



ALL PARTY PARLIAMENTARY GROUP FOR
CHILDREN

**“It’s all about trust”:
Building good relationships between
children and the police**

**Report of the inquiry held by the
All Party Parliamentary Group for Children
2013-2014**

About the All Party Parliamentary Group for Children

The All Party Parliamentary Group for Children (APPGC) is a group of MPs and Peers with an interest in children's issues and securing effective policies for children. The APPGC holds regular meetings on current issues affecting children and young people, and works strategically to raise the profile of children's needs and concerns in Parliament. As well as inviting representatives of child-focused voluntary and statutory organisations and government departments to attend meetings, the APPGC hears directly from children and young people to take their views into consideration.

All Party Parliamentary Group for Children mission statement:

'To raise greater awareness in the Houses of Parliament on aspects of the well-being of the nation's children aged 0-18 years, and our obligations under the United Nations Convention on the Rights of the Child; and to work with children, young people, children's organisations, and politicians from all sides to promote first-class government policy for children'.

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Foreword

I am delighted to share with you the findings of the All Party Parliamentary Group for Children's inquiry into 'Children and the Police'. The inquiry has proved timely. Recent reporting of failures by police forces and other services to take action to tackle child sexual exploitation across the country demonstrates the need to build a stronger foundation for policing with the best interests of children and young people at its heart.



Children and young people have a distinct set of rights and entitlements as set out in the United Nations Convention Rights of the Child and over the course of the inquiry we heard positive examples of forces seeking to reflect this in their work. However, we also heard many instances of children and young people being treated as 'small adults' during police procedures such as stop and search. This seems to be due to a lack of statutory guidance and specialist training for police officers to promote children and young people's well-being and rights. It became clear that some children and young people are treated more harshly than others – for instance, children and young people living in residential children's homes – resulting in lack of trust in the police. We believe that greater focus must be placed on the principle of 'policing by consent' in order to ensure children's trust and confidence in the police as a public service.

Children's first encounter with police officers can have a lasting effect on how they view the police and engage with them as adults. Many young people spoke passionately to the inquiry about the positive impact of developing close relationships with police officers – through community projects, in schools and with Volunteer Police Cadets – but we found that too frequently these initiatives were the result of the enthusiasm of a handful of staff, and practice was not widespread, leading to a 'postcode lottery' effect. Sharing examples of good practice, both at a strategic and local level, is vital to improving the confidence and aptitude of police officers to work with children and young people.

This inquiry provided a welcome opportunity for Parliamentarians to hear directly from police officers, including those working in local communities and in senior leadership roles, who were keen to share their own experiences of engaging with children and young people. The APPGC has appreciated their support in developing a set of recommendations which provides a clear framework for improving police practice and strengthening the capacity of police officers to work with children and young people, including in the most challenging of situations. The Home Office Stop and Search Review, and the establishment of the College of Policing aimed at improving standards for police practice, should encourage these much needed reforms.

On behalf of the Officers of the APPGC, I would like to thank all those who contributed to the inquiry. All were generous with their time and honest in their contributions. This report reflects their concerns and ideas for improvement. I hope that this is a useful document, which provokes debate and reviews of practice.

A handwritten signature in blue ink that reads "Joan R Massey".

Baroness Massey of Darwen
Chair, All Party Parliamentary Group for Children

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About the inquiry

This report is based on written and oral evidence provided to the All Party Parliamentary Group for Children (APPGC) as part of its inquiry into 'Children and the Police', launched in July 2013. Through the inquiry, the Officers of the APPGC wanted to explore the following questions:

- What do children and young people think about the police? What are the experiences of particularly vulnerable groups of children who have higher levels of contact with police forces?
- How do police forces currently work and engage with children and young people?
- Does police practice, and the policy and legislative framework underpinning the work of the police, need to be improved to better promote children and young people's well-being?

At the start of the inquiry, the APPGC issued a call for written evidence, and written submissions were received from a number of organisations in the statutory and voluntary sectors. In addition, seven oral evidence sessions were held in Parliament between November 2013 and May 2014, and the Officers of the APPGC attended a focus group with young people at Cookham Wood Young Offenders Institution (YOI). Annexes 1 and 2 provide further details of the oral evidence sessions and the written submissions received.

On 1st July 2014, the APPGC published an interim report presenting the findings from an information request to all police forces in England and Wales for data held on children and young people in relation to stop and search and police custody facilities. The interim report can be found at: http://www.ncb.org.uk/media/1150494/appgc_police_data_report_july_2014_final.pdf

When exploring the evidence presented to them and developing recommendations, the Officers of the APPGC worked on the basis of two key principles, reflecting their commitment to the United Nations Convention on the Rights of the Child (UNCRC). Firstly, in every context, every person under the age of 18 should be treated as a child first, with all professionals who come into contact with them having regard to the child's welfare and well-being. Secondly, children and young people's voices must be heard and their opinions respected.

Acknowledgements

The Officers of the APPGC would like to thank all those who contributed to this inquiry, including those who gave written and oral evidence. The Officers were struck by the enthusiasm of representatives of the police forces across the country in wishing to contribute to the inquiry and to help improve police practice in this area. In particular, we are grateful to Superintendent Marion Sandwell, Senior Police Adviser for the Youth Justice Board, Police Constable Caroline Adams on behalf of the National Police Lead for Children and Young People, and Borough Commander John Sutherland from the Metropolitan Police, for their advice and support. The contribution of Governor Jonathan French and Emma Lemanski, who enabled Officers of the APPGC to visit Cookham Wood YOI, is much appreciated. Finally, Officers would especially like to thank the young people who so eloquently shared their views and experiences of engaging and working with the police.

Executive summary

During this inquiry, the All Party Parliamentary Group for Children took evidence from children and young people, organisations working with children and young people, and representatives from police forces across the country. The inquiry heard that children and young people's attitudes towards the police are often characterised by feelings of mistrust and sometimes fear. The majority of those giving evidence were clear that more work is needed if there are to be strong and positive relationships between children, young people and the police. There are examples of good practice, reflecting the work of police leaders and officers who are dedicated to improving the way they work with children. However, these examples of good practice are not replicated across the country.

Key findings

Section one of this report summarises the views and experiences of children and young people involved with the police, based on evidence given to the inquiry by children and young people themselves and those who work with them. Section two examines current police practice with children and young people, and the policy and legislative framework that governs the work of police forces.

Overall, the inquiry found that:

- There is a lack of trust in the police among many children and young people. Some children and young people fear the police. Encounters between the two groups are often characterised by poor and unconstructive communication and a lack of mutual respect. Experts told the APPGC that it takes time and hard work to change these ingrained attitudes and behaviours. It is critical that in every encounter with the police, under 18s are be treated as *children first*, with all officers having regard for their welfare, safety and well-being, as required under sections 10 and 11 of the Children Act 2004 and the United Nations Convention on the Rights of the Child.
- Certain groups of children and young people, many of whom are likely to have higher levels of contact with the police, share similar feelings and attitudes. Children in care, who are over-represented in the youth justice system, can have negative early experiences of the police and do not always get the support and protection they need. The additional vulnerabilities of children with special educational needs, a language or communication difficulty, or mental health needs can be overlooked or exacerbated in encounters with the police. The way in which the police treat children who have been trafficked or experienced sexual abuse was described as a 'postcode lottery' – these children are often confused by police processes and report being treated with a lack of respect.
- First contact with the police is important in shaping children and young people's attitudes, yet for a significant number of children and young people this experience is a negative one. There are examples of positive school and community initiatives that help children and young people encounter the police in a positive context. However, for many, the first contact will be as a victim or suspected offender. Therefore the way in which the police carry out processes – such

as the way they use stop and search or the way they treat children who are arrested and detained – is vital for building trust and respect.

- Many children and young people will first have contact with the police when they are stopped and searched. While young people understand why the police need to use stop and search, they feel they are stopped too often and for insufficient reason, that they are not treated with respect, and that the police do not explain the process or reason for the stop. For those who are arrested and detained, the experience can be traumatic and upsetting, with very vulnerable children often exposed to a space designed for adults, usually without separate or designated facilities for children.
- Some children and young people are involved in police initiatives through their schools and communities, such as Safer School Partnerships or Voluntary Police Cadets, which help break down barriers and negative perceptions. These examples of positive engagement are, however, not found in all schools or communities and are being threatened by reductions in police budgets.
- There are examples of police forces which work hard to listen to and engage with children and young people in a variety of contexts, and to treat them, first and foremost, as children in all aspects of the police process. However, these positive approaches are not reflected across the country. Greater effort is needed nationally to assist local police forces in identifying and implementing good practice examples from other parts of the country. Training and professional development for police officers should enable them to understand how they can improve their practice to meet the needs of children and young people.
- The policy and legislative framework governing the work of the police does not pay sufficient attention to the needs of children and young people or address the specific considerations of working with this age group. In particular:
 - the rights and specific needs of children must be reflected in guidance relating to the stop and search process, and searches should only take place, particularly on younger children, when absolutely necessary;
 - 17 year-olds should have the same rights and entitlements as younger children in legislation and guidance relating to police processes;
 - police forces should have designated or separate custody facilities for children and young people, and provide access to youth liaison and diversion to identify and address needs;
 - a focused effort is needed to ensure that all children and young people who are refused bail after being charged are transferred to local authority accommodation, as is required by law; and
 - nationally endorsed guidance and protocols should be put in place for the purpose of reducing the criminalisation of children in care.

Section one

Children and young people's experiences of and views about the police

“When children are being treated as criminals, their approach to the police is not as treating the police as a public service... but they see them rather as the enemy and the people they should avoid.” (Sherando, aged 15)

“...I realised that the police aren't there to do bad things, and they aren't bad people; they're there to keep you safe and help you.” (Chloe, aged 15)

This section paints a picture of the current state of the relationship between children and the police. First, it sets out the overarching messages heard from children and young people and those representing them, whilst acknowledging that children across the country and with different backgrounds and experiences will have varying opinions and perceptions. Then, attention is paid to children's experiences of two key aspects of the police process – stop and search, and arrest and detention – and children's experiences engaging with the police in the community – through school schemes, Volunteer Police Cadets and other community projects. Finally, this section outlines the views and experiences of particularly vulnerable groups of children heard during the inquiry, including children in care, children with special educational needs and those who have experienced child sexual exploitation or trafficking.

1.1 The relationship between children and young people and the police

Children and young people are not a homogenous group and their experiences and perceptions of the police will vary. Nevertheless, throughout the inquiry a number of common themes emerged around children and young people's views of the police and their experiences engaging with the police.

There was an acceptance by several of the young people who gave evidence to the inquiry that the police have an important job to do, and a number of young people commented on how the police work to make their communities safer:

“They're just human beings working the same way your mum or your dad is someone working. You need to understand that police officers are just working citizens trying to make a living ...to help the community...” (Roy, aged 20)

However, throughout the inquiry there were strong indications that many children and young people hold less positive views of the police.

1.1.1 Lack of trust in the police

The inquiry heard that children and young people often profoundly distrust the police and do not believe that they are there to protect them. As one young person told the APPGC, children and young people's attitude to the police:

“...is not as treating the police as a public service that they should seek help from, but they see them rather as the enemy and the people they should avoid talking and meeting with.”
(Sherando, aged 15)

Witnesses also commented that some children and young people feel humiliated by the police and are convinced that the aim of the police is to target and undermine them. As a representative from Safer London Foundation, which works with young people to reduce crime, pointed out, if young people *feel* like they are being targeted, this alone is enough to create a negative attitude towards the police – regardless of whether or not the police are in fact targeting them.

What is more, the inquiry was informed that feelings of mistrust and negative perceptions of the police can be passed on from generation to generation. Some young people who gave evidence described being wary of the police from a very young age, before they had even had any interaction with them, because of the negative attitudes of parents, older siblings or other family members. Witnesses emphasised the hard work and time it takes to change these ingrained hostilities and to build stronger, more trusting relationships between children and young people and the police.

The inquiry also heard about the fear children and young people can feel towards the police. Presenting findings of an extensive consultation with youth groups from across London, StopWatch, a campaign group, told the inquiry that:

“...when we spoke to a group of under-12s they were saying that when the police approach them their heart starts beating fast and they can’t breathe because they don’t know what they’re going to do to them.” (Natasha Dhumma, Youth Coordinator, StopWatch)

StopWatch’s consultation found that as children grow older this fear often turns into frustration and anger, and ultimately leads to a complete breakdown of trust in police officers.

