

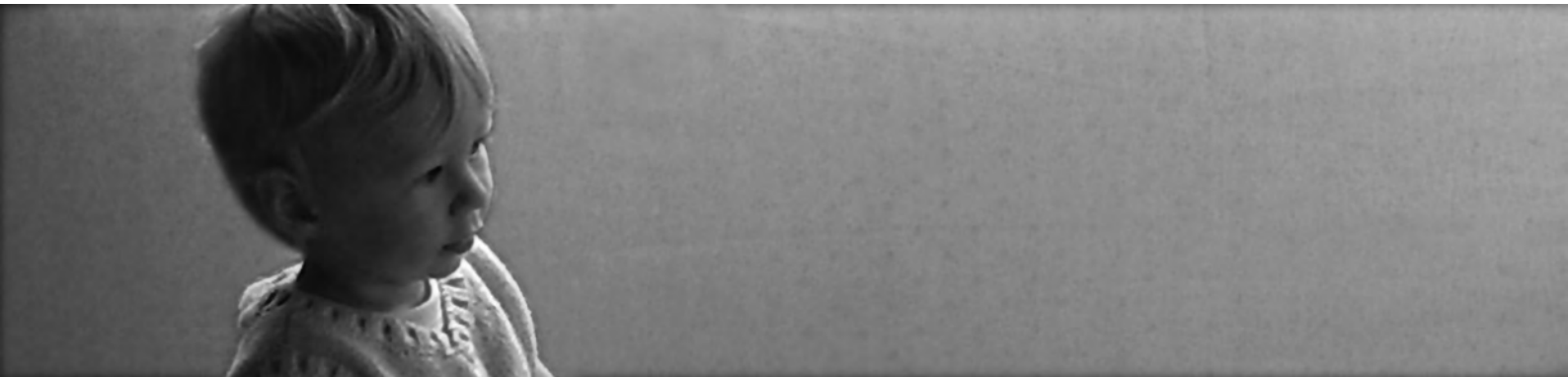
Safeguarding Children

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

August 2008







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“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration”.

(United Nations Convention on the Rights of the Child 1989 Article 3.1. Ratified within the UK 1991)

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1 INTRODUCTION

1.1 Between January-May 2008 Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) participated in the third joint chief inspectors' review of arrangements to safeguard children. 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).

1.2 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.

1.3 In line with the above definition the third joint chief inspectors' 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.

1.4 The inspection was led by the Office for Standards in Education (OFSTED) and conducted with these inspectorates: the Commission for Social Care Inspection; Healthcare Commission (HC); Her Majesty's Inspectorate of Constabulary (HMIC); HMCPPI; Her Majesty's Inspectorate of Court Administration (HMICA); Her Majesty's Inspectorate of Prisons (HMI Prisons); and Her Majesty's Inspectorate of Probation (HMI Probation).

1.5 Following on from the second joint report, in 2005 a thematic review was undertaken by HMCPPI assessing the role and contribution of the CPS to the safeguarding of children. This review considers the progress made by the CPS since the last report and against the seven recommendations made to assist in improving its performance. Progress against these recommendations is detailed within the main body of the report and their status (achieved, substantial progress, limited progress or not achieved) at Annex A.

1.6 The recommendations were:

- 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 as part of the review, where necessary further recommendations have been made to improve CPS performance.

1.7 Annex B outlines those recommendations made in the second joint review (2005) that have some bearing on the work of the CPS with progress made highlighted. These relate to services that have 'direct involvement' with children. The level of CPS involvement when compared with the other agencies and services inspected as part of that review is a step removed from this.

Safeguarding children

1.8 Since the last review the term safeguarding has been defined (see paragraph 1.2). The third joint chief inspectors' report (2008) comments that services are moving away from the previous restrictive view of safeguarding and are embracing its wider application and the public service role in promoting the welfare of children and young people. The majority of agencies inspected as part of that 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 and witnesses and young persons before the courts.

1.9 Examples of the CPS role in safeguarding children were provided in the 2005 HMCPSI report and are listed below with some slight amendments:

- 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 other cases 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.

Methodology

- 1.10 HMCPSI participated in the joint review in relation to the criminal justice aspect and considered the progress made by the CPS since the last review on its contribution to the safeguarding of children, examining:
- what action CPS areas take to prioritise safeguarding children and how they work with other agencies to further this;
 - the extent to which the CPS, both as a whole and individual areas, has achieved/implemented the recommendations; and
 - the extent to which the CPS have implemented proportionately recommendations from the second joint review.
- 1.11 The 'sole' thematic review exams the extent to which CPS as a whole and individual areas have achieved or implemented the recommendations made in the 2005 review.
- 1.12 The review was mainly based upon existing mainstream inspection evidence backed up by assistance from CPS Policy leads and a small number of area specialists. A response was also provided by the CPS, detailing progress against recommendations. A questionnaire was sent out to all 42 areas and each of the four London sectors seeking views on a range of matters, including how safeguarding was prioritised, whether processes and staff roles support this and whether casework lessons are being disseminated. Forty three responses were received.
- 1.13 The inspection team examined evidence from area effectiveness inspections (AEIs) and the data they used (conducted in 2006-07), and casework audits and overall performance assessments (OPAs) conducted in 2007. The team also analysed relevant joint thematic reviews including *Violence at home: a joint thematic inspection of the investigation and prosecution of cases involving domestic violence* (2004) and *Without consent: a joint thematic inspection of the investigation and prosecution of cases involving rape* (2007). This reduced approach to the review was taken to maximize the range of evidence, while minimizing the burden on the CPS.

2 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 Outcomes in child abuse cases were good. 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.
- 2.5 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 instructions on child abuse are still required. More positively, the approach to child abuse is improving; guidance is to be issued shortly and will complement national training which is 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.

- 2.6 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 for VAW. The monitoring of performance in relation to victim and witness matters is also to be strengthened.
- 2.7 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.
- 2.8 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 at the local level was generally low key via email and could have been improved upon and used to promote the safeguarding of children.
- 2.9 Local safeguarding children boards are established by statute and guidance issued by Policy Directorate has directed 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 where there have been some inconsistencies and room for development.
- 2.10 Youth cases continue to be appropriately prioritised and their handling is mostly satisfactory, with clear evidence of good work. Persistent young offenders are now being dealt with more expeditiously. In 2007 they were dealt with on average in 65 days, well within the government's pledge to halve the time between arrest and sentence to 71 days.
- 2.11 The majority of child abuse cases are satisfactorily handled. More generally, improvements could be made in 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.

RECOMMENDATIONS

2.12 We have 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

We 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).
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3 PRIORITISING SAFEGUARDING CHILDREN

The national approach

- 3.1 Since our last report there have been significant developments in work related to safeguarding children. At a strategic level CPS commitment to improving the service to victims and witnesses, including domestic violence-related cases, continues and has been strengthened by the introduction of new CPS and joint initiatives and obligations. In June 2006 the CPS published a policy document *Children and young people: CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses*. This is a public statement of CPS commitment to the treatment of children and young people as victims and witnesses and the levels of service provided, and encourages consistency of practice by CPS area staff, as well as communicating the cross-agency approach in *Every child matters: change for children* (HM Government 2004).
- 3.2 Strategic planning since the report has provided some direction in the delivery of safeguarding children. The CPS national business plan for 2006-07 included safeguarding children within the section on championing justice and the rights of victims and appropriately stated that the CPS role in safeguarding children was to be delivered through: high quality casework and advocacy; witness care in child abuse cases; considering all witness care issues when using children as witnesses; and making considered decisions in relation to child offenders.
- 3.3 The plan for 2007-08 identified as victim-related strategic issues both children and young people (in terms of the 2006 children and young people policy), and meeting the needs of women and children who are victims and witnesses. The latter related to the gender equality action plan (part of the 2006 CPS single equality scheme) and the associated VAW strategy. This enhanced emphasis and coordinated approach to violence against women offences should benefit children who are victims of crimes (including domestic violence, child abuse, and child prostitution) or party to family relationships where violence against women occurs.
- 3.4 The CPS national strategy and business plan for 2008-11 states that there will be focus on the needs of children who are victims. Strands of work relevant to safeguarding children are being developed and include:
- victims and witnesses – an integrated victim and witness strategy and implementation of the VAW strategy; and
 - bringing offenders to justice – through the introduction of criminal justice: simple, speedy, summary (CJSSS) at magistrates' courts for youth cases.

The above demonstrates that, whilst there has been prioritisation of safeguarding children issues since the last report, this has not been consistent across the Service. Stronger commitment (more consistent and visible encouragement) with the emphasis on action could have achieved more.

- 3.5 National planning and guidance could more consistently and comprehensively have demonstrated the CPS obligation to safeguarding children through identification of all the key strands and inter-relationships that form part of the safeguarding umbrella. The national approach stated in the 2006-07 plan has not been fully reflected within overall planning detail. For example, in that plan the strategic issue of safeguarding children included just one specific objective of delivering the children and young persons' policy. Also, strategic plans were not comprehensively supported

by planning guidance on safeguarding children for Headquarters Directorates and CPS areas. Only recently has operational guidance supporting the children and young people policy been circulated. The guidance also reiterates the CPS role in safeguarding and should increase area staff's understanding of their role.

- 3.6 At the local level planning could have better accommodated safeguarding issues to ensure the operational delivery of this priority. This was evident in the level of detail on safeguarding children found in a sample of CPS area business plans (ABPs) for 2006-07 and 2007-08 and, in addition, the dissemination of the children and young people policy which in most areas was circulated by email rather than through staff meetings or training.
- 3.7 From the 30 ABPs examined only 20% (three out of 15) for the period 2006-07, and 47% (seven out of 15) for 2007-08, contained specific actions directly linked to safeguarding children. The majority of these actions concerned implementation of the children and young people policy. Relevant wider issues such as actions to improve casework quality, the handling of domestic violence cases, victim and witness issues, and persistent young offenders were included in ABPs. At the local level operational strategy on safeguarding issues could be more clearly expressed within business planning.

