Justice Board and youth offending teams has given greater emphasis to reducing crime through early intervention to prevent and tackle offending behaviour. This is based on the view that diverting children and young people who have committed minor crimes away

---

<sup>5</sup> Targeted sample of 353 CPS cases examined by HM Crown Prosecution Service Inspectorate, 2002-2004. There were 225 child abuse and 8 domestic violence cases in which children were witnesses.

<sup>6</sup> A Crown Prosecution Service scheme introduced in October 2002, under which it communicates any decision to drop or substantially alter a charge directly to the victim rather than via the police, giving as much detail as possible of the reasons. In cases involving a death, child abuse, sexual offences or racially/religiously aggravated offences, or where the reviewing lawyer considers it appropriate, a meeting is offered if further explanation is required.

<sup>7</sup> Youth Justice Board statistics.

<sup>8</sup> Crown Prosecution Service statistics.

from prosecution and into appropriate remedial services is ultimately more beneficial. This is supported by a wider range of sanctions now available outside the court system. They include acceptable behaviour contracts, anti-social behaviour orders, child curfews and child safety orders. There are also schemes, such as Drug Treatment and Testing Orders<sup>9</sup>, and multi-agency work to divert children and young people who misuse drugs into treatment and break the link between drug misuse and crime. This is an important recognition of the safeguarding issues involved in substance misuse. However, the preventive approach may sometimes be incongruous with the Criminal Justice System's parallel focus on, and associated target for, bringing to justice<sup>10</sup> children and young people who commit offences.

6.27. This section focuses principally on the contribution of youth offending teams to safeguarding children and young people who commit offences, since they play an important role in taking an overview from apprehension for the alleged offence to sentence and beyond. Every council with social services and education responsibilities has set up a youth offending team to help prevent offending by children and young people. The multi-disciplinary teams include probation officers, police officers, social workers and health and education staff.

6.28. The first *Safeguarding Children* report found that in focusing on offending behaviour, youth offending teams were not always giving sufficient emphasis to the wider protection and safeguarding needs of young people. HMI Probation looked in detail at the safeguarding work of five youth offending teams in England and carried out a questionnaire survey of the others [ref.41 <http://www.homeoffice.gov.uk/justice/probation/inspprob/thematicurrent.html>]. Information from core YOT inspections, as well as inspection work with the Crown Prosecution Service and courts service is also included in this section.

### **Making safeguarding a priority**

6.29. Youth offending teams have responded positively to the findings in the first *Safeguarding Children* report and are now giving greater recognition to safeguarding issues, particularly at a senior level. The challenge is to embed this commitment into practice. Staff often commented on the need for national guidance on good practice in safeguarding. Nearly two thirds of teams say they have policies addressing specific safeguards issues, while a third say they are incorporated into other policies. Only six youth offending teams have no such material. However, diversity issues, disability and

---

<sup>9</sup> The Drug Treatment and Testing Order was introduced in the Crime and Disorder Act 1998 and made available to all courts in England and Wales from 2000. Offenders must submit to drug testing, attend intensive treatment and rehabilitation and have their progress regularly reviewed by the court. It complements other interventions within the criminal justice system aimed at targeting treatment to drug misusers.

<sup>10</sup>The Narrowing the Justice Gap target is a key priority for Local Criminal Justice Boards, who are required to increase the number of offences brought to justice by 17% by 2005-06.

special needs are not given sufficient emphasis overall. Youth offending teams are maturing organisations and monitoring and evaluation are still developing. This makes the role of operational managers in their oversight of cases particularly important.

6.30. Questionnaire surveys<sup>11</sup> show that children are almost exclusively positive about their experiences with youth offending teams. 89% (114) of children said their worker sometimes or always talked to them in a way they could understand, while 94% (120) said they felt listened to. 83% (106) of children said they were always treated fairly and with respect. However, the existence or accessibility of complaints procedures is more variable.

