



**METROPOLITAN
POLICE**

Working for a safer London

**METROPOLITAN POLICE SERVICE
RESPONSE TO
'EVERY CHILD MATTERS'**

**A GOVERNMENT GREEN PAPER ON
IMPROVING SERVICES FOR CHILDREN**



1. INTRODUCTION

- 1.1 The Metropolitan Police Service (MPS) aims to make London a safer place for children, led by the Child Protection and Youth Justice departments. The MPS welcomes this innovative Green Paper and supports many of its proposals.
- 1.2 We are however concerned there is no mention of London as an area where 'special arrangements will have to be made'.¹ We strongly recommend that future arrangements include support for London's Safeguarding Children Boards to provide strategic leadership and direction. We are also concerned, in light of the Victoria Climbié Inquiry, that child protection could be heavily subsumed within children's services and is not accorded sufficient emphasis. The prioritisation of child protection services needs to be reinforced.
- 1.3 Providing a service for the whole of London, the MPS work in partnership with 32 London Boroughs (plus the Corporation of London), five Strategic Health Authorities, the London Ambulance Service, the London Fire Brigade, major children's charities and many other organisations in the public, private and voluntary sectors.
- 1.4 The MPS provides safeguarding children services at borough level through a single central command structure for London. No other agency has this pan-London capacity. These services are delivered through the Child Protection Command, part of the Specialist Crime Directorate known as SCD5. Together with the Greater London Association of Directors for Social Services, the MPS played a significant role in forming the London Child Protection Committee (LCPC). The LCPC has produced and distributed a single set of procedures for London replacing local guidance issued by London's Area Child Protection Committees. Our training strategy is predicated on the London Child Protection Procedures and facilitates the movement of professionals between London boroughs. These are tangible examples of the need for a pan-London body to co-ordinate safeguarding children initiatives across the 32 boroughs and the MPS wish to take this opportunity to stress the importance of an adequately resourced, officially recognised body for the strategic leadership of London's child protection arrangements.
- 1.5 This response has been shaped by the acquired wisdom since the inception of SCD5 culminating in two days internal consultation. Managers from within the command and from the wider MPS community attended this event. The comments that follow have been organised and grouped in accordance with the Green Paper and consultation

¹ The Victoria Climbié Inquiry – Report of an Inquiry by Lord Laming, January 2003, London, HMSO, paragraph 1.39

questions.

2 CHAPTER 2 – STRONG FOUNDATIONS

2.1 We welcome the government's determination to improve services for children and young people. In particular we welcome the links made in this chapter between youth offending, anti-social behaviour and safeguarding children. The MPS already makes a significant contribution to this agenda through our commitment to Youth Offending Teams, Crime and Disorder Partnerships, Drug Action Teams, MAPPA, Community Safety Units, Child Protection Units and through schools involvement and family liaison officers. There is clearly a need for consolidation of these initiatives wherever possible at a borough level and stronger links must be developed both between initiatives and with local communities.

- ***How can we improve support for unaccompanied asylum seeking children, building on the work of the Children's Panel?***

2.2 We believe that 'asylum seeking' defines this problem too narrowly and are concerned that this term has acquired intractable negative connotations. Our scoping of the problem in London has identified 180 unaccompanied children, not asylum seekers, entering the capital from non-EU countries per week via Heathrow.

2.3 Operation 'Paladin Child' has been initiated at Heathrow as a three-month multi-agency study to establish the numbers of non-EU children under 18 entering the country without their parents or legal guardians. Early indications are that large numbers of children potentially in-need arrive at Heathrow and are slipping through the net. Our experience tells us that such 'unaccompanied' children will arrive at ports where they are least likely to be intercepted. Consequently a national co-ordinated response is needed at all UK ports involving immigration, police, social and voluntary services. This will ensure that the needs of all unaccompanied children entering the country through recognised routes are assessed and protective action taken where necessary. Such an initiative will also provide intelligence on children who are trafficked for illegal purposes and will lead to positive interventions.