RECOMMENDATION

Chief crown prosecutors should ensure that the strategic approach of the CPS to safeguarding translates into area planning and operational practice.

- 3.8 At the national level Policy Directorate has continued to undertake work with other agencies on a wide range of children and young person-related subjects and has contributed and helped to inform government policy. Some examples include special measures, prostitution and human trafficking, youth justice policies and the initiation of, and contribution to, the good practice guide on *Related family and criminal proceedings*. Further joint work is detailed later in the report.

Local safeguarding children boards

- 3.9 In 2006 LSCBs were established in accordance with the Children Act 2004 and replaced the non-statutory area child protection committees. The CPS is not a statutory member of the boards, which are the principal means within local authorities for agreeing how relevant agencies will work together to safeguard and promote the welfare of children. However, it is named within guidance as being an organisation that LSCBs should establish links with through membership of the board or some other mechanism.
- 3.10 Our previous report recommended that involvement with, and attendance (where appropriate) at, LSCBs should be encouraged and appropriate guidance issued. Following our report, guidance was produced by CPS Headquarters which explained the role of the CPS within LSCBs and directed areas to engage (within their resource limitations) with a suggested initial approach. This approach was reiterated within the children and young people policy guidance issued in March 2008.

- 3.11 Of the 41 areas and three London sectors that responded to our questionnaire 37.2% indicated that they attended board, or board sub-group meetings. The extent to which meetings were attended was variable. For example, one area described “full and active participants”, some when “operationally able to”, and others “when relevant issues” arise. CPS Lincolnshire have taken a positive approach to engaging with their local LSCB and as part of the board’s monitoring the effectiveness of safeguarding and promotion of welfare arrangements (section 11 Children Act 2004), voluntarily self-assessed their performance. Safeguarding children matters are also to be included within their area induction packs, thereby promoting the importance of safeguarding to all staff.
- 3.12 Twelve out of the 43 responses (27.9%) indicated links via other agencies (such as the police) or forums (for example local criminal justice boards) and in 25.6% (11 out of 43) points of contact had been provided and/or links were being established. Four responders (9.3%) had no contact with LSCBs. For those areas that have established links (or were in the process of doing so) or where points of contact had been provided, it was unclear whether the links were sufficiently formal and effective to ensure that engagement was recognised via the LSCBs and where relevant supported board functions.
- 3.13 Twenty-four out of 29 (82.8%) of the responses had no involvement or did not know whether there was any involvement with serious case reviews (SCRs). These are undertaken by LSCBs to identify any lessons that can be learnt when a child has died or has been seriously harmed in circumstances where abuse or neglect is known or suspected. However, it should be noted that a number of LSCBs had not carried out SCRs and the levels of those reviews conducted was not wholly consistent with the number of serious incidents or deaths of children within the local authority areas.
- 3.14 CPS Policy Directorate guidance suggested established points of contact, an active approach to LSCBs indicating the nature and extent of CPS involvement, and work to establish a local strategy for involvement, particularly in SCRs. This decisive and planned approach was not demonstrated in all responses. To some extent the level of CPS engagement should be understood in the context of the recent LSCB survey, conducted as part of the third joint review, which indicated that not all statutory members were currently represented on every board.

RECOMMENDATION

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.

Equality and diversity

- 3.15 In our previous report we commented positively on the role CPS Headquarters Equality and Diversity Unit (EDU) undertakes and its provision of advice and guidance on diversity issues, including in relation to children. In 2006, the CPS single equality scheme was issued drawing together the six strands of equality (race; disability; gender; religion and belief; sex and gender; identity and age), and detailing strategy and actions to promote equality in delivery of its business (and employment). This should also result in the improved ability to analysis and collate data relating to the equality strands and, of particular relevance, children. As mentioned at paragraph 3.3, the VAW strategy has also been implemented.

- 3.16 At the national level there was consultation with children, in producing the documents *Millie the witness* and *Jerome a witness in court* (published by the CPS in 2007 these help young witnesses understand their role and the support offered). Views were obtained from 92 children aged between five-19 including victims, witnesses and those living with disabilities. A drafting group (the NSPCC, Barnado's, Victim Support and the Witness Service, Young Witness Service, Safety Net Advice and Support Centre) was established with appropriate skills and experience and relevant direct contact with the children. Direct engagement with children at the local level is generally through schools and the citizenship programme on an information giving basis.
- 3.17 OPAs indicate that the majority of CPS areas have clear links with black and minority ethnic (BME) groups. However, the extent and effectiveness varied depending on the practice and demographic make up of the areas. Overall, CPS community engagement strategy and implementation has developed since the last report and is more focused on delivering service benefits and user outcomes. This to some degree should benefit children living within the BME communities and groups engaged with.

4 SAFEGUARDING CHILD VICTIMS

The national approach

- 4.1 Since the last report the CPS have appointed a policy adviser who has specific responsibility for children and young people. Despite the recommendation in that report the role has not been explicitly defined, although a role common to all policy leads is in place. In practice the policy adviser acts as the focus point for areas and external agencies on children's issues. Internally, this involves dealing with queries from the areas and working with other policy advisers to ensure safeguarding links are made across other policy portfolios, such as victims and witnesses. Externally, the policy adviser represents the CPS on a number of inter-agency groups, such as the Association of Chief Police Officers (ACPO) working group on National Child Protection and also the Safeguarding Deaf Children's Group. Work with ACPO includes revision on the *ACPO Crime Committee's senior investigating officers' guidance on the investigation of complex child abuse* and the *ACPO guidance on investigating child abuse and safeguarding children*.
- 4.2 The policy adviser is also expected to be proactive; to monitor relevant bills going through Parliament and identify trends or issues that may need addressing. For example, in order to improve understanding of the interface between family and criminal proceedings, the CPS initiated and contributed significantly to the publication of the *Related Family Criminal Proceedings – A Good Practice Guide* (Law Society, 2007).
- 4.3 In June 2006 the CPS published its children and young people policy. This sets out the CPS approach to cases involving children and brings together the principles of the *Code for Crown Prosecutors*, the then draft *Witness Charter*, *Prosecutors' Pledge*, and the *Code of Practice for Victims* and applies them to children. It is designed to encourage consistency of approach across areas.

National guidance

- 4.4 The last report commented that the CPS child abuse policy was out of date and made a recommendation that it should be updated, and in particular revised to include historic child abuse. The policy was subsequently removed and there has been some delay in its revision. Consequently, there has been no overarching guidance in respect of child abuse, which is instead found under specific subject headings rather than being contained in one document. For example, guidance on shaken baby syndrome and sudden infant death syndrome is contained within guidance on homicide on the CPS intranet.
- 4.5 The gap has been partially filled by the accompanying guidance to the children and young people policy, which is available via the intranet. *Safeguarding children – guidance on children as victims and witnesses* (2008) adopts the three key principles set out in the previous child abuse policy of expedition, sensitivity and fairness. It includes reference to historic child abuse cases and the annexes provide links to other sources of information and CPS policies. As an overview of safeguarding for prosecutors dealing with cases involving children this is a useful document providing good practical direction, but further detailed guidance on child abuse is still required. It is anticipated this will be issued shortly.
- 4.6 The guidance will support the national child abuse training due to be rolled-out. There has been no recent specific national child abuse course, and such training has been encompassed in the training delivered in respect of other offences. For example, the proactive prosecutor programme

training includes guidance on how to deal with child abuse cases at the point of charge. However, a specialist lawyer in CPS Nottinghamshire devised a child abuse training course which has recently been piloted prior to national implementation.

- 4.7 Following the outcome of the review of shaken baby syndrome cases in 2006 the CPS published *Disclosure: experts' evidence for unused material – guidance booklet for experts*. This is designed to be a practical guide to disclosure for expert witnesses instructed by the prosecution team (this term encompasses the police and CPS staff working on the case).

Child abuse coordinators and network

- 4.8 In our last report we commented that the creation of the role of child abuse coordinators would be an obvious extension to the rape and domestic violence networks that have been established, and we therefore made an associated recommendation. The CPS has recently appointed a chief crown prosecutor to lead on children's issues and many areas have nominated child abuse specialists to deal with appropriate cases, however, fewer areas have child abuse coordinators. Although Policy Directorate has established a child abuse policy practitioners group, this is small and not all areas are represented at the meetings. Aspects of safeguarding children may be covered in the established rape, domestic violence, or youth coordinators meetings or newsletters. However, there are no similar specific child abuse conferences or newsletter. This is a missed opportunity for sharing information, good practice and establishing links with other networks.
- 4.9 Cases involving the deaths of babies or children may be allocated to an experienced lawyer who regularly deals with homicide cases rather than a child abuse specialist. It is likely that contentious medical expert evidence may be involved and the case may be more appropriately handled by a prosecutor with specialist knowledge of the inherent complexities or that there is ready access to such expertise. The natural extension of the child abuse coordinators' network would assist in the development of such child abuse expertise.
- 4.10 We are aware that the CPS is to review the issue of specialists and coordinators nationally during 2008. This is a positive step in its recognition of the need to improve.

Nevertheless, we repeat and expand upon the recommendation made in the last report.

RECOMMENDATION

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.
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Cases involving allegation of rape

- 4.11 A child victim of rape may fall within both the CPS's guidance on domestic violence if the alleged offender is a member of the child's family (because of the Service's wide definition of what constitutes domestic violence) and the CPS policy for prosecuting cases of rape. Further guidance on sexual offences, which includes a specific section on offences relating to children, is available to prosecutors on the CPS intranet.
- 4.12 HMCPSI and HMIC published *Without consent: a report on the joint review of the investigation and prosecution of rape offences (2007)* as a follow-up to the report published in 2002. As part of the inspection, 29 rape cases were examined where children were victims; 72.4% resulted in convictions, which was a far higher ratio than among cases involving adult victims. The report commented that many offences involving child victims are committed by older acquaintances or family members and that there should be careful consideration of the correct charge, especially where it is alleged there has been consent by the child victim. A number of strengths were noted in the handling of child rape cases but also several aspects for improvement. In particular, it was noted that prosecutors do not always consider the video interviews of children.
- 4.13 The CPS set up a Rape Prosecutions Delivery Unit in 2007 to take forward the recommendations from the *Without consent* report and to improve the handling of rape cases, including those involving children as victims. Actions have included the development of an essential actions checklist for rape cases, updating the national training which is now in the process of being delivered, and agreeing a police and CPS protocol for joint working in rape cases.

