



**CROWN PROSECUTION SERVICE**

# **CHILDREN'S CHARTER**

**Draft for public consultation**



# Draft for public consultation

[FOREWORD] [To be inserted later]

## 1. INTRODUCTION

- 1.1 This document explains the way we deal with cases where children are involved as victims or witnesses. It is first of all for children, their parents, guardians and carers and for those who work to support children. Other members of the public may also find it helpful. We have discussed it at all stages with other organisations that work with children.
- 1.2 There are many different legal definitions of what a child is. Some laws use different ages in particular situations and where this is the case we have to follow them. In this policy statement, we define children as those under the age of 18 and will apply its principles to everyone under that age.
- 1.3 In 1991 the government adopted the United Nations Convention on the Rights of the Child.<sup>1</sup> Articles 3 and 12, for example, say that adults and organisations must consider the best interests and views of a child. Article 40 says that children have the right to legal help and fair treatment in a justice system that respects their rights. These Articles are particularly relevant to how we treat children in our cases.
- 1.4 We have also built our policy around the proposals made by the government in its Green Paper “Every Child Matters”.<sup>2</sup> These are aimed at keeping children safe from harm and abuse.

## 2. THE CHILDREN’S CHARTER

- 2.1 We have a duty to safeguard children and we will do what we can to keep them safe from harm.<sup>3</sup>
- 2.2 Children who are victims or witnesses need special care.
- 2.3 We treat cases involving children as a priority and make decisions as early as we can.
- 2.4 We will always consider the best interests of children involved in criminal cases, but those interests cannot be the only thing we consider.
- 2.5 We will listen carefully to children’s views.

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<sup>1</sup> The text of the Convention can be found at [www.ohchr.org/english/law/crc.htm](http://www.ohchr.org/english/law/crc.htm) and a child-friendly version can be found at: [www.therightssite.org.uk/html/kyr.htm](http://www.therightssite.org.uk/html/kyr.htm)

<sup>2</sup> Presented to Parliament on September 2003: Cm 5860.

See <http://www.everychildmatters.gov.uk/publications/>

<sup>3</sup> (The term “safeguarding” has not been defined in law or government guidance. It is a concept that has evolved from the initial concern about children and young people in public care, to include protection from harm of all children and young people and to cover all agencies working with children and their families.)

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- 2.6 We will never try to prevent children having therapy before a trial.
- 2.7 We will do whatever we can to support child victims and witnesses, and also their parents, carers or supporters.

## 3. HOW WE PROSECUTE CASES

- 3.1 Children can be involved in any type of case so we have set out here how cases come to court. There are other publications listed at the end of this booklet if you want to find out more.

### Investigation

- 3.2 The police are responsible for investigating crimes and collecting evidence. Crown Prosecutors now work with the police to assist and advise in building strong cases. Crown Prosecutors will usually make the decision on whether to charge someone with an offence and what the charges should be.

### Making decisions

- 3.3 The Code for Crown Prosecutors is a document that sets out how prosecutors make decisions about cases. It is widely available to the public from any of our offices and on the internet at: [http://www.cps.gov.uk/victims\\_witnesses/code.html](http://www.cps.gov.uk/victims_witnesses/code.html). Crown Prosecutors must follow the Code when they make decisions about whether or not to prosecute.
- 3.4 Firstly, the Code says that there must be “sufficient evidence to provide a realistic prospect of conviction” before there can be a prosecution. This means there must be enough evidence that can be used in a trial so that magistrates or a jury will be sure that the defendant did what he or she is accused of. We must never prosecute if there is not enough evidence.
- 3.5 Secondly, if there is enough evidence, it must also be “in the public interest” to prosecute. There are many factors that we may have to take into account. The Code provides a number of examples of the kind of things a Crown Prosecutor may have to consider but it is not an exhaustive list.
- 3.6 We always think carefully about the interests of the victim when we decide what is in the public interest. This is especially the case with children. However, we prosecute cases on behalf of the public, and not just in the interests of an individual. The views of the victim are important but they cannot be the final word on the subject.
- 3.7 We apply the Code throughout the life of a case and we may need to change our decision as new information emerges. If we change a decision so that a charge is withdrawn or significantly altered we will write to the victim to let them know what we have done and why.