2.4 Strong links will be needed between port-based multi-agency units and local safeguarding children services. Safeguarding Children Boards would be the natural local body to engage with a national initiative. Government will need to ensure that port-based teams have adequate resources routed through an appropriate agency or structure. Work has already started in this area by the National Criminal Intelligence Service under its 2003/4 objective to support the Reflex Strategy.²

² <http://www.ncis.co.uk/serviceplan/serviceplan2.3.asp>

- ***How can we ensure that serious welfare concerns are appropriately dealt with alongside criminal proceedings?***

2.5 There is a real and urgent need for better co-ordination of criminal and family court proceedings to ensure that proceedings incorporate both the public interest and the interests of the individual children involved. The CPS should be involved at an early stage where care proceedings may be brought. Directions' Hearings could be held in parallel. The Department of Constitutional Affairs are in the process of preparing guidance for parallel proceedings dealing with welfare / justice issues, disclosure and timing. Training is needed to improve knowledge and awareness for the judiciary, lawyers, CAFCASS, CPS and safeguarding children practitioners.

2.6 At present criminal proceedings are perceived by some partner agencies as a threat to the welfare needs of children and families as the prospect of such proceedings can interfere with the level and nature of support services. This culture needs to be challenged effectively and case supervision improved. Multi-agency case reviews should be held to discuss these issues in an open and honest manner, involving the CPS where appropriate. Government guidance should highlight children's right to seek justice and make clear that criminal proceedings are sometimes necessary to protect children.

2.7 Where criminal proceedings are envisaged, other agencies perceive the ensuing welfare needs – in respect of the probable impact of these proceedings – to be the responsibility of others. In these circumstances, social services are reluctant to commission supporting services, such as the NSPCC witness support programme. Impending government guidance should deal with this issue in detail making clear each agency's responsibility for commissioning such services.

2.8 We support the proposal that YOTs are incorporated into Children's Trusts as this will help reduce the cultural distance between youth offending and safeguarding children services. There will need to be clear and effective links with Safeguarding Children Boards and agreement on responsibilities.

- ***How can we encourage clusters of schools to work together around extended schools?***

2.9 We support extended schools, as these are likely to provide positive environments where children's needs can be better understood and assessed. However, care must be taken to avoid any tendency for extended schools to become a dumping ground for children with behavioural or other social problems. This could create a cohort of stigmatised children where learning is not prioritised.

- 2.10 A related concern is that extended schools might absolve parents and carers from their responsibilities towards their children during the times of operation. This could allow neglectful parents to remain hidden from scrutiny. Assessment of families should regularly establish their capacity to care for their children and ensure that care provision within extended schools is being used appropriately.

3 CHAPTER 3 – SUPPORTING PARENTS AND CARERS

- 3.1 The proposals outlined in this chapter do not require a detailed MPS response. In general, we support the initiatives outlined and proposals for improved support and assessment.
- 3.2 We acknowledge the principle that children's best interests are most likely to be met at home with their families but are concerned that there is insufficient emphasis on the detrimental effects of leaving children for long periods in circumstances that have become chronically neglectful. We wish to stress the emotional abuse inherent in child abuse and the particularly challenging nature of this aspect of safeguarding children.
- 3.3 Managers who have the knowledge and skills to challenge assumptions and take steps to promote effective intervention must regularly review programmes of support.

4 CHAPTER 4 – EARLY INTERVENTION AND EFFECTIVE PROTECTION

- 4.1 The driver for this initiative is Identification, Referral and Tracking (IRT). London has three Trailblazer pilots and the MPS has made links with all London IRT projects through its Youth Policy Unit and through SCD5. The MPS supports the principle of preventing children entering the child protection system through early intervention but we doubt whether the current legal and ethical framework can adequately support IRT. Recent government guidance has helped to some extent in clearly summarising the legal issues but new legislation is needed to provide a robust infrastructure to enable IRT to operate effectively.
- ***What currently gets in the way of effective information sharing, and how can we remove the barriers?***
- 4.2 There are three main barriers to effective (i.e. early) information sharing; legal, cultural and technical.

