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Every Child Matters:
Change for Children
in the Criminal Justice System

This document was produced in consultation with the Youth Justice Board, Association of Chief Police Officers, Association of Police Authorities and the Probation and Prison Services.

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The Criminal Justice System

Improving outcomes

Every child matters, the Government's vision for children's services, was published in September 2003. It proposed reshaping children's services to help achieve the outcomes children and young people told us are key to well-being in childhood and later life.

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

The Government has legislated for changes in the way children's services work together. *Every Child Matters: Change for Children* explains how the new Children Act 2004 forms the basis of a long-term programme of change. This document is one of a series that describe the implications for different services. All of these documents and others referred to in the text are available at www.everychildmatters.gov.uk.

The Criminal Justice System (CJS) makes a vital contribution to all five of these outcomes. Its key focus, however, is on two particular outcomes:

- **Making a positive contribution.** A key element of this is encouraging young people to choose to engage in law-abiding and positive behaviour.
- **Staying safe.** Ensuring children and young people are safe from crime, exploitation, bullying, discrimination and violence is one of the major responsibilities of the CJS.

Narrowing the gap in outcomes

We are committed to narrowing the gap in achievement of the five outcomes between disadvantaged children and their peers. All the agencies involved in the CJS have an important role in helping those young people to achieve the five outcomes:

- The statutory aim of the **youth justice system** is to prevent offending. This aim is directly aligned not only with making a positive contribution, but with the other four outcomes as

well. Fulfilling those outcomes will help Youth Offending Teams (YOTs) to meet their statutory aim. Mainstream children's services are also critical to addressing the identified needs of children assessed in the youth justice system by YOTs. These services play a vital role in both preventing offending in the first place and responding to young people who have offended. Targeted youth crime prevention programmes, that assess each child's needs and respond accordingly, have an especially important role to play in improving outcomes for the most marginalised young people, and will make a significant contribution to delivery of the aims of the Prevent and Deter strand of the Prolific and Other Priority Offenders programme (<http://www.crimereduction.gov.uk/ppo>). Youth Justice Board (YJB) guidance on YOTs *Sustaining the Success* (www.youth-justice-board.gov.uk) also includes advice on the relationship between YOTs and children's services.

- The **police service** has a comprehensive youth strategy – *It's Never Too Early... It's Never Too Late* – which aims to build and maintain positive relationships between all young people and the police. One key role is to provide young people, and their parents and carers, with appropriate education and information to help safeguard them from crime and disorder and to feel confident about reporting any crime or disorder they may experience. Another is to help those children and young people at greatest risk of becoming involved in anti-social behaviour or criminality. The police also have a crucial role in dealing quickly and effectively with children and young people within the youth justice system and targeting serious and persistent young offenders. The police service makes a key contribution to safeguarding and promoting the welfare of children. A central part of this contribution is dealing with allegations of abuse or neglect involving children. In dealing with such allegations, the principal aim of the police is to protect the lives of children. The police also have a key role in collecting and providing access to information to support vetting processes. These processes help to protect children by preventing unsuitable people getting access to them through employment.
- The **Probation Service** supports and supervises young people from the age of 18 years, working with their particular needs and offending behaviour in order to improve their opportunities and life chances. The Service works with adults to reduce their offending in order to protect children, young people and others from violence and exploitation and to enable adult offenders within families to improve their, and their children's, lives.
- The **Prison Service** has created discrete regimes for children and young people, with the emphasis on their safety and well-being and on preparing them for a constructive and law-abiding life in the community. The emphasis which the Prison Service juvenile estate places on learning and skills means that for many young people – particularly those with a history of truancy or exclusion from school – their time in custody gives them their first real experience of regular, uninterrupted education as well as the first opportunity they may have had to undertake vocational training.

Making progress

Visible and significant progress has already been made in how criminal justice agencies deal with children, young people and their families.