### Guilty pleas

- 3.8 We work hard with the police to build strong cases, and by doing so, offenders are more likely to plead guilty. An early guilty plea ensures the swiftest possible end to a prosecution, and witnesses will then not need to go to court to give evidence unless there is an argument about exactly how the offence happened.

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- 3.9 If the defendant pleads guilty but gives a different version of events, we may ask or the judge may decide to hear evidence from the witnesses. This will only happen if it would make an important difference to the sentence the defendant would be likely to get.

## Not Guilty pleas

- 3.10 When the defendant denies one or more of the offences and pleads not guilty there will usually be a trial at which the witnesses will have to give evidence. This may take place at a magistrates', youth or Crown Court, depending on the age of the defendant and the seriousness of the offence.
- 3.11 The case always takes longer when there is a trial as the court has to find a date for the trial which, as far as is possible, suits the witnesses and all the others involved.
- 3.12 Between the time when the defendant pleads not guilty and the trial, more work will be done to make sure the case is completely ready. The judge or the magistrates will set a timetable that must be followed by everyone involved in the case.

## Preparing the case for court

- 3.13 During this time we will keep in contact with the prosecution witnesses through our local Witness Care Unit and let them know where and when they will need to attend court.
- 3.14 The Witness Care Unit will carry out a "needs assessment" for all victims and witnesses in cases where defendants have pleaded not guilty. They will find out if the victims and witnesses need any special help or have any worries, and will put them in contact with sources of help.

## The trial

- 3.15 The trial will take place when all the necessary preparation has been done and a suitable date has been found.
- 3.16 Sometimes just before the trial, or even on the day of the trial, a defendant will offer to plead guilty to one or more of the charges, or on a different version of the events. As long as we think that the court is able to pass a sentence that matches the seriousness of the defendant's behaviour, we will accept the offender's offer and not go ahead with the trial. We will, whenever possible, consult victims for their views. We will also consider the impact of giving evidence at a trial on victims and witnesses.
- 3.17 If the trial has to go ahead, this is the point at which witnesses have to give their evidence and answer questions about their evidence from the defence ("cross examination").

## After the hearing

- 3.18 We will make sure that each victim and witness knows and understands what the result of the case is as soon as we can after it finishes.
- 3.19 When a defendant pleads or is found guilty the court has to decide on the sentence. Sometimes there will be a delay while a report is prepared about the defendant. The Witness Care Unit will keep victims informed about the date on which the defendant will be sentenced.

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- 3.20 Victims can make a statement called a Victim Personal Statement. When the defendant is sentenced the court can be told about the effect that the crime has had on the victim using this statement.
- 3.21 We will inform the victim of any options there may be for challenging the sentence if we think that any punishment the defendant receives is far too lenient.
- 3.22 Very occasionally there has to be a re-trial. This may happen, for example, if something goes wrong during the trial that affects its fairness, or a jury cannot come to a decision. There will be a new trial with a different jury. If this happens there will usually have to be a further wait for the new trial to take place.

## Appeals

- 3.23 Sometimes the defendant may appeal against a conviction or the sentence or both. If the original case was in the magistrates' or youth court there will be a new trial. If the original trial was in the Crown Court the case will go to the Court of Appeal in London, but there will not be a new trial.
- 3.24 Judges in the Court of Appeal will not normally hear evidence. They will decide whether the conviction was safe taking into account what happened during the trial and any relevant law.
- 3.25 They will only alter the result of the case if something happened at the original trial that places a question mark over whether the defendant committed the offence, or whether there was a mistake in the way the law was interpreted.
- 3.26 They could order a re-trial, (see 3.22) find the defendant not guilty, or change the sentence. They may, however, simply confirm that the conviction or the sentence (or both) were correct. We will tell victims as soon as we can what happens.

