



# Supporting Safeguarding

**Contributing to the safety and welfare of  
children and young people**

# Introducing our safeguarding statement

## Purpose

All organisations whose work impacts on children<sup>1</sup> have a responsibility to ensure that the actions they undertake protect the safety and welfare and promote the well being of those children, the staff who work for them and members of the public. This document describes how the Youth Justice Board (YJB) undertakes this responsibility - using our good practice and oversight role to support the youth justice sector in the delivery of its safeguarding duties.

## Principles

A number of guiding principles support our approach to safeguarding. These include, that:

- The **best interests of the child** are a key consideration in decisions taken.
- Safeguarding is **everyone's responsibility**; children's safety is of paramount importance. This is collectively understood and the expectation for everyone to contribute to keeping children safe is clear.
- Safeguarding is actively supported using our monitoring and good practice functions to **promote continuous learning**, support the **prevention of harm** and promote well being.
- We will **listen** to children's views about what they need to be kept safe.
- **Information sharing** supports timely and appropriate decision making that is based on individual needs, prevents harm and supports wellbeing<sup>2</sup>.
- **Equality of opportunity**: no child or group of children is treated any less favourably than others. Access to services or the fulfilment of particular needs should not be impaired by gender, ethnicity, ability, sexuality or age.

We will work within our core values to ensure that we demonstrate:

- **Leadership** in promoting best practice to the sector and being **accountable** for the decisions we make as well as their outcomes.
- **Partnerships**: sharing our knowledge and expertise in the spirit of stimulating reform and being inclusive of others, whilst maintaining relationships with other child-focused stakeholders for the benefit of children and their communities.

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<sup>1</sup> Within this document 'children' will be used to describe all individuals under the age of 18 and therefore will mean children and young people through out.

<sup>2</sup> In compliance with the Data Protection Act

## Safeguarding: duties and responsibilities

### Safeguarding

There are various statutory duties in place which promote safeguarding and the welfare of children amongst the organisations and individuals who interact with them.

#### Duties to safeguard

Examples of some of the duties placed on organisations to safeguard and promote the welfare of children are listed below:

- Section 10 of the Children Act 2004 requires each local authority to make arrangements to promote cooperation between the authority, each of the authority's relevant partners and such other persons or bodies who exercise functions or are engaged in activities in relation to children in the local authority's area as the authority considers appropriate.
- Section 11 of the Children's Act 2004 places a specific duty to safeguard children on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.
- Section 17 of the Children Act 1989 states that it shall be the general duty of every local authority to safeguard and promote the welfare of children within their area who are in need. Local authorities have responsibility for determining what services should be provided to a child in need. This does not necessarily require local authorities themselves to be the provider of such services.
- Section 22 of the Children Act 1989 places a duty on local authorities in relation to children looked after by them to safeguard and promote their welfare. This duty includes in particular a duty to promote the child's educational achievement. Section 47 of the Children Act 1989 places a duty on local authorities who have reasonable cause to suspect that a child in their area is suffering, or is likely to suffer, significant harm, to make such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

The principal statutory guidance for safeguarding children in England<sup>3</sup>, *Working Together to Safeguard Children* (Department for Education (DfE), March 2015) defines safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing impairment of children's health or development

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<sup>3</sup> In England, statutory safeguarding guidance is *Working Together to Safeguard Children, 2015*. In Wales, the equivalent document is *Safeguarding Children: Working Together Under the Children Act 2004* (published 2006).

- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes.

In addition, the guidance makes clear that effective safeguarding arrangements are always founded on two key principles:

- firstly, that safeguarding is everyone's responsibility; requiring the need for every individual and organisation to play their full part
- secondly, that for services to be effective, they should be based on a clear understanding of the needs and views of children – in essence they should be led by a child-centred approach.

The YJB supports these key principles and, whilst we recognise that no specific statutory safeguarding duties are placed on us, we nevertheless regard it as important that the safeguarding principles set out in 'Working Together to Safeguard Children' are embedded in our work.

Indeed, we also recognise that:

- Our role impacts on organisations and agencies that are bound by specific duties to safeguard children, and that on a day to day basis are directly concerned with the safety and welfare of children (for example, Youth Offending Teams, which have safeguarding duties under section 11 Children's Act 2004).
- Children have their rights protected under domestic legislation and international treaties which also provide a child centred framework for the development of services to children, for example the European Convention on Human Rights (ECHR) (which is given effect by the Human Rights Act 1998) and the United Nations Convention on the Rights of the Child (UNCRC); and that there is a need to take these obligations into account in the support offered to the youth justice sector alongside our own public law obligations.