- 4.3 'What to do if you're worried a child is being abused' sets out the current legal framework.³ In summary, there is a conflict between sharing information as a potential piece of the jigsaw⁴ and the expectation of confidentiality protecting personal information. Where information has 'status' in terms of preventing crime or where the 'significant harm' threshold may be met, the existing legal framework is adequate. Where information – by itself – lacks such 'status', consent is required from both carer and child.⁵
- 4.4 There exists then a circular argument; to effectively intervene requires early information sharing in order for its status to be properly assessed, yet information cannot be shared (without consent) unless it is serious enough to have acquired status. In this framework the 'piece of the jigsaw' – in IRT parlance, "the information hub feed" – can only be shared with informed consent. In child protection terms the reliance on informed consent is often self-defeating (see 4.12 below). Whilst we hope that it can, new legislation may not go far enough to resolve this conflict and we are concerned that Human Rights Act compliance may prove overly restrictive.
- 4.5 The MPS would welcome new legislation that allows information to be shared without consent where the information meets the child-in-need threshold. For this to operate effectively, managers in all agencies would need a clear understanding of this threshold and be able to apply it consistently against objective criteria. There are obvious training and resource issues for agencies other than social services.
- 4.6 Cultural barriers are difficult to resolve as many professionals work in situations where client confidentiality is sacrosanct. The irony is that should new legislation allow or prescribe early information sharing (thereby constraining confidentiality), many families may not avail themselves of much needed services and the risk to children increase. Health agencies typify these cultural difficulties.
- 4.7 To resolve these cultural issues we believe that two positive duties should be imposed by legislation. Firstly, agencies should have a duty to share information that has obvious 'status' in terms of the significant harm threshold. Secondly, there should be a duty to place standardised information into a secure information hub for all children who become known, in their own right, to a statutory agency. In this sense statutory agencies are social services, police, health, education, housing and probation. We believe that the risk of families remaining hidden from scrutiny due to a lower level of confidentiality should not prevent the lowering of the threshold and that this is necessary in order to prioritise the welfare needs of children when they may conflict with the wishes of

³ Dept. of Health Publications, London, 2003 at Appendix 2

⁴ Working Together to Safeguard Children, TSO, London, 1999 at paragraph 7.27

⁵ Where the child is of sufficient age and understanding to have a view.

their adult carers. Indeed, the integration of children's services will militate against this.

4.8 Technical barriers are not irresolvable but are proving particularly problematic for London due to its size and complexity. The MPS, along with London NHS, cannot commit to supporting 32 different IT systems. The LCPC is working hard to co-ordinate activity in this area but the potential for expensive and/or incompatible local procurement looms large. Whilst understandable, government's 'bottom up' approach to IRT is not proving helpful for London in terms of best value and interoperability. A statement of intention regarding a national child index would assist, as would consolidation of the plethora of initiatives striving for single assessment and common referral processes. Clarification would also be welcome regarding future funding and timescales for IRT.

- ***What should be the thresholds and triggers for sharing information about a child?***

4.9 London IRT Trailblazers have concluded that basic information for all children should be collected and placed in a local authority hub. We agree that universal indices of children are the best way of avoiding the stigma of being labelled 'at risk'. A list of all children in every local authority would trigger enquiries where an index is searched and no record found. Such a system may have resulted in a different outcome for Victoria Climbié. IRT arrangements should require agencies to submit a check to the index when a child first comes to their attention and when specified incidents occur (e.g. attendance at A&E, child coming to notice of police). The check would include sufficient information to allow the management function to analyse aggregated data and make referrals.

4.10 We therefore support the proposal that common data standards are established that allow professionals to consult an index whilst protecting confidential information. This would require secure systems that hold basic details of all children without reference to the agencies involved or the nature of the information. A management system would be required to analyse checks against the index (each check would generate referrals as necessary). As long as the analysis is conducted using the unique identifier and not children's names and addresses the management function would also be confidential. Only when the child protection or child-in-need thresholds are reached would the system allow access to the personal details necessary for the management function to make a referral. The system and management function could be managed by Children's Trusts and the information jointly 'owned' by the providing agency and the Trust.

4.11 The system we describe has advantages over the system proposed.⁶ It avoids the potential problem of practitioners assuming nothing is wrong because a child is not flagged as being at risk. There would be no stigma as the check would only confirm a child's existence in the locality. Consent would probably not be required, as no information would be shared unless or until the management function – or, against pre-set criteria, the system – decides that the child-in-need threshold has been met. This decision would be made using aggregated information from checks against a unique identifier and without access to the child or family personal details. An additional safeguard is that practitioners performing the management function would be signatories to a strict confidentiality clause and have appropriate training.

- ***What are the circumstances (in addition to child protection and youth offending) under which information about a child could or must be shared without the consent of the child or their carers?***

4.12 We believe that sharing information about children without consent should occur once the child-in-need threshold has been met. This is for information shared directly between professionals on a need to know basis. The safety net for earlier intervention would be the confidential management function of the universal IRT hub as described in the previous paragraphs. The current situation – where the assessment of children's needs is dependent on their carer's consent – is unacceptable as, in the majority of cases, an assessment is likely to be critical of those from whom consent is sought. Withholding consent cannot be in the child's best interests and new legislation must explicitly prioritise children's welfare over the right to privacy.