## 4. CASES INVOLVING CHILDREN

### Identifying the involvement of children

- 4.1 Many of the cases we deal with involve children as victims or witnesses.
- 4.2 It is important that we find out as soon as possible whether a case that we are dealing with affects a child. We will work with the police to make sure that they collect the information at the earliest possible time. This will help us make decisions and give the full facts to the court. It will help us to give priority to children's cases if we can identify their involvement at an early stage.

### Delay

- 4.3 Delay is even more harmful to children than to adults. We will try to keep delays in cases involving you to a minimum.

# Draft for public consultation

## Therapy

- 4.4 We will never say that a child cannot have therapy until the trial is over. However, there are some types of therapy that could have an effect on the evidence a child will give. We may in some cases have to consider not going ahead if one of these therapies is used.
- 4.5 We can give advice about what types of therapy will be likely to harm the trial. In the end the child's need for therapy must come first and we will work with everyone concerned to ensure the best result for the child.

## Children's best interests

- 4.6 The needs of a child are very important and we will always consider them, but they cannot be the only thing we consider. We will listen carefully to what children, their parents, carers and supporters say and we will take seriously any assessment we get about a child's needs. We also have to consider the needs of other victims or witnesses and the general public interest.

## Using children as witnesses

- 4.7 We will not call a child as a witness unless it is absolutely necessary. There are no fixed rules about what age children should be before they can give evidence and we will look at each case individually. We have to be sure that a child can understand any questions asked and can give understandable replies. The younger a child is, the more carefully we have to consider this test.

## Offences by children

- 4.8 We have to treat children who are accused of crimes differently from adults, but we also have to find a balance between the needs of child defendants, the needs of the victim, and the public interest.
- 4.9 We are less likely to prosecute a child than an adult who has done something similar. One of the important decisions about children who have committed criminal offences is whether they can be dealt with in ways that do not involve the criminal courts. Two important factors will be the seriousness of the offence and the likely punishment if the case went to court.
- 4.10 Sexual behaviour between children who cannot legally consent is a difficult area. All sexual behaviour by children under 16 is illegal under the Sexual Offences Act 2003. This does not mean, however, that we will always prosecute children under 16 who engage in sexual activity as this would often mean having to prosecute both children for taking part in sexual behaviour.
- 4.11 We will consider each case by applying the Code for Crown Prosecutors and assessing whether a prosecution is in the public interest. We will not automatically prosecute young people who take part in sexual behaviour.
- 4.12 We will look to see whether the activity can be said to be "abusive". We will look, among other things, at:
- the ages of the children;
  - whether force was used or threats made;

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- whether one child has limited abilities;
- whether one child had significant influence or power over the other;
- whether, in other words, the consent was genuine.

4.13 Some children are pushed into prostitution. We will treat them as abused children who need help and advice and we will prosecute instead the people who benefit from prostitution.

## Information held by other people

4.14 Sometimes people such as doctors, social workers or teachers may have to give us personal information about a victim or witness. This sometimes has to be passed on to the defence team. There are rules that control how this is done and what information can be given. We will apply these rules strictly to make sure that information is only handed over when absolutely necessary, or when the court orders us to do so.

4.15 We will try to collect the kind of information that may have to be given to the defence at an early stage in the case. This will help to reduce delays if it does have to be handed over.

## Preparation for court

4.16 Giving evidence is never easy but we take extra care to make sure that it is as comfortable as possible for children. There are leaflets and videos especially for children to explain what happens at court. There are details at the end of this booklet.

4.17 We can help children feel more comfortable when they have to give their evidence by arranging for them to visit the court in advance. They may be able to:

- see where the defendant will sit;
- see where they will wait and give their evidence;
- see how the video link equipment works;
- meet the judge;
- meet the lawyer who will deal with the case in court;
- meet the person who will support them on the day of the trial;
- discuss any fears or concerns they have.