- **Youth justice reforms.** Alongside *Every child matters*, the Government also published a consultation paper entitled *Youth Justice – The Next Steps*. In March 2004 a summary of these responses was published alongside the Government's proposals for youth justice following the consultation. We are looking to legislate in this area as soon as Parliamentary time allows. (<http://www.everychildmatters.gov.uk/key-documents/>)
- The YJB will also continue to develop and use appropriate **alternatives to custody** such as Intensive Supervision and Surveillance Programmes (ISSP), and intensive fostering for young offenders aged 10 to 17 years. Work is also continuing on improving and developing robust community sentences to minimise the use of custody.
- **Youth crime prevention.** The Child Poverty Review, published alongside the 2004 Spending Review, announced an expansion in Youth Inclusion and Support Panels (YISPs) and Youth Inclusion Programmes (YIPs). (http://www.hm-treasury.gov.uk/spending_review/spend_sr04/associated_documents/spending_sr04_childpoverty.cfm). This expansion will contribute to delivery of the Prevent and Deter strand of the Prolific and Other Priority Offenders Programme.
- **The juvenile secure estate.** Significant improvements for children held in custody have been made since April 2000, when the YJB took responsibility for purchasing and commissioning. Key to these improvements is the creation of a separate and discrete juvenile estate. Twenty-four-hour health care, suicide and self-harm prevention and anti-bullying strategies have all been introduced. A comprehensive review of child protection and safeguarding policy and practice in Young Offender Institutions (YOIs) has been undertaken, as a result of which major improvements are being considered. There has also been a radical improvement of education through a £10 million capital programme, and a trebling in revenue spend. Literacy and numeracy programmes have been developed that can be tailored to individual needs, with 250 Learning Support Assistants introduced.
- **Safeguarding children.** Criminal justice agencies can have an important role to play in safeguarding children whether in investigating abuse of children, management of high risk offenders, provision of information on people who may pose a risk to children, promoting the safety of children through crime prevention work or through work to rehabilitate offenders. The publication of the *Bichard Inquiry Report* in June 2004 gave further impetus to key areas of this work. There is a renewed commitment to the speedy development of a national police IT infrastructure to support the handling of intelligence and other information. In addition, a programme of work is underway on improved arrangements for checking the suitability of those wishing to work with children. (www.bichardinquiry.org.uk)

- A multi-agency working group is developing a cross agency strategy for managing those known as **Schedule One offenders**. The working group is in close consultation with colleagues responsible for implementing the recommendations arising from the Bichard Inquiry, and will help find a replacement for the Prison Service Instruction to Governors that provides guidance on the management of those prisoners identified as presenting a risk to children.
- **Safer Schools Partnerships (SSPs)**. SSPs provide a focused approach to address the high level of crime and anti-social behaviour committed in and around schools in some areas. These partnerships are designed to work with services such as Connexions and YOTs, and provide a link between families, schools and the police.
- **Substance Misuse interventions**. The Home Office and YJB are developing an end-to-end programme of interventions to address drug, volatile substance and alcohol misuse by children and young people at each stage of the CJS. Each intervention provides an opportunity to identify children and young people who have or are at risk of developing problems with drugs, assess their needs and direct them to appropriate support and treatment services. Substance misuse does not occur in isolation and is often associated with other problems such as truancy, school exclusion or family problems. Identification, screening, assessment and onward case management take account of that broader picture so that the child or young person is offered the most appropriate support.

Centring services around children, young people and families

A key message of these reforms is the importance of services and agencies continuing to move towards prevention and early intervention. By working in a more integrated way, universal services such as health and education will be able to work with more specialist services to prevent problems before they occur, or before they reach crisis-point.

Engaging families so that they benefit from these reforms is vital. It may be particularly difficult where families have children who have become involved with the CJS. However, in order to achieve positive outcomes, the CJS must work alongside mainstream children's services in order to value the input of parents and carers as partners at every stage.

There is now increasing agreement on the importance of multi-agency working for agencies and organisations dealing with children, young people and their families. Co-locating certain services, for example within children's centres, extended schools, and health settings, will mean more professionals working closely together, able to pick up risk signs early and handle issues effectively. The CJS already has many excellent examples of integrated planning and delivery of services, and is leading the way in many areas:

- YOTs are excellent examples of multi-agency, multi-disciplinary teams, and have been working successfully since 1998.

- The use of the ASSET tool in the youth justice system is a leading example of best practice in assessment (<http://www.youth-justice-board.gov.uk/PractitionersPortal/Assessment/>). ASSET is one of the specialist assessments which will need to dovetail with the Common Assessment Framework (CAF) (see Going Further).
- The youth justice system is developing integrated sentence planning, exit strategies and mainstreaming for young offenders. To reduce problems with transition and mainstreaming, the YJB is seeking to increase the involvement of other children's services in the work to ensure services continue to be accessed by a young person beyond their involvement in the youth justice system. YJB Effective Practice guidance and the new national juvenile resettlement steering group aims to involve all key agencies and develop a juvenile action plan to support resettlement.
- The Probation Service has provided a lead alongside the Police and Prison Service in developing effective multi-agency work through Multi-Agency Public Protection Arrangements (MAPPA).
- The creation of a new National Offender Management Service (NOMS) will lead to closer local co-operation between the Prison and Probation Services to manage offenders throughout their sentence, combining progress in prison with supervision for all offenders in the community.