4.13 Clear articulation of the children-in-need threshold is needed using a common language describing a comprehensive matrix of behaviours and indicators. Such matrices must be consistent, based on the assessment framework,⁷ and consistently applied within and across agencies and boroughs.

- ***Should information on parents and carers, such as domestic violence, imprisonment, mental health or drugs problems, be shared?***

4.14 We believe this information clearly falls in the child-in-need category and should be shared without consent with those professionals who need to know to fulfil their duties to children.

- ***How can we ensure that no children slip through the system?***

⁶ Every Child Matters, paragraph 4.3

⁷ Working Together to Safeguard Children, TSO, London, 1999 at Appendix 1

4.15 The combination of a national ports child protection structure, secure and confidential universal IRT indices, management system within such indices, and lowering the information-sharing threshold between professionals to child-in-need will provide a sound infrastructure. Whilst systems can reduce the risk, we believe that no system, however robust, can guarantee that no children will slip through the system.

- ***What issues might stand in the way of effective information transfer across local authority boundaries?***

4.16 This is a particular problem for London due to its size, structure and complexity. However, the London Child Protection Procedures set out in considerable detail how such transfers must occur. These procedures are underpinned by the rollout of NOTIFY, a pan-London IT project for e-notifications of homeless families moving within or across authorities. There is facility within this system for flagging children known to social services to those professionals who need to know.

4.17 Additionally, the MPS are rolling out MERLIN, a pan-London database for missing persons and children coming to police notice. This system allows e-transfer of reports to the 'home' child protection unit for processing and action.

4.18 However, the parochial evolution of London IRT projects remains a particular challenge for London where there is critical need for a London wide IT system for tracking mobile children. The MPS are involved with London IRT and the IT sub-group run on behalf of the LCPC and are supporting a strategic review for London in partnership with London Connects and others.

4.19 A London wide IRT infrastructure – IT and management function – is needed to support Children's Trusts and allow for e-transfer of information between local authorities and other agencies. Funding options are being explored for the strategic review for London.

- ***Should a unique identifying number be used?***

4.20 As stated above, we believe universal child indices will be the most effective method for early identification and intervention. For this to work effectively, and to preserve confidentiality, a unique identifier will be required. This identifier would be issued at birth or at the point of first entry to the UK and would help reduce the nomenclature problems of identifying individuals within nominal indices. Whether this is the NHS number is under debate within the Integrated Care Record System (ICRS) and IRT projects. It may be that independent hubs (indices) would link to NHS numbers using secure agency-neutral identifiers. A unique identifier is operationally essential for the secure and confidential indices we have described and we recommend this approach.

- **Multi-agency teams**

4.21 The MPS support the proposal that generic children's services are delivered and/or co-ordinated through co-located, multi-agency teams. It is likely that such teams will be located within children's trusts, and we are content that the police are explicitly excluded from this structure.

4.22 We believe that police are not providers of children's services in this context and that our involvement is qualitatively distinct, requiring both close collaboration and functional independence. Lord Laming was severely critical of the police failing to take responsibility for investigating the crimes that had been alleged against Victoria Climbié.⁸ The London Child Protection Procedures clearly articulate the distinct functions of police and social services during a child protection enquiry. The term 'joint investigation' has been dropped to avoid confusion and the blurring of roles and the MPS now refer to parallel or tandem enquiries.

4.23 One potential difficulty with police operating independently of Children's Trusts is the level of involvement and expertise police could bring to strategic planning. This could be mitigated by police non-executive membership on the Trust Board, with clear links to both borough and SCD5 senior management teams.

4.24 At a practical level, we are concerned that Children's Trusts may lack clarity of purpose in the management of safeguarding children services. Multi-agency teams working to a broad, children's services agenda could lose the focus on child protection. Working practices for individual case management where concerns are most serious must be clearly defined and effectively supervised.

5 CHAPTER 5 – ACCOUNTABILITY AND INTEGRATION – LOCALLY, REGIONALLY AND NATIONALLY

5.1 Our general comments may be found in the introduction. We support both the Minister for Children and Children's Commissioner for England appointments but are concerned that the repositioning of children's services within the DfES may not provide enduring momentum for the increased government focus on child protection.