## Help for children at court

4.18 Someone who knows the building and the procedures and is trained to give children support will be available to help on the day of the trial. We will try to make sure that this is someone the child has already met. That person can be there when the child gives evidence but cannot discuss the evidence itself or advise on what to say.

4.19 There are “Special Measures” that are available to help some witnesses (especially children under 17) give evidence in the best way and with as little stress as possible. These include:

- using a video recording to give evidence;
- answering questions using the video link from another room;
- giving evidence in private (“clearing the court”);
- barristers and judges in the Crown Court removing their wigs and gowns;
- aids, such as sign and symbol boards, for children with communication needs;

# Draft for public consultation

- screens to prevent a witness who is in court from seeing the defendant;
- tests are being done in some courts using someone to help explain the questions or answers if necessary (An “intermediary”). These are not yet fully available in all courts.

4.20 We will try to make sure that the court makes arrangements, such as regular breaks, that will help children, and that it takes into account the needs of children with physical or learning disabilities.

## Giving evidence

4.21 The evidence of children under 17 will often be recorded on video at the start of the investigation. If a video was made, a child will usually give their evidence to the court by the video being played. They will be able to see the video before the trial and before they have to answer questions about it. The defendant will be able to see the video before the case comes to court.

4.22 When children have to answer questions from the defence (“cross examination”) they will almost always use a video link from another room at the court. In some cases the video link could even be from somewhere away from the court building. The witness will not have to see the defendant, but in most cases the defendant and others in the court will be able to see them on the TV screen.

4.23 Although there are some occasions when a child will give evidence from the courtroom itself, the usual way is using the video link.

## Tackling inappropriate questioning

4.24 Cross examination can never be a pleasant experience but we will challenge bullying behaviour and questions from the defence. We will ask judges and magistrates to make sure that children can easily understand the questions they are asked and that the words used match the age and ability of the child.

## Publicity

4.25 Newspapers, magazines, radio or television cannot report the name, address or school of a child or young person under the age of 18 in cases in the youth court.

4.26 The Crown Court can make an order to stop reports that would identify children as victims or witnesses, and will usually do so. We will do everything we can to prevent reports in newspapers, television or radio that might identify children by asking that the Crown Court makes an order to prevent publicity.

## 5 [CONCLUDING REMARKS] [To be inserted later]

## 6. LIST OF PUBLICATIONS AND MATERIALS

### Useful Documents

#### ***A Case for Special Measures and a Case for Balance***

“A Case for Special Measures” was designed with the intention of building upon the 1997 NSPCC video “A Case for Balance”, to take into account the measures introduced in Part II of the Youth Justice & Criminal Evidence Act 1999, in order to re-emphasise to the profession the importance attached to the appropriate treatment of vulnerable and intimidated witnesses.

To obtain copies of this video please contact the NSPCC on the following details, or visit the below website to find out more information relating to the videos.

[www.legaleducation.org.uk/downloads/smoform.doc](http://www.legaleducation.org.uk/downloads/smoform.doc)

Address: NSPCC, Weston House, 42 Curtain Road, London, EC2A 3NH

Tel: 020 7825 2500; Fax: 020 7825 2525

#### ***No son of mine!***

This video and publication draws attention to the disturbing reality of boys and young men abused through prostitution.

To obtain copies of this publication and video, please contact Barnardo’s on the contact details below

Address: Tanners Lane, Barkingside, Ilford, Essex, IG6 1QG

Tel: 020 8551 0011; Fax: 020 8551 8267

E-mail: [dorothy.howes@barnardos.org.uk](mailto:dorothy.howes@barnardos.org.uk)

#### ***Are you ok? Leaflet***

This leaflet explains how Victim Support help children who have experienced abuse or violence cope and the effects it has on them.