Data collation

- 4.14 The CPS's case management system (CMS) is able to monitor outcomes, when appropriately identified, in child abuse cases from the national level to the individual areas and below. However, there continues to be no central monitoring of child abuse information. Areas report quarterly to CPS Headquarters on hate crime outcomes. Key performance indicators are limited to the proportion of unsuccessful outcomes in domestic violence, racially and religiously aggravated and homophobic cases as a percentage of total hate crime, and attrition rate in rape cases. Current performance indicators and area reporting does not include child abuse, although the inclusion of child abuse as a future component of the VAW indicator is confirmed. There does not, on the face of it, appear to be a clear nexus between abuse of male children and violence against women, unless in a clearly domestic situation of the type referred to in paragraph 7.5. However, we understand that this is attributable to the ability to record accurately such information on CMS which consequently impacts upon management information system (MIS) performance information that can be nationally produced.
- 4.15 Overall conviction rates for the magistrates' courts, Crown Court and their combined figure have increased since 2005-06, and the volume of charged cases recorded as child abuse has also increased by 10.1%. Key outcomes are shown in the table overleaf, but are dependent on the accuracy of flagging of such cases.

Magistrates' courts and Crown Court child abuse case outcomes			
	2005-06	2006-07	2007-08
Magistrates' courts			
Discontinuance and bindovers	22.0%	19.1%	18.6%
No case to answer	0.9%	0.7%	0.9%
Dismissed after trial	5.9%	6.8%	6.9%
Discharged committals	1.2%	1.2%	1.3%
Overall conviction rate	70%	72.2%	72.3%
Crown Court			
Judge ordered acquittals	14.9%	13.4%	14.0%
Judge directed acquittals	2.7%	2.3%	1.8%
Acquittals after trial	13.9%	14.0%	11.6%
Overall conviction rate	68.5%	70.3%	72.6%
% of cases at magistrates' courts	42.5%	40%	40%
% of cases at Crown Court	57.5%	60%	60%
Combined conviction rate	69.1%	71.1%	72.5%
Total number of cases	6,893	7,317	7,587

4.16 In the last report we commented on the concerns expressed by practitioners and the judiciary as to the strength of evidence in child abuse cases and the impact of evidence via video links. We recommended that guidance should be issued on collection of data to establish any link between successful outcomes and special measures.

4.17 In 2006, the CPS published *Special measures for vulnerable and intimidated witnesses: an analysis of CPS monitoring data*. In the case sample, 4,508 children as witnesses or victims were identified. In 96% of cases evidence was given via TV link and in 47% of cases video recorded evidence-in-chief was given. Comparisons were also made between outcomes in cases involving children and adults, both vulnerable and intimidated. The report found that although the conviction rate did not improve in the child cases, it was not possible to conclude that there was any correlation with the use of special measures, and that further research may be of use. This information was used from a monitoring exercise conducted between April 2003 and March 2004, and no further exercise has yet been conducted. Further comments are made at paragraph 5.10 and 8.5. A number of judges have commented to us that it is now relatively straightforward to explain to juries the appropriateness of the use of TV links and video recorded evidence in the case of children (but less so in relation to adult witnesses).

The local approach

4.18 Although many areas have appointed child abuse specialists and, to a lesser extent champions and/or coordinators, there is still no CPS requirement for them to be appointed (see paragraph 4.10 and the intention of the CPS to review the issue of specialists and coordinators nationally in 2008). This means that there is no set criteria for selection, which is usually based on experience, general interest in child abuse cases, or personal development through being allocated child abuse cases. In many areas the rape specialists are also designated as child abuse specialists. In most areas, coordinators and specialists do not have a formalised role or remit and specific time is not allocated to them to perform the role. Although specialists may discuss individual cases for

the purpose of obtaining second opinions, regular meetings between specialists rarely take place with the emphasis being on email to disseminate information. This is a missed opportunity to share good practice.

- 4.19 Areas use the same mechanisms to quality assure child abuse cases as all other cases, namely, a combination of casework quality assurance checks (CQA), analysis of unsuccessful outcomes, and dip sampling of MG3s (the record of pre-charge decision). In addition, areas are required to complete adverse outcome forms for all unsuccessful outcomes in rape cases, including jury acquittals, and these will include child abuse rape cases. Areas also complete adverse outcome forms for other adverse cases, although the categories of outcomes examined and the effectiveness of analysis varies amongst the areas.
- 4.20 Individual areas have the ability to monitor and analyse child abuse outcomes through use of the child abuse flag on CMS, although there is no child abuse definition for flagging purposes. This may impact upon accuracy of recording and consequently outcomes and their analysis (see paragraphs 4.15 and 4.16). Detailed analysis of child abuse cases tends only to take place where the cases also fall into another category of sensitive or hate crime, such as rape or domestic violence. The complex casework units which are currently being established within the new CPS group structure may afford the opportunity to establish cadres of child abuse specialists and to improve the current level of monitoring to enable lessons to be learned.

Information exchange

- 4.21 In our last report we commented that not all areas had implemented the model joint protocol between the police, CPS and local authority for the exchange of information during the investigation and prosecution of child abuse cases. This position remains the same. Of the 36 responses to this question, 75% (27 out of 36) had established protocols, but only 47.2% the model protocol. For the 25% that had no formal arrangements in place the main reason for non-implementation was a lack of cooperation by local Social Services (five out of nine). A number of areas are satisfied that their own protocols or informal arrangements are working well. For example, CPS West Midlands have developed a protocol with all their associated local authorities. This involves the designation of a specific point of contact within the local authority to deal with requests for information. Joint training with the police and Child Protection Teams has also been delivered within the area.

Area performance

- 4.22 HMCPSI AEI and OPA reports indicate that the majority of child abuse cases were handled in a satisfactory manner. Some aspects of case preparation were handled better than the norm. During the AEI cycle of assessments 56¹ child abuse cases were examined; 98% complied with the evidential and public interest test at the pre-charge decision stage, and the CPS policy on child abuse was applied in 92%. Examples of less than satisfactory performance related to: the prosecutor being proactive in identifying and remedying evidential defects; the quality of instructions to counsel and whether instructions contained guidance on the acceptability of pleas; victims' views on discontinuing the case, which were considered in only 46% of cases; and sensitive unused material, which was dealt with properly in just 58%.

1 56 child abuse cases were recorded on the AEI database and performance is compared with the average from the 564 Crown Court cases recorded; however, not all the questions were applicable for every case and there were also instances where the information was unknown.

4.23 Inspectors assessments of child abuse cases in AElS 2006-07 are compared to those in all Crown Court cases in the following table:

Child abuse casework – HMCPST assessments 2006-07	Performance in child abuse cases	Average Crown Court Performance
Pre-charge and initial review		
Advice and decisions complying with evidential test in the Code	98%	95.6%
Advice and decisions complying with public interest test in the Code	98%	98.9%
Prosecutor was active in identifying and remedying evidential defects	62%	72.2%
Committal and service of prosecution papers		
Decisions to proceed at committal or service of prosecution stage complying with evidential test	96%	96.4%
Decisions to proceed at committal or service of prosecution case stage complying with public interest test	98%	99.6%
Decisions complied with CPS policy	92%	91.8%
Cases with timely review before committal or service of prosecution case	82%	75.3%
Instructions to counsel that contained case summary and adequately dealt with issues	63%	66.9%
Instructions to counsel that contained satisfactory guidance on pleas	35%	46.3%
Case preparation		
Cases ready for PCMH	94%	90.9%
Court orders complied with on time or application made to court	84%	80.3%
Correspondence from defence dealt with appropriately	89%	87.7%
Cracked and ineffective trials		
Cracked or ineffective trials that were foreseeable and the CPS took action to avoid the outcome	100% (2 cases in sample)	59.5%
Level of charge		
Indictments that were appropriate and did not require amendment	81%	82%
Cases that proceeded to trial or guilty plea on the correct level of charge	96%	97.8%

4.24 Overall there has been an improvement in the identification and flagging of child abuse cases with most cases accurately flagged on CMS, although there is still some variable performance as identified in the direct communication with victims audit (*An audit of CPS performance in relation to keeping victims informed 2007*). However, unsatisfactory performance remains in some areas over file endorsements relating to child witness video evidence. This was identified as an issue in the previous CPS safeguarding report and also in *Without consent*.

RECOMMENDATION

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.

4.25 The level of involvement of specialists and coordinators varies across the areas, and means that there remain inconsistencies in the handling of child abuse cases. In some areas child abuse 'surgeries' are held whereby there are arrangements in place for specialists to be involved in cases at the investigation stage and to advise on them at the pre-charge stage. In some areas, all child abuse cases are allocated to specialists who are then able to build up a high level of expertise and develop good relationships with other agencies. However, in many areas non-specialists are responsible for decision-making at the pre-charge stage or may be allocated child abuse cases post-charge to review and handle.

Area performance – direct communication with victims

4.26 Under the direct communication with victims (DCV) scheme, the CPS communicates any decision to drop or substantially alter a charge directly to the victim, rather than via police, giving as much explanation as possible. The scheme includes clear guidance for dealing with children where they are victims. The more recent *Victims' Code of Practice* has also introduced further criteria for when letters should be sent, and new timescales for vulnerable and intimidated victims (including children).

4.27 In the recent DCV audit, 84% of the letters sampled gave adequate explanations which clearly set out why the decision to terminate the case or alter the charge had been taken, and 91.4% of letters conveyed a sense of empathy. There were examples of good quality letters for more serious cases, including child abuse. The less satisfactory letters lacked sufficient explanation and showed a lack of empathy with the victim, including in some child abuse cases. It was also of concern that cases involving vulnerable and intimidated victims were not always accurately identified as requiring a letter, including sensitive cases with child victims. Consequently, in some cases letters were not sent.