5.2 We also support the proposal to increase accountability for individual agencies and for the proposed ACPC replacement body, Safeguarding Children Boards. The distinction between child protection and safeguarding children is not clearly articulated within the Green Paper. The implicit message is that safeguarding children is broader and less

⁸ The Victoria Climbié Inquiry – Report of an Inquiry by Lord Laming, January 2003, London, HMSO, paragraph 13.64

stigmatising than child protection but new government guidance should clarify any fundamental differences between the current and new arrangements. Government should also clarify the relationship between Safeguarding Children Boards (SCBs) and Children's Trusts.

5.3 One concern is that senior police managers will be expected to attend additional multi-agency meetings with a distinct cohort of attendees. At present senior managers are expected to participate in Drug Action Team Boards, Crime and Disorder Boards, MAPPA, ACPCs, C&YPSP etc. There is a need to rationalise these meetings and government guidance should reflect this.

- ***How can we encourage better integration of funding for support services for children and young people?***

5.4 There needs to be a clear distinction between the functions and responsibilities of Children's Trusts and SCBs. It appears to us that Children's Trusts will be the commissioning and co-ordinating body for the wide range of children's services delivered to children-in-need and at a universal level (e.g. health and education). SCBs will be responsible for the co-ordination of child protection arrangements and will have similar responsibilities to those outlined in Working Together for ACPCs.

5.5 Our main concern is that pooled budgets can support Children's Trusts but not SCBs. Traditionally, ACPCs have relied on agency contributions and this has severely constrained their ability to provide effective leadership and functionality. We believe that, for London, SCB funding should be agreed between local authorities, London NHS and the Metropolitan Police Authority. A similar funding arrangement should be in place for the LCPC as we believe this body is essential for London.

- ***Should all authorities and other relevant local agencies have a duty to promote the wellbeing of children?***

5.6 We believe this is critical. A positive duty in law is needed to underpin a duty to share information and help overcome the cultural barriers to effective early intervention. A positive duty will also be compatible with the proposal to legislate to allow information to be shared at an earlier stage. This proposal would effectively prioritise the wellbeing of children over the right to privacy and family life although this should be made explicit in the legislation. However, we advocate careful drafting of the legislation to ensure that a duty to safeguard children does not create an unwarranted extension to the police role. Whilst a general duty to safeguard children would usefully raise the profile of children encountered in every aspect of policing, we would not wish officers –

other than the critical few specially trained officers referred to at 7.3 below – to be obliged to conduct child-in-need assessments.⁹

5.7 Safeguarding children should be a Home Office objective in the National Policing Plan.

- ***Should Local Safeguarding Children Boards be statutory, and what should their powers and duties be? (The summary question includes Children & Young People's Strategic Partnerships)***

5.8 SCBs should be statutory, requiring agencies to participate. National performance indicators should be agreed that are meaningful to all constituent agencies. These should be consistent with Home Office and local police service objectives. Annual business plans should be ratified at regional level – in London this would be Government Office for London – and performance measured. Regular joint inspections would ensure standards are maintained, providing agency-specific feedback.

5.9 We believe the LCPC should continue to provide strategic direction and leadership for SCBs to ensure that responsibility for pan-London issues is shared. The LCPC would also be in a position to lead on specific areas such as inter-agency training and centres of excellence for the evaluation of complex child abuse as well as retaining responsibility for producing pan-London protocols and updating the London Child Protection Procedures. Not least, the LCPC should continue to support IRT, the associated IT strategic review and the more general prevention strategy for London.

5.10 As mentioned above, Working Together provides a clear list of responsibilities for ACPCs. SCBs should adopt these as core duties. In addition, they should have a duty to make enquiries into all unexplained infant deaths and refer cases for police and social services enquiries.

5.11 We remain unconvinced that Directors of Children's Services should Chair SCBs. Directors of Children's Services will have responsibility for both Education and Children's Social Services and are unlikely to be able to prioritise child protection services when crises occur elsewhere. An option for London would be the regional employment of independent chairs covering clusters of SCBs, where independent chairs become members of the LCPC.

5.12 We expect that Children & Young People's Strategic Partnerships (CYPSP) will evolve into Children's Trusts. Unless or until they do, CYPSP should not be statutory as many services are delivered through the wider care economy, often by voluntary and non-statutory bodies.

⁹ See also 4.22, 7.6 & 7.7 in relation to police not having a duty to assess need and police involvement in the Common Assessment Framework.