1.1.2 Fraught exchanges and poor communication

Several witnesses who presented evidence to the inquiry described interactions between children and young people and the police as fraught, and said that the police and young people often struggle to communicate with each other in a constructive and mutually respectful way. It was noted that, to a certain extent, a degree of confrontation is inevitable – the police represent authority at a time in young people’s lives when they are least likely to be receptive to having their behaviour regulated.

Nevertheless, evidence to the inquiry suggests that it is not unusual for children and young people to experience rudeness or aggression in their interactions with the police, with officers often displaying what children perceive to be threatening or intimidating behaviour or failing to give information on what they are doing. A number of young people spoke about the frustration of being treated like a criminal by the police when they did not feel they had done anything wrong, and some commented on the pejorative and accusative language the police use towards them. Throughout the inquiry, the importance of good communication by the police was emphasised. As one police representative pointed out when giving evidence:

“...who is the professional in all this? We [the police] are paid to be professional, to be respectful and to show dignity, and that is something we need to keep an eye on.”
(Commander Adrian Hanstock, Metropolitan Police and National Police Lead for Stop and Search)

1.1.3 The importance of the first interaction

Many witnesses felt that children and young people’s first interaction with police officers can have a significant impact on how they view the police thereafter. The inquiry heard from several young people about the first time they came into contact with the police and, for a significant number, the impact of that experience was both negative and long-lasting, cementing hostile and distrustful views of the police for years to come. Children often first come into contact with the police in ‘crisis’ situations, and there appear to be a lack of opportunities for children to meet and communicate with the police in positive, non-conflict environments. Examples of first encounters which were presented by young people to the APPGC included: being stopped and searched in a park aged five; being present during a police raid on their home aged six; and being pinned to the ground face down for setting off fireworks aged twelve. Witnesses stressed that the quality of this first interaction is crucial, and the police have an important role in ensuring that their behaviour does not generate or stimulate hostility from children and young people.

1.1.4 Contact with the police can increase negative perceptions

A number of speakers referred to surveys which suggest that children and young people who have had some direct contact with the police tend to have a more negative view of them than those who have not had contact with the police at all. This includes children and young people who may have been victims of crime as well as those who have got into trouble with the police. For example, Katy Bourne, Police and Crime Commissioner (PCC) for Sussex, presented the results of a 2010 survey of more than 3,500 children and young people which showed that younger children who had had less contact with the police viewed them far more positively than older children, who had had more contact with the police.

1.1.5 Low tolerance of young people in public spaces

Jacqui Cheer, Chief Constable for Cleveland and former National Police Lead for Children and Young People, told the inquiry that she felt society is becoming increasingly intolerant of young people in public spaces. She raised concerns that too often young people's behaviour is labelled as anti-social, when in fact it is often normal "growing up behaviour":

"...what's anti-social to one person is just what I did and what many young people do... When you're in a crowd of three or four it can get a bit noisy, is that anti-social? When you're walking down a street and might be having a bit of a laugh and joke, is that anti-social?... [anti-social behaviour is] not just being annoying, or being in the wrong place at the wrong time, or there's more than three of you." (Chief Constable Jacqui Cheer, Cleveland Police and former National Police Lead for Children and Young People)

She pointed out that this societal intolerance puts the police in a difficult position: if the public report young people's behaviour, the police are expected to respond, even if they do not deem it to be particularly anti-social. In turn, this can antagonise young people who feel they are doing nothing wrong and can further strain relationships between young people and the police. She felt a clearer understanding is needed of what constitutes anti-social behaviour in order to avoid unnecessarily penalising young people.¹

Chief Constable Cheer was also concerned that the closure of youth services has left many young people out on streets with nothing to do, and that this can lead to problems and increased antipathy from the public towards young people:

¹ At the point when Chief Constable Cheer gave oral evidence to the inquiry (November 2013), the Anti-Social Behaviour Crime and Policing Act 2014 was passing through Parliament. Proposed changes included an amendment to the definition of anti-social behaviour to re-define it as 'causing nuisance and annoyance', which would have significantly reduced the threshold for injunction offences. A vote in the House of Lords during Report Stage of the Bill rejected the introduction of this new definition, and the Government subsequently re-instated the current definition of anti-social behaviour as causing 'harassment, alarm or distress'.

“We’ve closed down a lot of places that people are allowed to go to...If we have closed down all the public spaces and if we are not providing places for young people to meet and to push the boundaries in a safe environment, we are creating this [situation] ourselves.” (Chief Constable Jacqui Cheer, Cleveland Police and former National Police Lead for Children and Young People)

Dominic Rogers, Cheshire PCC’s Youth Ambassador, also highlighted the impact of cuts to youth clubs and youth services, which mean that many young people have nowhere to meet and socialise with friends, spend time or seek information or support.

1.2 What children and young people told us about their experiences of the police process

The APPGC learned that most children and young people will come into contact with the police as a result of the police process: they may find themselves a victim of crime, or be witness to a criminal act; they may also be involved in criminal activity, and so come into contact with the police as a suspected offender. Children and young people who come into contact with the youth justice system are likely to have experienced some form of victimisation themselves, either from peers or at home.² During the inquiry, young witnesses were invited to describe their experience of engaging with the police during the police process, in particular their experience of stop and search and of arrest and detention in police custody.

1.2.1 Stop and search

As part of the inquiry, the APPGC issued a freedom of information (FOI) request to all 43 police forces in England and Wales and the British Transport Police for data on the stop and search of children. Analysis of responses suggests that, from 2009 to 2013 and across 26 of the 44 police forces, over one million stop and searches were carried out on children under the age of 18. Over that period, stop and searches of children and young people accounted for a significant proportion of all-age stop and searches, ranging from 13 to 28 per cent across the different police forces. Indeed, in as many as 19 forces the number of stop and searches carried out on children made up between one fifth and one quarter of all stop and searches.³

The inquiry heard that the majority of young people understand the importance of stop and search and believe that, when used correctly, it is an important tool in enabling the police to do their job and improve public safety. However, several witnesses stated that stop and search is being used on children and young people too frequently and without good enough reason. A recent review of stop and search by Her Majesty’s Inspectorate of Constabulary (HMIC) found that 27 per cent of stop slips (which

² See Policy Exchange (2008) *Going Ballistic: dealing with guns, gangs and knives* <http://www.policyexchange.org.uk/images/publications/going%20ballistic%20-%20jul%2008.pdf>

³ All Party Parliamentary Group for Children (2014) *All Party Parliamentary Group for Children inquiry into ‘Children and the Police’: Initial analysis of information request to police forces*. London: National Children’s Bureau, pp.4-7. Available at: http://www.ncb.org.uk/media/1150494/appgc_police_data_report_july_2014_final.pdf

provide a record of stop and search) did not record reasonable grounds for a lawful search.⁴ This was reflected in comments made by young people to the inquiry. As a young representative from Youth Futures, a youth group based in south London, told Officers of the APPGC:

“I've been stopped and searched. I asked them why. They said, “It’s none of your business”, “Just because we’re bored”, all types of different stuff.” (Young person, Youth Futures)

Witnesses said that the excessive use of stop and search makes young people feel that their freedom is being undermined, damaging relations between children and young people and the police.

The inquiry also heard from some witnesses that stop and search is used disproportionately on certain groups of young people. In the focus group at Cookham Wood YOI, a group of young people told Officers of the APPGC that, in their experience, male youths aged 13 to 21 years from black and minority ethnic (BME) backgrounds, and particularly those from disadvantaged inner city areas, are far more likely to be stopped and searched than other young people. This is supported by research which indicates that those from BME backgrounds are disproportionately more like to be stopped and searched, with black people stopped six times more often and Asians stopped more than twice as often as white people.⁵

Police data received in response to the APPGC’s FOI request to all police forces further corroborates this. Four forces which provided comparable figures - Bedfordshire Police, Metropolitan Police, Thames Valley Police and West Midlands Police - all recorded disproportionately high numbers of stop and search conducted on children and young people from BME backgrounds. In addition, data from the British Transport Police (BTP), a nationwide force, also indicated an imbalance in the use of stop and search with regard to ethnicity, with BME groups being stopped disproportionately by the BTP across the country.⁶

Young witnesses told the inquiry that the manner in which the stop is carried out is an ongoing problem, with officers often failing to show any respect to children and young people or speaking to them rudely or aggressively. Tashan, a young person involved with the Deptford-based community project Second Wave, explained that the attitude of an officer can make all the difference:

“Sometimes you will come across young people who don’t care...to the point where they get handcuffed...and they get driven to the station, when it didn’t need to be handled that way, if

⁴ HM Inspectorate of Constabulary (2013) *Stop and Search Powers: Are the police using them effectively and fairly?* London: HM Inspectorate of Constabulary, p.6. Available at: <http://www.justiceinspectores.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf>

⁵ Eastwood, N., Shiner, M. and Bear, D. (2013) *The numbers in black and white: ethnic disparities in the policing and prosecution of drug offences in England and Wales*. London: Release, p.21. Available at: <http://www.release.org.uk/sites/release.org.uk/files/pdf/publications/Release%20-%20Race%20Disparity%20Report%20final%20version.pdf>

⁶ All Party Parliamentary Group for Children (2014) *Initial analysis of information request to police forces*, p.10

maybe the police officer came over in a calmer manner, in a calmer tone, in a more positive way.” (Tashan, aged 18)

As a young offender at Cookham Wood YOI pointed out, whilst he understood that he had sometimes done the wrong thing and the police had a job to do, it was the extent to which the police went “overboard” that was the problem. These factors can result in a very negative experience of stop and search. One witness described the “anger, embarrassment and marginalisation” which children and young people feel when stopped and searched. Importantly, for some children and young people stop and search may be the first time they have come into contact with a police officer and a negative experience can have a long-lasting impact on their view of the police.

1.2.2 Arrest and detention in police custody

Between 2008 and 2013, arrests of under-18s fell by 59 per cent across England and Wales which demonstrates a significant step in reducing the number of children entering the criminal justice system. However, police forces nationally continue to carry out several thousand child arrests a year, with 129,274 arrests of children and young people occurring in England and Wales in 2013, of which 11,369 (9 per cent) involved children younger than 14.⁷

Evidence was presented to the inquiry which suggested that many children and young people who are arrested find the experience highly stressful and traumatic. Young people who were involved in the Howard League for Penal Reform’s UR Boss project, a youth-led project to support young people in the criminal justice system, described having been assaulted during their arrest, including one young man who reported to have been beaten in a police van on the way to the station. When asked to describe their feelings during their arrest, these young people said they felt “scared”, “threatened”, “afraid”, “picked on” and “upset”.

Detention in police custody can be very distressing for children and young people. Whilst for some particularly vulnerable children, the experience can be a chance for shelter, a hot drink and a night’s sleep, for many the time spent in custody is frightening and daunting. Assistant Chief Constable Dawn Copley of Greater Manchester Police and the National Police Lead for Custody pointed out that the lack of separate facilities for children and young people mean that those who are detained are exposed to the adult world of police custody suites, which can “by their nature, be noisy, volatile and intimidating places”. Evidence to the inquiry emphasised the stress that children and young people suffer when arrested and detained and the traumatic impact of even a short period of time spent in police custody:

“Being arrested is horrible. I’d rather do time in prison cells than spend an hour in a police cell. They mess with your head.” (Tyler, young person, UR Boss project)

⁷ The Howard League for Penal Reform (2014) *Child arrests in England and Wales 2013: Research briefing*. London: The Howard League for Penal Reform, p.4. Available at: https://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Child_Arrests_2013_2_.pdf

Children and young people can also experience difficulties during the various procedures in the police station. For example, young people from the UR Boss project thought that strip-searching, which they found particularly degrading, was over-used. Furthermore, the process of interviewing and questioning can be confusing and intimidating for children and young people, and whilst there is a statutory duty on police to ensure that an Appropriate Adult is present during this process, there is no requirement for children and young people to be provided with legal representation. Research presented to the inquiry indicated that children aged 10 to 13 are the age group least likely to request a solicitor.⁸ What is more, Aika Stephenson of Just for Kids Law, a charity which provides legal representation, advocacy and support for children and young people in trouble with the law, spoke of being involved in several cases where police officers had actively encouraged children to cede their rights when in custody, telling the child that they would be released far more quickly if they did not ask for legal representation.