5 SAFEGUARDING CHILD WITNESSES

The national approach

- 5.1 At the strategic level there is a clear commitment to improving the service given to all witnesses, including children, demonstrated by national business planning and the introduction of various initiatives. CPS and joint criminal justice agency examples include the following:
- *Children and young people: CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses* is a public statement of the treatment of children and young people as victims and witnesses and the service provided (referred to at paragraphs 3.1 and 4.3).
 - The pre-trial witness interview scheme recently introduced throughout all CPS areas enables prosecutors to clarify and assess the reliability of a witness's evidence, assists in understanding complex evidence, and enables prosecutors to explain the criminal process and procedures to the witness. The code of practice specifies that these should only be used in exceptional circumstances for children and other vulnerable witnesses.
 - The witness intermediary scheme, whereby intermediaries communicate questions to witnesses and provide the answers given by the witness, is a broader facility within special measures for those witnesses eligible either on the grounds of age (under 17) or incapacity (Youth Justice and Criminal Evidence Act 1999).
 - The *Victims' Code of Practice* introduced April 2006, sets out a minimum level of service to victims and witnesses, and imposes obligations on 11 organisations. The code requires an enhanced service to victims who are vulnerable or intimidated (Youth Justice and Criminal Evidence Act 1999).
- 5.2 There are a number of CPS policy leads in place to advise on and implement the wide range of initiatives for victims and witnesses, and the children and young people's policy lead has the overarching responsibility for children as victims and witnesses. Since the last report, CPS Policy Directorate has continued to work with and influence other external groups and agencies, such as the NSPCC, the Young Witness Service, Victim Support, and CAF/CASS on a range of child issues. This has included work with the Office for Criminal Justice Reform (OCJR) on improving the criminal trial process for young witnesses. CPS leads have also been influenced by external groups and agencies, and have used this to shape policies accordingly.
- 5.3 Following consultation with children, two documents *Millie the Witness* and *Jerome a witness in court* were published by the CPS in 2007 to help young witnesses understand their role and the support offered. These documents build on the policy for children and young people, for which guidance has recently been issued (paragraph 4.3). The guidance details the role of the CPS in safeguarding children, and provides relevant information on children as witnesses, including links to relevant policies and guidance. Also included is the witness care unit (WCU) checklist, designed specifically to assist staff in identifying and meeting children's different needs.
- 5.4 Guidance on the provision of therapy for child witnesses prior to a criminal trial has also been re-circulated by Policy Directorate after anecdotal concerns that children may be being prevented from having pre-trial therapy for fear of jeopardising the criminal proceedings. The tripartite guidance (Home Office, CPS and Department of Health) specifies that the best interests of the child are paramount when deciding whether, when and in what form, therapeutic help is given even if this leads to prosecutions being dropped.

- 5.5 At the time of the last report, No Witness No Justice (NWNJ) was introduced based on the principles of a needs assessment approach and dedicated WCUs responsible for access to support and provision of information from charge to case conclusion. The summative report for OPAs in 2006-07², commented that the NWNJ initiative had not made as much progress as anticipated, and that project sign off in 2006 had occurred before the initiative had become embedded within areas. There was also an appearance of some decline in commitment and energy.
- 5.6 At the national level the need to strengthen the delivery of victim and witness initiatives is recognised. The joint CPS and police Victim and Witness Delivery unit supports the delivery of a variety of CPS, and joint criminal justice agency obligations, such as NWNJ requirements and the *Victims' Code of Practice*. Work being implemented, for example monitoring of WCU self-assessments against NWNJ minimum requirements together with OCJR, the introduction of best practice guidance on compliance monitoring of victim and witness commitments, and standard audit methodology for local compliance audits of victim and witness care commitments, should bring improvement to the level of service offered to witnesses generally, and consequently benefit child witnesses. The unit has also undertaken training with the WCUs on performance management.

The local approach

- 5.7 The last round of AElS identified that, when charges were being considered, the views of victims and witnesses were generally taken into account, although some records of charging decisions (MG3s) did not demonstrate a comprehensive consideration of victim and witness needs, for example vulnerable witnesses' special needs. This was supported by findings in the OPAs which, from a more limited check of MG3s, indicated that generally such considerations take place, but with some inconsistent performance. Examples of good performance with clear consideration of issues were found but also some unsatisfactory performance where, for instance, special measures or the likelihood of attendance at court had not been dealt with. A more recent audit of file endorsements³ identified aspects of unsatisfactory performance. This included the initial review of witness needs, on-going consideration of those needs and storage of witness communication. Findings included:
- only 35% of cases (62 out of 168) contained some comment at initial review on witness needs – this included those who were vulnerable and intimidated;
 - further appropriate consideration of victim and witness needs was not always evident, including the grounds for special measures;
 - the comprehensiveness and orderliness of printed electronic-based witness communications stored on files made it difficult to ascertain the case history or assess the further action needed.
- 5.8 In the fewer areas where victim and witness issues were inspected as part of the AElS there was some variable performance in relation to the identification and timeliness of special measures and, in one area, the appropriateness of applications. Children were specifically mentioned in two reports. In one, an interview with a child witness at court revealed that special measures were not discussed in advance of the trial and the other more positively commented on an established request system for generating special measures for children.

2 Overall performance assessment of Crown Prosecution Service areas – ratings and analysis of performance for 2006-07 (March 2008).

3 File management and organisation – an audit of CPS performance in the quality and effectiveness of file endorsements and the administration of cases (May 2008).

Data collation

- 5.9 Data from CMS and the witness management system (WMS) allows analysis of a range of witness-related matters relating to the NWNJ initiative and witness care, for example witness attendance rates, witness referrals, support services offered, pre-trial visits and letters sent under the DCV scheme. Standard report templates are established so that, at the national and local level, analysis can be undertaken. Special measures applied for, and those granted, can be analysed in respect of their volume, whether the witnesses were required to attend court or actually attended court, and whether witness summonses were issued. However, until recently analysis could not be drilled down to whether the witnesses were children or young people. Special measures equally apply to vulnerable and intimidated victims and witnesses, the definition of which automatically includes both children and young people and also certain categories of adults (Youth Justice and Criminal Evidence Act 1999).
- 5.10 In 2006, the CPS published research *Special measures for vulnerable and intimidated witnesses: an analysis of CPS monitoring data*. This related to a monitoring exercise conducted between April 2003-March 2004, and no further exercise has been conducted. In addition, in our previous report we commented upon the absence of CMS/MIS specificity in terms of the ability to compare special measures with successful or unsuccessful outcomes. This remains the situation.
- 5.11 From April 2008, changes to CMS/WMS have resulted in the introduction of age bands for victims and witnesses. The following relevant age bands have been introduced under ten, ten-13, and 14-17. As a result of the changes, the services provided to child witnesses will be capable of being analysed so long as CPS staff accurately enter the relevant dates of birth. As part of the good practice and audit methodology to be introduced, consideration should be given to including guidance on the collation and analysis of information specifically relating to child witnesses.

Area performance

- 5.12 All areas to some degree undertake analysis of victim and witness issues as part of their quality assurance of casework. At the pre-charge decision stage this includes: monitoring MG3s including where no further action has been advised; the CQA scheme; and adverse outcome monitoring or other sensitive and hate crime casework monitoring. Quality is also assured through other management processes such as checking of files during allocation of work, completion of adverse outcome forms or dip sampling of cases. Some areas undertake further monitoring, for example CPS Northamptonshire completes analyses of special measures applications on a case-by-case basis. In addition, all WCUs are required to complete self assessments against the *Victims' Code of Practice* and more recently NWNJ minimum requirements on a six-monthly basis. However, the extent, depth and effectiveness of monitoring is variable within areas.
- 5.13 There was limited evidence of monitoring specifically focusing on child victims and witnesses, other than for child abuse cases. Questionnaire responses identified in some cases that service improvements had arisen as a result of general quality assurance or process reviews. Improvements in special measures applications or their provision was mentioned, for example changes made following adverse outcome analysis which identified that the evidence of a child was adversely affected by the fact that the defendant's reflection was visible to them.

6 YOUNG PERSONS BEFORE THE COURTS

The national approach

- 6.1 At a national level, policy leads are in place to inform CPS policy and local practice and to consult with relevant agencies, thus helping to influence the criminal justice and government approach. A youth offender policy lead is in place who also has responsibility for linked topics of firearms, mentally disordered offenders and knife crimes. Other policy roles relevant to child offending include persistent young offenders and anti-social behaviour orders (ASBOs). At a strategic level, recognition of the importance of the welfare of child offenders and prevention of offending is demonstrated by the approach to appropriate disposals for youth offenders and by policy guidance generally, for instance that child prostitutes and children involved in human trafficking should not be treated as offenders.
- 6.2 Policy Directorate is participating in the OCJR initiative on how to improve the youth justice process, and with the Home Office on wider reform. Other strategic partnership work with criminal justice agencies is evident, for example attendance at the Youth Justice Board Youth Court Issues group on a six-monthly basis, and working with the police on updating the youth offender case disposal gravity matrix.
- 6.3 Recently, the level of youth knife crime has caused strong national concern in both the public and government. CPS legal guidance on knife crime relevant to both adults and youths has been updated and reflects the gravity of such offences. It advises that the possession of offensive weapons and knives are serious offences usually requiring prosecution when the evidential stage of the *Code* is satisfied. Work was undertaken simultaneously with ACPO and their guidance on investigation, cautioning and charging of knife crime offences.

