

# **PART 19**

## **CHILDREN AND YOUNG PEOPLE IN PRISON**

**Child Protection Policy Statement**

**Procedure**

**Criteria for Referrals**

**Further Action to be taken**

## **Child Protection Policy Statement**

1. This procedure is based upon well established inter-agency arrangements for safeguarding the welfare of young people and for protecting them from significant harm. It recognises the inherent vulnerability of young people held in the secure estate and that many will have previously been victims of abuse and exploitation.
2. It is the duty of all Prison Service Staff and associates to be alert to the signs and symptoms of abuse of young people including the young people at (establishment name).
3. From time to time staff will be made aware that a young person has been abused at (establishment name) or the young person may inform staff that they have been abused in the past. Information about alleged abuse may also come to light via other routes – for example in reports contained on file. In any event, immediate action must be taken to protect the young person and to investigate matters according to this policy. Our duty is to develop practice which reflects the principles and guidance contained in the Children Act 1989 and the Children Act 2004.

## **Procedure**

4. **The vulnerability of young people entering custodial establishments is acknowledged. However, additional arrangements need to be in place where acute concerns arise that have not been dealt with historically.**
5. You may become aware that a young person is believed or suspected to have suffered significant harm physically, emotionally, sexually or through neglect either in (establishment name) or before he/she arrived. **See definitions of “significant harm” in Section 1, Part 1.**
6. You must refer this matter immediately to the Duty Governor. **Use the Child Protection Information Report.**
7. The Duty Governor will make a preliminary assessment as soon as possible and in any event within 12 hours, in particular deciding if there are any immediate steps that need to be taken to ensure the protection of the alleged victim from further harm, for example it may be necessary to hospitalise the young person to achieve this. The Duty Governor will also enlist appropriate staff to assist this process e.g. Personal Officer, Wing PO/SP and Health Care. All information must be appropriately recorded at this and every subsequent stage. The Duty Governor will also need to know whether the alleged perpetrator of the harm can immediately be identified and what action without prejudice to any later internal or external investigation should be taken. The Duty Governor should be mindful of the fact that there may be

child protection considerations in respect of the alleged perpetrator and of other children or young people who may also be at risk.

8. The definition of significant harm is listed in Section 1, Part 1. The Duty Governor having regard to the definition will make an informal judgement as to whether or not the harm is deemed to be significant and whether the criteria for a referral under the child protection procedures are met.
9. Where doubt exists and further advice is necessary to arrive at a decision as to whether or not to instigate the Inter-Agency Procedures for Safeguarding Children and Promoting their Welfare contact should be made with the First Response (Vulnerable Children Division) on **0800 1313 126** 8 am – 6 pm Monday-Friday or the Police Child Abuse Unit on **08453 30 20 10**.

### **Criteria for Referrals**

10. The explicit criteria for child protection referrals to First Response/Police under these procedures will need to be agreed at a local level. That criteria, however is informed by an understanding of significant harm and about the care or treatment that a young person is likely to receive and by establishing distinctions in power and status between victim and perpetrator.
11. The scope of the locally agreed criteria might also extend to:
  - All disclosures around historical abuse
  - All allegations of sexual abuse
  - Serious allegation in any other category
  - Professional abuse whereby the harm is deemed to be significant

### **Further Action to be Taken**

12. If Inter-Agency Procedures for Safeguarding Children and Promoting their Welfare are instigated a strategy discussion (which may be conducted by telephone) must take place with the locally agreed contacts within 24 hours of receipt of the referral.
13. The strategy discussion will establish whether the Inter-Agency Procedures for Safeguarding Children and Promoting their Welfare are to be instigated locally, or in another local authority area. The local authority having jurisdiction for the area in which the allegation(s) is believed to have taken place will take prime responsibility for determining this. It will also determine whether or not professional or complex investigation procedures are to be followed. In any event contact will be made with the relevant agency personnel within the young person's home area.

14. The strategy discussion will also establish whether a formal strategy meeting is required at (establishment name) within agreed timescales.

15. Membership of the strategy meeting must include:

- Locality Team Managers or above (will undertake the role of Chairperson).
- Duty Governor/Child Protection Co-ordinator (Prison Service).
- Social Worker with Child Protection responsibility.
- Police Officers with Child Protection responsibility.
- Supervising YOT Team member (from Home Area).
- Any other agency personnel deemed to be appropriate by the chair.

16. The strategy meeting will need to establish:

- Immediate measures to safeguard the young person if required.
- The need to engage other relevant agency personnel e.g. interpreters/facilitators?
- The need to commence internal disciplinary procedures (if required).
- When to inform the parents.
- Whether or not a Production Order is required.
- Whether a medical examination under Child Protection Procedures is required and who is the most appropriate person to undertake the examination.
- The need to conduct a video interview to 'Achieving Best Evidence' standards.

17. In order to progress the investigation neither the alleged victim nor the alleged perpetrator(s) should be moved out of (establishment name) unless absolutely necessary for the safety and protection of either young person, or to protect the integrity of the process.

18. The Duty Governor must inform the Board of Visitors. All information given to that Board is bound by the general terms and conditions of confidentiality.

19. There may be a range of outcomes following an investigation:

- No further action by Police and Vulnerable Children Division.
- Identify the need to address any welfare issues that may have arisen in the course of the enquiries.
- In certain circumstances, there may be a need to convene an Initial Child Protection Conference (for attendance at an Initial Child Protection Conference please see **Part 5**).
- If registration does occur, then a Child Protection Plan will be formulated.
- If the young person is released into the community during these procedures, the relevant Children Social Care Department will be responsible for the continuity of the Child Protection process.

- Criminal Investigation by the Police.

### **Monitoring and Reviewing**

- The Governor will review the circumstances of all investigations to promote development of best practice in accord with local training programmes.
- Aggregate data will be collected in order to inform other appropriate developments e.g. staff training needs, the allocation of resources and further amendments to local procedures.
- Data collected may also be used by the Local Authority as part of a reporting process to the Staffordshire Safeguarding Children Board (SSCB) and to relevant government departments.