



# Briefing



## **Messages from the third Joint Chief Inspectors' Review on arrangements to safeguard children – for Youth Offending Teams (YOTs) and Probation Areas in England**

It may seem strange publishing this briefing some time after the original report publication, but we have found a lack of knowledge about the report in the last 18 months. The purpose of this briefing therefore is to disseminate the messages and encourage action, whilst acknowledging that in the time that has elapsed, some issues have moved on considerably.

The third joint Chief Inspectors' report on arrangements to safeguard children was published in July 2008. It drew on individual and joint inspection activity; and followed two previous reports published in 2002 and 2005.

This report found many improvements over the previous three years which sat within the changing landscape of children's services underpinned by the Children Act 2004 and the Every Child Matters agenda. However, there were also a number of recurring issues which indicated that some children were still not well enough served by public services.

The report made a number of recommendations to improve safeguarding arrangements for children and young people. If implemented these would lead to improvements in the quality of life for children and their families.

As many of the recommendations involved directly or indirectly youth offending teams, secure establishments and probation areas, this briefing paper outlines the key issues that need to be addressed.

The children's version, the full report and the summary are all available on [www.safeguardingchildren.org.uk](http://www.safeguardingchildren.org.uk) & [www.ofsted.gov.uk](http://www.ofsted.gov.uk) We advise all members of staff in these agencies to read the report and act on the recommendations and to revisit *Working Together to Safeguard Children*<sup>1</sup> – a guide to inter-agency working to safeguard and promote the welfare of children, 2006 to ensure they are familiar with their own roles and responsibilities and those of others.

### **'Safeguarding' children is defined 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.'<sup>2</sup>

HMI Probation's contribution to the third *Safeguarding Review* comprised of a wealth of data taken from the 31 YOT and 16 Offender Management Inspections carried out in 2006/2007. Analysis of over 3,200 case files provided evidence for the review. Other inspection and survey findings have also been used, many provided through HMI Prisons.

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# Key Findings

## The safeguarding framework

Probation areas were, most often, well established within local arrangements, but YOTs were less well prepared and embedded.

- **Local Safeguarding Children Boards** – An Ofsted review revealed that, although probation was a full and effective strategic member of Local Safeguarding Children Boards, YOTs were often not represented on their Executive Board. Some contributed to relevant subgroups, e.g. child sexual exploitation, children who harm other children.
- **The duty to cooperate to ensure that needs are met (S10 Children Act 2004)** – The effective and continuous development of joint working was inhibited by a wide range of time-limited funding streams. Despite operating for several years, the long term future of many prevention and early intervention services remained uncertain.
- **Multi-Agency Public Protection Arrangements (MAPPA)** – Probation played a central role in MAPPA, but not all YOTs were linked into their Strategic Management Board. There was a lack of clarity about the role, function and responsibilities of some YOTs in these arrangements. YOT case managers were often uncertain about how the system worked, how to refer cases and what their responsibilities were.
- **Safe recruitment and vetting** – Probation and YOT services were generally clear about their responsibilities in recruitment, vetting and reviewing the status of employees and volunteers, but we noted examples of staff taking up their duties prior to Criminal Records Bureau (CRB) clearance.

### Recommendations – 1

All agencies that have a statutory duty to cooperate (local authority children’s services, district councils, police, primary care trusts, NHS trusts, Connexions, probation, youth offending service, Cafcass, secure training centres and prisons) should ensure that they are fully compliant in respect of statutory membership of Local Safeguarding Children Boards by 1 September 2008.<sup>3</sup>

The Ministry of Justice, the Home Office and the Department for Children, Schools and Families should clarify the roles, functions and responsibilities of agencies contributing to multi-agency public protection arrangements (MAPPA) and ensure that relevant agencies meet them fully.

Local Safeguarding Children Boards should ensure that robust quality assurance processes are in place to monitor compliance by relevant agencies within their area with requirements to support safe recruitment practices. These processes should include regular audits of vetting practice and random sampling of compliance with checks with the Criminal Record Bureau.

## The wider safeguarding role of public services

A shared, consistent understanding of safeguarding and the promotion of well-being was still not in place, particularly between social care services and the criminal justice services.