National guidance

- 6.4 National guidance is supportive of the strategic approach to youths. The guidance clearly identifies the key legislative considerations governing decisions made by prosecutors when dealing with youth cases, specifically their welfare (section 44 Children and Young Persons Act 1933), the prevention of offending (section 37 Crime and Disorder Act 1998), and emphasises that the interests of youths must be considered when deciding whether it is in the public interest to prosecute (the *Code for Crown Prosecutors*). In addition, CPS guidance on the management of youth cases states that there should be clear public interest factors in favour of prosecution. Prosecutions are generally used when, after use of the reprimand and warning scheme, prevention of offending has not been successful.
- 6.5 The principles that apply to youth cases are contained within the youth guidance so that these can be embedded in area working practices and training. In youth cases the importance of expeditious handling is emphasised to ensure youth offenders can relate their punishment to the offence. The guidance makes recommendations as to operational practice in terms of effective partnership working with CJS agencies, and the establishment of key internal roles. In addition, it includes the management of youth cases in terms of: more vulnerable youths such as those with mental disorders, those living in children's homes, and child prostitutes; specific offence types; and trial venue.

- 6.6 More detailed guidance is also available for the handling of child prostitutes and specifies that, primarily, they should be treated as victims of abuse. There is also related guidance on child victims of human trafficking for sexual and non-sexual exploitation. Work by the policy lead for both these subjects has included work with government departments such as the Home Office, Foreign Office, Department for Children, Schools and Families, and other agencies including the police and the Human Trafficking Centre. Work has involved joint agency cooperation on trafficking both into and within the United Kingdom, including Operation Pentameter⁴.
- 6.7 Roles identified in the youth guidance include area youth justice coordinators (AYJCs), youth specialists and case progression officers. Guidelines specify what these roles can include and set out training requirements. Coordinators should be the focal point for youth matters within the area, and the contact with CPS Headquarters. However, the full remit of all the identified roles is dependent on individual area practice.
- 6.8 Meetings are held for the coordinators biannually and an interagency youth conference is held on an annual basis for youth specialists. Quarterly newsletters are also produced by Headquarters to update youth specialists on developments within the field and contact is maintained via email. Youth guidance is accessible through the CPS intranet and is revised as the need arises. For example, the section on trial procedure for those with learning disabilities or low cognitive ability was updated as a result of the case *CPS v P (2007) EWHC 946 (Admin)*, which related to a youth's capacity to participate effectively in a trial. This was also supported by an easily understandable synopsis of the case.

The local approach

- 6.9 AEs and OPAs found that the handling of youth cases was mostly satisfactory with clear evidence of good work, although on occasion within a few areas there was a lack of expedition or some inconsistent quality overall. A number of areas prioritised cases by their use of specialists, a tracking system to monitor progress, and case progression meetings with other agencies.
- 6.10 Areas have AYJCs and youth specialists in place, and cases are generally allocated to these specialists. This is consistent with guidance which provides that youth specialists should make the major review decisions. In most areas the role of coordinators or specialists is part of normal duties, although a few do allocate some additional time, often on an ad-hoc basis. Processes for analysis and quality assurance of youth cases are generally the same as for other casework (detailed at paragraphs 4.20 and 5.13). Lessons are disseminated at a local level through informal, or in some areas formal, meetings of youth specialists within those areas, and often by email.
- 6.11 Youth guidance also states that all prosecutors should be able to prosecute in youth courts, but wherever possible specialists should prosecute youth remand courts. Generally, specialists are prosecuting cases although, in some instances, non-specialists or agents are used, including in remand courts. In the last report, area usage of agents in remand courts was raised as a concern in that cases were less likely to be progressed effectively and prioritised. Non-specialists and agents were also being used for trials. In the latter case, some of the questionnaire responses commented that this was with appropriate training or that the agents had suitable knowledge and experience. Other areas commented that agents were used exceptionally or only occasionally, or in reducing numbers. Some merely stated that agents were used.

⁴ Operation Pentameter – multi-agency operation to tackle human trafficking. Pentameter 1 in 2006 resulted in 88 victims of human trafficking being recovered, 232 arrests and 134 charges.

6.12 In CPS London there is no longer a specialist Inner London Youth Court unit. Youth cases have been devolved back to borough units, and the specialists redistributed to the inner London boroughs. CPS London senior managers considered that concentration in a single team limited the availability of youth specialists at the various charging centres and performance was not improving in youth cases throughout London. The restructure has resulted in better alignment with ongoing initiatives and has improved the timeliness of cases, although the loss of speciality has been apparent in the inner London Youth Courts.

Area performance

6.13 During the AEI cycle, inspectors examined 57 youth cases⁵. The *Code* test had been applied appropriately at the evidential stage in 98% of cases, and the public interest stage in all relevant cases. In most categories figures compared favourably with average data from the magistrates' courts' file sample suggesting that youth files are appropriately prioritised within areas, resulting in better quality cases. The comparative assessments are set out in the following table:

Youth offender casework – HMCPSI assessments 2006-07	Performance in youth offender cases	Average performance in magistrates' courts cases
Pre-charge and initial review		
Advice and decisions complying with evidential test in the Code	98%	96.4%
Advice and decisions complying with public interest test in the Code	100%	99%
Prosecutor was active in identifying and remedying evidential defects	71%	71.4%
Case preparation		
Cases ready for PTR/CMH	75%	74.6%
Court orders complied with on time or application made to court	83%	79.3%
Correspondence from defence dealt with appropriately	83%	77.6%
Cracked and ineffective trials		
Cracked or ineffective trials that were foreseeable and the CPS took action to avoid the outcome	83% (5 out of 6)	70.3%
Summary trial		
Decisions to proceed to trial complying with the evidential test	98%	94.9%
Decisions to proceed to trial complying with the public interest test	100%	99.4%
Cases with timely summary trial review and properly recorded	71%	69.1%
No cases to answer that were foreseeable, and the CPS took action to avoid the outcome	(1 applicable case such action not taken)	32.3% (10 out of 31)

⁵ 57 youth offender cases were recorded on the AEI database and performance is compared with the average from the 665 magistrates' courts' cases recorded; however, not all the questions were applicable for every case and there were also instances where the information was unknown.

Persistent young offenders

- 6.14 At the time of the previous inspection there was ongoing work to reconcile the time guidelines under the persistent young offenders⁶ (PYO) pledge with the charging scheme. The Director of Public Prosecutions' guidance on charging issued in 2007 includes a section on special procedure for persistent young offenders to expedite cases and encourage proactive management at the pre-charge stage.
- 6.15 The OPAs found that in 2006 only around half the areas had met the shared criminal justice agency timeliness target of 71 for the average number of days from arrest to sentence for PYOs, and the national average was at 72 days. Poor area performance was generally being addressed at the joint agency level through the local criminal justice boards and sub-groups.
- 6.16 Nationally there has been a renewed focus on driving improvements, and performance against the PYO target is better. The national average for the 2007 calendar year, at 65 days, matched the Attorney General's 'stretch' target. The average number of days from arrest to sentence for the rolling quarter to February 2008 was 62, with most areas meeting the 71 day target and over half also meeting the 65 day stretch target.

6 Persistent young offender – a youth previously sentenced on at least three occasions. The government's pledge was to halve the time between arrest and sentence to 71 days.

7 SAFEGUARDING CHILDREN IN DOMESTIC VIOLENCE CASES

The national approach

- 7.1 The government definition of domestic violence was agreed in 2004 as “any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been intimate partners or family members, regardless of gender or sexuality”. This definition replaces others used by government departments and agencies and is intended to improve joint working and monitoring.
- 7.2 The CPS continues to apply its policy on domestic violence to those cases which fall within the original CPS definition of domestic violence which was “any criminal offence arising out of a physical, sexual, psychological emotional or financial abuse by one person against a current or former partner in a close relationship or against a current or former family member”. This therefore includes children and young people as victims or perpetrators regardless of their age. The lack of a common definition resulted in a recommendation in the HMCPSI and HMIC report *Violence at Home* that ACPO, the CPS and the Home Office develop a common definition of domestic violence to be adopted for both operational and monitoring purposes.
- 7.3 The current approach is that when monitoring domestic violence cases for government purposes, the CPS will apply the government definition to domestic violence, but when monitoring internally and prosecuting cases the CPS will apply the wider definition. It is therefore difficult to see how the use of a different definition assists a joined up approach to domestic violence across the criminal justice system. It also means that the accuracy of any monitoring exercises is therefore dependent upon individual members of staff applying the correct flags on CMS and being clear as to differences between the definitions and as to the type of exercise being undertaken at any given time. The practical difficulties in monitoring were also identified in the *Violence at Home* report and resulted in a recommendation that chief crown prosecutors review systems for identifying and highlighting cases of domestic violence. The CPS has guidance on flagging and the flagging system is audited.
- 7.4 At the time of our last safeguarding review the revised CPS policy and guidance on domestic violence was circulated. In February 2005 it provided the following in relation to children:
- prosecutors must take children’s interests into account at all stages of the review process and address their safety and welfare as a primary consideration;
 - children ought always to be informed, consulted and involved in any matter concerning them according to their age and understanding;
 - as much protection as is necessary and available should be afforded to child witnesses to enable them to give their evidence in a way that both maintains the quality of that evidence and minimises the trauma suffered.
- 7.5 The CPS policy comments that violence will often be witnessed by children and that there is an overlap between the abuse of women and abuse (physical and sexual) of children. Violence at home may result in poor educational achievement, social exclusion, juvenile crime, substance abuse, mental health problems and homelessness.

- 7.6 Following the revised policy a good practice guide was produced in 2005. Compliance by areas against the guide is reviewed annually by CPS Policy Directorate and the Equality and Diversity Unit, and feedback is provided on aspects of good practice and areas of improvement.
- 7.7 The VAW strategy has been developed, as part of the CPS single equality scheme, and will be rolled-out over the next three years. The strategy aims to bring together the different strands of violence against women in one overarching strategy. Child related matters such as child-prostitution and abuse are included in the strategy. This is also discussed at paragraph 3.3.
- 7.8 Since the last report the CPS has also made a significant investment in domestic violence training. A rolling programme of training has been in place for 2005-08 for all prosecutors and caseworkers using the CENTREX modular training which was devised with the police. The national proactive prosecutor training programme complements the domestic violence training by providing specific guidance on domestic violence cases at the pre-charge advice stage. Both training courses remind prosecutors that children should be considered throughout the process if they have witnessed or experienced domestic violence. Prosecutors are also encouraged to think about the risks to children's safety and consider the impact of equality issues, for example whether a mother can give evidence in an afternoon trial if she has children to collect from school. The domestic violence training is due to be revised this year.

