



# **Safeguarding Children**

## Executive Summary

A Second Review of the Role and Contribution  
of the Crown Prosecution Service to the  
Safeguarding of Children

August 2008



## Introduction

1 Between January-May 2008, Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) participated in the third joint chief inspectors' review of arrangements to safeguard children, led by the Office for Standards in Education (OFSTED). Previous reports were published in 2002 and 2005, meeting the government commitment stated in the 1998 White Paper *Modernising Social Services* to review safeguarding arrangements every three years, focusing on arrangements by local agencies and responsibilities detailed in *Working together to safeguard children* (revised edition, HM Government 2006).

2 Since the last review the term safeguarding has been defined by government as:

*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.*

3 In line with the above definition the report assesses:

- the effectiveness of the overall safeguarding systems and frameworks that are in place;
- public services' wider safeguarding role;
- targeted activity to safeguard vulnerable groups of children, including updated evidence on groups identified in the previous report (children seeking asylum, in secure settings, looked after, and those treated by health services); and
- identifying and responding to child protection concerns.

The report also looks at improvements in the last three years, and considers the extent that activity undertaken at the local and national level has affected outcomes for children. The report was published on 8 July 2008 and can be found at [www.safeguardingchildren.org.uk](http://www.safeguardingchildren.org.uk).

4 Following on from the second joint report, in 2005 a thematic review was undertaken by HMCPSI assessing the role and contribution of the Crown Prosecution Service (CPS) to the safeguarding of children. This second review considers the progress made by the CPS since the last report and against the seven recommendations made to assist in improving its performance.

5 The recommendations made in the 2005 report in which progress was assessed against are:

- The CPS's plans, at a national and local level, should set out its strategic approach to safeguarding children, including the relationship to other CPS priorities.
- Involvement with, and attendance (where appropriate) at, local safeguarding children boards should be encouraged and appropriate guidance issued.
- The role of the policy adviser on children should be clearly defined and have the capacity and mechanisms to link all the strands of work relating to safeguarding children.
- The policy and guidance in relation to child abuse should be updated and revised to include historic child abuse and appropriate training should be provided.
- A child abuse coordinators' network should be established and link with the various other recognised networks relating to the safeguarding of children.
- Guidance on the collection and analysis of data should be issued in relation to child abuse cases, special measures, child witnesses and unduly lenient sentences.

- Human resource policies relating to vetting procedures, updating of checks and debriefing staff should be considered further.

As well as measuring progress against these recommendations as part of the review, where necessary further recommendations have been made to improve CPS performance.

### **Safeguarding children – what it means for the CPS**

- 6 The majority of agencies inspected as part of the joint review continue to have greater direct contact and involvement with children than the CPS, for example through the provision of care (looked after children), education and health services. The CPS role is in safeguarding:
- child victims;
  - child witnesses; and
  - young persons before the courts.
- 7 Examples of the CPS role in safeguarding children include:
- Fulfilment of the Service’s stated principles of expedition, sensitivity and fairness in cases involving allegations of child abuse.
  - High standards of advice, decision-making, case preparation, advocacy and witness care in child abuse cases and others involving children as victims.
  - Recognition of the involvement of children in prostitution and the CPS policy of regarding them as victims, and recognition of children as victims of human trafficking.
  - Consideration of the wider impact of offences of domestic violence upon children in the family.
  - Consideration of the use of children as witnesses: the care afforded to them and the use of special measures to enable them to give evidence in the best way possible in terms of the quality of their evidence and reducing trauma to them.
  - High standards and expedition in advice, decision-making (as to prosecution or diversion), case preparation and advocacy in relation to child offenders.
  - A close and positive working relationship with other agencies and appropriate participation in local safeguarding children boards (LSCBs).
  - At the national and local level a strategic approach supported by plans (where appropriate) to ensure the above are delivered consistently.

In doing this there is value to be gained in engagement and consultation with children to obtain their views, with the aim of contributing to CPS service improvements, encouraging confidence in the criminal justice system, and helping children feel safe.

### **Policy and planning**

- 8 The CPS has undertaken considerable work since our last report and, when combined with anticipated developments, there is much to be positive about. The policy document *Children and young people: a CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses*, with associated guidance, has been published. The policy communicates the CPS approach and commitment to this important aspect of their work. There have also been significant developments in strategic planning and improvement in initiatives for victims and witnesses, including the introduction of a victim and witness strategy and the recent violence against women (VAW) strategy, which should benefit children who are victims of, or witnesses to, such crimes.

- 9 There is a policy adviser for children and young people and some significant work has been undertaken during the period since our last report. Policy Directorate leads are established for the other strands of work relating to safeguarding. They represent the CPS extensively at the national level in a variety of inter-agency groups and, internally, by developing and disseminating policy and assisting areas. Recently, the level of youth knife crime has caused strong national concern by both the public and government. The CPS is responsive to these concerns and work on this has included legal guidance on knife crime relevant to both adults and youths being updated to reflect the gravity of such offences. Generally, comprehensive guidance exists for aspects of work under the safeguarding banner.
- 10 National planning has better demonstrated that children are a priority, although this has not always translated into timely identification and progression of all streams of work relating to safeguarding. For example, the document *Safeguarding children - guidance on children as victims and witnesses* was published 21 months after the related policy. This may partially be attributed to staff changes within Policy Directorate, however contemporaneous or swifter publication would have helped support and embed safeguarding principles at a local level. There is also an absence of accompanying performance management instructions to ensure that the priority is managed.