1.3 What children and young people told us about their experiences of engaging with the police in the community

The APPGC heard about the experiences of children and young people in engaging with the police in the community, particularly in schools, through the police cadets and through community and voluntary projects. The aim of many of these community schemes is to break down the mistrust which can exist between children and young people and the police and to develop better communication and mutual understanding. In general, children and young people's experience of engaging with the police in the community was positive and constructive, and so contrasted significantly with the negativity and stress which children and young people often experienced when engaging with the police during police processes such as stop and search, and arrest and detention.

1.3.1 Police in schools

Prior to 2002, police presence in schools consisted largely of responses to call-outs and engagement through occasional lessons or assemblies. However, as a result of growing debate around pupil and teacher security, police engagement with schools has since changed. The introduction of Safer School Partnerships (SSPs) by the Youth Justice Board (YJB) in 2002, with dedicated central government funding, formalised a closer involvement between the police and the school community. Under SSPs, a police officer or Police Community Support Officer (PCSO) is based in a school or group of schools in order to help keep pupils safe, reduce crime and improve behaviour, and to work particularly closely with pupils at risk of offending.⁹ The scheme was evaluated by the YJB in 2005, and found to have a positive impact on a range of factors, including truancy levels, whole school behaviour and the early identification of children at risk of criminalisation.¹⁰ However, whilst SSPs continue to operate in many

⁸ All Party Parliamentary Group for Children "Oral evidence session 2: 'The detention of young people in police custody'" Meeting minutes. 10 December 2013, p.4. Available at: http://www.ncb.org.uk/media/1103924/131210_appgc_inquiry_meeting_minutes_final.pdf

⁹ The Police Foundation (2011) *Safer school partnerships. The briefing: Series 2, Edition 2 – November 2011*. London: The Police Foundation, p.2. Available at: http://www.police-foundation.org.uk/uploads/catalogerfiles/safer-school-partnerships/safer_schools_briefing.pdf

¹⁰ Bowles, R., Garcia Reyes, M. and Pradiptyo, R. (2005) *Safer Schools Partnerships*. London: Youth Justice Board, pp.10-11. Available at: <http://dera.ioe.ac.uk/5927/1/Safer%20Schools%20Partnerships%20-%20Full%20Report.pdf>

forces across the country, the scheme no longer receives central government funding. As a result, many forces – already under pressure to make significant financial cuts – have had to reduce the number of school-based officers. A recent FOI request by Children & Young People Now revealed that of the 32 forces who responded, 11 (34.4 per cent) had fewer police officers currently working in schools compared to 2012.¹¹

The APPGC heard about the positive impact of closer police engagement with schools. Andrew Pilbury, Assistant Headteacher at Tytherington High School in Macclesfield, spoke about the ways in which working with PC David Storey through the Safer School Partnership has benefitted his wider school community. Not only has the scheme increased safety for pupils arriving at and leaving school, but PC Storey also provides restorative support when relationships break down between pupils or between pupils and staff, and provides advice and support for parents and pupils, especially those returning from exclusion. Mr Pilbury stated that in the months between April 2013, when PC Storey took up his post, and the end of the summer term, behaviour incidents had decreased to 21.8 per cent of the levels in 2012 and the number of exclusions had dropped from 40 to 18.

Young people from Tytherington High School talked about their own experiences working with PC Storey. Josh, 15, spoke about how he had not liked school at all in Year 10, had poor attendance, tried to avoid learning and had been arrested for criminal damage outside school. He then described the beginning of his work with PC Storey:

“One day I was walking out of isolation and he saw me and he didn’t tell me to stop like any other teacher would, he just asked if I was all right. From there it started... He has changed the way I think and approach things. I’m a better person now.” (Josh, aged 15)

Michael, 15, added that having been involved in petty crime, including theft and arson, PC Storey had arranged for him to complete community work instead of receiving a criminal record. This had enabled him to turn his life around. PC Storey had helped him to improve his relationships with teachers and to improve his life at home; without this intervention, he believes he would have been excluded from school.

The inquiry heard that, given reduced budgets, a number of forces have had to make difficult funding decisions resulting in the withdrawal of their officers from school-based posts. This has not been the case in London where the Mayor’s Office has been able to locate dedicated funding to enable Metropolitan Police officers to continue to work in schools. Commander Mak Chishty of the Metropolitan Police explained that 282 police officers are currently working across 648 schools in

¹¹ Puffett, N. “Exclusive: Number of police officers in schools declines amid safety concerns” *Children and Young People Now*. 2 September 2014. Available at: http://www.cypnow.co.uk/cyp/news/1146337/exclusive-police-officers-schools-declines-amid-safety-concerns?utm_content=&utm_campaign=020914%20daily&utm_source=Children%20%26%20Young%20People%20Now&utm_medium=adestra_email&utm_term=http%3A%2F%2Fwww.cypnow.co.uk%2Fcyp%2Fnews%2F1146337%2Fexclusive-police-officers-schools-declines-amid-safety-concerns

London and this programme is being extended to include feeder primary schools, as well as secondary schools. The APPGC would welcome the Government reviewing how all police forces could deliver Safer School Partnerships in recognition of their demonstrable impact.

In placing officers in schools, there is a risk that pupils could be unnecessarily prosecuted for incidents which could have been managed by the school. The APPGC therefore welcomes the good practice presented to the inquiry on the Safer School Partnership, which focuses on diverting vulnerable children and young people away from the criminal justice system.

1.3.2 Volunteer Police Cadets

Volunteer Police Cadets (VPC) operate across the country and involve children and young people volunteering with the police in order to support their community and to assist in crime prevention. Cadet units are open to members aged 13-18 and there is an expectation under the National Volunteer Police Cadets framework that 25 per cent of cadets should come from a vulnerable background. For example, they may be children in care or young offenders, or they may be disabled or at risk of exclusion from school.

The inquiry heard that the VPC can play a key part in helping to build better relationships between children and young people and the police, and a number of young people who presented evidence to the inquiry highlighted the positive impact being a cadet has had on their lives. Sonny, 14, who has a diagnosis of ADHD, said that the VPC programme had taught him the sort of life skills, such as problem solving, not taught at school. Bradley, 17, added that being a cadet had helped to improve his behaviour at school and that the scheme helped others to stay out of trouble by giving them something to be involved in after school. Jack, aged 17 and living in residential care, also spoke about the benefits of being a cadet:

“Being a police cadet has helped me to build confidence in myself, and it’s also helped me understand who the police are, what they do on a day-to-day basis, and it’s really helped me build relations with officers, and others, in social situations. Also, from a care end, an independence is gained. It’s given me vital experience that can only benefit me when that aspect of life changes.” (Jack, aged 17)

However, it was pointed out during the inquiry that the Cadets may only appeal to certain children and young people, and that those who were the most disengaged from society and the most hostile towards the police might be very unlikely to consider involvement with a uniformed group run by the police.

1.3.3 Community projects

Evidence of children and young people’s experiences engaging with the police in a range of community and voluntary projects was also presented to the inquiry. Some of these projects work specifically to improve the relationship between children and young people and the police, such as a project run by

Telford and Wrekin's Children in Care Council¹² and West Mercia Police which aims to improve the negative attitudes of children in care towards the police. Chloe de Poix, Participation Officer for the local authority described the first time Sergeant Gordon Kaye of West Mercia Police visited the children. He attended the session in plain clothes, which meant that the children "weren't confronted with the uniform; they were confronted with an individual". He let the children try on a police uniform and showed them different police equipment, and in doing so began a positive interaction with them. This developed over time, and led to a residential trip away, as well as work shadowing of police officers for National Takeover Day. Chloe, 15, a member of the Children in Care Council spoke about her own experience of the project:

"At first, I was a bit sceptical. As he did not come in his police uniform, had friendly chats with us, and explained why the police do what they do, my opinions started to change. On Exercise Aspiring Rifleman, we went to an army camp and did numerous activities. Gordon and a few other police officers came along, and I got along with them. It was after this that I realised that the police aren't there to do bad things, and they aren't bad people; they're there to keep you safe and help you." (Chloe, aged 15)

Other community projects such as XLP, a London-based charity working with young people, and MAC-UK, which provides mental health support for excluded young people, aim to reduce youth offending rates through participation work with vulnerable and disadvantaged children and young people in the local area. However, the inquiry heard that in many cases these community and voluntary projects were one-off schemes which were not replicated elsewhere, despite often producing very positive results.

1.4 The experiences of vulnerable children and young people in engaging with the police

In considering the experiences of children and young people in engaging with the police, the APPGC wanted to hear from groups of particularly vulnerable children and young people: those who, as a result of their background or situation, may be more likely to come into contact with police and who, simultaneously, may have considerable welfare needs and require extensive support from police and other professionals. In particular, the inquiry focused on the experiences of: children in care; children with special educational needs (SEN), speech, language and communication needs (SLCN) or mental health needs; and children who have been trafficked or have been victims or are at risk of child sexual exploitation (CSE).

1.4.1 Children in care

Children in care are more likely to enter the youth justice system than any other group of children and young people. In 2013, 6.2 per cent of children in care aged 10 to 17 were convicted of a criminal

¹² Children in Care Councils are representative groups made up of children and young people in care which are based in local authorities and which aim to be the voice of children in care.

offence or subject to a final warning, compared to the national average of 1.5 per cent for all children,¹³ while around one third of children in custody have been in care,¹⁴ despite children in care making up around just one per cent of the total child population. Those giving evidence to the inquiry pointed out that the experiences of children before they are taken into care – which may include family breakdown, abuse, homelessness, absent parenting or trauma – and once they are in care – for example, placement instability – can lead to challenging behaviour which can develop into involvement in criminal activity. In addition, children in care are more likely than their peers to have a statement of SEN, to be excluded from school or to leave education with few academic qualifications¹⁵ – all factors which increase the likelihood of involvement in crime.¹⁶ Witnesses pointed out that systemic problems also play their part: for example, the fact that police are called to deal with incidents in residential children’s homes which, should they have occurred in a family home or school setting, would have been managed without police involvement. This issue is addressed in more detail in section two of this report.

The inquiry heard that children in care often have a negative view of police, which can be based on their early experiences of police engagement with their family or can be passed on from their birth parents. Chloe, 15, told the inquiry how her experience as a young child led her to distrust the police: when police officers arrived at her house during a family argument, no-one explained to her why her mother was so upset. As she was very young, she assumed the police had made her mother cry and that they were bad people – a view which she continued to hold as she grew up. Jonathan Stanley of the Independent Children’s Homes Association added that as they get older, children in care tend to only engage with the police at times of crisis, preventing them from forming a more positive view of the police. As a result, they can sometimes be reluctant to approach the police if they need help which, given their particular vulnerabilities, can have worrying implications for their safety, especially in the years immediately after they leave care.