Data collation

- 7.9 The CPS has undertaken five domestic violence snapshot monitoring exercises annually for cases finalised during December. The findings are separated into outcomes, offence type, victim's age and the relationship between the parties. The 2006 monitoring exercise was also used to identify emerging trends. Over the five year period the number of reported domestic violence cases has increased, during which time there has also been an improvement in conviction rates. Cases involving a child or stepchild as a victim have also risen over the same period. In 2006, of the total sampled, there were 164 cases (5%) examined compared to 61 cases (4%) in 2002. The final monitoring exercise took place in December 2006 and is to be replaced by annual hate crime and violence against women reports from 2008-09.
- 7.10 All areas are required to account on a quarterly basis to CPS Headquarters for outcomes in hate crimes and violence against women crimes. The key performance indicator for hate crime until 2008 related to the proportion of combined (magistrates' courts and Crown Court) unsuccessful outcomes for domestic violence, racially aggravated and homophobic crime as a percentage of total hate crime cases. The total number of domestic violence cases prosecuted has risen from 34,839 in 2004-05, to 63,819 for 2007-08. Although this may be partly attributable to improved recording and flagging, this still represents a significant increase. Over the same timescale the successful outcomes have improved from 55% to 71% by April 2008.

The local approach

- 7.11 The local network of dedicated domestic violence coordinators has continued to develop and domestic violence coordinators are in place in the majority of CPS areas and most have more than two years experience in the role. CPS Policy holds twice yearly conferences to support coordinators in their role. They are encouraged to attend local domestic violence forums to develop strategic partnerships. The CPS review of good practice carried out in December 2007

found that although the majority of areas find it difficult to release coordinators to fulfil their strategic and operational role, 37 areas had maintained or improved their community engagement in 2007-08 with 89% of domestic violence coordinators attending domestic violence forums.

- 7.12 Work at the joint level includes the national implementation of specialist domestic violence courts (SDVCs) which provide an enhanced level of service to victims of domestic violence. Courts have to meet 11 core components one of which relates to children. At the end of April 2008 there were 98 SDVCs in place.

8 LEARNING LESSONS

Overview

- 8.1 In the previous report we commented on the absence of data collation and analysis at a national level specifically for safeguarding children issues, and this continues to be the position. The introduction of a child policy lead and related practitioners group enable some feeding of information between Headquarters and the represented areas, but it is not sufficiently comprehensive to enable lessons to be drawn across the Service as a whole for all matters relating to safeguarding children. The absence of a child abuse network is commented upon in paragraph 4.8 and whilst guidance was issued on the CPS policy on children as victims and witnesses this did not include direction as to how performance against the policy could be monitored and assessed. This has been developed as part of the VAW strategy, and may be included within victim and witness audit developments. Performance management guidance and, in the past, CMS/WMS capacity has not been supportive of the monitoring of outcomes for child victims and witnesses.

The national approach

- 8.2 At a national level there is monitoring of outcomes relating to persistent young offenders, key victim and witness issues, and sensitive and hate crime outcomes including domestic violence. However, other than for PYOs, data is not analysed specifically for children and young people. In 2008-09 as part of the VAW strategy, the unsuccessful outcome rates for domestic violence, rape and sexual offences and the combined figure will be monitored. This is to be further developed to include child abuse cases. In addition, CPS Headquarters requires an annual self-assessment certifying area performance in a number of aspects, which should be based on relevant performance and management information. In the victim and witness section this includes assurance against the commitment in the children and young people policy, and other relevant victim and witness initiatives, for example the *Prosecutors' Pledge*.
- 8.3 Formal networks exist for youth offenders, domestic violence and rape cases (the last two will include child-related offences), and these are supported by conferences facilitating the ability to disseminate information effectively. Bulletin boards accessible on the intranet provide forums where queries can be raised and addressed, and also good practice shared. Boards include serious sexual offences, domestic violence issues, NWNJ, and victim and witness care. The majority of questionnaire responses stated that these boards were useful. Questionnaire responses were also positive about the guidance available for the various matters relating to safeguarding. However, some included suggestions that hyperlinks between relevant policies/guidance could be improved upon, and that policy/guidance should remain on the intranet until the revised version is available.
- 8.4 Child abuse has not recently been monitored at a national level by the Service, and there currently is no nationally agreed definition of child abuse. This is detrimental to the identification of child abuse cases for monitoring purposes and, consequently, it may be that some offences are not being consistently and appropriately categorised across all the areas. This is inconsistent for example with rape cases, where there is clear guidance on the codes for offences on CMS to assist in identification. When combined with the delayed introduction of the new child abuse guidance and the absence of a child abuse coordinators' network, the ability to learn lessons is diminished and is contrary to the importance of such work.

- 8.5 In the last report we recommended that guidance should be issued on the collation and analysis of data in relation to child abuse cases, special measures, child witnesses and unduly lenient sentences. The report specifically commented on the lack of a mechanism within Policy Directorate and the limited ability to learn from unduly lenient cases, and this remains the case. As discussed at paragraph 4.17, special measures performance at the national level has not been monitored since the exercise published in 2006. Developments in victim and witness care should hopefully ensure in future that special measures are more effectively monitored at the national and local level.

RECOMMENDATION

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 and 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.
-

The local approach

- 8.6 In the OPA summative report there is comment on the good work undertaken at the area level in the handling of rape cases, including the monitoring of outcomes. The report also states that this needs to be replicated consistently in relation to other sensitive cases and hate crime, in particular for child abuse cases. We make a recommendation relating to this at paragraph 4.10.
- 8.7 At paragraphs 4.19 and 5.12 there is comment on how areas quality assure their own performance, and ensure to some extent that lessons are learned. Questionnaire responses highlight that formal meetings between specialists at the area level are limited, and that lessons are more likely to be disseminated through obtaining second opinions, informal discussions and email. In some areas, regular casework bulletins are produced which facilitate dissemination of casework lessons. However, the new group structure and also the development of complex casework units within the groups may present an improved opportunity for developing sharing of information and good practice between specialists and area-wide.

9 EMPLOYMENT

Vetting of staff

- 9.1 The CPS Human Resources Directorate (HR) leads on the security vetting procedures for the appointment of staff. Progress against the recommendation on recruitment and staff checking procedures from the joint inspection report was initially slow. However, in response to this and the Bichard Inquiry⁷, a project lead has been in post since October 2007. A review of current procedures is underway in conjunction with the Departmental Trade Unions, and a response from Government into proposed practices is expected in July 2008.
- 9.2 All CPS staff continue to be cleared to a 'basic check' level which involves reference checks; previous employment history; establishing correct identity and the right to work in the United Kingdom; and the National Identification Service (NIS) verification NIS vetting forms are checked against the police national computer for any criminal convictions or cautions. Tiered security checks are conducted for staff that have contact with higher levels of confidential government information.
- 9.3 Some CPS staff have access to very sensitive child abuse casework material and in addition, developments in victim and witness care potentially may result in relevant CPS staff having more direct contact with children and vulnerable adults, albeit usually in a supervised capacity. At the time of our last report it was considered by HR that no CPS staff were in a position to require clearance from the Criminal Records Bureau (the organisation set up to conduct checks on those who have direct responsibility or unsupervised access to children and vulnerable adults). However, this is being reconsidered by the CPS as part of their current work, and Criminal Records Bureau and wider security checks are under discussion for identified groups of employees who may be working with children.
- 9.4 Updating of vetting continues to be against the police issued list of civil servants, arrested, convicted of a crime or cautioned, sent to all government departments, and when staff leave CPS employment for a period in excess of three months (when a further NIS check is conducted). Consequently HR is reliant on police to provide information regarding agency or contract staff on significant convictions involving children and the requirement of the individual to report.

Welfare concerns of staff

- 9.5 At the time of the last report there was no current policy for the provision of support for staff that might require de-briefing or counselling as a consequence of child abuse. However, since then the CPS has invested in an independent counselling and support service Care First, which was extensively promoted within the CPS and whose details are readily accessible on the intranet. The counselling and support service is freely available to all staff, and can be accessed 24 hours a day seven days a week. Help is available through self-referral or by a line manager with the recipient's consent. Briefings and professional support sessions are provided by Care First facilitators to casework staff on a regular basis usually as a response to a specific need within a team, office or area.

7 Bichard Inquiry report – Chairman Sir Michael Bichard 2004

ANNEXES

A PROGRESS AGAINST RECOMMENDATIONS FROM 2005 HMCPSI REPORT

<i>CPS Plans, at national and local level, should set out the CPS's strategic approach to safeguarding children, including its relationship to other CPS priorities.</i>	At the national level there has been substantial progress. However, at the local level, progress has been limited as safeguarding has not fully translated into area plans.
<i>Involvement with, and attendance (where appropriate) at, Local Safeguarding Children Boards should be encouraged and appropriate guidance issued.</i>	Achieved in that appropriate guidance has been issued. There has been substantial progress by some areas but limited progress in others where engagement is not sufficiently formalised or effective.
<i>The role of the policy advisor on children should be clearly defined and have the capacity and mechanisms to link all the strands of work relating to safeguarding children.</i>	Achieved. A policy advisor is in post. There is guidance on the general role and responsibilities of all policy advisors within the Directorate.
<i>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.</i>	Limited progress. Progress has been slow. However, child abuse guidance and national training are due to be delivered.
<i>A Child Abuse Coordinators' network should be established and link with various other recognised networks relating to the safeguarding of children</i>	Not achieved. The CPS has not introduced a child abuse coordinators network. A policy practitioners group is in place, and at area level there are links, albeit generally informal. The CPS is reviewing the position of coordinators and specialists nationally in 2008.
<i>Guidance should be issued on the collection and analysis of data in relation to child abuse cases, Special Measures, child witnesses and unduly lenient sentences.</i>	Not achieved. Although changes to the CPS case management system (CMS) and developments in victim and witness performance arrangements should improve the collection of data and analysis on children as victims and witnesses. Areas are also required to provide annual certificates of assurance against a range of aspects including victim and witness commitments.
<i>Human Resource policies relating to vetting procedures, updating of checks and debriefing staff should be considered further.</i>	Achieved in relation to debriefing of staff, but limited progress for vetting procedures. Initial progress on this has been slow; however, this is currently under consideration.

