

## Information for people working in the criminal justice system

Having a supportive family and friends is an important factor in promoting an offender's well-being and reducing re-offending. Many prisoners lose contact with their families. The children of offenders are a vulnerable group who often face social, emotional and educational difficulties. Young offenders on remand or serving custodial sentences are particularly vulnerable and the support of family and friends will be crucial to their rehabilitation and reintegration into their local communities.

All CJS agencies and their partners have a responsibility to help children and young people and the families of offenders; in the case of children and young people in danger or in need, social services and health have a statutory obligation to safeguard their welfare.

'*Children and Young People: Rights to Action*' (2004) is the Welsh Assembly Government's overarching policy for improving the wellbeing of all children and young people and for the implementation of the Children Act 2004 in Wales. It sets out 7 Core Aims for all children and young people in Wales based on the United Nations Convention on the Rights of the Child (UNCRC).

**The Assembly's 7 core aims are that all child and young person in Wales:**

- **have a flying start in life;**
- **have a comprehensive range of education and learning opportunities;**
- **enjoy the best possible health free from abuse, victimisation and exploitation;**
- **have access to play, leisure, sporting and cultural activities;**
- **are listened to, treated with respect, and have their race and cultural identity recognised;**
- **have a safe home and a community which supports physical and emotional wellbeing;**
- **are not disadvantaged by poverty.**

## The Children Act 2004

The Children Act 2004 strengthens the arrangements for safeguarding and promoting the welfare of children and young people and aims to keep children and young people safe and well.

### Section 25 – co-operation to improve the well-being of children

Section 25 places a **duty** on all local authorities to make arrangements to promote co-operation arrangements, between themselves and their partner agencies to support the improvement of the well-being of children and young people in their area. In exercising this duty local authorities must recognise the importance of parents and other people caring for children in improving the well-being of children.

The Act places a duty on certain partner agencies to co-operate with the local authority. These are:

- Police Authorities and Chief Officers of Police;
- Probation;
- Youth Offending Teams;
- Local Health Boards;
- The National Council for Education and Training in Wales.

Each local authority is responsible for leading the establishment of a Children and Young People's Partnership in co-operation with their partners.

***Section 25 – Agencies have to work together to make sure that the Assembly's 7 Core Aims for all children and young people are delivered. This means working together to support children, young people and their families.***

### Section 26 – Children and young people's plans

The Act requires each local authority, working in the Children and Young People's Partnership, to prepare and publish a single Children and Young People's Plan (CYPP) for services to children and young people. The CYPP is a 3 year strategic plan that will provide strategic vision, state the agreed priorities that will direct the work of all partners, set agreed joint targets and provide a basis for the joint commissioning of services. It is the key statement of planning intent for children and young people to which all other plans must have regard.

Regulations came into force on 1 September 2007 and planning guidance 'Shared Planning for Better Outcomes' was published on the WAG website simultaneously. First plans, covering 2008-11 are required to be adopted by 31 July 2008 and published by 30 September 2008.

The CYPP must:

- Apply the principles of the United Nations Convention on the Rights of the Child;
- Increase the priority given to meeting need;
- Ensure that the voices of children, young people and families are heard;
- Give the highest priority to the highest need;
- Plan for preventative services;
- Integrate safeguards for children and young people;
- Include universal services;
- Integrate through joint commissioning and pooled funding;
- Value diversity and promote equality of opportunity.

Each Partnership should carry out a needs assessment and identify the services they already have in place. The needs assessment should recognise the particular needs of children and young people who need a greater degree of attention from a range of professionals if they are to realise their potential. In planning for services to deliver the Welsh Assembly Government's 7 Core Aims Partnerships must have regard to the special circumstance of some children and young people. This includes children and young people who have offended or at risk of offending and children and young people in the families of offenders. Partnerships have to work with local youth justice agencies to support families who are at risk of offending or re-offending.

***Section 26 – Local authorities have to produce a plan which sets out how they will work with their partners to deliver the 7 Core Aims of the Assembly Government for all children and young people. This plan has to take account of the needs of vulnerable and priority groups including children and young people at risk of offending or re-offending and children and young people in the families of offenders.***

## Section 28 – Arrangements to safeguard and promote welfare

Section 28 requires local authorities and their partners to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children and young people.

These partner agencies are:

- Police Authorities and Chief Officers of Police;
- Probation;
- Youth Offending Teams;
- Governor of a prison or secure training centre in Wales ( or in the case of contracted out prisons or STCs the Director);
- Local Health Boards;
- NHS Trust;
- British Transport Police authority;
- Youth support services (under the Learning and Skills Act 2000).