- ***How can inspections be integrated better?***

5.13 We support the proposals outlined. For SCBs to operate effectively a clear structure of accountability and joint inspection is needed.

6 CHAPTER 6 – WORKFORCE REFORM

6.1 We fully support the drive to improve the skill and effectiveness of the children's workforce and to recruit and retain the right people. In our experience, children and families (s17 and s47) case management has suffered due to the heavy reliance on agency staff, the high turnover of permanent staff and the lack of training within London's social services departments. This has placed police officers in situations where cases are referred late, where inappropriate action has been taken, and where parallel enquiries are impeded due to staff not being available or through lack of planning. It could be argued that the same can be said of police child protection teams in London and we would not necessarily disagree. However, the MPS has now made significant progress in recruiting and retaining the right people to work in SCD5 and over 70per cent real growth has occurred. We have also worked hard to improve the image of child protection work and now attract many more experienced detectives into the command. We hope and expect that raising the profile and status of children's social services will have a similar positive impact.

- ***Should all those working with children share a common core of skills and knowledge?***

6.2 The five strands highlighted in the Green Paper¹⁰ are likely to provide a suitable core of knowledge and skills for the children's workforce. Training programmes should be developed within agencies that incorporate these strands to a minimum standard. Police should ensure that officers selected to work in child protection units receive this core training at an early stage along with training in relation to interviewing children and specific areas of law, policy and procedure. In London, core training should also include familiarisation of the London Child Protection Procedures.

6.3 Building on this strong foundation, inter-agency training should incorporate these strands for exploration across agencies to a higher standard. People selected for work involving responding to child protection referrals should receive enhanced training against all these strands plus specific training on working together. The LCPC is developing a project to standardise inter-agency training in London and provide an accredited inter-agency training programme for local delivery.

¹⁰ Every Child Matters, paragraph 6.41

This project will incorporate the national training standards currently under development by Salford University on behalf of the General Social Care Council.¹¹

- 6.4 There needs to be clear links to IRT and a common language for all agencies. All too often assumptions have been made about what constitutes an assessment, investigation or enquiry. A common assessment process will promote understanding but this needs to be underpinned by training, protocols, procedures and review.

7 ACPO HEADINGS

- 7.1 The Association of Chief Police Officers has asked the MPS to comment on specific areas in terms of the police role, how the police can add value and other relevant information.
- 7.2 **Information Sharing / Information Hub**. We have described a system (4.9-4.11 above) that would allow low level information to be placed confidentially within a secure index. We believe that such a system would overcome legal and cultural barriers and provide a secure safety net upon which practitioners would be able to rely. We are prepared to send relevant data to information hubs in London provided the safeguards we describe are in place and the technical framework compatible across boroughs (see 4.8 above). We believe a separate system should run alongside local authority hubs to track movements of children and families across boroughs. GO-London could operate such a system. The MPS already play a significant role in developing a pan-London IT strategy through the LCPC and Association of London Government. We are also fully engaged with IRT at a strategic level within Territorial Policing and SCD5.
- 7.3 We have already stated that the threshold for information sharing directly between professionals should occur at the child-in-need level (4.12 above). This has implications for training police CPU referral managers and other key supervisors to recognise this threshold through basic child-in-need assessments. The North Lincolnshire model could be used as a template.¹²
- 7.4 **Police in Schools**. As mentioned above (4.22), police are not primary providers of children's services and we would not anticipate becoming involved in core assessments or adopting the role of lead professional. However, the Safer Schools Partnership has resulted in police officers working with and within schools and officers are likely to become involved in professional concerns about children. Such involvement has potential to blur professional boundaries and the police role should be

¹¹ Every Child Matters, paragraph 6.16

¹² Every Child Matters, paragraph 4.15

clearly defined and understood.¹³ Any extension of the police role in this context would also have training and resource implications.