B PROGRESS AGAINST RECOMMENDATIONS FROM THE 2005 JOINT INSPECTION REPORT

All agencies and organisations directly involved with children should⁸:

3.11 Review their approach to safeguarding, in line with the requirements of the Children Act 2004 and guidance in order to:

- Identify the relevant safeguarding issues specific to their area of work;
- Ensure that there are policies and procedures in place to address these issues; and
- Put in place regular quality assurance and monitoring systems to ensure that policy is followed through consistently in practice, and demonstrates effective outcomes.

The CPS safeguarding role was detailed in the 2006–07 National CPS Business Plan and, appropriately defined as being delivered through high quality advice, decision-making, case preparation, advocacy and witness care in child abuse cases, considering all witness care issues when using children as witnesses and making considered decisions in relation to child offenders.

This was partly supported by the delivery of *Children and Young People: CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses*. In addition, guidance to CPS areas on the approach to Local Safeguarding Children Boards was also provided. In the majority of instances good comprehensive guidance is in place for the various safeguarding strands, such as youth offenders and domestic violence. Developments generally in victim and witness care are also supportive of improved levels of service, including to children. A policy lead for children and young people has been in post for some time, who has engaged in a variety of cross agency work including with Association of Chief Police Officers (ACPO) and the Criminal Family interface (as detailed in chapter 4).

However, not all aspects of work relating to safeguarding have been progressed in a timely and effective manner, for example the processes to ensure the high quality of child abuse cases. At the local and national level performance monitoring of casework is in place, and all areas quality assure their work; although performance and quality assurance specifically relating to outcomes for children and young people has been limited.

Prioritisation of the CPS safeguarding role is further commented upon in chapter 3 of the report and learning of lessons at chapter 8.

8 These recommendations relate to services that have 'direct involvement' with children. The level of CPS involvement when compared with other agencies and services inspected as part of that review is a step removed from this. Progress made is highlighted.

3.13 Audit their recruitment and staff checking procedures so that the following practices are carried out consistently:

- References are always verified and properly recorded in staff files;
- A full employment history is available on the file for every member of staff, any gaps in employment history are checked and accounted for and qualifications are checked; and
- Enhanced Criminal Records Bureau checks are consistently undertaken on new staff and those working with children who have not previously been subject to checks, including temporary, agency, or contract staff prior to the establishment of the centralised vetting and barring scheme proposed in response to the Bichard comments.

A project lead has been in post since October 2007, and a review of security vetting procedures is underway in conjunction with the Departmental Trade Unions. This includes enhanced checks for identified groups of staff that have contact with children. A response from Government into proposed practices was awaited at the time of the review. Further details are contained in chapter 9 of this report.

3.14 Review existing safeguarding policies to ensure that they take full account of the needs of children with disabilities and assess the professional development needs of staff who work with children with disabilities to equip them to:

- Communicate effectively with children;
- Identify potential child protection concerns;
- Track and monitor behaviour patterns; and
- Follow appropriate child protection procedures.

The CPS Single Equality Scheme includes disability as one of the equality strands, and contains a relevant action plan to meet their obligations in delivery of core business and employment practices; actions within this do not specifically relate to children. Children automatically qualify for special measures, although collation and monitoring of special measures has not occurred at the national level. Guidance is in place in relation to youth offenders, which includes a section on youths with mental disorders, learning disabilities and low cognitive ability. There is also guidance in relation to children as victims and witnesses, which refers to appropriate questioning techniques for children on the autistic spectrum and children with learning disabilities.

C SAFEGUARDING CHILDREN QUESTIONNAIRE – ANALYSES OF RESPONSES

Notes

- 1 Forty-three questionnaire responses were received. This included forty area responses plus CPS London's which was made up of a response from each of the three geographically based London sectors. (One CPS area did not respond).
- 2 The format of the questionnaire required respondents to enter their responses to all questions in free text. Responses therefore included a wide range of information as opposed to predetermined responses used in a 'tick box' approach.
- 3 The sum of the numbers in the column does not always add up to the total number of respondents to each question as each respondent was free to include a range of possible scenarios in their responses. In some instances respondents have not answered the question or there has been ambiguity. These have not been included within the analysis unless stated.
- 4 The analysis is based on the area's own self-assessment of their performance and has not been verified by HMCPSI.

1 Does the area practice comply with the recommendations of the Second Joint Chief Inspectors Safeguarding Children Report, published July 2005 and the CPS Safeguarding of Children Report, published August 2005?

Responses

Number of respondents: 42

Total affirmative responses: 34 (94.4%)

Yes	In part	No
17 (40.5%)	24 (57.1%)	1 (2.4%)

A sample of responses included:

Work with other agencies	12 (28.6%)
Prioritised level of service to children	8 (19.1%)
Safeguarding children within local business plans	5 (11.9%)

Overview

- Answers within the prioritised level of service included how casework concerning children was handled, such as through use of specialists, application of the principles of expedition, sensitivity and fairness, and through following the safeguarding children guidance.
- The majority of answers did not cover the range of recommendations directly or indirectly applicable to the areas.

2 Does the area have the following specialists, champions or coordinators in place and how are they selected?

Responses			
Number of respondents: 43			
Child abuse coordinators or champions		Child abuse specialists	
Yes	No	Yes	No
16 (37.2%)	10 (23.3%)	30 (69.8%)	11 (25.6%)
Youth coordinators or champions		Youth specialists	
Yes	No	Yes	No
25 (58.1%)	0	43 (100%)	0

Overview

- Sixteen of the responses clearly stated that they had area champions or coordinators in place for child abuse cases. It was clear in ten of the responses that no such roles were in place. In 17 of the responses there was no comment or some ambiguity.
- For the majority of responses child abuse specialists were in place. Eleven of the responses stated that no such specialists were in place; however, this was often qualified with comments such as: all trials unit lawyers are capable of undertaking the work; cases allocated to experienced lawyers; or rape cases are handled by rape specialists.
- All areas stated that there were youth specialists in place. The majority also had youth coordinators or champions, but in 18 of the responses there was no comment or some ambiguity.

3 Does the area require that child abuse and youth cases will only be reviewed by relevant specialists?

i) Child abuse cases

Responses		
Number of respondents: 42		
Total affirmative responses: 31 (73.8%)		
Yes	In part	No
17 (40.5%)	14 (33.3%)	11 (26.2%)
<i>Explanations included:</i>		
Dealt with by experienced lawyers rather than specialists	9 (21.4%)	
Depending on circumstances – urgency, resources, case type	9 (21.4%)	
Other than at the pre-charge and decision making stage	4 (9.5%)	

Overview

- The majority of responses indicated child abuse specialists are involved at some stage of the decision-making or case handling process. The answers included in the ‘in part’ category were those where specialists were generally used but with some caveat. Examples included: specialists may not be used at the pre-charge advice and decision-making stage; depending on the seriousness of the case; and depending on the urgency. A reasonable proportion of responses (26.2%) indicated that specialists were not used. However, it was clear that lawyers deemed to be suitably experienced were being used or, for instance, rape specialists were handling child related rape or sexual offence cases.

ii) Youth cases

Responses		
Number of respondents: 43		
Total affirmative responses: 38 (88.4%)		
Yes	In part	No
21 (48.9%)	17 (39.5%)	5 (11.6%)
<i>Explanations included:</i>		
Specialist input where appropriate		4 (9.3%)
Other than at the pre-charge and decision making stage		8 (18.6%)
Depending on circumstances – urgency, resources, case type		9 (20.9%)

Overview

- Youth specialists deal with the great majority of youth cases. Answers within the ‘in part’ section included: specialists may not review the case at the pre-charge advice and decision-making stage (8 out of 17); they may not review the case where there are exceptional circumstances or time constraints (5 out of 17); and generally specialists reviewed cases but may not due to resource issues (4 out of 17).

4 Are youth offender specialists responsible for prosecuting all youth cases? How often do non-specialists and agents prosecute a) youth remand cases, and b) youth trials?

Responses		
Number of respondents: 43		
Total affirmative responses: 39 (93%)		
Yes	In part	No
21 (48.8%)	19 (44.2%)	3 (7%)

Overview

- Responses confirmed that usually youth specialists are used for prosecuting youth cases. In 48.8% of responses all cases are prosecuted by specialists or specialists are used for youth remand courts and most trials. The ‘in part’ category included responses which specifically stated that remand courts were covered by specialists, or that all remand courts but not all trials were covered, or stated specialists were used where possible. ‘No’ responses, for example included resource issues or that the reviewing capacity is retained by the specialist.
- There is some limited usage of both agents and non-specialists in remand courts. Ten out of the 42 (23.8%) use agents for youth remand courts, although this is generally on an occasional basis. A larger number of responses used non-specialists for remands (45%), again the majority identified that this was on an exception or rarity.
- Youth trials are conducted regularly by non-specialists and agents. From the responses 56.1% used agents for trials; this included comments that the agents were suitably experienced or sometimes specialist counsel. Agents were used for trials only occasionally in 26.8% of responses. The position for non-specialists is similar with the majority conducting some trials on a regular or exceptional basis.

5 Has the area implemented the model joint protocol between the police, CPS and local authorities for the exchange of information during the investigation and prosecution of child abuse cases? If not, why?

Responses		
Number of respondents: 36		
Total no of responses with model or local protocols: 27 (75%)		
Yes: Model protocol	No: Local protocol in place	No: informal arrangements
17 (47.2%)	10 (27.8%)	9 (25%)

Overview

Of the 36 responses to this question, 75% (27 out of 36) had established protocols, but only 47.2% the model protocol. For the 25% that had no formal arrangements in place, the main reason for non-implementation was a lack of cooperation by local Social Services (5 out of 9). A number of areas are satisfied that their own protocols or informal arrangements are working well, although some are attempting to introduce updated protocols.