The evidence presented to the inquiry suggested that when children in care do engage with the police, their experiences are mixed and the police do not always provide the level of support and protection that these particularly vulnerable children need. Witnesses who had experienced time in care spoke of how the police were often stern with them if they ran away, raising their voices and not behaving in a supportive way which demonstrated a concern for their welfare. For example, Andy, a young person speaking on behalf of the Telford and Wrekin Children in Care Council, told the APPGC about running away as an 11-year-old:

¹³ Department for Education (2013) *Outcomes for Children Looked After by Local Authorities in England, as at 31 March 2013*. SFR50/2013. London: Department for Education, p.15. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264385/SFR50_2013_Text.pdf

¹⁴ Murray, R. (2012) *Children and Young People in Custody 2011-12: An analysis of the experiences of 15-18 year olds in prison*. London: HM Inspectorate of Prisons and Youth Justice Board, p.97. Available at: <http://socialwelfare.bl.uk/subject-areas/services-client-groups/young-offenders/tsop/144293children-and-young-people-custody-2011-12.pdf>

¹⁵ Department for Education (2013) *Outcomes for Children Looked After by Local Authorities in England, as at 31 March 2013*, pp.9, 11 and 18

¹⁶ Sainsbury Centre for Mental Health (2009) *Briefing 39: Mental health care and the criminal justice system*. London: Sainsbury Centre for Mental Health, p.3. Available at:

http://www.centreformentalhealth.org.uk/pdfs/briefing39_mental_health_care_in_criminal_justice_sys.pdf

“The police didn’t really talk to me about why I was running away; they just put me in the back of the car and took me home. But it got worse over time. After the seventh time, the police actually started asking why I was running away.” (Andy, aged 18)

1.4.2 Children with special educational needs, speech, language and communication needs or mental health needs

The APPGC heard that children and young people with speech, language and communication needs (SLCN) or with special educational needs (SEN) are at particular risk of being involved in crime, with as many as 60 per cent of those in the youth justice system having communication difficulties and a quarter having a special educational need.¹⁷ Witnesses explained that difficulties with language are likely to lead to offending behaviour: children with SLCN may have problems expressing themselves, understanding information that is given to them or understanding how to interact with different people appropriately; they may have difficulties with ‘inner speech’ which is used to regulate behaviour and think through actions and consequences; and they often leave school with low attainment, low literacy levels and further entrenched communication difficulties. Similarly, witnesses told the APPGC that children and young people in the criminal justice system are far more likely to have a mental health diagnosis than those who do not enter the system. A report by the Centre for Mental Health, who presented evidence to the inquiry, states that up to 90 per cent of prisoners have some form of mental health problem.¹⁸ This number increases for younger age groups: 95 per cent of 16 to 20 year olds in custody are believed to have at least one mental health problem.¹⁹

The APPGC heard that, for these children, engagement with the police can be particularly problematic and police responses can be mixed. It was pointed out that for some children contact with the police can be beneficial, as their mental health or special educational needs may only be identified as a result of a police assessment conducted during time in custody. However, for many the experience is negative. The Standing Committee for Youth Justice stated that many officers overlook or ignore presenting vulnerabilities, while some, at their worst, behave in a bullying manner or deliberately frighten the children in their care. Time spent in police custody can be frightening for any child, but for those with SEN, SLCN or mental health needs, detention can exacerbate and aggravate existing problems, causing severe distress and trauma.

Children and young people with SEN, SLCN or mental health needs may find the processes in a police station particularly difficult and may struggle to comply with expectations in the custody suite, such as patiently waiting in line. They also may not have the necessary communication or interpersonal skills to deal with encounters with the police in a calm or non-confrontational manner or to ask questions and articulate their concerns. Witnesses stated that children and young people with SEN or SLCN often struggle with the language or terminology used by the police, and so do not always understand what it is being explained to them or expected from them. The Raising Your Game project, which works with

¹⁷ Talbot, J. (2010) *Seen and Heard: supporting vulnerable children in the youth justice system*. London: Prison Reform Trust, pp.11-12. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/SeenandHeardFinal%20.pdf>

¹⁸ Sainsbury Centre for Mental Health (2009) *Briefing 39*, p.2

¹⁹ Sainsbury Centre for Mental Health (2009) *Briefing 39*, p.3

young people with communication difficulties who have been in trouble with the police and is run by I CAN, found that while most children and young people with language and communication difficulties will understand some of what the police say to them, very few will ask for clarification on areas that they do not understand, meaning that many are left confused and uninformed about their situation.

1.4.3 Children who have been trafficked or who have been victims of child sexual exploitation

High profile cases of child sexual exploitation and trafficking in Rotherham, Oxford, Telford and Rochdale in the last few years have raised concerns about how the police and other agencies engage with children and young people who are victims of or at risk of abuse. The recently published independent report into child sexual exploitation (CSE) in Rotherham documents a number of ways in which the police failed to prevent abuse or to prioritise dealing with CSE,²⁰ and in doing so highlights the important role the police can and should play in responding to CSE and trafficking.

The APPGC heard that children who have been trafficked or who have been victims of CSE can be at increased risk of involvement in crime. They may commit crimes as a survival strategy, such as stealing food or money when fleeing from abusers. They may become criminalised as a result of their exploitation, for example if they are trafficked to the UK to work on an illegal cannabis farm. Indeed, in their written submission to the inquiry the Office of the Children’s Commissioner stated that “offending behaviour is a key indicator of CSE”. However, when these children come to the attention of the police under suspicion of having committed an offence, their status as victims can go unnoticed. At the same time, the police can be an important point of professional contact for these children and so officers have a crucial role to play in safeguarding children and promoting their welfare. Unfortunately, the inquiry heard that the police response to CSE and trafficking victims was a “postcode lottery”, leading to very different experiences and outcomes for children nationally²¹.

For those children and young people who have been victims of CSE, interactions with the police can be particularly difficult and stressful. Sarah Champion, MP for Rotherham, explained that victims of CSE report repeatedly being asked to give the same information, which makes them feel exposed, especially if they struggle to remember details, and makes them worried that the police will not believe them. Professor Jenny Pearce of the University of Bedfordshire, a leading expert on CSE, added that victims are often not told what will happen with the information they provide to the police, which can often be very sensitive and personal in nature, and that this makes victims feel like they are not respected. Victims also report that as the criminal process continues, the police do not always keep them up to date with their case which makes them feel disempowered. As Sarah Champion pointed out, victims

²⁰ Alexis, J. (2014) *Independent Inquiry into Child Sexual Exploitation in Rotherham 1997-2013*. Rotherham: Rotherham Metropolitan Borough Council, p.1. Available at:

http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

²¹ See All Party Parliamentary Group for Children “Oral evidence session 7: ‘Child Sexual Exploitation and Trafficking’” meeting minutes. 6 May 2014, p.6. Available at:

http://www.ncb.org.uk/media/1150466/140506_appg_inquiry_meeting_minutes_final.pdf

lack control during their abuse, yet the police process can sometimes have the effect of continuing to take control from the victims, who feel a lack of choice or agency over their case.

Similar problems were expressed by children and young people who had been trafficked. Bharti Patel of ECPAT-UK, presenting the views of a group of trafficked young people, reported to the APPGC that some of them felt that police asked a lot of questions and listened to them, that the police wanted the truth, and that they were patient and friendly. However, many of these young people spoke of negative experiences in dealing with the police, stating that the police asked a lot of unnecessary questions, sometimes using confusing language, and did not explain why they were asking these questions. Some said that the police did not appear to believe them or seemed to twist their words, so that they felt like they were being treated like criminals.

Section two

Improving police practice and the policy and legislative framework

“Who is the professional in all of this? We are paid to be professional, to be respectful and to show dignity, and that is something we need to keep an eye on.” (Commander Adrian Hanstock, Metropolitan Police and National Police Lead for Stop and Search)

This section draws upon evidence presented to the inquiry regarding current police practice and the effectiveness of the policy and legislative frameworks governing the work of police forces. Focusing on key issues highlighted over the course of the inquiry, it outlines recommendations aimed at:

- ensuring children and young people are listened to and prioritised by all local police forces so they are treated first and foremost as children;
- improving police officers’ knowledge and understanding of children and young people through training and professional development;
- making sure stop and search is used proportionately on children and young people and with regard to children’s welfare and well-being;
- reducing the detention of children in police custody, and improving their experiences when they must be detained;
- improving the capacity of the police to identify and respond to children’s needs and vulnerabilities; and
- reducing the involvement of children in care in the criminal justice system.

2.1 From good practice to common practice

Throughout the inquiry, the APPGC was presented with a wide range of good practice examples (many of which are cited throughout this report), that showcase the commitment of police leaders and officers to positively engaging with children and young people.

Witnesses spoke about good practice often being based on one-off projects, and the result of the commitment and enthusiasm of individuals. For example, Ethan Bernard from the urban youth charity XLP spoke about a music project the charity runs in a car park in Catford. The project gained the support of one particular police officer, who often encouraged other officers to join her in visiting the project. Ethan explained that “At first, the barriers were up...” but that over time, relationships improved between the police officers and the young people, some of whom were amongst the most hardened gang members in the borough. This interaction enhanced these young people’s perceptions of the police and created opportunities for positive shared experiences. However, this positive engagement came to an end when the officer, who had worked with XLP to develop strong relationships with these marginalised young people, was moved on to a different area.

Moreover, effective approaches are not necessarily replicated elsewhere in a local area, nor are they used as a model of standard practice nationally (an exception to this being the National Volunteer Police Cadets). As Chloe de Poix, Participation Officer for Telford and Wrekin’s Children in Care Council pointed out:

“We need to take the bits out that the young people have really valued, and make it more systematic within the authority, because at the moment, it is based on the relationship rather than standard practice.” (Chloe de Poix, Participation Officer, Telford and Wrekin Children in Care Council)

The inspectorate for policing, HMIC, has a crucial role in ensuring high standards of police practice. As such, its new police efficiency, effectiveness and legitimacy (PEEL) assessments provide an opportunity for the inspectorate to address police forces’ engagement with children and young people. This commitment would be timely given child protection concerns raised by HMIC in their report on South Yorkshire Police, particularly regarding the treatment of children and young people in police custody and those at risk of child sexual exploitation.²² In addition, planned integrated inspections of the arrangements for the help, care and protection of children by HMIC, HM Inspectorate of Prisons (HMIP), Ofsted and the Care Quality Commission (CQC) should provide a mechanism for assessing how effectively the police work in partnership with local authority children’s services, including social care and children’s homes, to reduce the criminalisation of vulnerable children and young people and promote their safety and welfare.

²² HM Inspectorate of Constabulary (2014) *National Child Protection Inspections: South Yorkshire Police 12-22 May 2014*. London: HM Inspectorate of Constabulary. Available at: <http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/south-yorkshire-national-child-protection-inspection.pdf>

Since the recession, the implementation of good practice has been hindered by budget cuts affecting police staffing and resources. Chief Constable Jacqui Cheer of Cleveland Police outlined to the inquiry a growing discord between how the police aspire to engage with children and young people, and what officers are realistically able to undertake. This is proving particularly challenging for smaller police forces.

“There’s a growing gap now between our aspirations and our desires about what we might want to do, particularly in the area of general engagement with young people, as opposed to our enforcement role or our protection role”. (Chief Constable Jacqui Cheer, Cleveland Police and former National Police Lead for Children and Young People)

The creation of Police and Crime Commissioners (PCCs), who were elected to represent police forces in England and Wales in 2012, provides a strategic opportunity to actively engage children and young people in local decision-making about police services.²³ The inquiry heard that Katy Bourne, PCC for Sussex, has commissioned a number of projects to engage with and represent young people, including appointing a Youth Commission to develop a Young People’s Policing and Crime Plan, and creating a strategic leadership group to share good practice between senior police officers. A number of PCCs have appointed Youth Ambassadors to engage with and represent the views of children and young people within the police force area. Dominic Rogers, Youth Ambassador to the PCC for Cheshire, spoke about the purpose of his role:

“Part of my main role is to act as a link between young people and the Commissioner so that young people’s views are represented when the Commissioner holds the Chief Constable to account.” (Dominic Rogers, Youth Ambassador, Office of the Police and Crime Commissioner for Cheshire)

Through direct engagement with children and young people, for instance through surveys and focus groups, Dominic has been able to gain a better understanding of local children and young people’s views of the police, which he has shared with his PCC to inform strategic priorities.

Given the findings set out in this report, the APPGC believes that it is important that more effective mechanisms are put in place to ensure that effective work with children is a priority within all police forces, and that children and young people themselves are able to inform the development and improvement of local police services.

Recommendation 1: The Home Office, with the College of Policing and the Youth Justice Board, should identify and share examples of police forces working well to develop positive relationships with

²³ The Police Reform and Social Responsibility Act 2011 legislated for the creation of Police and Crime Commissioners (PCCs). In November 2012 PCCs were elected to represent police forces in England and Wales. PCCs are tasked with setting policing priorities, managing police budgets, representing the public, and holding to account Chief Constables.

children and young people and to promote children's safety and welfare. This should include examples of:

- how forces have improved communication with children and young people, and particularly those with language and communication difficulties;
- police forces engaging positively with children and young people through initiatives in schools, youth services and the wider community;
- effective multi-agency working by police forces with other services, including children's social care and child protection, schools and health services (for example Multi-Agency Safeguarding Hubs); and
- approaches to implementing alternatives to placing children and young people in police custody.

Recommendation 2: Every police force should have a designated senior officer of Association of Chief Police Officer rank who is responsible for procedures and practice with children and young people.

Recommendation 3: HM Inspectorate of Constabulary's police efficiency, effectiveness and legitimacy (PEEL) assessments should include a focus on the quality of engagement with children and young people, particularly in relation to those at increased risk of criminalisation.