- 7.5 **Single identity number.** We have discussed this fully at 4.10 above.
- 7.6 **Common Assessment Framework.** As discussed at 4.12 and 7.3 above, we recommend that information sharing between professionals occur at the child-in-need level. Legislation will be needed to enable this information to be shared without consent. A common understanding of the threshold is needed to ensure consistency of approach within and between agencies. Although police are not dedicated providers of children's services (see 4.22 above), key managers will need a good working knowledge of the common assessment framework for information to be shared appropriately. The LCPC could play a crucial role in quality assuring the threshold for London.
- 7.7 **Lead Professional.** We support the concept of a key professional having responsibility for children-in-need. We do not believe that this is an appropriate role for police as police officers are investigators not providers of children's services. We are concerned that the proposed duty to safeguard children¹⁴ is not interpreted to require police to have responsibilities as 'lead professional'. As already mentioned, this is because police are not children's services providers and do not have a duty to assess need.
- 7.8 **Multi-Disciplinary Teams.** From the point of view of child protection and the investigation of crime, we do not believe that police should be part of such teams and are content that we do not feature in the list in the Green Paper.¹⁵ Officers working in schools and in YOTs require clear role definition and this needs to be clearly understood across agencies.¹⁶
- 7.9 **Children's Trusts.** As mentioned at 4.23 above, we can see the value of police having a non-executive role at a strategic level on Children's Trust Boards. Representation should be at borough level although strong links should be established with SCD5 to ensure a coherent Service approach is achieved.
- 7.10 **Local Safeguarding Children Boards.** We have discussed this at 5.9-5.12 above. We are concerned that police membership of SCBs is representative of SCD5 and Territorial Policing imperatives. We recommend dual representation from regional SCD5 managers and borough crime managers at Detective Chief Inspector level acting on behalf of their respective Superintending managers.

¹³ See also section on 'Youth Justice – The Next Steps'

¹⁴ Every Child Matters, paragraph 5.35

¹⁵ Every Child Matters, paragraph 4.26

¹⁶ See also section on 'Youth Justice – The Next Steps'

- 7.11 **"Place a duty on the police"**. See 5.6, 5.7 and 7.7 above. Such a duty is a significant extension of our general duty of care and will have implications for the MPS in terms of training, resources, supervision, policy and procedures. However, as a matter of principle we welcome this proposal and, providing this will not result in a general duty for police to assess children's needs, our concerns are purely in relation to the logistics of implementation.
- 7.12 **Workforce Reform**. Centrex is currently working to produce a service-wide curriculum for police child protection training. We are involved in this process and are aware that a duty to safeguard children will have implications for the MPS in terms of resources, training and supervision.
- 7.13 **Youth Justice – The Next Steps**. See Appendix A. prepared by Inspector Barry Scales, Youth Policy Unit, TP HQ, MPS.
- 7.14 The Metropolitan Police Service has produced this response. It has been written by SCD5 in conjunction with Territorial Policing. Any queries should be addressed to the author:

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Thursday, 20th November 2003



Appendix A Metropolitan Police Service Response to 'Youth Justice – The Next Steps'

'YOUTH JUSTICE – THE NEXT STEPS'

In general terms, the direction proposed by this paper is supported by the service. It is agreed that the initial results of the activity around warnings and restorative justice (RJ), have been positive. However, the restorative justice process is still relatively new and requires thorough evaluation before ultimate faith is put in it. That being said, we remain committed to exploring how RJ could be expanded within the Youth Justice arena.

No explicit mention is made in the paper, of activity around improving services to victims of crime. For the Youth Justice system to effectively support the overall aims of the children's agenda as outlined within the Green Paper, "Every Child Matters", in particular paragraph 2.45, it is felt that the emphasis on supporting defendants as mentioned in paragraph 11 of the Home Office paper should be balanced with similar activity for victims. A large number of youths are represented in both the victim and perpetrator categories within the CJ system. A more effective way of supporting victims may have a positive effect on reducing the numbers of them becoming perpetrators. The MPS is already working on ways to support youth victims of crime and would welcome further exploration of this field of work.

PRE-COURT INTERVENTIONS

Regarding pre-court interventions (paras 4 and 5), we have the following observations and comments.

In London between April 02 to March 03 there were 5975 reprimands issued for a 1st offence and 1545 warnings were issued for a 2nd offence. This rough guide is typical of previous years indicating that about 75% of those young people who are reprimanded do not re-offend. Of the 25% who do re-offend and are warned for a 2nd offence consideration should be given to strengthening the association between diversion programmes and the warning itself. Leave reprimands as they are; with them being delivered by borough officers but all warnings to be delivered through the YOT.

Change the warning referral system. The voluntary system of referral to a YOT for a warning is too weak. Those young offenders and their parent/carer who live in a dysfunctional world, needing most support are the ones most likely to re-



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offend if no voluntary intervention occurs. Consider making the diversion programme a compulsory condition of the warning itself by getting the youth and the parent/carer to agree a contract to complete such a programme. For those who refuse to enter such a contract a court Referral Order is the proportionate response. This means prosecuting the youth to provide support.