Please visit the below website to see the leaflet:

[www.victimsupport.org.uk/vs\\_england\\_wales/coping\\_with\\_crime/effects\\_of\\_crime/areyouok\\_leaflet.pdf](http://www.victimsupport.org.uk/vs_england_wales/coping_with_crime/effects_of_crime/areyouok_leaflet.pdf)

#### ***Provision on child therapy***

The guidance is primarily for the assistance of child care professionals and lawyers involved in making decisions about the provision of therapeutic help for child witnesses prior to a criminal trial. The guidance makes it clear that the best interests of the child are paramount when deciding whether, and in what form, therapeutic help is given.

An electronic copy can be downloaded from the below web address:

<http://www.cps.gov.uk/publications/docs/therapychild.pdf>

# Draft for public consultation

Further copies can be obtained from our publications department on the below contact details:

CPS Communications Branch, 50 Ludgate Hill, London, EC4M 7EX

Tel: 0207 7968442; Fax: 020 7796 8030

E-mail: [publicity.branch@cps.gsi.gov.uk](mailto:publicity.branch@cps.gsi.gov.uk)

## ***Victims Walkthrough***

The Victims Walkthrough aims to guide any victim of crime through the processes that they will encounter, from the time a crime is reported, through the police investigation, prosecution decision making, court processes, and sentencing. It also provides information on the personal support that is available at all stages, including, when relevant, after the court case.

To find out further information relating to the Victims Walkthrough please visit the website below:

[www.cjsonline.gov.uk/victim/walkthrough/index.html](http://www.cjsonline.gov.uk/victim/walkthrough/index.html)

## ***Young Witness Pack***

The young witness pack provides support for children who must give evidence in court in child abuse proceedings. It has been designed especially for 5 to 17-year-old young witnesses, their parents, carers and young witness supporters.

Please visit the website below to take you to the NSPCC website where the documents can be found.

<http://www.nspcc.org.uk/inform/youngwitnessPack/Home.asp>

## ***Every Child Matters***

This Green Paper sets out policies to reduce the number of children who experience educational failure, suffer illhealth, become pregnant as teenagers, are the victims of abuse and neglect, or become involved in offending and anti-social behaviour.

Please visit the website below to see this report.

[www.everychildmatters.gov.uk/files/EBE7EEAC90382663E0D5BBF24C99A7AC.pdf](http://www.everychildmatters.gov.uk/files/EBE7EEAC90382663E0D5BBF24C99A7AC.pdf)

## ***Achieving best evidence in criminal proceedings***

This document revises and updates the existing Memorandum of Good Practice on Video Recorded Interviews with Child Witnesses for Criminal Proceedings, but additionally includes guidance in relation to adult vulnerable or intimidated witnesses.

Please visit the website below to see the report:

<http://www.homeoffice.gov.uk/docs/vulncont.html>

# Draft for public consultation

## *The Code for Crown Prosecutors*

The Crown Prosecution Service applies the Code for Crown Prosecutors so that it can make fair and consistent decisions about prosecutions.

Please visit the website below to download the Code:

[www.cps.gov.uk/victims\\_witnesses/code.html](http://www.cps.gov.uk/victims_witnesses/code.html)

## *Crown Prosecution Service (CPS) Website*

The CPS is fully committed to taking all practicable steps to help victims through the often difficult experience of becoming involved in the criminal justice system.

Please visit the below website to find out more information on what the CPS does to help victims of crime.

[www.cps.gov.uk/victims\\_witnesses/index.html](http://www.cps.gov.uk/victims_witnesses/index.html)

## USEFUL CONTACTS

### NSPCC

The NSPCC (National Society for the Prevention of Cruelty to Children) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. Below are contact details on how to contact the NSPCC free 24-hour child protection helpline provides information, advice and counselling to anyone concerned about a child's safety.

