Vulnerability Knowledge & Practice Programme

NPCC National Police Chiefs' Council

https://www.vkpp.org.uk/

Voice of the Child

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Purpose of the Briefing

To outline police responsibilities when engaging with children and young people.

Who is the Briefing for?

Police personnel who regularly/irregularly encounter children and young people e.g., call-centre staff, police officer and non-police officer responders.

Key Messages:

- Be professionally curious: take the time to fully understand what has happened and look for other evidence to corroborate what you are being told.
- Capture and record the child's **own** words.
- Look at a child's non-verbal and verbal behaviour: avoid interrupting them and take the time to listen to their feelings about what has happened.
- Use drawings/pictures to aid communication.
- Think about the environments you speak to children in: can they speak freely?
- Be aware of how misconceptions and stereotypes can affect our practice: previous experiences and/or biases can affect our ability to recognise harm and/or abuse.
- Accurately record all the steps you have taken as part of a professional, comprehensive investigation.
- Consider implementing child centred policing principles:
    - Child Centred Policing Principles
- Work with schools to support children who have experienced a crime:
    - Click this link to find out more about Operation Encompass: Operation Encompass
- Focus on trauma-informed principles: explore with individuals what has happened to them, rather than what is wrong with them.
- Ensure the child is informed about what will happen next.

Policing commonly make significant efforts to safeguard children and adolescents, striving to do the right thing, often in very complex and challenging situations. Previous evidence suggests that a lack of confidence and skills, and fears of distressing children, can prevent some personnel from feeling confident to directly engage with children, resulting in missed opportunities[1]. The purpose of this briefing is intended

to provide policing with several strategies and tools to build confidence and support them in engaging with children in the most appropriate way.

The Current Picture

Children and young people (CYP) who have experienced vulnerability-related harm often report negative experiences with the police; such as not feeling heard within the Criminal Justice System (CJS), not always being asked about their experiences and views directly, and their needs not being prioritised within their contact with the CJS[2]. This has similarly been found in Serious Case Reviews (SCR's) across a range of vulnerability-related risks, with a recent SCR concluding that professionals, including the police, did not always hear the child's voice and concerns that often the child's voice was mediated by their caregiver[3].

> The recent SCR into the death of Ella, an 11-year-old girl murdered by her mother's partner, identified that there were 'missed opportunities to accurately record and capture the voice of Ella'. The review also noted that there was no attempt to secure evidence from Ella regarding domestic abuse between her mother and her mother's partner, with the review recommending that officers at domestic abuse incidents should recognise the evidence that can be provided by children.

Recent **VKPP** research similarly observed a reliance on parental accounts of children's experiences[i].

Whilst police personnel who regularly work with children generally **report confidence in their ability to capture the experiences of CYP**, it was found that around a quarter of respondents **(23.1%) did not consider this to be a priority for the police**, and a greater proportion **(36.5%) agreed that information about a child's experiences can be obtained from a parent/guardian**. Such practices could represent missed opportunities to fully understand the child's experiences and appropriately safeguard. Morever, **police personnel were less confident engaging with children (0-12 years old) compared to adolescents.**

Previous research and reports have also found that children living in households involving domestic violence are sometimes not considered to be victims due to indirect experiences of violence and abuse[4]. The Domestic Abuse Act (2021) requires for children who see, hear, or experience the effects of domestic abuse (i.e. live in a home where it takes place) to be regarded as a victim of domestic abuse. Recently produced NPCC guidance, however, recognises the complexity involved in practice[ii].

[i] On-going research underway by the VKPP; data from a national survey completed by police personnel across forces in England and Wales.
[ii] Guidance (not in the public domain) that was shared with forces through a joint letter from NPCC/College of Policing.

When asked why the police should prioritise children and young people's voices, a young person remarked "*It makes children and young people feel like they are being believed when they bring something up and makes them understand that it's okay to go to the police and not be scared.*" (VKPP research and consultation with young people)

Remember: CYP may not fully understand the role of the police/police procedures, but they know what it feels like to feel safe and trust the police.