These agencies must put in place:

- A clear statement of the agency’s responsibilities towards children available for all employees;
- A clear line of accountability within the organisation for work on safeguarding and the welfare of children;
- Service development that takes into account the need to safeguard and promote welfare;
- Training on safeguarding and promoting the welfare of children for all employees working with or (dependent on the agency’s primary functions) in contact with children and families and safe recruitment;
- Effective inter-agency working to safeguard and promote the welfare of children and information sharing;

The way in which these arrangements should be exercised by different agencies including CJS agencies is set out in the Assembly Guidance ‘Safeguarding Children: Working Together Under the Children Act’ (2004).

**Section 28 – Each agency in carrying out its work has to have regard to the needs of children and young people and ways of ensuring that children and young people are protected. Agencies need to identify ways of working which promote the safety and welfare of children and young people and make staff aware of these.**

## Section 31-34 – Local Safeguarding Children Boards

Under the Act Area Child Protection Committees (ACPCs) are replaced by Local Safeguarding Children Boards (LSCBs). The Act specifies the following statutory partners of a local authority who must be represented on each LSCB.

These are:

- Police Authorities and Chief Officers of Police;
- Probation;
- Youth Offending Teams;
- Governor of a prison or secure training centre in Wales ( or in the case of contracted out prisons or STCs the Director);
- Local Health Boards;
- NHS Trust.

The objective of the LSCB is to:

- Co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; and
- To ensure the effectiveness' of what is done by each such person for those purposes.

The scope of the LSCBs' responsibilities extend to all children and young people but in particular cover children in need and children at particular risk. For example children who are abused or children with parents of compromised parenting capacity.

***Sections 31-34 – The LSCB aims to make sure that all agencies recognise their responsibilities and work together in an effective way to protect children and young people and to promote their welfare. This includes information sharing.***

## Extending Entitlement: support for 11 to 25 year olds in Wales

Extending Entitlement: support for 11 to 25 year olds in Wales (2002) sets out the requirements for a stronger focus on the needs and potential of young people in the development and delivery of services under Section 123 of the Learning and Skills Act 2000.

The Act requires local authorities to provide, youth support services, in order to encourage, enable or assist young people (directly or indirectly):

- to participate effectively in education and training,
- to take advantage of opportunities for employment, to
- to participate effectively and responsibly in the life of their communities.

The Guidance introduces the concept of ‘Universal Entitlement’. This is a set of ten entitlements for every young person in Wales intended to make the most of young peoples potential and to have a positive impact on outcomes for young people. Each of the entitlements relates to a different aspect of young people’s lives. The CYPP Planning guidance refers in detail to the 10 entitlements, describing the contributions made by youth support services and where they fit into the relevant sections of the Plan. It also links the entitlements to each of the core aims to which they relate.

The Assembly Government’s ‘All Wales Youth Offending Strategy’ (AWYOS) was published in 2004. The strategy supports the principal that ‘prevention is better than cure’. This identifies the best way to reduce youth offending as to stop young people entering the youth justice system in the first place. The strategy is also supports the principal of ensuring that the ‘Universal Entitlement’ is extended to all children and young people. In this way support for best outcomes for children and young people will reduce offending and keep young people out of the youth justice system. At the same time delivery of the universal entitlement to young people in the youth justice system- including those in custody in facilities outside Wales- will reduce re-offending.

## Summary

The legislation and guidance covered in this document is relevant to people who work with children, young people, parents and families. It is also relevant to people who come into contact with children, young people and families as part of their work.

This document has been produced as part of the work of a multi-agency National Offender Management Service (Wales) Children and Families Pathway group. The group is taking forward action to deliver on the Children and Families Pathway of the NOMS (Wales) Strategy to Reduce Re-offending (2006).

**The legislation and guidance covered in this document sets out ways in which agencies should work together to keep children and young people safe, promote their welfare, realise potential and secure better outcomes for all children and young people.**

**Criminal Justice System agencies and staff need to be aware of the legislation and guidance covered in this document. In carrying out their functions and delivering services CJS agencies and staff should be informed by the duties and responsibilities set out in the legislation and guidance.**

**Keeping children and young people safe, promoting their welfare and working towards better outcomes reduces the risks of offending and re-offending. An important part of securing better outcomes for children and young people involves supporting families in difficult circumstances, including families affected by offending behaviour. Maintaining family relationships and having a supportive family is an important factor in reducing re-offending.**

Copies of both '*Stronger Partnerships for Better Outcomes: Guidance*' and '*Shared Planning for Better Outcomes: Planning Guidance*' are available on the Assembly Government Website at:

<http://new.wales.gov.uk/topics/educationandskills/publications/guidance/sharedplanningforbetteroutcomes?lang=en>