- Textphone helpline: 0800 056 0566 (English only)
- Welsh helpline: 0808 100 2524 — Open Monday-Friday 10am-6pm
- Asian helpline:
- Bengali: 0800 096 7714
- Gujarati: 0800 096 7715
- Hindi: 0800 096 7716
- Punjabi: 0800 096 7717
- Urdu: 0800 096 7718
- Asian helpline in English: 0800 096 7719

E-mail: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Or visit the following website: [www.nspcc.org.uk/nspcc/helpline](http://www.nspcc.org.uk/nspcc/helpline)

All of these lines are open Monday-Friday 11am-7pm.

### Barnardo's

Barnardo's work with the most vulnerable children and young people, helping them transform their lives and fulfil their potential. Barnardo's is the UK's leading children's charity, supporting 100,000 children and their families through 361 services in England, Northern Ireland, Scotland

# Draft for public consultation

and Wales.

To obtain publications contact Dorothy Howes on the below contact details.

E-mail: [dorothy.howes@barnardos.org.uk](mailto:dorothy.howes@barnardos.org.uk)

Telephone: 020 8550 8822; Fax: 020 8551 6870

Please visit the website below for further information:

[www.barnardos.org.uk/whoweare/](http://www.barnardos.org.uk/whoweare/)

## Criminal Justice System

The CJS is one of the major public services in the country. Across the CJS, agencies such as the Police, the Courts, the Prison Service, the Crown Prosecution Service and the National Probation Service work together to deliver the criminal justice process.

Please visit the below website for further information:

<http://www.cjsonline.gov.uk/index.html>

## Victim Support

Victim Support is the national charity which helps people affected by crime. Victim Support provide free and confidential support to help you deal with your experience, whether or not you report a crime.

Please visit the website below for further information:

[www.victimsupport.org](http://www.victimsupport.org)

Victim Support Helpline: 0845 30 30 900

If you have hearing difficulties, please call: 18001 0845 30 30 90 or you can call our minicom (or text telephone) number on 020 7896 3776.

## 7. THE CONSULTATION PROCESS

# Draft for public consultation

## THE CONSULTATION PROCESS

This consultation document draws on the views and insights expressed by agencies that work with children and CPS prosecutors. We recognise that prosecutions involving children as victims and witnesses are difficult, complex and can be upsetting. We welcome views from everyone with an interest in the topic. This document will be widely circulated and available on the CPS website.

We welcome written and electronic responses to this consultation, especially, but not exclusively, to the questions set out in the questionnaire document.

### How to respond

Please send written or electronic responses by 10 February 2006 including your name, organisation (if any), postal address and email address to:

Kirsten Foster  
CPS Policy Directorate  
CPS HQ  
3<sup>rd</sup> floor  
United House  
Piccadilly  
York  
YO1 9PQ

[Kirsten.foster@cps.gsi.gov.uk](mailto:Kirsten.foster@cps.gsi.gov.uk)

The information you send us may be passed to colleagues in the Government and related agencies. We may also want to publish it in a summary of responses to this consultation. We will assume that you are content for us to do this, and that if replying by email, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT systems, unless you specifically include a request to the contrary in the main text of your submission to us. Please ensure your response is marked clearly if you wish your response and name to be kept confidential. We are happy to do so.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed. Submission from respondents may also be subject to release under the Freedom of Information Act 2000. If you have instructed us accordingly, we will ensure that your views are not attributed should they be released in this way.

Further paper copies of this document are available from:

CPS Communications Branch  
CPS HQ  
50 Ludgate Hill  
London  
EC4M 7EX

Tel: 020 7796 8442

Please contact Communications Branch should you require a copy of this consultation paper in any other format, eg audio.

# Draft for public consultation

## Reducing “red tape”

The Government is committed to avoiding and reducing “red tape” created by policy in public, private and voluntary sectors. A partial Regulatory Impact Assessment (RIA) and Public Services Threshold Test is being undertaken and is attached at Annex B. A Race Equality Impact Assessment Initial Screening Test is also being undertaken and is attached at Annex C.

