

HM CROWN PROSECUTION SERVICE INSPECTORATE

THEMATIC REVIEW OF THE ROLE AND CONTRIBUTION OF THE CROWN PROSECUTION SERVICE TO THE SAFEGUARDING OF CHILDREN

EXECUTIVE SUMMARY

Introduction

1. This report examines the role and contribution of the CPS to the safeguarding of children.
2. In October 2002 *Safeguarding Children: A Joint Chief Inspectors' Report on Arrangements to Safeguard Children* ("the Report") was published. It identified good practice and made recommendations to Government Departments and agencies, both national and local. Between November 2004 - February 2005 Her Majesty's Crown Prosecution Service Inspectorate participated in the second joint review of safeguards for children. This review considered performance in the period 2002 – 05, in line with a Government commitment made in the 1998 White Paper *Modernising Social Services*, that a review would be carried out every three years focusing upon the safeguarding arrangements by local agencies, and the work of the Area Child Protection Committees (ACPCs), to fulfil their responsibilities as set out in *Working Together to Safeguard Children*.
3. The primary aim of the second joint review was to identify two key outcomes: that children are safe; and children feel safe. The review also examined the progress made against the recommendations since the first published Report and the current position of safeguarding arrangements at national and local levels within the agencies.
4. The Inspection was led by the Commission for Social Care Inspection (CSCI) and conducted together with the following inspectorates: the Healthcare Commission (CH); Office for Standards in Education (Ofsted); Her Majesty's Inspectorate of Constabulary (HMIC), Her Majesty's Inspectorate of Prisons (HMI Prisons), Her Majesty's Inspectorate of Probation (HMI Probation), Her Majesty's Inspectorate of Court Administration (HMICA) and Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS).
5. The second joint review will report on the arrangements across agencies to safeguard children, giving particular attention to children's views and experiences. The report will focus on four main themes:
 - * children living at home;
 - * children living away from home;
 - * children and the justice system; and
 - * children seeking asylum.

Within these areas the review will consider four standards, whether:

- * children are safeguarded and protected;
 - * child welfare concerns are identified and responded to appropriately;
 - * safeguarding children is prioritised; and
 - * agencies and professionals work together to safeguard children.
6. The first Report identified some good practice within the Crown Prosecution Service (CPS). It also contained one recommendation regarding the CPS, which if implemented would result in further recommendations impacting upon the Service as members of local ACPCs. Additionally, HMCPSI provided a synopsis of good practice and action points for the CPS in order to identify and expand upon issues of particular relevance to the CPS (Annex 1 of the current report).
7. This thematic review considers the progress made by the CPS since the last Report and the aspects identified within the first joint inspection requiring more attention; further recommendations are made as necessary. Progress against the recommendations and action points is detailed at Annex 2 of the report. Good practice, recommendations and aspects for improvement identified during our latest inspection cycle and emerging from the second joint inspection are detailed at Annex 3.

Safeguarding children

8. The term safeguarding has not been defined in law or Government guidance. In the first review the term was taken to mean:
- * all agencies working with children, young people and their families take all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and
 - * where there are concerns about children and young people's welfare, all agencies take all appropriate actions to address those concerns, working to agreed local policies and procedures in full partnership with other local agencies.
9. At its simplest, however, safeguarding can be defined as "Keeping children safe from harm, such as illness, abuse and injury" - which for the CPS relates to child victims, witnesses and offenders in terms of criminal behaviour - although this should not be considered purely in terms of "child abuse", which the CPS have defined as neglect, physical injury, sexual abuse and/or emotional abuse.
10. Most of the agencies subject to this inspection have more substantial direct involvement in the care of - or contact with – children, than the CPS, which has a different type of role in safeguarding children:
- * as victims (in child abuse and rape cases, and the involvement of children in prostitution);
 - * as witnesses; and
 - * as young offenders.

11. Some examples of the role of the CPS in safeguarding children are:
- * 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 cases of child abuse;
 - * alertness to the involvement of children in prostitution, and the CPS policy of regarding them as victims;
 - * consideration of the wider impact of offences of domestic violence upon children of the family;
 - * consideration of the use of children as witnesses, witness care and of Special Measures to enable them to give evidence in the best way possible in terms of quality of their evidence and reducing trauma to them;
 - * high standards of advice, decision-making (as to prosecution or diversion), case preparation and advocacy in relation to child offenders; and
 - * a close and positive working relation with other agencies and participation in Area Child Protection Committees or, in future, Local Safeguarding Children Boards (LSCBs).

Methodology

12. HMCPSI undertook a review on the criminal justice aspect examining:
- * the extent to which the CPS as a whole, and the individual Areas, have achieved/implemented the recommendations in the first Safeguarding Children Report and the action points and good practice identified in the synopsis;
 - * what action CPS Areas take to prioritise safeguarding children and how they work with other agencies to further this; and
 - * the extent to which HMCPSI itself has achieved/implemented the recommendations.
13. The review drew on existing mainstream evidence backed up by assistance from CPS Policy Directorate to maximise the range of information, while minimising the burden on the CPS. Each CPS Area reports to Policy Directorate on the implementation of the Action Plan for the Safeguarding Children Report, and reports and data from the second (2002 – 04) HMCPSI Area inspection cycle of the 42 CPS Areas were used as appropriate. The inspection team also analysed relevant joint thematic reviews, namely: *Violence at Home: A Joint Thematic Inspection of the Investigation and Prosecution of Cases Involving Domestic Violence* (published February 2004); and the *Joint Inspection into the Investigation and Prosecution of Cases involving Allegations of Rape* (April 2002), both of which were jointly written by HMCPSI and HMIC.