Recommendation 4: All Police and Crime Commissioners should establish mechanisms for involving young people in their work to promote good relationships between children and the police, and to monitor and address issues of concern in their area. These must be representative of the children and young people who most commonly come into contact with the police, and could address issues including advising on: the PCC's policing priorities, stop and search, police approaches to communicating with children and young people, and positive ways of developing good relationships between the police and children and young people.

Recommendation 5: The National Police Lead for Police Cadets should encourage police forces to work with the National Volunteer Police Cadets to extend the reach of the VPC programme to a greater number of children and young people, including through the junior programme for 10-13 years old which is currently under development. In addition, police forces should align with the National Volunteer Police Cadet framework when operating VPC programmes for 13-18 and 10-13 year olds to promote consistency in practice.

Recommendation 6: The Home Office should examine how all police forces could deliver Safer School Partnerships in recognition of their demonstrable impact.

2.2 Police training and professional development

During their first two years of service, probationary police constables are required to complete the Initial Police Learning and Development Programme (IPLDP), leading to a Level 3 Diploma in Policing. Individual forces are responsible for the implementation and delivery of the IPLDP. The APPGC was pleased to hear that a number of the core elements of the curriculum already address practice in working with children and young people including: communication with the public; safeguarding; recognising and responding to the signs of vulnerability; appropriate use of information on children; interviewing children as witnesses; and the rights and entitlements of children. In addition, police officers are trained to engage with children and young people in a range of contexts including: stop and search, public order situations, children in police custody, and children missing from home or care.

Nevertheless, through the inquiry, the APPGC identified a number of gaps in police training and professional development, which need to be addressed to enable officers to work more effectively with children and young people.

2.2.1 Specialist training in working with children

The APPGC was surprised to learn that police officers do not receive specialist or ongoing training in working with children and young people, over and above the core modules of the IPLDP, unless they are employed in a child/adolescent related role such as a child protection or family liaison officer. One school-based police officer explained that despite working in the profession for a decade, he could not “recall any formal training about the development of young people”.

The inquiry heard from young people who felt that police officers were not engaging with them in an age-appropriate manner, due to a lack of understanding about childhood and adolescence. Moreover, many instances were described where there had been the opportunity to identify and address the needs and vulnerabilities of a child or young person – including mental health needs, SEN, family instability, child abuse and trafficking - but the opportunity had not been taken due to a lack of specialist police training or access to specialist staff. Witnesses stated that all police officers need to:

- fully understand safeguarding and welfare protocols and how to take appropriate action. For example, Bharti Patel from ECPAT and Sarah Champion MP explained that police officers often do not fully understand what child sexual exploitation and trafficking are, and as a result do not spot that a child is a victim when they are brought into custody accused of committing a crime;
- develop an awareness that needs may not be visible by sight. For example, Louise Wilkinson from the Criminal Justice and Acquired Brain Injury Interest Group stated that the police need to understand that children and young people with SEN (such as acquired brain injury) may not wilfully be undertaking criminal activity, as they are prone to impulsivity and are more susceptible to peer pressure; and
- recognise when specialist staff should be approached to support children in challenging situations. For example, Helena Brice from the Centre for Mental Health stated that the police

need to be an integral part of an early intervention system which identifies children and families at risk.

In relation to stop and search specifically, according to HMIC, 90 per cent of police officers do not receive further training on stop and search once they have completed their initial training programme. Stephen Otter of HMIC explained that where training does take place, it is often in the form of e-learning and relates to the application of the law. It became clear during the inquiry that police officers need to be better trained in carrying out searches on children and young people, in particular to improve communication and ensure that they explain clearly why they are stopping someone.

The inquiry sought to address the opportunities for police officers to engage with children and young people in the community, as a means of improving their confidence and practice in working with under-18s. Chief Constable Jacqui Cheer spoke about the benefits of mentoring and volunteering opportunities, such as those available through The Prince's Trust. These are frequently promoted to police officers. However, she stated that placements would need to take place in an officers' spare time due to operational responsibilities.

Recommendation 7: The College of Policing should review police training to ensure it provides all officers with a solid understanding of the specific needs of children and young people, as opposed to adults, including how to communicate and engage with this age group. Police training should enable officers to:

- develop an understanding of child development and how this affects children and young people's behaviour;
- improve their confidence in communicating and working with children and young people, including by involving young people directly in the delivery of police training;
- identify children who are victims within a criminal setting, are in vulnerable situations, or require additional support or representation;
- understand the range of protocols and mechanisms in place to safeguard vulnerable children and young people (for example, the National Referral Mechanism for Victims of Trafficking)
- have positive direct contact with children and young people in their area; and
- where an officer demonstrates an interest or aptitude, secure and undertake a volunteering or mentoring opportunity with children and young people.

2.2.2 Participation of young people in police training

The inquiry heard from youth organisations who had delivered training to police officers to support them in improving their communication and engagement with children and young people. Central to the effectiveness of these training programmes was the participation of young people from the local community, during both the developmental phase and training days.

Youth members of Second Wave described working with the Metropolitan Police in Lewisham to

develop specialist police training relating to the use of stop and search on under-18s. The training programme includes key elements of effective practice to ensure that the stop and search process takes place in a calm and positive manner, with young people fully aware of the reason(s) for the stop and how they can raise any concerns. Training methods include role play, trust building and communication exercises, which are presented by Second Wave members.

“For an hour or two in our workshops we try to equalise the balance of power, by encouraging [police officers and young people] to communicate, listen, and learn from each other more effectively, away from the confrontational aspects of their daily experience.” (Phil Turner, Community Development Worker, Second Wave)

Between January and October 2013, Safer London Foundation ran a pilot programme of training led by young people in five London Boroughs,²⁴ with the aim of supporting police officers to explore their relationship with young people and to help them engage in constructive dialogue. Matt Sharp and Andrei Illie, Youth Ambassadors for Safer London Foundation, explained their involvement in delivering training to police officers:

“The training, it is a great experience doing it but we do come up against some very challenging officers who are very defensive about the communication side.” (Matt Sharp, Youth Ambassador, Safer London Foundation)

“We’ve got a number of exercises in challenging stereotypes. Talking about what’s intimidating behaviour, what’s regarded by young people as negative, so we are trying to make an effort and have a conversation with police officers and challenge those assumptions some of them make about young people.” (Andrei Illie, Youth Ambassador, Safer London Foundation)

As these training programmes are relatively new, formal evaluation reports are yet to be published. However, feedback from Safer London Foundation’s pilot programme identified that participating police officers perceived their confidence in working effectively with young people to have increased and that they had developed a greater understanding of why positive interactions with young people are important in their profession. Sergeant Charlene Pavitt, who is based in Lewisham, explained to the inquiry that Second Wave’s training on stop and search had left her better equipped her for day-to-day operational work with young people.

Recommendation 8: The College of Policing should promote the direct involvement of children and young people in the training of police in their local area. More specifically, the College should involve children and young people with experiences of stop and search in its review of stop and search training, recently commissioned by the Home Secretary.

²⁴ Southwark, Newham, Brent, Haringey and Ealing

2.3 Stop and Search

The APPGC chose to address this area of police practice due to the high proportion of stop and searches taking place on children and young people under the age of 18. As outlined in section one, stop and search is often a child or young person's first contact with the police. The inquiry heard that negative experiences of being stopped and searched can lead children and young people to develop a long-term distrust of the police. In addition, witnesses raised concerns about the quality of training offered by forces to support police officers to carry out searches on children and young people, and the fact that these can take place without the consent or presence of a parent, guardian or Appropriate Adult.

The APPGC requested that all police forces in England and Wales provide data recorded on the use of stop and search on under-18s. Key findings published in July 2014 include:

- During the last five years (2009 to 2013), across 26 police forces, over one million stop and searches were carried out on children and young people.
- Stop and searches of children and young people account for a significant proportion of all-age stop and searches, ranging from 13 to 28 per cent across different police forces. In 19 forces, stops on children accounted for between one fifth and one quarter of all stops.
- Some of these children are very young: records across 22 police forces showed that, over the last five years, 1,136 stop and searches were carried out on children under the age of ten, the age of criminal responsibility in England and Wales. However, there are questions about whether police records relating to the stop and search of under-10s tend to be accurate (see below).
- Data provided by forces suggests that stop and search is used disproportionately on black and minority ethnic children and young people.
- Police forces are unable to provide data on the numbers of children in care who have been stopped and searched.²⁵

Recommendation 9: The Home Office and College of Police should use the “Best Use of Stop and Search” scheme to promote good practice in relation to the stop and search of children and young people by encouraging police forces to:

- improve the recording of data so that accurate statistics can be presented on the number of children and young people who have been stopped and searched, including whether this resulted in an arrest, summons, requirement to attend a voluntary interview, or confiscation of drugs or a weapon;
- enable young people to participate in public scrutiny and lay observations;
- promote clear complaints mechanisms to under-18s;
- set out procedures for police liaison with child protection teams where any risks or concerns are identified following searches.

²⁵ All Party Parliamentary Group for Children (2014) *Initial Analysis of Information Requests to Police Forces*, p.4

2.3.1 Better scrutiny and monitoring of stop and search

The APPGC was disappointed to learn that data recorded on stop and search in relation to children and young people is not collected nationally. Having consistent and transparent data is critical to ascertaining how many under-18s are being stopped and searched, in what circumstances, and whether some children and young people, such as boys from BME communities, are disproportionately affected.

“We have no idea of the scale of the problem nationally, in terms of young people being stopped and searched, because that data is not recorded.” (Niamh Eastwood, StopWatch)

The APPGC welcomes Home Office proposals to improve the consistency in the collection and presentation of data, for instance through national crime maps and the “Best Use of Stop and Search” scheme. An APPGC analysis of data on stop and search identified significant differences in how police forces record information, potentially posing challenges to national monitoring. This included variation in the presentation of data across a 12 month period (financial vs. calendar year), in relation to a child’s age (some police forces used age groups; others single ages); and regarding ethnicity (some police forces set additional ethnicity categories to record local populations e.g. travellers). In addition, inaccuracies were present in stop and search data on children under 10, due to the practice of some police forces to record a child’s age as 0 in instances where it is unknown or if a child’s address has not been entered on paperwork. This makes it difficult to gain a national picture of the extent of stop and search of children and young people.

The “Best Use of Stop and Search” scheme, created by the Home Office and College of Policing and endorsed by all 43 police forces in England and Wales, aims to improve the public scrutiny of stop and search through better engagement with the community. The inquiry heard that the monitoring of stop and search is becoming more effective in London. In the Metropolitan Police area, each borough operates a stop and search monitoring group which scrutinises the use of police powers.²⁶ Mahamed Hashi, Chair of the Lambeth monitoring group, explained how local community members, including young people, frequently meet with police officers to discuss their use of stop and search and to advise them on how they can improve their practice. The monitoring group can also hold senior police officers to account, for instance with regard to their employment of stop and searches under Section 60 of the Criminal Justice and Public Order Act 1994.

Despite this progress in London, an inspection review carried out by HMIC in 2013 identified that fewer than half of police forces have been complying with requirements for stop and search activity to be scrutinised by the public.²⁷

Recommendation 10: The National Police Lead on stop and search should ensure that all police forces have in place independent stop and search scrutiny panels to examine the use of stop and search.

²⁶ The Mayor’s Office for Policing and Crime runs a pan-London Stop and Search Community Monitoring Network to coordinate activity between the borough level monitoring groups.

²⁷ As set out in PACE Code A.

These panels should be representative of the local population and address the disproportionate use of stop and search on specific groups, including children and young people, and the use of stop and search on particularly vulnerable groups such as under-10s.

Recommendation 11: The HM Inspectorate of Constabulary's annual review of stop and search should specifically review and report on the use of stop and search on children, including those under the age of criminal responsibility.

Recommendation 12: Following the Government's review of stop and search, the Home Secretary announced that stop and search data will be made available to the public in local crime maps. This should include data on the stop and search of children.

2.3.2 Guidance for police on stop and search

The police are obliged, under Section 11 of the Children Act 2004, to ensure that their functions are discharged with regard to the need to safeguard children and promote their welfare. Despite this, the police Code of Practice, which provides statutory guidance to the police on carrying out stop and search under the Police and Criminal Evidence Act 1984 (known as PACE Code A), does not outline specific procedures which police officers should follow when carrying out stop and search on children and young people, including advice on safeguarding and child protection. The APPGC perceives this to be a significant gap in the policy framework relating to police practice.