How can we define Voice of the Child?

There is no nationally agreed definition at present, however His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) (2021)[5] interprets Voice of the Child as:

> "The general term used to express how meaningful engagement is created with children and young people. Day to day direct work focuses on listening to and responding to what children and young people say is important to them, take their views into account and consider their wishes. Capturing the voice of the child not only refers to what children say directly, but to many other aspects of their presentation. It means seeing their experiences from their point of view."

Capturing the Voice of the Child may involve taking a statement from a CYP without their parent/caregiver present when there is a possibility that the parent(s) or carer(s) may be suspects. It can also involve looking for children at the scenes of domestic violence incidents to ask them directly what happened and how they feel. Further opportunities to capture voice of the child are detailed below.

Why is Voice of the Child Important?

Practice reviews emphasise the importance of the Voice of the Child, highlighting that 'empowering children to express their views and learning to listen to what children may be telling us about their experiences are crucially important issues in safeguarding practice'[6]. Unless you are hearing directly from victims, including children, you run the risk of not gathering the best evidence and allowing offenders to disguise their criminal behaviour and manipulate the criminal justice process.

The rights of the child to have their voice heard is enshrined within Article 12 of the United Nations Convention on the Rights of the Child (UNCRC, 2009), which emphasises that children should be listened to and their views should be considered when decisions are made about them[7]. Whilst no specific reference to children is made within the Victims' Code (2021), the guidance emphasises the right for **all** victims to be:

- provided with information that they can easily understand;
- provided with information about the investigation and the outcome;
- provided with an opportunity to tell the court how the crime has affected them;
- and, to have the details of the crime recorded without unjustified delay.[8]

Hearing and recording victims' (including children's) voices/experiences has benefits for the police service, the communities that they serve, and the CJS. **VKPP** research (n.d.)[iii] shows that some police personnel feel that capturing the victims' voice can result in better criminal justice outcomes and increased victim engagement. Police personnel further reported it can aid victim recovery, provide closure, and enable victims to have voice, and noted that such practices increase job satisfaction for themselves and others.

Considerations for Voice of the Child[9]

> *"I am an experienced officer, with an empathetic mindset and feel capable of obtaining evidence/experiences from most people. I would however benefit from receiving training in capturing accounts from children and young adults".*
>
> (Response provided by police personnel within VKPP research, n.d.)

Working with Children and their Parents/Caregivers:

- Unless you are exercising police powers under PACE, there is no legal requirement for a parent or other adult to be present or provide consent. However, good practice recommends seeking parental cooperation. Where there is no concern about the parent/carer, they can be present and assist communication.
- When there are concerns about a parent/carer, police should actively seek to conduct an interview without the parent/carer present.
- If there are concerns about a child's capacity to consent to speaking to the police, consider using a professional who knows the child (e.g. GP, support worker) to act as an Appropriate Adult.
- Policing, as well as all involved parties, should exercise professional curiosity to ensure that information provided by parents is accurate.

Engaging with Children and Young People of Different Ages[iv,10,11]:

- When working with younger children, ensure that age-appropriate language is used: avoid the use of police terminology, long sentences, and ask a single question at a time. Prioritise the use of open-ended questions.
- Show you are interested and listening to what the child has to say by maintaining good, positive eye contact and actively listening.
- Support children to feel more comfortable by bringing yourself to the same level as them and introducing yourself by your name.

[iii] The VKPP research will be submitted for publication and peer-review following the completion of the project in early 2023.

[iv] These recommendations are drawn from empirical evidence and informed by VKPP qualitative review of literature of international and UK based consultations and inquiries that draw directly on the voices of young people about their views and experiences with police.