## The YJB's role

The YJB is a non-departmental public body established by the Crime and Disorder Act (1998). Its primary function<sup>[1]</sup> is to monitor the operation of the youth justice system and the provision of youth justice services<sup>[2]</sup>. It has a legal duty to advise the Secretary of State on matters relating to the youth justice system, to identify and share examples of good practice and to publish information about the system: reporting on how it is operating and how the statutory aim of the system ('to prevent offending by children and young people') can best be achieved. The YJB is the only official body to have oversight of the whole youth justice system and so is uniquely placed to guide and advise on the provision of youth justice services.

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[1] The YJB's primary and unique functions are set out in section 41, part III of the Crime and Disorder Act 1998

[2] As defined by section 38, part III of the Crime and Disorder Act 1998

## The YJB's vision

The YJB believes that every child should live a safe and crime-free life and make a positive contribution to society. To achieve this and to support the statutory aim of the youth justice system in England and Wales, the YJB believes that all parts of the system should work together to:

1. Reduce the number of children in the youth justice system
2. Reduce offending by children in the system
3. Improve the safety and wellbeing of children in the youth justice system
4. Improve the positive outcomes of children in the youth justice system

It is through our role and vision that the YJB outlines its commitment to contribute to safeguarding and promoting the welfare of children in contact with the youth justice system, and supporting the youth justice sector in the delivery of their safeguarding duties.

All YJB staff have a responsibility for the safety and welfare of children<sup>4</sup>. Any member of staff could find themselves in a situation where they come across information that raises concerns about the safety and/or welfare of a child, or in a position that requires them to make decisions which may affect the safety and/or welfare of a child.

An internal YJB child protection policy is in place to guide and support staff in these circumstances. It outlines both the policy and procedure to follow if a member of YJB staff receives information about or becomes aware of any allegation or concern about actual or suspected situations of:

- abuse or neglect concerning a child/children or
- staff misconduct or criminal activity involving the abuse of a child/children.

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<sup>4</sup> This expectation is in common with the expectation of all individuals whose work involves or brings them into contact with children.

# Evidencing our commitment to safeguarding

We can evidence our commitment to safeguarding and promoting the wellbeing of children through a demonstration of the following key features;

- a recruitment and selection policy that demonstrates safer recruitment procedures
- a child protection policy that guides and supports staff to act in the best interests of children
- a code of conduct for our staff
- a whistle blowing policy and
- clear governance that provides accountability on how the organisation addresses issues of safeguarding through-out its work.

## Our governance

Our key work to improve the safety and well being of children in the youth justice system is governed through the YJB's Executive Management Group. It provides oversight and strategic level governance to cross-sector safeguarding and public protection work.

This is supported by a Safeguarding and Public Protection Incidents Working group and a dedicated Strategic Safeguarding team.

The YJB's Board assures itself of the YJB's activity against the work delivered annually (or by exception when necessary).

In September 2017, responsibility and accountability for commissioning youth custody services transferred from the YJB to the Ministry of Justice. From the same date, Youth Justice custodial provision became the responsibility of the Youth Custody Service, which is a distinct arm of HM Prison and Probation Services (HMPPS). The YJB is responsible for oversight of the whole youth justice system and providing independent advice to ministers on its functioning. The YJB will identify where improvements are needed and support implementation across the system. It will continue to work closely with youth offending teams to, amongst other things, provide early intervention in the community and share best practice across the system. It will continue to manage grant payments for the provision of community. As a result of these changes, we will consider how best to provide support to those services directly responsible for the safeguarding and protection of children in the system, and will revise this statement to reflect any changes we make as a result.

## Supporting the safeguarding practice of the youth justice system

Identifying and promoting good practice is a central function of the YJB, and an integral way in which we contribute to the sector's responsibilities to safeguard.

This function allows:

- the promotion of safeguarding approaches and practice throughout the youth justice system
- opportunities to reflect on where the gaps are in safeguarding practice and performance across both youth justice system and how we can develop our own role and support the sector as effectively as possible to address these gaps
- the use of learning drawn from (amongst others) youth justice providers, children themselves, inspectorates and other investigatory bodies to support monitoring and service development through our dissemination of effective practice.

When a safeguarding or public protection incident occurs within the youth justice system, issues of child protection, learning and improvement are paramount for all concerned.

### **YJB Annual Safeguarding report**

The YJB's first [safeguarding report](#) was published in 2015. It draws together information about lessons learnt from a variety of safeguarding incidents and points practitioners and managers at sources of information to support practice improvement and stronger arrangements for the safeguarding of children.

### **Further information**

For further information regarding this Safeguarding Statement or the safeguarding report please contact [Cheryl de Freitas](#), Head of Safeguarding Strategy at the YJB.