## Next steps

We will publish, on the CPS website, a summary of the consultation responses within three months of the close of the consultation exercise. The finalised version of the Children’s Charter will be launched in April 2006 and will be published on the CPS website. The documents will be drawn to the attention of everyone who responds to the consultation.

# Draft for public consultation

## Annex A: Further information regarding Government consultations

### Consultation Co-ordinator

If you have any complaints or comments about the consultation process, you should contact the consultation co-ordinator by e-mailing [Kirsten.foster@cps.gsi.gov.uk](mailto:Kirsten.foster@cps.gsi.gov.uk)

Or writing to:

Kirsten Foster  
CPS Policy Directorate  
CPS HQ  
3<sup>rd</sup> floor  
United House  
Piccadilly  
York  
YO1 9PQ

Please note that the Consultation Co-ordinator is not in a position to deal with questions regarding the content of this document, only the consultation process.

This consultation follows the Cabinet Office Code of Practice on Consultation – the criteria for which are as follows:

### The six consultation criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full code of practice is available at:  
[www.cabinet-office.gov.uk/regulation/Consultation](http://www.cabinet-office.gov.uk/regulation/Consultation)

# Draft for public consultation

## Annex B: Partial Regulatory Impact Assessment and Public Services Threshold Test

### 1. Title of document for consultation

1.1 The Crown Prosecution Service's Children's Charter.

### 2. Purpose and intended effect of measure

2.2 Preparation and publication of a public policy statement concerning prosecutions involving children as victims and witnesses.

### 3. Background

3.1 CPS Policy Directorate has identified that the existing public policy statement concerning children as witnesses requires updating to reflect current practices and procedures. The need for a revised public policy statement has also been recommended by HMCPST in a recent thematic review on safeguarding children.

### 4. Risk Assessment

4.1 There are no identified risks attached to the preparation and publication of the Children's Charter.

### 5. Options

#### 5.1 *Option 1*

The production of an alternative version of the Children's Charter written in the "second person".

#### 5.2 *Option 2*

The publication of two versions of the Children's Charter to meet the requirements of two target audiences, namely (1) young children and (2) older children and adults.

### 6. Benefits

6.1 The publication of the Children's Charter will provide a clear statement to children, their parents, guardians and carers and those who support children as to the practices and procedures operated by the CPS when dealing with prosecutions involving children as victims and witnesses. The Children's Charter will provide a framework for the development of supporting legal guidance, which will be used by all CPS prosecutors. The Children's Charter will communicate the CPS policy to all interested parties in a clear and accessible format.

### 7. Costs

7.1 The Children's Charter will replace the existing public policy statement. The application of the Children's Charter to relevant prosecutions will not require the allocation of additional

# Draft for public consultation

resources. The costs incurred during the exercise to prepare the Children’s Charter will be limited to those linked to the consultation exercise and the publishing and launch of the finalised document.

## 8. Equity and Fairness

8.1 A Race Equality Impact Assessment Initial Screening Test is being undertaken and is annexed together with this partial assessment.

## 9. Consultation

9.1 A consultation is underway.

## 10. Review

10.1 The Crown Prosecution Service will review and consider the application and operation of the Children’s Charter to prosecutions involving children as victims and witnesses.