- **Prioritising safeguarding** – Organisationally, many YOTs were now moving into children and young people’s services but, in some areas, full integration had either not been realised or did not extend beyond senior management level. Little difference was, therefore, noted in front line practice or outcomes.
- **Health needs** – A joint review of the first 55 YOT inspections had found that many children and young people who had committed offences had insufficient access to healthcare.<sup>4</sup> This was often due to an absence of parental support. Although there had been improvements, we found that substantial areas for improvement remained:

*A disclosed that her ex-boyfriend who had been violent towards her was about to be released from a custodial sentence. Liaising with probation, the YOT worker ensured that his licence stipulated he should not contact A. Additional support was offered and enquiries made about a non-molestation order. The worker maintained regular contact with all agencies to ensure compliance with the order.*

**Birmingham**

- Tackling substance misuse** – Of the cases included in our inspections both the misuse of alcohol was a key factor in 35% and of drugs in 39%. Although timely screening and interventions were improving, the quality and effectiveness of links between the YOTs and their local drug and alcohol abuse services varied considerably. Particular difficulties were noted at points of transfer between community and custody, when support needs were greatest.

ii. **Child and Adolescent Mental Health Services (CAMHS)** – YOT inspections showed 41% of children and young people had emotional or mental health needs. For those in custody, this rose to 60% – with 14% vulnerable to self-harm. Difficulties remained in effecting transition between children’s and adults’ mental health services.

- **Domestic violence** – The National Offender Management Service (NOMS) introduced a Domestic Abuse Policy and Strategy in 2005 raising the profile of this issue for probation by promoting a whole-service approach. 23% of the probation cases reviewed had a history of domestic violence. Although we saw a number of outstanding examples of probation staff supporting victims, responses to adult offenders with a history of domestic violence were inadequate in half of the cases seen. Communication between probation and the police about domestic abuse call-outs was not effective in one-third of cases. We also noted delays in delivering Spousal Assault Risk Assessments and the Integrated Domestic Abuse Programme.

- **Reducing teenage pregnancy** – Pregnancy and caring responsibilities impacted on a high proportion of those attending YOTs. Surveys<sup>5</sup> of children and young people showed that pregnancy was often cited as a reason for non compliance, as was having a partner who was pregnant or had difficulties in arranging childcare. 11% of those in custody declared themselves as parents.

- **Bullying** – One-third of all children and young people in the criminal justice system with an educational difficulty report attributed the problems they had experienced to being bullied. A positive use of restorative justice was being promoted by some YOTs to address these issues.

*B’s family situation impacted on his schooling and he was on the child protection register because of neglect. The prevention worker attended child protection meetings participating and liaising with others. B was referred to Positive Activities for Young People (PAYP) and his parents to a parenting group. As a result of B’s progress, he was removed from the child protection register, had improved achievement at school, and displayed increased interpersonal skills. This was demonstrated by B receiving an award at school and being made a prefect.*

**Kensington & Chelsea**

All government departments, agencies and relevant inspectorates should specifically include the impact of domestic violence on children and young people within their risk assessments for planning, delivering, evaluating or inspecting safeguarding services.

## Safeguarding vulnerable groups of children

Children who had committed crimes were more likely than the majority of children to have been Looked After, to have been abused or to have experienced domestic violence. While YOTs provided numerous examples of individual good practice in working with children and young people, many of them had a range of needs that went undetected or unaddressed.

- **Vulnerability** – High proportions of children and young people who had offended were considered either a risk to themselves (31%) or at risk from others (17% overall). We found that, overall, YOTs failed to address these concerns sufficiently in 29% (88) of 305 cases where safeguarding featured strongly. Practice varied considerably and in some areas the proportion of cases needing further intervention was as high as 45%.

- **Relationships with social care services** – Operational relationships between YOTs and those social care services critical to achieving positive outcomes for children and young people ranged from excellent to poor, with only 54% of YOTs inspected having sufficient or better joint working

with social care services. There were shortcomings in: communication; definition of roles and responsibilities; agreements about thresholds for services; the implementation of protocols; and information sharing. Bringing YOTs within children’s services had not resulted in real improvements in coordinated practice.

- **Workforce** – The decreasing numbers of social workers with current social care experience seconded to YOTs adversely affected their capacity to use key safeguarding skills and knowledge. It also reduced the effectiveness of liaison. Education/learning services, police and National Health Service (NHS) Trusts often

## Recommendations – 2

The Department for Children, Schools and Families, the Department of Health and the Ministry of Justice should increase and better target child and adolescent mental health services in order to improve access to these services for children and young people with learning difficulties and/or disabilities and those who are in the criminal justice system.



seconded suitably trained and experienced staff, but the number of seconded probation staff was falling; that commitment increasingly being delivered through funding arrangements.