*'I get to talk to someone who treats me like an adult and with respect... They are interesting and I learn a lot about myself and how to stay out of trouble...I learn about offending behaviour and finding out it gets you nowhere.'* [ref.42 <http://www.youth-justice-board.gov.uk/NR/rdonlyres/7AC02307-02B0-4B9B-BFCB-FF5EE0763112/0/HMIPYotReport2004.pdf>]

6.31. The first *Safeguarding Children* report found that youth offending teams were detached from other services. It is therefore encouraging that they now view relationships with their key partners as a strength and have a much higher profile on ACPCs. However, there is some uncertainty among youth offending teams about their role on the new Local Safeguarding Children Boards. Furthermore, only half of them have information sharing protocols with other agencies that cover safeguards issues.

#### **Good practice**

Strong relationships between North Tyneside Youth Offending Team and social services were reported during inspections. This includes a protocol with social services in relation to looked after children, court work and remands to council accommodation. In the cases sampled, social services were always involved during the supervision period for looked after children and those considered vulnerable from self-harm. Difficulties in relation to the placement of children and young people in local accommodation were actively being addressed. There were also effective arrangements for information sharing between the Courts and the Youth Offending Team: Youth Offending Team Court Officers have access to an office and a networked terminal in the Courts so that Court Orders can be processed quickly.

[HMI Probation]

---

<sup>11</sup> Interactive questionnaires completed by 128 children and young people, administered by the joint inspection team as part of overall YOTs inspections. The results should be read as indicative rather than representative.

6.32. It is of concern that 10% of youth offending teams still have employees and volunteers who have not been CRB checked, reflecting a common theme. There is also a lack of formal supervision arrangements for Appropriate Adults<sup>12</sup>.

### **Safeguarding in custody**

6.33. Where young people are taken into police custody, they need information about the services available to them and what they can expect to happen, for example about legal advice and court processes. Not all youth offending teams are providing such information consistently. Appropriate Adults are generally considered to provide an invaluable service, but some parents are not adequately or promptly informed about the outcome of an interview. There is also a lack of clarity with the police about the time of day or night when Appropriate Adults can be called upon to attend interviews. Recording practice needs improvement to demonstrate consistently the work that Appropriate Adults carry out at police stations. For example, in interviews, Appropriate Adults emphasised that they always check whether young people are informed in all cases of their right to legal assistance, but did not always record that they had done so.

6.34. The management of young people following their appearance at a police station raises concerns. The scarcity of council remand placements is a factor in some young people being detained inappropriately overnight in police cells. Some Appropriate Adults feel that insufficient attention is paid by social services to young people discharged with no accommodation to go to. There is also uncertainty about responsibility for ensuring a discharged young person gets home safely and for providing appropriate clothing when his or her own clothes are kept for forensic examination.

### **Safeguarding in court**

6.35. Young people charged with offences usually appear at a youth court where they are bailed or remanded in custody. The courts generally indicate that youth offending teams provide an excellent service. However, youth offending teams rely on the police to notify them of a young person's appearance in court. Also, it is sometimes difficult for them to provide a presence at weekend courts. Youth offending teams may not always highlight adequately a young person's safeguarding needs at the point of bail. Bail ASSETS<sup>13</sup> (an assessment of the young person's suitability for bail) were completed at the young person's first court appearance in only 48% of cases inspected. Of the completed Bail ASSETS, only 55% of relevant cases where there were substantive safeguards issues were considered to be sensitive to those issues, for example if the young person was at risk from other people or from self-harm.

---

<sup>12</sup> Appropriate Adults are volunteers who can be called upon to attend interviews of young people in police custody when parents or carers cannot be contacted.

<sup>13</sup> An assessment tool developed by the Youth Justice Board.

### **Good practice**

At Enfield Youth Offending Team, staff meet with children and young people and their parents or carers following an appearance at court. This provides the opportunity to assess the needs of the child or young person in relation to health or substance misuse. The information obtained is passed to a case manager and helps to facilitate future meetings with the child or young person and parents or carers.