In addition, witnesses stated that PACE Code A lacked a clear definition about what constitutes an effective stop and search on a child or young person, and that this is affecting police accountability and monitoring procedures. An analysis of stop and search records by HMIC, found that over a quarter of all-age stop and searches did not appear to be based on reasonable grounds.

The Home Office has published a consultation on revisions to PACE Code A.²⁸ The new draft Code A says that police officers must report and act upon safeguarding concerns arising from stop and search encounters with under-10s, but does not include any statement on the need to safeguard and promote the welfare of older children and young people. The APPGC believes that PACE Code A should be revised to state clearly that safeguarding children and young people should be the first priority of police officers when carrying out stop and search on all under-18s.

Alongside this, more detailed guidance could be provided as part of the examples of Authorised Professional Practice (APP), developed by the College of Policing and shared with all forces. APP could, for instance, set out complaints procedures for under-18s. Roy, aged 20, from Kinetic Youth, a not-for-profit organisation which supports young people in the youth justice system, suggested that a leaflet be handed to young people to tell them what they could do if they felt they had not been well treated during a search.

²⁸ The Home Office published a consultation on revisions to PACE Code A on 26 August 2014. Available at: <https://www.gov.uk/government/consultations/revised-pace-code-a>

Recommendation 13: The Government should revise statutory guidance to the police on carrying out stop and search (PACE Code A) so that it:

- makes clear to police officers that the safety and welfare of the child must be of paramount consideration when undertaking a stop and search on a person below the age of 18, highlighting their duty under section 11 of the Children Act 2004;
- requires police forces to record the date of birth of children and young people on stop and search forms and central recording systems. To deal with cases where a child does not disclose his or her age, the Code should include the expectation that officers make a visual estimate of the child's age.

Recommendation 14: The College of Policing should publish guidance within Authorised Professional Practice (APP), following public consultation, on the use of stop and search on children and young people. This should include:

- procedures police officers should follow to protect vulnerable children, such as children in care, children under the age of 10, and those at risk of abuse and exploitation;
- supplementary guidance to support police officers on best practice in carrying out stop and searches on children and young people, and in particular those under the age of 10; and
- advice on how police forces should enable children and young people to provide feedback in relation to their interaction, or advice on how to make a complaints if they feel they have been treated badly or unfairly.

2.3.3 The use of stop and search on under-10s

Although a small proportion of all stop and searches are carried out on children under the age of 10, who are below the age of criminal responsibility, the numbers are still significant. The APPGC's information request to police forces found that, across 22 police forces, 1,136 stop and searches were carried out on children under the age of ten between 2009 and 2013.²⁹ Although, as stated above, questions were raised regarding the accuracy of the data held by these forces, it was acknowledged that a number of under-10 year-olds are stopped and searched. StopWatch claims that in London, for example, at least one child per week under the age of 10 is stopped and searched.³⁰

There was a debate amongst those who gave oral evidence about how the police should be using their powers to stop and search children under the age of ten, including whether an Appropriate Adult, such as a parent or guardian, should be asked for consent, prior to a search taking place on a young child or whether under-10s should be stopped and searched at all.

²⁹ All Party Parliamentary Group for Children (2014) *Initial Analysis of Information Requests to Police Forces*, p.7

³⁰ StopWatch (2013) *StopWatch Submission to the Consultation on Police Powers to Stop and Search*. London: StopWatch, p.46. Available at: http://www.stop-watch.org/uploads/documents/StopWatch_consultation_final.pdf

“I would say yes. I would be very sensible about it and say that it should be with the agreement of an Appropriate Adult, and so on, but quite honestly they shouldn’t be stopping and searching people of that age. That’s my personal view.” (Baroness Jenny Jones, London Assembly)

The APPGC accepts the view put forward by ACPO and the Metropolitan Police that if police officers were not permitted to stop under-10s in any circumstance, this could lead to an increase in the exploitation of children, who could be used to carry out crimes or carry drugs or weapons on behalf of older children or adults. The APPGC is therefore not recommending that the practice of stopping and searching children under 10 should cease altogether.

“A nine year old was stopped with his mother and two other adults, having been identified by security as being involved in theft. He was found to have an item used for de-tagging clothing hidden down his sock. That was taken out, in the presence of his mother, and the mother and the two other adults were arrested.” (Adrian Hanstock, Metropolitan Police and National Police Lead for Stop and Search)

The APPGC believes that there should be a presumption against children under the age of 10 being stopped and searched except in exceptional circumstances. As already highlighted, young children who are stopped and searched are often in vulnerable situations, and therefore these encounters should be considered by police officers first and foremost within a child protection context.

Recommendation 15: There should be a presumption against under-10s being stopped and searched except in exceptional circumstances. Where stop and search does take place on children under 10, a parent or guardian should be informed at the earliest opportunity. A copy of the stop and search form should be forwarded to the police force’s child protection team for onward referral to children’s services where appropriate.

2.4 The detention of young people in police custody

During the course of the inquiry, the APPGC heard about children and young people’s experiences of being detained in police custody. Witnesses stated that police custody is not an appropriate place for children and young people to be detained, as facilities are noisy, scary and intimidating, and children are often not sufficiently well supported or represented.

“Custody is not a good environment for young people, and we have to keep them out of it wherever we possibly can.” (Assistant Chief Constable Dawn Copley, Greater Manchester Police and National Police Lead for Custody)

“Huge numbers of children, from the age of 10, [are] being treated as adults, and taken into the criminal justice system. There are marginal and peripheral protections for them...but really they’re put into a cell and treated the same.” (Frances Crook, Chief Executive, Howard League for Penal Reform)

Research carried out by the Howard League for Penal Reform found that in 2011 there were more than 40,000 overnight detentions of children aged 17 and under in police stations across England and Wales, including over 2,000 children aged 10-13. This equates to almost 800 children being kept overnight in police cells each week.³¹ The APPGC welcomes the commitment by HMIP and HMIC to address this situation through a joint thematic inspection on the welfare of vulnerable people in police custody. This will include a focus on children and young people and will report in Spring 2015.³²

PACE Code C sets out the guidelines which police officers and custody sergeants must follow with regard to the detention in police custody of children and adults. It states that ‘a juvenile must not be placed in police custody unless no other secure accommodation is available and the custody officer considers it not practicable to supervise them... A juvenile must not be placed in a cell with a detained adult’.³³ There is, however, no requirement under PACE Code C for custody suites to have dedicated facilities for children and young people, nor are custody officers specifically trained to work with children.

The APPGC gathered data from police forces to better understand the custody facilities provided for children who have been arrested and detained. It was ascertained that just over half (23) of the 43 forces had *some* separate custody facilities in their area specifically for children and young people, with 12 (28 per cent of all forces) providing separate facilities in *all* of their custody suites. However, the data indicated that 20 police forces (47 per cent of all forces) do not provide *any* separate facilities for children and young people. A number of police forces are working with local authority children’s services to avoid bringing children and young people into police custody by arranging to interview them elsewhere (for instance, at Youth Offending Team premises). For example, three quarters of child and youth arrests in the Cheshire Constabulary area are now dealt with outside the custody suite.

Recommendation 16: The Home Office should ensure that all newly built police custody facilities include a separate custody area for children and young people. All police forces should consider allocating areas that can be used as designated facilities for children and young people within existing custody facilities, even for short term detention.

³¹ The Howard League for Penal Reform (2013) *Overnight detention of children in police custody 2010–2011: Research briefing*. London: The Howard League for Penal Reform, p.2. Available at: https://d19y1po4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Overnight_detention_of_children_in_police_cells_2011.pdf

³² HM Inspectorate of Constabulary “The welfare of vulnerable people in police custody”. Available at: <http://www.justiceinspectors.gov.uk/hmic/inspections/joint-inspections/joint-inspection-of-police-custody-facilities/the-welfare-of-vulnerable-people-in-police-custody/>

³³ Home Office (2014) *PACE Code C: Revised Code of Practice for the detention, treatment and questioning of persons by police officers*. London: Home Office, p.31. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306657/2013_PACE_Code_C.pdf

2.4.1 Detention under the Mental Health Act

The inquiry heard that the closure of Child and Adolescent Mental Health services (CAMHS) has led to the police increasingly holding children and young people in detention for child protection reasons. According to ACPO, in 2012-13, 580 children and young people aged under 18 were detained under section 136 of the Mental Health Act 1983, of whom an estimated 263 (45 per cent) were taken to police custody. The APPGC welcomes the commitment by the Government to ensure that children and young people are no longer detained in police custody under section 136, as set out in the Mental Health Crisis Care Concordat, published jointly by the Department of Health and Home Office in February 2014.³⁴

However, concerns remain about the quality and availability of CAMHS, as stated recently by Deputy Prime Minister, Rt Hon Nick Clegg MP.³⁵ An NHS England review of services for children and young people with the most serious mental health needs (Tier 4), published in July 2014, identified that many children and young people are being treated far from home due to a shortage of local in-patient facilities.³⁶ The Government has since announced a children's mental health taskforce, which will as part of its remit, explore how the commissioning of CAMHS can be improved to ensure that children and young people are offered the most appropriate care, whether in the community or in hospital.

Recommendation 17: The Government should amend section 136 of the Mental Health Act 1983 to ensure that no child or young person is detained in police custody under this Act by 2017. Alternative provision should be delivered by health services.

2.4.2 The treatment of 17 year olds

Section 37(15) of the Police and Criminal Evidence Act 1984 (PACE) defines an 'arrested juvenile' as "a person arrested with or without warrant who appears to be under the age of 17." Although there is no British legislation which formally defines the beginning of adulthood, in 1991 the United Kingdom ratified the UNCRC, which recognises a child as being under the age of 18.

All witnesses who gave oral evidence at the meeting on the detention of children and young people in police custody stated their desire for the law as it applies to 17 year olds to be made clearer and more consistent.

³⁴ Department of Health and Concordat signatories (2014) *Mental Health Crisis Care Concordat: Improving outcomes for people experiencing mental health crisis*. London: HM Government. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281242/36353_Mental_Health_Crisis_accessible.pdf

³⁵ See leader's Speech at Liberal Democrat Party Conference 2014 <http://www.libdemvoice.org/in-full-nick-cleggs-leaders-speech-to-conference-42803.html>

³⁶ NHS England (2014) Child and Adolescent Mental Health Services (CAMHS) Tier 4 Report <http://www.england.nhs.uk/wp-content/uploads/2014/07/camhs-tier-4-rep.pdf>

“We see absolutely no justification when the [UN Convention on the Rights of the Child] says “If you are 17, you are a child”, why is it any different in this country? The fact that it might actually make life a little bit more difficult for the agencies dealing with children is irrelevant.”
(Gareth Jones, Chair of the Association of YOT Managers)

The PACE definition of an ‘arrested juvenile’ has led to 17 year olds not being afforded the same rights as younger children when detained in police custody, including: access to an Appropriate Adult during questioning; parental consent for intimate searches and finger printing; and overnight transfer to local authority accommodation following charge.

During oral evidence, Aika Stephenson explained how her organisation, Just for Kids Law, brought about a judicial review, arguing that all persons under the age of 18 should be treated as juveniles in line with the UNCRC. In April 2013, the High Court ruled in favour of this case, with judges stating that PACE’s definition of juvenile was ‘incompatible’ with human rights law, and that 17 year olds should be given the same legal safeguards as younger children.³⁷ In light of this judgement, PACE Code C was amended by the Government in October 2013 so that all 17 year olds now have access to an Appropriate Adult during questioning, and their parents or guardians are informed of their arrest and detention. However, as the Police and Criminal Evidence Act 1984 has not been amended, 17 year olds will continue to be treated as adults in all other respects.

Recommendation 18: The Government should amend the definition of ‘juvenile’ in the Police and Criminal Evidence Act 1984 to ensure that 17 year olds are treated as minors. This would ensure that they are afforded the same rights and entitlements as children aged 16 years or younger, regarding transfer to local authority accommodation post charge if bail is not granted, and all intimate searches being in the presence, and with the consent, of an appropriate adult.

