

10.1 Children / young people in contact with the youth justice system

'In fulfilling their statutory function of reducing offending and reoffending by children and young people, YOT's have dual responsibilities in the area of safeguarding as well as public protection, including protection of other children and young people. It is important that public protection in a youth context is seen as integral to wider approaches to working effectively with children and young people.

These complex responsibilities are discharged both by YOT's involvement in prevention work, including initiatives such as Safer Schools Partnerships, as well as work with victims of crime. YOT's co-operate with various partner agencies, including the police, multi-agency Public Protection Agencies (MAPPAs) and Crime and Disorder reduction Partnership (CDRP's), in initiatives aimed at making communities safer, including projects to reduce gang violence and violent extremism, thus directly contributing to the safeguarding of children and young people from violence in their communities.'

10.1.1 Children and young people in custody

Children and young people sentenced or remanded in custody are among the most vulnerable. Specific consideration to the safeguarding of this particular group is therefore called for and requires ongoing support from children's services and LSCB's in addition to the establishment's day to day duty care.

The functions, powers, duties, responsibilities and obligations imposed on local authorities by the Children Act 1989 – in particular, by sections 17 and 47 – do not cease to arise merely because a child is in the secure estate. Such functions, powers, duties and responsibilities operate subject to the necessary requirements of imprisonment. Prisons have a legal obligation to safeguard the wellbeing of children in care.

It is important that agreed procedures between the secure establishment and the local authority (in particular the LSCB) with that establishment in its geographical area are in place outlining how to deal with and undertake child in need assessments as well as how to deal with child protection allegations. The home local authority and YOT have continuing responsibilities to children and young people in custody.'

10.1.2 Abuse by children and young people

'Children, particularly but not exclusively those living away from home, are also vulnerable to physical, sexual and emotional bullying and abuse by their peers. Such abuse should always be taken as seriously as abuse perpetrated by an adult. Whenever a child may have harmed another, all agencies must be aware of their responsibilities to both children and multi-agency management of both cases must reflect this. Agencies should also be alert to the possibility that a child or young person who has harmed another may well also be a victim. However, the interests of the identified victim must always be the paramount consideration and professionals should also be alert to the fact that there is likely to be a risk to children other than the current victim.

Work with children and young people who abuse others, including those who sexually abuse/offend, should recognise that such children are likely to have considerable needs themselves, and that they may pose a significant risk of harm to other children.

LSCB's and YOT's should ensure that there is a clear operational framework in place within which assessment, decision-making and case-management take place. Neither child welfare nor criminal justice agencies should embark on a course of action that has implications for the others without appropriate consultation.'

WSCB procedures for the assessment of children who display sexually harmful behaviour sets out a multi-disciplinary process for the referral and assessment of children and young people who abuse others, and defines the principles, philosophy and values underpinning this work.