Children's issues and the CPS

14. There is much to commend about work undertaken by the CPS in relation to children subject to abuse and affected by domestic violence, and in relation to child witnesses and young offenders. This provides a strong foundation to build upon. Nonetheless, safeguarding children is not a stated national priority for the CPS; as a consequence the issue is not addressed consistently and comprehensively across the Service. The various strands of work, namely children as victims, witnesses and offenders, are not linked under the safeguarding banner and this lessens the impact of some of the positive work being undertaken both nationally and locally on specific topics.
15. Certain issues that relate to children and fall under the umbrella of safeguarding are clear priorities, although they come under other headings, for example child abuse, domestic violence and witness care. The current view is that children's issues are implicitly woven into other policies. For instance the three key principles of CPS policy in relation to child abuse – expedition, sensitivity and fairness - have been in existence for over a decade, and the CPS Domestic Violence Guidance contains a section on how cases involving children should be approached. There is no specific detail in the CPS Strategic Plan on safeguarding children, and the gap was compounded by the temporary absence of a Policy Adviser at the time of this review and the lack of definition of the position, albeit this was under consideration. The Policy Statement on child abuse was also in need of updating.
16. The links between Headquarters and the Areas could be improved - to date Policy Directorate has not received any information from individual Areas identifying good practice, and an overview of all issues relating to children to link the various strands would be welcomed by Areas.
17. Despite the commitment of many specialists at local level, the approach nationally and locally to child victims needs to be re-inforced in terms of safeguarding children. The time is due for a revised Policy Statement and supporting Guidance. The CPS now has an integrated case management system (CMS) which, if adapted, has the ability to monitor case outcomes. There is also a need for consistent management of cases involving child victims at local level to ensure expedition, and that applications for Special Measures for giving evidence take account of the views of the child, the circumstances of the case, and are timely.
18. The CPS is committed to a programme of witness care under the No Witness No Justice initiative, which includes issues relating to children. Data available from CMS, collated from Area monitoring between April 2003 - March 2004, shows that of the 6,064 witnesses requiring Special Measures, 74% were children (4,487). This highlights the considerable number of children that need safeguarding under the remit of witness care. This strand of work is appropriately prioritised, although it is not linked to the overall theme of safeguarding children.

19. Youth cases are also appropriately prioritised and generally good standards maintained; this area of work is mainstreamed at national and local level within the CPS. Again, this strand of work is not linked nationally or locally under the banner of safeguarding children.
20. Domestic violence has also now been mainstreamed within the CPS at national level, with a considerable commitment of resources. In the past the ethos of the Domestic Violence Policy and Guidance had not filtered down to everyone at the front-line within Areas. The revised policy documents and newly compiled training packages clearly address the issue of children, which is very positive and encouraging. The impact of domestic violence upon children within the household has been highlighted and needs to be given full consideration as to whether it may constitute actual abuse of the child, and as to whether they should be considered as witnesses in cases involving their carer.
21. There is a limited ability across the CPS to learn lessons from safeguarding children issues because insufficient data is collated and analysed and, often, there is no mechanism to feed information into Headquarters. Many aspects of the work undertaken by the CPS in relation to children within child abuse, domestic violence and youth cases, and witness care issues, have been commended. Nevertheless, the capacity to learn lessons under these headings could improve, particularly in relation to child abuse cases.
22. The national position needs to be clearly stated to support the implicit coverage of safeguarding issues under various public Policy Statements. The significant gaps in relation to child abuse issues need addressing with some priority. Similarly the ability of the CPS, both nationally and locally, to learn from experience and to collate and utilise data relating to safeguarding issues effectively, needs improvement. Consideration of some Human Resource policies would also be desirable.

Recommendations

23. To assist the CPS in improving its performance in relation to safeguarding children, we have made the following recommendations:
 1. 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 (paragraph 3.2).
 2. Involvement with, and attendance (where appropriate) at, Local Safeguarding Children Boards should be encouraged and appropriate guidance issued (paragraph 3.11).
 3. 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 (paragraph 4.1).

4. 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 (paragraph 4.3).
5. A Child Abuse Co-ordinators' network should be established and link with the various other recognised networks relating to the safeguarding of children (paragraph 4.8).
6. 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 (paragraph 4.10).
7. Human resource policies relating to vetting procedures, updating of checks and debriefing staff should be considered further (paragraph 9.5).

Update

24. This review took place between January - March 2005. Before and during that time the CPS were considering the structure of Policy Directorate and identifying priority topics. The new Policy Adviser had been appointed in November 2004, but was only able to take up the post in April 2005 to lead on the identified priority topic of children and to work as part of a team which will contribute to the work involved.

The full text of the report may be obtained from the Business Support Group at HMCPs Inspectorate (telephone 020 7210 1197) and is also available at www.hmcp.si.gov.uk.

HMCPs Inspectorate
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