2.4.2 Transfer to local authority accommodation after charge

Section 38(6) of the Police and Criminal Evidence Act 1984 (PACE) states that if a child or young person under the age of 17 is refused bail following charge, they should be transferred to local authority accommodation (secure or non-secure as appropriate) prior to their court appearance. Despite this, the inquiry learnt that children and young people are still being detained in police custody, sometimes for up to three nights if they are arrested on a Friday afternoon, breaching the requirements in PACE and placing children’s mental and emotional well-being at risk. Reasons given by witnesses as to why children had not been transferred included: insufficient access to local authority accommodation; confusion over whether the young person requires a secure bed or not; and a lack of understanding that accommodation could be requested outside the ‘home’ local authority.³⁸

³⁷ BBC News “Teenager wins ruling on detention of 17-year olds” *BBC*. 25 April 2013. Available at: <http://www.bbc.co.uk/news/uk-22294098>

³⁸ There is a scarcity of secure beds in comparison to the availability of non-secure beds, but most young people eligible for transfer to local authority accommodation after charge do not require a secure bed.

Assistant Chief Constable Dawn Copley, National Police Lead for Custody, explained that, as a result of local authorities failing to provide accommodation to children in these circumstances, it has become the norm for police custody sergeants to not even place a request with their local authority, assuming that no accommodation will be provided.

“Too often, children and young people remain in custody overnight. The continued chronic breach of this legislative requirement is not only bad practice per se, subliminally it indicates to all involved in the process that children’s rights are not seen as important.” (Assistant Chief Constable Dawn Copley, Greater Manchester Police and National Lead for Custody)

Other witnesses spoke about adherence to section 38(6) becoming a ‘tick box exercise’ and therefore not being applied correctly.

“I have been in the situation where the criteria could be satisfied for a young person to be transferred to a secure bed. The custody sergeant was going through the correct procedure. He contacted the Local Authority. He told me that they had told him there was no bed available. I then decided to contact the Local Authority and find out what investigations they had made and where they had tried to find this bed and the answer I got was, “Well if you want me to find one, I will.” Which means they had never tried.” (Aika Stephenson, Programmes Director, Just for Kids Law)

Recommendation 19: To ensure that the police and local authorities fulfil their responsibilities to enable all charged children and young people who are refused bail to be transferred to appropriate accommodation:

- The Home Secretary and Education Secretary should jointly write to all police forces and local authorities reminding them of their statutory duties under section 38(6) of Police and Criminal Evidence Act 1984 (PACE) to ensure that where a child or young person is to be detained post charge, they are transferred to the care of the local authority;
- The Home Office and Department for Education should conduct a review to identify the barriers to implementing section 38(6) and work with all agencies to overcome them;
- A requirement should be placed on Local Safeguarding Children’s Boards to monitor the transfer of children and young people to local authority accommodation;
- Ofsted should monitor local authority’s section 38(6) arrangements as part of its inspections of services for children in need of help and protection, children in care and care leavers and reviews of Local Safeguarding Children Boards.

2.5 Identifying and responding to children’s needs and vulnerabilities

As shown in section one of this report, children and young people in the youth justice system are more likely than their peers to have mental health needs, SEN or SCLN. Witnesses stated that more can be done to ensure that children fully understand and engage with police procedures, particularly during questioning in police custody and stop and search.

“Young people and the interface with the police are fraught with all sorts of difficulties, particularly in issues of speech, communication, language, people’s ability to understand what is going on, and assumptions.” (Gareth Jones, Chair of the YOT Managers Association)

“The police don’t really have a prompt to consider are there mental vulnerabilities? Is there a learning difficulty, etc?” (Chris Bath, Chief Executive, National Appropriate Adult Network)

As one example of efforts to address these challenges, I CAN has developed a training course ‘Talk about Talk’, co-delivered by young people with SCLN, to support youth justice system workers, including police officers, to improve the way in which they communicate with children and young people.

The APPGC believes it is vitally important that police officers have the skills and confidence to effectively engage with children and young people who are in vulnerable situations or who have additional needs. To improve police practice in this area, the APPGC is recommending that the College of Policing reviews the suite of training available to police officers to support them to work with children and young people.³⁹

2.5.1 Liaison and diversion

In 2008, a national pilot programme of liaison and diversion schemes was launched to identify the mental health, learning and communication needs of children and young people at the point of entry to the youth justice system (i.e. in police custody following arrest), and to provide them and their family with access to high quality and consistent support services.

One such example presented to the inquiry was the ‘Divert’ programme, a liaison and diversion scheme operating in Cheshire West, Halton and Warrington, which involves the Youth Offending Team, the Child and Adolescent Mental Health Service (CAMHS) and Cheshire Constabulary⁴⁰. Following an assessment, Divert workers decide whether an intervention can be provided within the family environment. If the child and family engages and the intervention can be completed, then the Divert programme will report back to the police investigating officer with a recommendation that no further action be taken, or an out of court disposal be issued (such as a youth caution or youth conditional caution). Between January

³⁹ See recommendation 7 (page 27)

⁴⁰ For further information on the pilots see: Haines, A. et al (2012) *Evaluation of the Youth Justice Liaison and Diversion (YJLD) Pilot Scheme: Final Report*. Liverpool: University of Liverpool. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/215118/dh_133007.pdf

and March 2013, 58 per cent of the young people who were eligible for the Divert Programme chose to participate and of this number, only 15 per cent have since re-offended.⁴¹

In January 2014, the Department of Health announced its intention to fund ten liaison and diversion trial sites, which will be available for all age groups, with a view to extending schemes to the rest of the country by 2017.⁴² In developing service delivery models which cater for all ages, it is vital to ensure that liaison and diversion schemes continue to provide dedicated and tailored support to children and young people. The APPGC believes that there is an opportunity for the children’s mental health taskforce, which has been set up by the Government to improve CAMHS provision, to consider the feasibility of separate child and adolescent liaison and diversion schemes.

Recommendation 20: The Department of Health should ensure that all liaison and diversion schemes provide dedicated and tailored support to children and young people, and engage with the Youth Justice Board on this matter. In addition, the Government’s Children and Young People’s Mental Health and Well-being Taskforce should consider whether separate liaison and diversion schemes for children need to be put in place.

Recommendation 21: The College of Policing should set out standards requiring all police forces to have a scrutiny panel in place to monitor the use of out-of-court disposals (namely community resolutions, youth cautions and young conditional cautions) on children and young people. These panels (which may be combined with adult out-of-court disposal scrutiny) should monitor the rationale of decision making, consistency of approach, proportionality and fairness of out-of-court disposals to allow delivery of the most appropriate support to divert young people away from crime and the youth justice system.

2.5.2 Advocacy and legal representation

The APPGC believes that it is essential that children are able to access high quality advocacy and legal support during their time in police custody, through Appropriate Adults and specialist legal representation.

“Put simply, the better able somebody is to support the child or young person whilst they are in custody, the better outcome you can expect.” (Assistant Chief Constable Dawn Copley, Greater Manchester Police and National Police Lead for Custody)

An Appropriate Adult (AA) is responsible for protecting the rights and promoting the welfare of a child who has either been detained by police or interviewed under caution voluntarily. The local authority has

⁴¹ All Party Parliamentary Group for Children “Oral evidence session 2: ‘The detention of young people in police custody’” Meeting minutes. 10 December 2013, p.7. Available at:

http://www.ncb.org.uk/media/1103924/131210_appgc_inquiry_meeting_minutes_final.pdf

⁴² NHS England News “Liaison and diversion trial sites announced” *NHS England*. 16 January 2014. Available at: <http://www.england.nhs.uk/2014/01/16/liaison-and-diversion-sites/>

a statutory obligation to provide an Appropriate Adult for the child if a parent/guardian is unavailable. Witnesses stated how they value the role of Appropriate Adults in representing children when they are at their most vulnerable, but raised concerns about the lack of statutory guidance and clear standards setting out their responsibilities⁴³.

A child's parent or guardian often acts as an Appropriate Adult with little or no understanding of police practice or court proceedings. The inquiry heard that in such circumstances, the parent may decide that their child should accept a caution in order to leave the police premises as soon as possible; however, this will leave the child with a criminal record, impeding their ability to pursue careers requiring a clean Disclosure and Barring System (DBS) check.

Concerns were also raised during the course of the inquiry about children and young people's access to appropriate legal representation. As outlined in section one, children under 13 are the least likely to request a solicitor, and children and young people frequently experience difficulties in acquiring legal representation from solicitors who have been trained to work with their age group. In order to represent children and young people within police custody and the youth courts, a solicitor does not need to have undertaken specialist training, unlike other legal areas such as immigration.

In addition to improving the capabilities of solicitors to represent children and young people in police custody, the APPGC feels that more needs to be done to ensure that children and young people are made aware of the consequences of declining legal representation.

“Children are often encouraged to supersede their rights in the police station. Time and time again, I'm told by children who are calling me when they're at the point of charge that they were told by the police officer that it would be quicker if they didn't have a solicitor.” (Aika Stephenson, Programmes Director, Just for Kids Law)

Recommendation 22: In order to improve the entitlement of children and young people to high quality and appropriate legal representation in police custody:

- The College of Policing should ensure that the training of custody officers covers legal representation for children and young people. This training should specifically enable custody officers to understand and ensure that children and young people and their Appropriate Adult fully comprehend the possible benefits and importance of seeking legal advice.
- The Bar Standards Board, Solicitors' Regulation Authority and the Chartered Institute of Legal Executives should develop an accredited training course for solicitors and legal practitioners wishing to work with children and young people in police custody. This training should include youth court law, child development, effective communication with children and young people, and identification of needs/vulnerabilities.

⁴³ Section 63B(10)(a) of PACE defines who may act as an Appropriate Adult. Available at: <http://www.legislation.gov.uk/ukpga/1984/60/section/63B>

2.6 Reducing the prosecution of children in care

The inquiry heard that children in care are far more likely to enter the youth justice system and be prosecuted than other groups of children. As outlined in section one, children in care are up to three times more likely to be cautioned or convicted of an offence than their peers.⁴⁴ In reporting the findings of its youth justice inquiry, the House of Commons Justice Select Committee stated in February 2013 that more must be done to reduce the prosecution of children in residential care by ensuring that “local authorities, children’s homes and prosecutors have appropriate strategies in place to prevent children in care from being criminalised for trivial incidents which would never come to police attention if they took place in family homes, including more widespread use of restorative justice”.⁴⁵

Higher prosecution rates for children in care can in part be attributed to current practices relating to the formal police recording of incidents taking place in residential children’s homes. The Home Office Counting Rules for Recorded Crime stipulate that “all reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will result in the registration of an incident report by the police”.⁴⁶ Given this policy, the police must record an incident and allocate a crime number if they are called to a residential children’s home, resulting in far higher crime rates than for foster homes.

The APPGC heard from witnesses that the approach in children’s homes should be brought in line with that for schools, where headteachers are provided with a framework to decide whether or not an incident should be recorded by the police.⁴⁷ This would lead to a reduction in recorded crimes, as minor incidents taking place in children’s homes could be dealt with by staff on-site.

Recommendation 23: The Home Office should revise the National Crime Recording Standards and Home Office Counting Rules for police recorded crimes, to allow for crimes committed by children and young people within residential care homes to be managed appropriately, aligned to the approach taken within a school or academy.

Policies are in place to support staff in residential children’s homes to reduce the prosecution of children in care. In February 2014 the Department for Education issued statutory guidance, which local authorities must have regard to in carrying out their specific duties to children in care who have contact with the youth justice system.⁴⁸ It states that local authorities should have strategies that set out how

⁴⁴ Department for Education (2013) *Outcomes for Children Looked After by Local Authorities in England, as at 31 March 2013*, p.15

⁴⁵ House of Commons Justice Select Committee (2013) *Youth Justice: seventh report of session 2012-13*. London: House of Commons, p.3. Available at: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/339/339.pdf>

⁴⁶ Home Office (2014) *Home Office Counting Rules for Recorded Crime*. London: Home Office, p.2. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/340315/count-general-july-2014.pdf

⁴⁷ Home Office (2014) *Home Office Counting Rules for Recorded Crime*. Annex E, p.45

⁴⁸ Department for Education (2014) *Looked after children and youth justice: Application of the Care Planning, Placement and Case Review (England) Regulations 2010 to looked after children in contact with youth justice services*. London: Department for

they will encourage positive behaviour amongst children in care who may be at risk of offending and the measures that will divert them from involvement with the youth justice system. In addition, fostering services and children's homes should have an approach to care that minimises any police involvement to manage children's behaviour. Children's homes should have protocols with local police forces to cover this issue, in order to prevent children in their care from being needlessly criminalised.

