

Safeguarding commitment

Contributing to the safety and welfare of children

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Purpose

All organisations whose work impacts on children¹ 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.

The YJB's role

The YJB is a non-departmental public body established by the Crime and Disorder Act (1998). Its primary function² is to monitor the operation of the youth justice system and the provision of Youth Justice Services³. 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.

The YJB's vision

Our vision is for a Child First youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending and create safer communities with fewer victims. We see a system where all services:

1. Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
2. Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
3. Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.

¹ Within this document 'children' will be used to describe all individuals under the age of 18.

² The YJB's primary and unique functions are set out in section 41, part III of the Crime and Disorder Act 1998

³ As defined by section 38, part III of the Crime and Disorder Act 1998, however, within this document these are referred as youth justice services in line with Child First principles.

4. Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

Safeguarding responsibilities

The principal statutory guidance for safeguarding children in England⁴, 'Working Together to Safeguard Children' (2023) defines safeguarding and promoting the welfare of children as:

- providing help and support to children as soon as problems emerge
- protecting children from maltreatment
- preventing impairment of children's mental and physical health or development
- 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:

- that safeguarding is everyone's responsibility, requiring the need for every individual and organisation to play their full part
- 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 statutory guidance for safeguarding in Wales, 'Working Together to Safeguard People' (2022), defines safeguarding as: keeping people safe from abuse, neglect or harm and knowing what to do if you think a child or adult is at risk of abuse, neglect or harm.

The YJB supports the key principles in both sets of guidance and, whilst we recognise that no specific statutory safeguarding duties are placed on us, we believe it is important that the safeguarding principles set out in 'Working Together to Safeguard Children' and 'Working Together to Safeguard People' are embedded in our work.

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 Justice Services³, 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

⁴ In England, statutory safeguarding guidance is *Working Together to Safeguard Children*, 2023. In Wales, the equivalent document is *Working Together to Safeguarding People*, 2021.

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.

Our commitment

All YJB staff have a responsibility for the safety and welfare of children⁵. 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.

Our safeguarding principles

Several guiding principles support our approach to safeguarding. These are 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, and this includes protecting them from physical, sexual and emotional harm, ensuring that their welfare is the paramount consideration. This is collectively understood and the expectation for everyone to contribute to keeping children safe is clear.
- safeguarding is actively supported using our good practice functions **to promote continuous learning**, support the **prevention of harm** and promote well-being. It also includes having appropriate policies and procedures in place to protect children and staff.
- we will **listen** to children's views about what they need to be kept safe and follow appropriate escalation processes, particularly for those children in secure estates.
- **information sharing** supports timely and appropriate decision making that is based on individual needs, prevents harm and supports wellbeing⁶.

⁵ This expectation is in common with the expectation of all individuals whose work involves or brings them into contact with children.

⁶ In compliance with the Data Protection Act.

- **equality of opportunity:** no child or group of children is treated any less favourably than others, particularly those who may experience marginalisation. Access to services or the fulfilment of needs should not be impaired by gender, ethnicity, ability, sexuality or age. This is in line with the YJB's anti discriminatory practice and its drive to ensure that disproportionality is addressed across the sector.

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.
- **training:** YJB emphasises the importance of training especially for all staff in the operations directorates. The training helps staff to recognise and respond to signs of abuse, neglect and safeguarding concerns. Safeguarding training and other relevant guidance can be accessed here:

[Safeguarding children and adults course - myLearning](#)

[Safeguarding course - Civil Service Learning](#)

[Safeguarding resources - Mindtools](#)

[Working together to safeguard children, December 2023 - HM Government](#)

[Working together to keep people safe, March 2022 - Welsh Government](#)