**6 How does the area ensure the quality of decision making and case handling of:
a) Child Abuse b) Youth cases?**

Responses	
Number of respondents: 43	
<i>Main categories included:</i>	
Casework quality assurance (CQA)	39 (90.7%)
Adverse outcome monitoring	21 (48.8%)
MG3 analysis	13 (30.2%)
Variety of meetings	20 (46.5%)
Other management checks	13 (30.2%)
Performance outcome monitoring	15 (34.9%)

Overview

- Generally, existing casework quality assurance methods are used which will capture some individual child abuse and youth cases. Examples include CQA, MG3 dip sampling, meetings and unsuccessful outcome monitoring. Meetings ranged from joint performance management meetings with police, persistent young offender multi-agency meetings, to internal quarterly performance reviews. Other management checks identified included: ad-hoc discussion; dip sampling; supervision of papers; allocation of papers; and through checking papers when prosecuting at court.
- Comment on specific monitoring for child abuse cases was limited; some, however, may be captured in rape quality assurance and case management or sensitive case panels. In relation to youths, comments mainly concerned persistent young offenders. CPS Northumbria commented that the area coordinator provides reports to the senior management team.

7 What analysis is there of outcomes for child abuse cases or cases involving children as victims, witnesses or offenders e.g. rape, domestic violence or youth cases?

Responses

Number of respondents: 43

Variable: 43

Overview

In the majority of responses, specific analysis relating to child abuse cases or to children as victims and witnesses was not undertaken. A reasonable proportion identify that rape analysis (67.4%) is undertaken, which automatically includes some child victims. To a lesser extent, domestic violence monitoring (27.9%) was also identified. CPS Nottinghamshire was the only clear response that identified monthly analysis of all child abuse cases occurred. General casework and outcome monitoring (reference question 6) will identify issues to some extent. The extent to which areas monitor persistent young offenders and youth offenders was not fully apparent from the responses. Persistent young offenders are a national joint agency target and monitoring of timeliness does occur. In relation to victims and witnesses it should be noted that witness care units may undertake some degree of monitoring rather than the areas.

8 How are outcomes and lessons learned and disseminated area wide?

Responses

Number of respondents: 43

Categories:

Circulation of outcomes/updates/newsletters	31 (72.1%)
Team meetings and senior management team meetings	32 (74.4%)
Training events	6 (14%)
Via champions/coordinators	9 (20.9%)
Via specialist casework meetings	6 (14%)

Overview

- Areas will use the methods described in question 7 and other performance outcome analysis to identify lessons to be learned. The majority of responses comment generally on how lessons are learnt or information is disseminated, and this is usually via emails or through team meetings. Linked training events were also mentioned, in particular Area Training Days. Adverse outcome reports and casework performance outcomes are provided to staff via email or at team meetings. Dissemination was not just mentioned internally but to CJS partners for example persistent young offender performance.
- More specifically, for child abuse and youth cases the role of area coordinators in disseminating lessons was mentioned in, for example, having meetings with other specialists, undertaking analysis, providing training or emails on changes to legislation. Six responses mentioned specialist casework meetings to discuss cases, of which some will include external stakeholders. One example mentioned a quarterly sensitive casework bulletin. Individual feedback where appropriate was also referred to.

9 What local training has been undertaken relating to child abuse, children and youths as victims or witnesses, and youth offender training in 2006-07 and the current year?

Responses	
Number of respondents: 42	
Child abuse	11 (26.2%)
Children as victims and witnesses.	See comments
Youth offender training	32 (76.2%)

Overview

- Training undertaken in relation to child abuse was limited. Eleven responses had been involved in some form of training, including delivery to other agencies (police). Local training included issues such as shaken baby syndrome and diagnosis on physical injuries to children, and external NSPCC training. Rape and sexual offence training undertaken by some will also have partially covered child abuse matters. CPS Nottinghamshire training was more extensive than other responses including for example internet abuse, historic abuse and child abuse.
- The majority of responses had undertaken some form of youth offender training both nationally and locally based.
- There is no specific training on children and young people as victims and witnesses, and the answers reflected this. Responses included training where this issue would have been partially covered, such as part of domestic violence training, rape, pre-trial witness interviews, special measures and the use of witness intermediaries.

10 When was Special Measures training last provided in the area?

Responses	
Number of respondents: 43	
<i>Explanations included:</i>	
Identified need (e.g. new staff, skills gap analysis)	10 (23.3%)
Training undertaken for specific category of staff or specific need	8 (18.6%)
No recent formal training but updating of knowledge	10 (23.3%)
Training planned or general training need identified	5 (11.6%)

Overview

- A number of responses identified recent training as a result of new starters, staff skills gap analyses undertaken or being undertaken, or through refresher training conducted as required. Three responses solely referred to the electronic based learning (e-learning). In eight out of the 43 responses, training had been delivered to specific roles (caseworkers, lawyers, witness care officers) or for specific issues.
- A large number of responses suggested there had been no recent formal training courses, although staff knowledge had been updated or refreshed through information being circulated, team meetings or area guides. A number of responses referred to intermediary training being rolled out (5 out of 43).

11 (i) What links have been established between your area the Local Safeguarding Children Board(s) (LSCBs)?

Responses		
Number of respondents: 43		
Total affirmative responses: 39 (90.7%)		
Yes	In part	No
16 (37.2%)	33 (53.5%)	4 (9.3%)
<i>Categories included:</i>		
Attend boards or sub-group meetings	16 (37.2%)	
Links via other agencies or meetings	12 (27.9%)	
Points of contact established or links being established	11 (25.6%)	
No contact	4 (9.3%)	

Overview

- Sixteen out of the 43 responses identified that they attended meetings or sub-groups of the LSCBs, although the extent to which meetings were attended was variable. For example, one area described themselves as ‘full and active participants’, some when ‘operationally able to’, and others ‘when relevant issues’ arise. The number of LSCBs within areas can present difficulties, for example CPS Humberside, which previously had one Area Child Protection committee, now has 4 LSCBs.
- Twelve out of the 43 responses (27.9%) indicated links via other agencies (such as police) or forums (for example Local Criminal Justice Boards), and in 25.6% (11 out of 43), points of contact had been provided and/or links were being established. Four areas (9.3%) had no contact with LSCBs.

11 (ii) Has there been any involvement in serious case reviews?

Responses	
Number of respondents: 29	
Yes	No
5 (17.2%)	24 (82.8%)

Overview

- Twenty-four out of 29 (82.8 %) of the responses had no involvement or did not know whether there was any involvement with serious case reviews (SCRs). However, it should be noted that the numbers of reviews conducted by LSCBs was variable.

Examples provided of action taken to improve the level of service in safeguarding children⁹

Prioritising safeguarding children

CPS Lincolnshire has positively engaged with its Local Safeguarding Children Board (LSCB), which has included undertaking an audit which assessed CPS performance and raised the profile of the CPS with the LSCB.

Child abuse

In CPS Dorset, the child abuse coordinator has close links with both the police and Witness Service, including the provision of training to the Witness Service, in particular in respect of child witnesses.

Achieving best evidence recorded interviews

In CPS Greater Manchester, work is being undertaken with police to consolidate and improve the opportunity for child victims and witnesses to refresh their memories from the viewing of their video recorded interviews prior to the trial date. (City of Manchester branch)

CPS Suffolk, provided child interview training for social workers and police, and were involved in the police child abuse investigation unit audit and review of video recorded interviews.

A number of other areas mentioned joint work with police to improve video recorded interviews including South Yorkshire, South Wales and North Yorkshire.

Safeguarding children as witnesses

CPS Humberside has identified as potential future national practice their involvement with the Young Witness Service and the protocol that has been developed with young witnesses.

⁹ Examples obtained from question 12: *Can you provide any examples of analysis which have identified and improved the level of service for dealing with children and young people?*, and question 22, which requests any further comments including good practice.

Special measures

In CPS Cleveland, a review of case management processes in the youth court led to oral applications for special measures at the first hearing, and better provision of pre-trial visits including where possible the attendance of ushers at pre-trial visits who then subsequently dealt with the trial.

In CPS West Midlands, analysis of failed cases identified a problem in the provision of special measures, namely that the special measures facility allowed the child to see the face of the offender through a reflection which affected the delivery of evidence. This has been resolved.

In CPS Devon and Cornwall, better equipment was obtained for the giving of evidence behind screens in response to concerns raised.

In CPS Greater Manchester, cross agency (police, CPS, witness care unit and magistrates' court) enhanced case progression meetings have led to the early identification and allocation of trial advocates to special measures cases. (City of Manchester branch)

CPS Hertfordshire and CPS Thames Valley have also undertaken work to ensure a greater emphasis on early identification of special measures.

Listing arrangements

CPS Dyfed Powys' consultation with the Witness Service led to increased phasing in witness warnings to reduce children's waiting times.

In CPS Greater Manchester, analysis of cracked and ineffective trials has resulted in improved court listing arrangements for trials involving special measures at youth court (Rochdale/Bury branch), and Crown Court User group meetings have resulted in better witness warning practices, for example victims of child abuse being warned to attend court later in the day after pre-trial issues have been addressed.

CPS North Yorkshire has introduced witness waiting protocols in youth cases for youth victims and witnesses, which include the use of standby arrangements to avoid lengthy waiting times at court.

Young persons before the courts

In CPS Bedfordshire a large proportion of youth work was attributable to looked-after children and misbehaviour in children's homes. Joint work was undertaken at the LCJB level including development of a local protocol, which resulted in the better management of such cases. (Areas including Avon and Somerset, Staffordshire and West Mercia have also undertaken work in relation to looked-after children)

A number of areas have undertaken joint analysis and/or meetings to improve the timeliness of cases involving persistent young offenders. (Areas included: West Yorkshire; Suffolk; North Yorkshire; Norfolk; Gloucestershire; Avon and Somerset; Cleveland; and Cumbria)

If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.

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