- **Safe accommodation** – Recommendations resulting from a lack of safe accommodation for homeless and vulnerable 16-18 year olds were made in almost 25% of YOT inspections. Some areas lacked community provision for those remanded to local authority accommodation. Where such dedicated accommodation existed, it was often decreasing. Other areas lacked safe accommodation for those transferring to the community after custody.
- **Health needs** – Almost 15% of children in YOT inspections had identified physical health needs; this rose to 29% of those in custody. One in six YOTs did not have a healthcare worker and one in three did not have a mental health worker. For those going into custody, only around half had a health related plan; healthcare planning was poor in one in five cases.
- **Learning needs** – Few children and young people who had offended had formal statements of educational need but many had needs which had not been adequately addressed. 14% of those in the criminal justice system had learning difficulties. In custody, the figure rose to 28%. Substantial numbers had been excluded from statutory education (either fixed term or permanent). Although YOTs were generally good at identifying and addressing these needs, Young Offenders Institution (YOI) surveys showed that 29% of girls and 34% of boys felt they required help with reading, writing and maths.
- **Individual need** – In 2006/2007, children and young people from black and minority ethnic groups were over-represented in relation to the total population in 74% of YOT areas in England. YOTs were aware of this and worked to identify and tackle the issues, all carrying out a race audit followed by implementation of action plans. The YJB had noted a slight improvement in 2007/2008.
- **Looked After Children and care leavers** – Looked After Children are more likely to enter the youth justice system and are less likely to succeed in life than other children. Of our sample of 226 children and young people in custody, 17% were Looked After. In YOI surveys, 29% of boys and 44% of girls reported that they had been Looked After at some point

in their lives. 25% of those who had been Looked After and were now in custody did not receive an adequate service from their social care services, particularly reduced contact with social workers. Some social care services had, inappropriately, transferred the (non-delegable) responsibility to the YOT for those remanded to local authority accommodation. However, we found good contact and joint working between YOTs and leaving care services, and active involvement of YOTs in pathway planning.

- **Children and young people as victims of, or witnessing crime** – YOT inspections found few targeted services for children as victims of crime to help them obtain reparation or achieve 'closure'. Mediation and restorative justice relied on patchy, local initiatives. Some individual examples of sensitive practice stood out. Probation area inspections found that safeguarding children and young people or victim's needs from specific offenders required greater attention in over one-third of relevant cases.

### Recommendations – 3

Local authorities should make adequate provision of safe, sustainable and supported accommodation and stop the use of 'bed and breakfast' accommodation for care leavers and young people both at risk of custodial remand or returning to communities from custodial settings.

The Department for Children, Schools and Families and the Youth Justice Board should:

- provide guidance to staff working in custodial and residential settings on the behaviour management of children and young people. Such guidance should include a model behaviour management strategy and emphasise that restraint should only be used as a last resort and should not be used solely to gain compliance. The guidance should make clear that methods of restraint should not rely on pain compliance.
- issue a requirement that all incidences when restraint is used in custodial settings and which result in an injury to a young person are notified to, monitored and publicly reported by the Local Safeguarding Children Board.

*Collaborative work took place between the YOS and social care with C, convicted of a sexual offence (having been previously on the child protection register). A good pre-sentence report, supplemented by an AIM (Assessment, Intervention, Move On) assessment, resulted in a comprehensive package of appropriate interventions being delivered to him and his parents. These included mentor support in school and his father engaging with a parenting group. Importantly, the safeguarding issues concerning other children and young people had also been positively addressed.*

- issue a requirement that all incidents of strip-searching of young people in custodial settings are risk assessed and recorded and that this data should be monitored by prison safeguarding committees. The Youth Justice Board should monitor the aggregated data nationally across the secure estate.
- provide long-term funding for social work input into young offender institutions.

The Department for Children, Schools and Families, Department of Health and the Youth Justice Board should make the necessary provision to ensure that all children who display, or are convicted of, sexually harmful behaviours are assessed and their needs for treatment are met.

The Department for Children, Schools and Families, the Department of Health and the Ministry of Justice/Youth Justice Board should ensure continuity in the provision of mainstream services, particularly health and education, when young people return from a secure setting into the community.

## Child protection

Concerns remained about the identification and management of children and young people in the youth justice system that may be at risk or in need.

- **Compliance with 'Working together to safeguard children'** – Although compliance with child protection procedures was generally good or better by both the probation and YOT services, we found a small

number of cases where child protection procedures had not been adequately followed. The YJB provided limited advice on YOTs' statutory obligations and there was no best practice guidance in relation to vulnerability and safeguarding.