## 11. Summary

11.1 The results of this consultation will inform the development of the Children’s Charter.

## 12. Declaration

13 I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs.

13.1 Signed: .....

13.2 Dated: .....

**Crown Prosecution Service**

# Draft for public consultation

## Annex C: Race Equality Impact Assessment — Initial Screening Test

<b>Name of document/policy</b> The Children's Charter
<b>Lead Policy Official (including contact details)</b> Martin Kirby-Sykes, CPS Policy Directorate, CPS HQ, 3 <sup>rd</sup> floor, United House, York, YO3 9PQ
<b>What is the purpose of the proposed document/policy (or the changes you want to make to a policy)?</b> <b>Do not complete this section if you have already completed a partial or full RIA.</b> An initial partial RIA and PST are being undertaken.
<b>What are you trying to achieve through the proposed policy, and why?</b> <b>Do not complete this section if you have already completed a partial or full RIA.</b> An initial partial RIA and PST are being undertaken.
<b>Who is intended to benefit from the proposed policy and how?</b> <b>Do not complete this section if you have already completed a partial or full RIA.</b> An initial partial RIA is being undertaken.
<b>Are there associated aims of the proposed policy? What are they?</b> <b>Do not complete this section if you have already completed a partial or full RIA.</b> An initial partial RIA is being undertaken.
<b>Is responsibility for the proposed policy shared with another department or authority or organisation? If so, what responsibility, and which bodies?</b> The Crown Prosecution Service is solely responsible for the proposed policy.
<b>Will the proposed policy involve, or have consequences for, the people your authority serves and employs?</b> Yes. The finalised Children's Charter will provide a public policy statement concerning prosecutions involving children as victims and witnesses. CPS staff will apply the Charter to all prosecutions involving children as victims and witnesses.
<b>Could the consequences differ according to people's racial group, for example, because they have particular needs, experiences or priorities?</b> The Charter will be applied to all prosecutions involving children as victims and witnesses. The consequences of each case will differ according to the individual circumstances of each matter. However, the particular needs of the child victim/witness will be considered on an individual case basis to ensure that suitable support is provided.

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**Is there any reason to believe that people could be affected differently by the proposed policy, according to their racial group, for example in terms of access to a service, or the ability to take advantage of proposed opportunities?**

The Children's Charter will be applied equally to all prosecutions involving children as victims or witnesses. There is no reason to believe that people could be affected differently as a consequence of the application and operation of the Children's Charter.

**Is there any evidence that any part of the proposed policy could discriminate unlawfully, directly or indirectly, against people from some racial groups?**

No. There is no evidence to indicate that the Children's Charter will or could discriminate against people from any racial group.

**Is there any evidence that people from some racial groups may have different expectations of the policy in question?**

No. The CPS has not been informed of the expectations of racial groups as to the content and operation of the Children's Charter.

**Is the proposed policy likely to affect relations between certain racial groups? For example, because it is seen as favouring a particular group or denying opportunities to another.**

No. The Children's Charter will not affect relations between racial groups. The content of the Children's Charter does not favour a particular group. The Charter will be applied equally to all cases and will not promote or deny opportunities to certain racial groups.

**Is the proposed policy likely to damage relations between any particular racial group (or groups) and your agency?**

No. The content of the Children's Charter is not controversial and will not damage relations between racial groups and the CPS.

## Results of initial screening

A full race relations impact assessment would be needed if the policy was to be considered further.  
CROWN PROSECUTION SERVICE



# Draft for public consultation

## CROWN PROSECUTION SERVICE

### CHILDREN'S CHARTER

1. Children, their parents, guardians and carers and those who work to support children are the target audience for the public policy statement. Do you consider that the language used in the document is suitable for the whole audience?

**Yes**

**No**

2. If no, what changes would you like to see made?

Why? (Please provide comment in the space provided).

3. Do you think that there would be merit in producing an alternative version of the public policy statement written in the "second person"?

**Yes**

**No**

4. Do you consider it necessary to have two versions of the public policy statement to meet the requirements of the following:

- a. Young children
- b. Older children and adults?

**Yes**

**No**





# Draft for public consultation

8. The public policy statement includes details of related publications. Should further publications be included?

**Yes**

**No**

If yes, which other publications should be included? (Please specify the publication in the space provided).

9. Should the public policy statement provide details of support organisations, eg NSPCC?

**Yes**

**No**

If yes, which support organisations should be detailed? (Please state the title of the support organisation in the space provided).