- Be patient and allow children the opportunity to process questions before giving an answer; do not interrupt them as they may feel they are not being listened to.
- Children may also find it difficult to verbally communicate because of their cognitive development, English being a second language, or previous familial experiences of engaging with the police which can leave them feeling distrustful. You can instead pay attention to their body language and comment on it e.g., "I notice that you're pointing at…" to facilitate communication. Body worn video (BWV) might also be helpful in capturing a child's non-verbal communications.
- Non-verbal communication is often informative, so note a child's presentation alongside the external factors around them, e.g., the environment, family, date, time, etc.
- Consider the environments in which children are spoken to e.g., is it an environment in which they can speak freely? Think about how you can make adjustments to better facilitate communication, for example, allowing children to communicate using pictures, models, or drawings.
- Not all personnel will be experts in engaging with children, and therefore it may be beneficial to consider involving other agencies/professionals who may be able to speak to children and young people more openly. The services of a registered intermediary should always be considered when a vulnerable child is interviewed (College of Policing, 2022).

The Children's Society (2017) wrote a report, Big up the Bill, with young people who came into contact with police staff, detailing children's experiences of the police and suggested changes that could enable the police to better protect children. Below is a useful checklist young people developed for police personnel as part of their work in Big up the Bill (2017).

Checklist: Behaviour and Attitudes:

- ✓ Understand that body language matters.
- ✓ Smile. Give CYP a chance to introduce themselves.
- ✓ Treat CYP respectfully - as a human being, not as a case you are just working on.
- ✓ Speak to CYP as normal human beings.
- ✓ Use simple language to explain things.
- ✓ Make small conversations before asking big questions.
- ✓ Try to calm the situation down if a CYP reacts angrily, using de-escalation techniques, not restraint.
- ✓ Don't confuse facts with opinions.
- ✓ Make CYP feel safe, offer support from someone of the same gender, given CYP a choice.
- ✓ Show that you care.
- ✓ Be a good listener, empathise, work well as a team with other agencies, be calm.

Big up the Bill (page 19, 2017)

Diversity

- It is important to situate the child's experiences within the realities of their cultural context, and consider how several protected characteristics, including ethnicity, disability, religious beliefs etc., may intersect and influence how the voice of the child is considered[12,13].
- Be aware of different terminology used to describe harmful practices within certain cultures. These resources may be particularly helpful (Female Genital Mutilation; Child Abuse Linked Reference Material; Forced Marriage and Honour Based Abuse).
- It is not possible to know about every culture and how certain behaviours and attitudes may affect the ability of the child to describe their experiences. However, personnel should be mindful that some cultural norms may lead children to believe that the abuse they suffer is acceptable and not illegal. Some cultural norms can also make reporting abuse to the police particularly difficult. As the Victoria Climbié inquiry notes "A child is a child regardless of his or her colour and he or she must be kept safe. Cultural issues must be considered but the objective is the safety of the child."[14]. These observations, whilst made in 2003, remain as relevant today as they did then.
- Opportunities for **all** children to have their voice heard may be supported through liaison with specialist organisations in order to better understand the child's lived experience. Personnel should also consider using specialist services, including translation services to facilitate communication.

Professional Curiosity

- Child Centred Policing Principles highlight the importance of professional curiosity to ensure the police do not miss opportunities to prevent harm, and emphasise that young people who are exploited and involved in criminality should be viewed as victims (Child Centred Policing).
- Several factors may impact our ability to be professionally curious. These include biases, such as Adultification which is when 'notions of innocence and vulnerability are not afforded to certain children' (Davis & Marsh, 2020[15]). Adultification disproportionately affects black children, and may cause professionals to disregard the vulnerability of young black children and view them as more responsible for their actions (Adultification Bias within Child Protection and Safeguarding).

Useful Links:

- The Voice of the Child: Learning Lessons from Serious Case Reviews
- Recognising and Responding to Vulnerability Related Risks
- The Voice of the Child Practice Guidelines
- In harm's way: The Role of the Police in Keeping Children Safe
- National Child Protection Inspections: 2019 Thematic Report

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