- **Identification, assessment and management of children at risk or in need**

– One in five of all pre-sentence reports by YOTs was poor in assessing vulnerability and one in five probation cases were insufficient in assessing safeguarding issues. Understanding of respective organisational responsibilities was improving but still not embedded in all agencies. Referral thresholds in social care services remained high in some areas, and 2% of sample children and young people in the community

*D was 15 when she was sentenced to an 18 month detention and training order (DTO) and five year antisocial behaviour order (ASBO) for an offence of robbery. She then became pregnant and gave birth to a child. The YOT negotiated a place in a mother and baby unit for her. Despite often being reluctant to engage she was supported in engaging with all services. She requested that the YOT continue involvement after her licence expired. It was able to withdraw when all were satisfied that support systems were in place for D and her baby. D also did not reoffend throughout her licence period.*

**Plymouth**

and 3% in custody were on the Child Protection Register. In the community 18% of children who had offended were assessed as at risk of self-harm, while 16% were, or had been at risk from others. In custody these figures rose to 37% and 35% respectively. YOTs had good child protection policies/procedures in place, though at times they were not applied consistently.

- **Home visiting** – The practice of home visiting was not well established in either probation or YOTs. One-third of cases of children and young people and just under half the probation cases, with a relevant need, did not receive any home visit.
- **Vulnerability planning** – This was not in place with most cases and, even where present, did not always reflect the actual levels of vulnerability or the steps taken to protect and support the child. In addition, 37% of probation risk assessments failed to take sufficient account of victim safety.
- **Children and young people who pose risk to other children and young people** – Access to therapeutic treatment for children convicted of a sexual offence was limited, notably for those in custody. Few were fully assessed and, while in custody, did not have access to accredited sex offender programmes. Consequently, some were released without having had their risk of harm to others effectively addressed.
- **Outcomes** – YOT inspections judged that appropriate action had been taken with 82% of the children and young people assessed as at risk of harm. This meant that almost one in five did not receive an adequate response. Of those vulnerable to harm in custody, we judged that 91% had received appropriate action. When

surveyed during YOT inspections, they were less confident in the interventions received.<sup>6</sup> 14% in the community had felt unsafe (75% said the YOT helped them in being safe). In custody the figures were 16% and 70% respectively.

- **Common Assessment Framework (CAF)**

**and information sharing** – Difficulties persisted in sharing information on the needs of individual children and young people. Assessment processes in Onset and Asset (Youth Justice Board approved assessment tools for those who are likely to offend or who have offended) had not been aligned with the CAF. This did not promote effective communication or

information sharing when assessing eligibility for targeted/specialist services. Health information was even less effectively shared. The lack of initial information sent to YOIs by YOTs remained problematic. Forthcoming guidance from the YJB aimed to further address this, as well as communication between relevant agencies and practitioners. The general guidance on confidentiality was also being reviewed by the General Medical Council.<sup>7</sup>

- **Management, accountability and training** – In YOTs, satisfactory spans of control and clear systems of supervision and appraisal of staff were in place, but wide variations were noted in oversight of performance management by Management Boards. There was limited evidence of vulnerability and safeguarding issues being systematically reported to senior management. Similar findings were made in Offender Management Inspections; fewer than half the cases with safeguarding issues showed evidence of effective managerial involvement. Training in YOTs was generally satisfactory or better, with good examples of inter-agency training. Plans identifying safeguarding and child protection training needs of staff were mostly in place.

#### Recommendations – 4

The Department for Children, Schools and Families and Ofsted should report annually on the outcomes of serious case reviews (Ofsted) and ensure that the national dissemination of biennial reports on the lessons learned is timely (the Department for Children, Schools and Families).

The Department for Children, Schools and Families and the Youth Justice Board should ensure that the assessment tools used within the youth offending service and secure settings are robust in addressing the safeguarding needs of children and young people.

The Department for Children, Schools and Families, the Department of Health, the Home Office and the Ministry of Justice should ensure that information sharing arrangements between healthcare professionals and other professionals providing services for children are in place and monitored to ensure informed and coordinated service provision.

All agencies providing services to children should clarify the chain of accountability and responsibilities for child protection from the front line through to their most senior level.

<sup>2</sup> The Children Act 2004 established a statutory duty on agencies to cooperate to promote the well-being of children and young people.

<sup>3</sup> See 2.

<sup>4</sup> *Let's talk about it – A review of healthcare in the community for young people who offend*, Healthcare Commission and HMI Probation, November 2006.

<sup>5</sup> Since 2005 1,224 children and young people aged 10-17 have responded to an HMI Probation commissioned computer survey (Viewpoint), installed to gain their views about their involvement with YOTs.

<sup>6</sup> See 5

<sup>7</sup> Confidentiality: protecting and providing information, General Medical Council, April 2004.

<sup>1</sup> *Working Together to Safeguard Children* HM Government 2006 TSO – [www.tsoshop.co.uk](http://www.tsoshop.co.uk)