[HMI Probation]

6.36. In most cases, interventions in practice are more positive and two thirds took account of safeguarding. However, there are difficulties in providing services in some areas, including access to and provision of mental health services. This is of concern, since some 45% of all cases examined as part of the core youth offending teams inspection, covering children aged 10-17, have had emotional or mental health problems. The majority of youth offending teams' pre-sentence reports appropriately address safeguarding issues, particularly the suitability or otherwise of custody. However, gender, religious and ethnicity issues are less well covered.

6.37. Although cases involving children and young people who commit offences are normally heard in the youth courts, if a young person is charged with a grave offence, the case may be committed to the Crown Court. Evidence shows that magistrates' courts are proactive in handling youth cases in accordance with accepted good practice. This includes the separation, wherever possible, of young defendants and witnesses from those attending adult courts. The handling of youth cases has increasingly become a recognised area of expertise, with significant investment in the training of magistrates and legal advisers. Inspections of Crown Prosecution Service Areas show that trials of children and young people who commit offences are in most cases well handled by specialist youth prosecutors and that efforts are made to prioritise and expedite such cases. Where agents are used for youth trials instead of Crown Prosecution Service prosecutors, however, there is sometimes concern about their level of experience in dealing with youth cases. The majority of Criminal Justice System Areas now regularly achieve the national target aimed at reducing the time from arrest to sentence for persistent young offenders<sup>14</sup>.

### **Safeguarding on remand**

6.38. Where young people are subject to remand, arrangements between agencies need clarification. There is often confusion about who should complete the necessary paperwork when a young person is remanded into the care of the council. Inspections found that a third of the required paperwork was not being completed. For secure remands, youth offending

---

<sup>14</sup> In 1996, the Government pledged to halve the average time from arrest to sentence for persistent young offenders from 142 days to 71 days. In November 2004, the average time from arrest to sentence was 65 days (England and Wales).

teams are following guidance on placements, keeping parents and carers informed and making considerable efforts to ensure that staff in secure facilities are aware of a young person's vulnerability. However, there are some examples of young people remanded to prison custody who remained there until sentence, with no input from the youth offending team.

6.39. There is also a lack of clarity about responsibility for a young person during the period between remand and escort to a secure establishment, which can be several hours. There is an absence of formal guidelines or legislation on this point, but there are examples of local arrangements to address it.

#### **Good practice**

Oxfordshire Youth Offending Team's Custody Manager provides briefings to young people at risk of remand to custody and their parent(s)/carer(s), where they can ask questions about what their children could expect.

[HMI Probation]

6.40. As noted in chapter 5, young people remanded to prison custody are particularly vulnerable on arrival and immediately thereafter. This emphasises the importance of the initial planning meeting in identifying the young person's needs. It is not always logistically possible for youth offending teams to be present at these meetings and there is not always evidence that the young person's needs have been taken fully into account.

## **CONCLUSIONS**

6.41. This review found that the justice system agencies covered in the inspection work for the first *Safeguarding Children* report were found to be giving greater priority to safeguarding. For example, in 2002, youth offending teams were found to be detached from other services and not giving sufficient attention to the wider safeguarding and protection needs of children and young people who commit offences. They are now giving much greater recognition to safeguarding issues. Other agencies, including CAF/CASS, the courts and the Crown Prosecution Service, have elements of good safeguarding policy and practice. In addition, child abuse and domestic violence cases involving children as victims or witnesses are generally well handled and consideration is given to the safeguarding needs of these children.

6.42. The creation of a unified courts service, unified inspection arrangements and Local Family Justice Boards provides an opportunity to improve still further the priority given to safeguarding children. Key areas for improvement include:

- determining what safeguarding children means in the context of the justice system;
- bringing together existing elements of safeguarding policy and practice into overarching strategies in the Crown Prosecution Service, CAFCASS and the courts;
- involving children more widely in family proceedings so that they have a greater say in the formal arrangements that will significantly affect their lives;
- ensuring that early opportunities that are appropriate to the individual children concerned are taken to protect and support all children who are victims or witnesses; and
- clarifying roles and responsibilities between youth offending teams and other agencies at key points, including when a young person has been in police custody, has been remanded into the care of the council or has been remanded in custody to a secure setting.