The Every Child Matters: Change for Children programme offers the opportunity to build on this integrated approach. The Children Act 2004 provides the legislative framework for more effective, co-operative working between agencies dealing with children and young people. **Section 10 of the Children Act 2004** places a duty on agencies that provide services for children. The duty will mean that those agencies are required to co-operate with local children's trust arrangements to improve the well-being of the children and young people in the Local Authority's area. Children's trusts can involve partnership at all levels: from multi-disciplinary front-line teams, through joint strategic planning, to inter-agency governance arrangements.

Police authorities, chief constables, probation boards, and YOTs are all included under the Section 10 duty. In many cases they will be working with the same children and young people as other targeted services. Governors of prisons or secure training centres are not covered by the duty, but may be involved in local arrangements where appropriate.

Statutory guidance on the Section 10 duty will be issued for public consultation.

Going further

Other reforms being taken forward through the Every Child Matters: Change for Children programme will also have important implications for the CJS.

The *Victoria Climbié Inquiry Report* showed the importance of agencies giving appropriate priority to their responsibilities towards the children in their care, or with whom they come into contact. **Section 11 of the Children Act 2004** places a duty on specific agencies to ensure that they discharge their services having regard to the need to safeguard and promote the welfare of children. The duty includes chief constables, police authorities, probation boards, governors of prisons or secure training centres, and YOTs. Statutory guidance will be issued setting out the implications of the duty for the agencies concerned.

New arrangements are also being put in place to allow agencies to share appropriate information on children and young people. In addition, government departments will work together to produce non-statutory guidance on information sharing for practitioners across education, health, social care and the CJS, by September 2005. In March 2005 the Government will publish a new Common Assessment Framework providing a national common process for early assessment to identify more accurately and speedily the additional needs of children and young people. These reforms will support more effective information sharing amongst professionals across services, and should support the earlier sharing of concerns, for example about risk of offending. These changes will affect all of the agencies within the CJS. **Section 12 of the Children Act 2004** also enables the Secretary of State to bring forward regulations which would require the establishment of national standards for database or index systems. These will enable practitioners accurately to identify the child or young person, to identify which other practitioners are also involved with that child or young person, and to indicate that they have a concern about a child to other practitioners.

Under **Section 13 of the Children Act 2004**, each Local Authority is required to set up a **Local Safeguarding Children Board (LSCB)** in its area by 1 April 2006. LSCBs will be the statutory successors to the non-statutory Area Child Protection Committees (ACPCs). Partners in LSCBs will include Local Education Authorities, chief constables, probation boards, YOTs, governors of prisons and secure training centres, health authorities, and social services. Statutory guidance on LSCBs will be issued in January 2006.

The Children Act 2004 also requires Local Authorities to appoint a **Director of Children's Services**. The Act also requires Local Authorities to designate one of their members as a **Lead Member for children's services**.

From April 2006, each Local Authority will have a statutory Children and Young People's Plan which will have a considerable impact on joined-up services at a strategic level.

The CYPP will cover the functions of the Local Authority in respect of education and social services for children, and so reflect the full range of statutory responsibilities of the Director of Children's Services and Lead Member for Children's Services. In addition, it will form a statutory core for the wider planning

activity of children's trust arrangements, which will have input from relevant plans of all the partners covered by the duty to co-operate, and include the full range of services to be inspected under the new arrangements for Joint Area Reviews. The Youth Justice Plan will remain a separate statutory requirement, but will be aligned with the CYPP.

The YJB is working closely with the Children's Workforce Unit at the Department for Education and Skills to ensure that the needs of the Youth Justice workforce are addressed. The YJB is drawing upon the experience of YOTs to inform the development of a framework for multi-agency working, the lead professional role and management and leadership training. All qualifications within the Youth Justice National Qualifications Framework will address the six competencies listed in the Common Core of Skills and Knowledge, which can be applied, as appropriate, to everyone working with children, young people and their families.

There is much on which we can build, but the change required will still be a major challenge. Local Authorities, through **children's trust arrangements**, will be leading the programme of change, agreeing it with all partners and facilitating effective delivery by front line staff. The Government's role will be to remove barriers and provide a framework for national and local change.

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