

By email: victimsbillconsultation@justice.gov.uk

Tuesday 1 February 2022

ADCS response to the Ministry of Justice consultation on improving victims experiences of the justice system

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the *Children Act (2004)*. The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to make a submission to this important consultation by the Ministry of Justice.
2. Many of the proposals contained in the consultation document seem helpful in terms of bringing more focus to the experiences of victims via greater transparency and reporting. ADCS supports moves to amplify the voices of victims in the criminal justice system e.g. via personal statements and new rights to meet with the Crown Prosecution Service (CPS) either before or after a charging decision is made in certain types of cases, including those involving child sexual abuse or exploitation and hate crimes. In order for these reforms to be meaningful and have the intended impact, then the CPS should take the views of victims of all ages into account in their decision-making.
3. ADCS would support the criteria used by the CPS being expanded to include the criminal exploitation of under 18s, who are highly vulnerable too. Currently, where a child or young person has an adult co-defendant, their case is heard in the crown court, without the adaptations and protections of youth court. In treating children who have been criminally exploited as an equal member of organised criminal gangs, they are brought face to face with the very abusers who have groomed and exploited them. This cohort are not currently well served by the youth or criminal justice system, see [here](#) (DfE, 2021) and [here](#) (DfE, 2020). A new Bill offers an opportunity to change accepted custom and practice and treat all children as children first and foremost.
4. The concept of a 'community impact statement' is explored in the consultation, and the example given of a group of young people from Canada with personal experience of online sexual abuse producing a generic statement for courts to consider during sentencing seems helpful and should be explored further. The pressure individual children and young people are under to talk about some of the most difficult and traumatic events in their lives in a court room full of strangers may mean they are unable to sufficiently convey the enormity and impact of their experiences of abuse or exploitation in that moment. So, such a development would be helpful. Similarly, greater use of personal impact statements is likely to be of particular benefit children and young people, who could develop their statement at their own pace and with the support of a trusted adult and/or professionals.
5. In terms of driving up improvement in local services and therefore the experiences of victims, the consultation explores a series of regulatory levers deployed by various inspectorates e.g. removal of funding, closure of services, criminal or civil sanctions. It is worth noting Ofsted does not have the power to remove funding or appointing new leaders, instead these decisions sit with the Department for Education (DfE). Sector-led improvement, peer challenge and the sharing of good practice is accepted custom and practice in local authority children's services. The aim of this alliance approach to improve the outcomes of all children and young people across the country, indeed these regional arrangements have been funded by the DfE for several years, [see here](#) and [here](#). ADCS believes a similar approach is worth exploring here alongside improved

transparency measures e.g. new data, which would support challenging discussions and the development of improvement plans.

6. ADCS supports the aim to improve support for victims of all ages and would dearly like to see greater focus and investment in preventative services, improved joint commissioning and seamless transitions between public services and the third sector as outlined here. The reality is very different for too many people; there are gaps and overlaps in the local offer and invariably long waiting times. Specific and dedicated support for children and young people is often underdeveloped e.g. in the domestic abuse space, and the challenges in accessing child and adolescent mental health services are well rehearsed.
7. The consultation notes that local commissioners “have the ability, but are not generally required, to commission bespoke, all-age victim support services” and that funding is not generally ringfenced. There is no lack of will from local authority children’s services but the fiscal reality of a 50% real-terms reduction in funding for local government since 2010 means that very difficult decisions must be made, day in, day out. This picture is replicated across all public services and local partnerships. Beyond funding, ADCS believes there is a greater role here for central government, and its agencies, in agreeing shared priorities, aims and strategic objectives to help local areas to realise this goal. It would be desirable for the new Bill to clearly reference children and young people’s needs in this regard.
8. Multi-agency, partnership working is an established principle and practice in children’s services, particularly in the safeguarding and child protection space. This activity is underpinned by a clear duty to cooperate under Section 10 of *The Children Act 2004* and statutory *Working together to safeguard children (2018)* guidance.
9. The consultation touches on advocacy for under 18s, noting there are already multiple roles in this space, including children’s violence advisors, independent trafficking guardians, children’s ISVAs and IDVAs. ADCS would welcome some further thought and discussions about the interface between these roles and other options for support. It may not be in the child’s best interests to add new or additional professionals to what may already be a crowded space if they have contact with children’s social care and/or established relationships with others. The child or young person’s wishes and needs should be central here, telling their story repeatedly adds to the trauma of their experiences.
10. Beyond the plans outlined in the consultation, ADCS wishes to raise a further issue for consideration in this work and the Bill that will follow. Namely, parity of treatment between children and adults who are victims of horrendous abuses in the criminal courts, particularly in relation to the disclosure of evidence after the conclusion of court proceedings. Some particular thought needs to be given to the release of video and audio file evidence of children being abused and the impact this disclosure has on the child’s siblings and wider family members, their friends, teachers, neighbours and wider community. Once reported by the press, such materials remain available in perpetuity online. It is simply impossible to imagine the family courts making a similar disclosure at the end of public law proceedings or indeed videos of adult victims being published in the media. ADCS would welcome an urgent discussion about the development of some guidance in this space. There may well be some transferrable learning from the President of the Family Division’s ongoing transparency review to expediate this process.
11. Members of ADCS would welcome the opportunity to discuss the points raised in this consultation with MoJ, please contact the relevant policy officer in the first instance via katy.block@adcs.org.uk.