

The Howard League for Penal Reform Policing Roundtable

Monday 16 November 2015

The roundtable was held under [Chatham House Rules](#)

Attendees: Olivia Pinkney, Sussex Police; Neil Rhodes, Lincolnshire Police and Youth Justice Board; Dave Stringer, Metropolitan Police; Gail Spruce, Greater Manchester Police; Caroline Adams, Sussex Police; Heather Hurford, HM Inspectorate of Constabulary; Steve Cullen, West Mercia Police; Robert Woodward, Cheshire Constabulary; Jon Stratford, South Wales Police; Libby Potten, College of Policing; Tim Bateman, Office of the Children's Commissioner for England; Mark Woodruff, The Monument Trust; Carla Garnelas, Just for Kids Law; Frances Crook, Andrew Neilson, Tabitha Kassem and Jen Chambers, The Howard League.

Apologies: Garry Shewan, Greater Manchester Police; Nick Ephgrave, Surrey Police; Alison Barlow, Surrey Police; Miv Elimelech, Home Office; Chris Bath, National Appropriate Adult Network.

Introduction

Frances Crook introduced the roundtable by providing an overview of the Howard League's programme of work with the police. On 23 November the Howard League will publish the latest [annual child arrest figures](#), which once again show a good news story – the number of child arrests has reduced by 54 per cent since 2010, which has led to reductions in the number of first time entrants in the youth justice system and a 56 per cent reduction in the number of children in custody in the same period.

The Howard League has also been working with the police to reduce the number of children held overnight in police custody. A freedom of information request was sent to all forces in England and Wales in early 2015 to ask for the latest overnight detention data. Due to disparities, however, in how the data is recorded, resulting from a lack of a national definition of 'overnight', there were concerns that thousands of children were potentially missing from the figures. The decision was therefore taken to not publish the figures and instead work with police forces to reduce the number of overnight detentions, the roundtable being the first step to that goal.

It was emphasised that the roundtable was a place for open discussion and that an agenda had not been provided as the Howard League was keen to hear from the experts.

Data

It was agreed that there was a need for a consistent data set on overnight detentions of children.

Particular concerns were raised regarding data on referrals to local authorities. Firstly, it is difficult to discern how many referrals to local authorities had been made, for what reason and how many had been refused. This was exacerbated by confusion between differences in requesting for 'safe' as opposed to 'secure' accommodation. The lack of robust data means that people are more reliant on anecdotal evidence.

Children's homes

A concern was raised that when children in residential care were arrested, private contractors who run homes refuse to take the children back. This is compounded by confusion about statutory duties i.e. the police are approaching the private contractor rather than the local authority. This could be helped by the further training of custody sergeants.

It was also contended that private providers of children's homes were using the police cells as respite due to lack of staff and poor training of staff. Although there is a reasonable expectation that the home should let them back in, this was more likely to happen at midday the next day rather than at four in the morning.

There was a consensus that the police are picking up the pieces that have resulted from a 'social care deficit', which means that the problems are pushed upstream and children who need support are pushed into the criminal justice process.

There is also a lack of confidence in the standard of children's homes and a perception by police that they will be better cared for in the cells, which has led to custody sergeants refusing accommodation offered by the local authority.

Local authorities

Numerous concerns were raised regarding the reticence of local authorities to stand-up and take responsibility for children detained overnight. In one area it had taken the death of two children following detentions in police cells before action started to be taken.

It was pointed out that every time the police (who are perceived to be the only '24 crisis service') deal with a crisis that is the responsibility of the local authority, it erodes the latter's responsibility. In addition, it takes police away from their core duties.

It was agreed that there needs to be a cross-government push for local authorities to meet their statutory responsibilities to vulnerable children.

There was concern that as cuts to local authority budgets deepen, the police will be called upon even more.

Appropriate adults

Appropriate adults are an integral part of the system in reducing the unnecessary detention, but there were numerous concerns:

- Out of hours appropriate adult provision was 'patchy', could result in long delays and the child being detained overnight as a result

- There is a lack of understanding amongst some appropriate adults regarding the extent of their powers and duties
- That appropriate adults were not upholding all rights to which children are entitled i.e. there is a focus on the charge and interview process, but most failed to realise that they could insist on transfer to local authority accommodation

Ultimately, where appropriate adult schemes were poor, children were more likely to be held overnight.

One police force who has worked closely with local authorities in its areas to improve the appropriate adult scheme has found a cultural shift and reductions in the number of children held overnight in police cells overnight. When they recently reviewed the written policy, however, which was seven years old, it almost encouraged the detention of children overnight. There may have been a cultural shift, but the outdated policy still exists.

Out of hours services

In addition to the concerns about appropriate adults, there were broader concerns regarding out of hours services. It was suggested that local authority out of hours services are generic and often there are only one or two people are on duty for all of the variety of asks in the area or for shared counties or boroughs. As children are perceived to be a safe place in police cells, they will not be prioritised over people in mental health crisis etc. This is compounded by poor handovers/communication between the core day provision and the out of hours service. A proposal was made that there should be a specialist out of hours children's service.

In one area there is an emergency out of hours duty system of foster carer PACE beds. When children in police cells were drunk, on drugs or showing signs of violence, however, the foster families refused to take them.

Threshold

The gap between the high threshold for secure and then 'everything else' was highlighted. A range of types of safe provision may resolve this.

Inspections

An issue was raised that HM Inspectorate of Constabulary's inspections includes other agencies/partners comments on the police service, but not the other way around.

IPCC

The culture and practices of the IPCC mean that individual police officers are scared to take decisions that involve risk – even when they are absolved of any wrong doing, the investigation process following an incident can take years. This inhibits the police being a learning organisation that takes risks.

Parallels to mental health

Numerous parallels to change in mental health/s.136 beds were drawn:

- That there needed to be a principled commitment that no child should be held in a police cell overnight and that practice should improve to achieve this

- Liaison and diversion initiatives aimed at keeping people with mental health problems out of custody should be replicated for children
- It is not just about getting children out of police cells, but ensuring that troubled and damaged children get the help they need.

There was an argument made, however, that secure hospital settings are perceived by police to be suitable, whereas care settings are not.

Court bail

Children on warrants, bail breaches, breaches of the peace and other court orders, who are held at the police station overnight to appear at the next available court are not eligible for transfer to local authority accommodation due to a loophole in the law. It was estimated these children may account for around half of all overnight detentions of under 18 year olds.