Adopting this method, will engage those youths with severe social problems and we shall stand a better chance of supporting their welfare and keeping them out of the CJ court and prison system for longer. It aims to strike a balance between community safety and an individual's rehabilitation.

SENTENCING IN THE COMMUNITY

With regard to Sentencing in the Community, paragraph 16, the implementation of a referral order has proved difficult in some of the more poorly resourced boroughs. In view of this, an expansion of the flexibility and number of orders could exacerbate the problem and the quality of the outcomes from these orders could diminish. A suggestion would be that the next stage could be the introduction of a "Magistrate Referral Order" with the Magistrate organising a conference and facilitating the restorative process. This connects the magistrate to the possible difficulties in implementing any part of the order and because of direct involvement in the decision-making is liable to make a more informed decision as to the form the order will take. Magistrates should be trained in restorative justice practice to do this.

The activities outlined in paragraph 19 are more suited to the work of other agencies within the YOT, however the police can do more around sharing information.

The police can promote a more effective use of the way information is shared to support the YOT and the local authority in not only identifying safe local residential resettlement and fostering accommodation, but also information about a young offender's friends and family who are likely to lead the youth into crime.

A young offender will have motivation for programme compliance if the reward is the chance to expunge his/her record. The application to the Youth Offending Panel, (YOP), shall include reference to Crime Intelligence (CRIMINT) activity to ensure that the youths stay away from those people who lead them into trouble.

A more effective use of CRIMINT information shared with health, education, social services and probation within the YOT allows an informed decision to be made more quickly about the risk factors impacting on the young offender, his home location and his friends and family.

YOT staff that are non-police could agree to be appropriately vetted and allowed read-only access to police IT systems to identify a youth's CRIMINT activity.

A court order should be confined to offences that are not grave offences so that youths who do successfully complete an agreed diversion programme should be eligible to make an application to the YOP for their criminal record to be expunged.

STAFF AND ORGANISATION (PARAGRAPHS 25 AND 26)

The MPS role in London's YOTs lacks corporacy and continuity. Our inspection of the police role in 32 YOTs in Jan 03, found that the police role depended on several factors that included, whether the YOT manager could retain YOT staff and how YOT staff were managed. Some YOT managers use police officers as youth caseworkers or to manage rehabilitation programmes and act as duty social workers.

Police officers are not trained by the MPS to do the work of other YOT members. The police role like the other specialists brings a unique skill and experience to the YOT partnership that, if used efficiently strikes a balance between welfare and justice. Convergence of skills should be avoided to avoid partiality towards just one.

The activities performed by YOT police officers are not risk assessed by the YOT manager. Anecdotally this appears to be the case for all YOT team members. The YOT is a separate legal entity; the YOT manager is responsible for the whole team's health & safety at work

Police participation in the Chief Officer Group with a strategic view does not operate in all boroughs. Problems that have arisen could have been avoided.

Since police arrest youths and convict them or refer them to YOTs as a pre-court intervention or refer youths who have come to police notice, it is important the YOT has good working links with the local police. The police need to be able to understand and trust the work of YOTs to encourage more pre-court referrals.

From inspections and anecdotal evidence, it is apparent that YOT managers generally do not like the police officers in their teams sending CRIMINT information back to their BOCUs; do not like them attending police training days to talk about the YOT role to probationers and older serving officers; do not like them bringing in their officer safety equipment into the YOT; do not like them executing warrants; do not like them wearing police uniform.

YOTs must expect the MPS to define a corporate role for its police officers in the YOT around activities that benefit police boroughs in terms of timely

dissemination of intelligence to borough officers and recording results on the Police National Computer. This work is nearing completion in the MPS and policy will be published in early 2004.

YOT managers must risk assess the activities performed by their staff. This means police not trained in taking on caseloads, counselling and long term mentoring should not be undertaking this activity.

YOTs must accept that YOT police officers retain all their powers and to that end must have with them their personal issue safety equipment to enforce the law if necessary.

Police participation in the Chief Officer Group in each borough must be re-introduced: it appoints the YOT manager and agrees an annual plan. Any plan should support Police Community Partnership plans.

Close working relationships with police will improve further if a YOT can demonstrate its crime reduction achievements to borough commanders. Better information exchange between borough police and police in YOTs, plus supervised access by non-police staff to MPS information sources will also promote closer links.