

## Appendix 4



Lincolnshire  
Police



### Terms of Reference

#### Children in Police Custody - Oversight Meeting

##### Introduction

Children brought into police custody are in a particularly vulnerable position; not only by virtue of their age, but also because of the circumstances which brought them into contact with the police. They may be under the influence of drugs or alcohol, recovering from a recent trauma or coming to terms with events that may have a lasting impact on their lives.

Children and young people are a protected group with specific vulnerabilities. Lincolnshire Police and Children Services recognise that any time spent in police custody should be kept at a minimum. It is also imperative that any period of detention is lawful and appropriate and in accordance with all legal frameworks related to the safeguarding of children and young people.

The legislation recognises that wherever possible children should not remain in police cells overnight. Where children are refused bail after having been charged, there is a statutory requirement that, other than in exceptional circumstances, they are transferred to local authority accommodation pending their court appearance, rather than detained at the police station.

##### Background

The Police and Criminal Evidence Act 1984 requires the transfer of children who have been charged and denied bail to more appropriate Local Authority accommodation, with a related duty in the Children Act 1989 for Local Authorities to accept these transfers. Section 11 of the Children Act 2004 requires both police and Local Authorities to have regard to the welfare and protection of children welfare of children, and in 1991 the UK ratified the UN Convention on the Rights of the Child, agreeing that custody be used “only as a measure of last resort and for the shortest appropriate period of time”.

PACE Section 38(6) places a duty on the police to transfer children who have been refused bail to local authority accommodation rather than keeping them in the police station overnight. These are known as a PACE, or Section 38 beds. There are two exceptions to this:

- Where the custody sergeant certifies that it is impracticable to move the child to local authority, or
- The arrested child has attained the age of 12 and no secure accommodation is available and keeping the child in local authority accommodation such as emergency foster car, a children's home or staying with family members would not be adequate to protect the public from serious harm from the child.

Section 21(2)(b) Children Act 1989 places a corresponding duty on local authorities to provide accommodation when they are requested to under section 38(6) PACE 1984.

### **Meeting Purpose:**

For Lincolnshire Police and Children Services to fulfil their statutory obligations and meet the needs of children in police custody, effective and closely monitored local arrangements need to be in place. This will require the interest and active input not only of frontline staff, but of Chief Constables, Directors of Children's Services, Police and Crime Commissioners and Local Safeguarding Children Boards.

Lincolnshire Police and Children Services will work together to ensure that children/young people are only held in custody for the minimum time possible and only in accordance with current legislation. Everyone who works with children has a responsibility for keeping them safe. This means they have a role to play in identifying concerns about a child's safety and wellbeing, sharing information and taking prompt action when it is needed to protect a child.

### **Objectives:**

The key purpose of the meeting is to review decision making around children in custody to ensure this reflects and conforms to current statutory guidance.

The meeting will also seek to identify any areas of good practice, improvement and/ or learning. The meeting will ensure that all relevant agencies fulfil their duties in the management of children in custody.

Where good practice is identified, the meeting will ensure this is shared and also make relevant proposals to senior management to drive improvement and improve communication.

### **Process:**

The meeting will provide oversight and scrutiny of children and young people held in Police custody. This will predominantly focus around the compliance with PACE (Section 38) but will also provide the opportunity to raise other custody related matters within the agenda.

The basis of the meeting will be report provided by Lincolnshire Police of the Juveniles charged and held in custody overnight for the last quarter,

**The custody data will be supplied to all attendees a minimum of 1 week prior to the meeting to enable review.**

Attendees will collate information from their records (child view, mosaic, custody records) in advance of the meeting. The meeting will provide an opportunity to review the information and explore decision making and outcomes, in regards to the child/young person.

Reports and relevant learning regarding children in custody will be shared with senior management and relevant boards to provide assurance around agencies practice.

**Meetings and Attendance** Custody Oversight Meeting will be held quarterly, in Lincolnshire County Council Offices, Lincoln. The meetings will be chaired by a Service Manager from Children Services.

The meetings will require the attendance of at least one representative of Lincolnshire Police and Lincolnshire Children Services.

## **Membership**

- Chair : Andy Cook - Future4Me, Service Manager, Lincolnshire Children's Services
- Vice Chair : Daryl Pearce, Chief Inspector, Custody, Lincolnshire Police
- Hannah Fassler, Team Manager, Emergency Duty Team, Lincolnshire Children's Services
- Andy Morris, Corporate Parenting Manager, Lincolnshire Children Services
- Michelle Westby, Future4ME Practice Supervisor, Lincolnshire Children Services
- David Edwards - Lincolnshire Police, Custody Inspector