Similarly, the National Minimum Standards for Children's Homes set out how residential care providers should minimise the need for police involvement to deal with challenging behaviour and avoid criminalising children unnecessarily by "following procedures and guidance on police involvement in the home, which have been agreed with local police". The Government launched a consultation in September 2014 on the development of new Quality Standards for Children's Homes.⁴⁹

The APPGC was disappointed to learn that a national protocol drafted by the Association of Chief Police Offices to better manage and reduce the prosecution of children in care had not been supported by the Home Office⁵⁰. Given this gap within the policy framework, a joint protocol has been implemented in the South East of England with sign up from police forces and local authorities. This document is openly available to other agencies as an example of good practice. The four key elements of the South East Protocol to Prevent the Prosecution of Looked After Children, as described by Nick Wilkinson, South East Representative of the Association of YOT Managers, are:

1. There is an expectation that behaviour is resolved internally without calling the police.
2. If this is not appropriate, then the police are called, but the police should then consider discretionary powers and implement a community resolution or restorative justice.
3. If this is not appropriate, then a Youth Restorative Intervention is used. A multi-agency panel will consider the options for restorative justice instead of going to court.
4. If this is still not appropriate, the incident will be dealt with in court.⁵¹

While the South East protocol is available as an example of good practice, the APPGC is concerned that the lack of a national protocol will mean that, in some parts of the country, children in residential care will continue to be drawn into the criminal justice system unnecessarily.

Recommendation 24: The College of Policing should work with the Youth Justice Board and local

Education. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300342/Guidance_revised_following_consultation.pdf

⁴⁹ <https://www.gov.uk/government/consultations/childrens-homes-regulations-high-expectations-and-aspirations>

⁵⁰ The Independent Parliamentarians' Inquiry into the Operation and Effectiveness of the Youth Court (2014) recommended that "the Home Office explain within three months of the publication of this report why the joint guidance regarding police recording of crimes committed by children in residential homes has not been approved and move towards sign-off and publication without further delay". Available at: http://www.ncb.org.uk/media/1148432/independent_parliamentarians_inquiry_into_the_operation_and_effectiveness_of_the_youth_court.pdf

⁵¹ The South East Protocol has not been made publically available.

criminal justice boards to develop a protocol which will reduce the prosecution of children in care, similar to that already in operation in the South-East.

Conclusion

Children's encounters with the police can have a lasting effect on how they view the force and engage with them as adults. Over the course of the inquiry, the APPGC heard from a range of programmes and initiatives that demonstrated the capabilities of police officers to confidently and effectively work with children and young people. However, it is clear from the evidence reviewed that inconsistencies in police practice and gaps in police training, guidance and systems have led to children and young people's experiences of police engagement varying widely.

There is a need for the police to give greater consideration to ensuring that every child they come into contact with develops confidence and trust in them as a public service. The APPGC believes that encountering the police should always be a positive experience for a child or young person, even in the most challenging of situations. In order to achieve this aim, this report set out a set of recommendations which, if taken forward, will help to provide a stronger foundation for policing that promotes the well-being and best interests of children and young people.

First and foremost, the APPGC wants to see good practice become common practice, with the Home Office and College of Policing identifying and promoting learning from effective work across the country. Police training should be reviewed to enable all police officers to be well equipped to work with children and young people.

The report makes a number of recommendations relating to stop and search, because this is often the first contact children and young people have with the police, and the quality of this first encounter will affect that child's future attitudes. So, recommendations include revisions to statutory guidance and the involvement of children, and reflection of children's experiences, in public scrutiny and monitoring.

The APPGC was concerned to learn of the fear and distress that children and young people experience when in police custody. Therefore, the report sets out a series of recommendations to address this, including the expectation that in the long-term all children are in separate custody areas, are held in appropriate local authority accommodation when detained overnight, and have access to legal representation.

The police have a vital role to play in responding to the welfare needs of particularly vulnerable children and young people and diverting them away from crime, and recommendations are therefore made relating to liaison and diversion schemes, out of court disposals and reducing the unnecessary criminalisation of children in residential care.

Above all, all children should be treated first and foremost *as children*. In carrying out their duties, all police forces and officers should respect children's rights and have regard to children's well-being and welfare. In taking forward the recommendations outlined in this report, the APPGC will work with the Government, ACPO, HMIC, College of Policing, YJB and other relevant bodies to ensure that this is the case for every child whenever they engage with the police.

Glossary

Abbreviation	Term in full
ACPO	Association of Chief Police Officers
APP	Authorised Professional Practice
APPGC	All Party Parliamentary Group for Children
BME	Black and minority ethnic
BTP	British Transport Police
CAMHS	Child and Adolescent Mental Health Services
CC	Chief Constable
CEOP	Child Exploitation and Online Protection Command
CSE	Child sexual exploitation
FOI	Freedom of Information
HMIC	Her Majesty's Inspectorate of Constabulary
IPLDP	Initial Police Learning and Development Programme
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act 2012
PACE	Police and Criminal Evidence Act 1984
PCC	Police and Crime Commissioner
PC	Police Constable
PCSO	Police Community Support Officers
SEN	Special educational needs
SLCN	Speech, language and communication needs
SSPs	Safer School Partnerships
UNCRC	United Nations Convention on the Rights of the Child
VPC	Volunteer Police Cadets
YJB	Youth Justice Board
YOI	Young Offender Institution
YOT	Youth Offending Team

Annex 1: Contributors to oral evidence sessions, November 2013 to May 2014

Session 1 - Developing good relationships between children, young people and the police

Katy Bourne – Police and Crime Commissioner for Sussex

Chief Constable Jacqui Cheer – Cleveland Police, National Police Lead for Children and Young People

Commander Mak Chishty – Metropolitan Police

Andrei Illie – Youth Ambassador, Safer London Foundation

Andrew Pilbury – Assistant Headteacher, Tytherington High School, Cheshire, accompanied by Michael and Josh (pupils)

Dominic Rogers – Youth Ambassador, Cheshire Police and Crime Commissioner

Matt Sharp – Youth Ambassador, Safer London Foundation

Kate Smith – Senior Programmes and Development Manager, Safer London Foundation

PC Elizabeth Stanton MBE – Safer School and Young Person's Officer, Cheshire Constabulary

PC David Storey – Safer School Partnership Programme, Cheshire Constabulary

Session 2 - The detention of young people in police custody

Chris Bath – Chief Executive, National Appropriate Adult Network

Pauline Burke – Operations Manager, Cheshire West, Halton and Warrington Youth Offending Service

Assistant Chief Constable Dawn Copley – Greater Manchester Police, National Police Lead for Custody

Frances Crook – Chief Executive, Howard League for Penal Reform

Gareth Jones – Chair, Association of YOT Managers and Head of Service at Cheshire West, Halton and Warrington Youth Offending Service

Aika Stephenson – Programmes Director, Just for Kids Law, accompanied by Sherando (young person)

Lucy Russell – Senior Campaigns Coordinator, UR Boss project, Howard League for Penal Reform, accompanied by Samantha (young person)

Session 3 - The prosecution and over-representation of looked after children

John Bache JP – Deputy Chairman, The Magistrates' Association

Lucy Dawes – Deputy Chief Executive, Youth Justice Board

Sergeant Gordon Kaye – West Mercia Police, accompanied by Jack (young person, West Mercia Police Cadets)

Chloe de Poix – Participation Worker, Telford and Wrekin Children in Care Council, accompanied by Andy and Chloe (young members of the Telford and Wrekin Children in Care Council)

Marion Sandwell – Senior Policing Advisor, Youth Justice Board

Jonathan Stanley – Chief Executive, Independent Children's Homes Association

Nick Wilkinson – Assistant Head of Integrated Youth Services, Kent County Council, and South East Representative, Association of YOT Managers

Session 4 - Engaging with children and young people who have mental health needs or SEND

Helena Brice – Policy Officer, Centre for Mental Health

PC Kath Bromilow - Lancashire Constabulary and National Volunteer Police Cadets

Sergeant Nick Healey – Programme Manager, National Volunteer Police Cadets

Glenn Major – Communications Adviser, I CAN

PC Tim Mann – Metropolitan Police, accompanied by Jessica, Bradley and Sonny (young people, Met Volunteer Police Cadets)

Helen Schofield – Head of Learning, Development and Strategy, College of Policing

Louise Wilkinson – Chair, Criminal Justice and Acquired Brain Injury Interest Group

Session 5 - The use of stop and search on under-18s

Natasha Dhumma – Youth Group Coordinator, StopWatch

Niamh Eastwood – Member, StopWatch and Executive Director, Release

Commander Adrian Hanstock – Metropolitan Police, National Police Lead for Stop and Search

Esther Horner – Director of Operations, Kinetic Youth Ltd, accompanied by Roy (young person)

Baroness Jenny Jones – member, London Assembly

Stephen Otter QPM – Her Majesty’s Inspector, HM Inspectorate of Constabulary

Sergeant Charlene Pavitt – Lewisham Police

Phil Turner – Community Development Worker, Second Wave, accompanied by Riane, Tashan and Gerson (young people)

Session 6 – Police engagement with youth gangs

Sergeant Mark Bellingham – West Midlands Police

Ethan Bernard – Fighting Chance and X-Mobile Project Manager. XLP

Hannah Bourazza – Mentoring Project Manager, XLP

Dr Andy Briers – Trident Gang Crime Command, Metropolitan Police

Detective Sergeant Andy Day – Southwark Community Safety Unit, Metropolitan Police

Steven Ekpenyong – Sports Development Coordinator, XLP

Jeremiah Emmanuel – Founder, 1 Big Community

Dr Clare Holt – Music and Change Project Lead, MAC-UK

Dr Olive Moloney – Clinical Lead, MAC-UK

Professor John Pitts – University of Bedfordshire

PC Kevin Reevey – Merseyside Police, accompanied by Leon (young person)

Tom Sackville – Assistant Director, Dawes Unit at Catch22

Deputy Chief Constable David Thompson – National Police Lead for Gangs

Session 7 - Child sexual exploitation and trafficking

Chief Constable Simon Bailey – National Police Lead for Child Protection and Child Abuse Investigations

Sarah Champion MP – Member of Parliament for Rotherham

Johnny Gwynne – Director, Child Exploitation and Online Protection Command

Lucy Maule – Events Manager and Senior Researcher, Centre for Social Justice

Bharti Patel – Chief Executive, ECPAT UK

Professor Jenny Pearce – University of Bedfordshire

Graham Ritchie – Principal Policy Adviser, Office of the Children’s Commissioner

Liam Vernon – Head, Human Trafficking Centre at the National Crime Agency

Annex 2: Contributors of written evidence

Organisations

Action for Prisoners' Families
AFRUCA
Association of Panel Members
Autism West Midlands
Barnardo's
Big Voice London Youth Group
Blackburn Youth Justice Service
British Dyslexia Association
British Psychological Society
Care Leavers' Association
Centre for Children and Youth, University of Northampton
Centre for Mental Health
Children's Rights Alliance England
College of Policing
Consortium for Street Children
Criminal Justice and Acquired Brain Injury Interest Group
Her Majesty's Inspectorate of Probation
Her Majesty's Inspectorate of Constabulary
IARS (Independent Academic Research Studies)
I CAN
Independent Police Complaints Commission
Kids Company
NatCen Social Research
National Association of Special Schools
National Volunteer Police Cadets
Office of the Children's Commissioner
Office of the Police and Crime Commissioner for Cheshire
Police Foundation
Safer London Foundation
Standing Committee for Youth Justice
The BLAST Project
The Children's Society
The Howard League for Penal Reform
Tytherington High School
User Voice
Winterhill School
Youth Justice Board
YZUP Addaction

Individuals

John Bache JP

Mario Carroll

Shauna Dacres

Dr Jane Dodsworth

Professor Kevin Haines

Police Constable Scott Lloyd

Daniel MacKenzie

Roz McCormick

Dr Judith Mortimore

Mary O'Shaughnessy

Lorna Rosthorn

Audrey Scott-Ryan

Professor Nick Stanley

Detective Chief Inspector Long

Sarah Witcher