#### **Child abuse issues**

- 11 Outcomes in child abuse cases were good and the majority were satisfactorily handled. Nevertheless, dealing with child abuse issues has not been appropriately prioritised, and progress made has been slow. Despite a recommendation in the previous report, a child abuse coordinators' network has not been established as the CPS had determined not to appoint coordinators or formal specialists, although this is to be the subject of a national review in 2008. Consequently, at present only an informal electronically-based network exists. There have been a number of high profile cases involving child deaths in which reliance was placed on expert evidence in first instance trials, but in which convictions were subsequently overturned on appeal. A formalised child abuse network could have assisted in sharing information and experience and in learning of lessons.
- 12 Out-of-date child abuse policy was removed from the CPS intranet, but its subsequent revision was delayed. In the interim, matters relating to child abuse have been contained partly within other policy and instructions. The guidance on children as victims and witnesses effectively summarises the CPS role in safeguarding children, adopts the three key principles set out in the previous child abuse policy of expedition, sensitivity and fairness, and includes reference to historic child abuse cases. This is a good general guide, but further detailed guidance on child abuse is still required. More positively, the approach to child abuse is improving and guidance is to be issued shortly which will complement national training due to be rolled-out across the areas. The VAW strategy includes child abuse offences encompassing relevant actions to improve the handling of such cases.
- 13 The recommendation to issue guidance on the collation and analysis of outcomes relating to child abuse, special measures, children as witnesses and unduly lenient sentences has not been taken forward. However, recent changes to the CPS case management system will facilitate monitoring of child-related matters, and it is proposed that child abuse will be monitored as part of an indicator relating to the VAW strategy. The monitoring of performance in relation to victim and witness matters is also to be strengthened.

### **Security vetting**

- 14 A CPS review of security vetting procedures is now underway in response to our previous report and the Bichard Inquiry, including enhanced checks for identified groups of staff who may be working with children.

### **Safeguarding children at a local level**

- 15 At the local level, safeguarding is less evident in business planning and operational practice. The various aspects are to a certain extent mainstreamed within other priorities and initiatives. There remains scope for further improvements so that all strands of work that fall under the safeguarding umbrella – children as victims, witnesses and defendants – are clearly and consistently recognised. For example, whilst at the national level the children and young people policy was promoted in a high profile launch by the Attorney General, dissemination locally was generally low key via email and could have been improved upon and used to promote the safeguarding of children.
- 16 LSCBs are established by statute and guidance issued by Policy Directorate has given the approach to be adopted by CPS areas. The majority of areas, to some degree, are engaged with the boards. The extent to which links are formal, and consequently their effectiveness, varies. There has been limited involvement with serious case reviews, but this is an aspect of the LSCB's work that has seen some inconsistencies and where there is room for development.

### **Young persons before the courts**

- 17 Youth cases continue to be appropriately prioritised, and their handling is mostly satisfactorily with clear evidence of good work.
- 18 Persistent young offenders (youths sentenced for a recordable offence on at least three occasions in the previous three years) are now being dealt with more expeditiously. In 2007 on average within 65 days, well within the government's pledge to halve the time between arrest and sentence to 71 days. This has been further improved in the rolling quarter to February 2008.

### **Victims and witnesses**

- 19 The majority of child abuse cases are satisfactorily handled. More generally, improvements could be made in recording prosecutors' assessments of video recorded interviews of children; the identification of victim and witness needs; and also in identifying when letters need to be sent under the direct communication with victims scheme, which would benefit children as victims and witnesses.

### **Actions to improve safeguarding children**

- 20 A number of CPS areas have taken action to improve the level of service in safeguarding children with examples including the provision of training to the Witness Service; joint work to improve child interview techniques and the quality of recorded interviews; work with the Young Witness Service; analysis of special measures at court to improve the quality of evidence; and joint work in relation to better arrangements for young witnesses attending court to give evidence.

## Recommendations

- 21 Inspectors made the following five recommendations:
- 1 Chief crown prosecutors should ensure that the strategic approach of the CPS to safeguarding translates into area planning and operational practice (paragraph 3.7).
  - 2 Chief crown prosecutors should review their current approach to engagement with local safeguarding children boards and ensure that links are satisfactorily formalised to ensure CPS participation where appropriate (paragraph 3.14).
  - 3 The CPS should:
    - set a standard for the role of a child abuse coordinator and deliver appropriate training to achieve this;
    - require all areas to appoint coordinators;
    - establish a coordinators' network; and
    - ensure child abuse outcomes are monitored at the local and group level, and that lessons can be identified and disseminated (paragraph 4.10).
  - 4 Crown prosecutors should always view video recorded interviews with child witnesses, assess the quality of evidence and keep proper records of their assessments and decisions (paragraph 4.24).
  - 5 The CPS should:
    - introduce a clear definition and guidance to ensure the collection and analysis of outcomes in child abuse cases;
    - consider a monitoring exercise in relation to the use of special measures for child witnesses, to include the undertaking of meetings to determine which special measures are appropriate for the individual and in the light of the quality of any video recorded interviews; and
    - analyse the results of unduly lenient sentence referrals in child abuse cases and provide information to child abuse coordinators/all relevant prosecutors and caseworkers (paragraph 8.5).

## Strengths

- 22 Inspectors found the following strength:
- 1 The devising of a child abuse training course by a specialist lawyer in CPS Nottinghamshire, and the piloting of the course prior to national implementation (paragraph 4.6).