

# Mental health services for young people interfacing with the criminal justice system in cases of sexual violence

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# Overview

- mental health provision and the interface with the justice system
- who are the young people in question
- the scope of legal process for young people: more than just courts
- how could a mental health service help?
- what is currently in place as support for young people?
- where are the gaps?
- What should a liaison service offer/

# Mental Health Services for Young People: Interface with the Justice System

- Criminal Justice
  - ‘direct’
    - » youth justice liaison and diversion teams; harmful sexual behaviour teams
    - » community and in-patient forensic CAMHS
    - » mental health provision within YOS
  - ‘indirect’
    - » other CAMHS, other providers incl. 3rd sector providers
  - other:
    - » independent experts, therapists and other professionals
- Family law and children as witnesses in criminal process
  - direct
    - » specialist court teams within CAMHS and social care; sexual trauma services
    - » independent experts advising the courts
  - indirect
    - » other CAMHS, other providers, 3rd sector providers

# Children and young people in legal settings

- As witnesses (victims)
  - criminal process
  - family law
  - big age range (toddler to 17 year old)
  - many have experienced sexual harm because of vulnerability
- As perpetrators (defendants)
  - criminal process
  - age 10 -17
  - high rates of vulnerability including sexual victimisation

# Young people in contact with the youth justice system and mental health

- high rates of mental disorder
- high rates of co-morbidity ('complex needs')
- high rates of substance misuse
- high rates of special educational needs and learning disability
- high rates of previous abuse
- high rates of self-harm

# Young People (under 18) in the Criminal Justice System: where are they and where are they not?

	(n=)	Comment
Total all recorded crime (adults and young people)	3 580 638	
Young people* diverted from formal youth justice system	Not known	Numbers increasing with formal policies of diversion in place**
Young people arrested	94960	73% reduction compared with 2006/7; 10% of all arrests
Proven offences by young people	87160	70% reduction since 2004/5
Pre-court or court disposals***	37926	65% reduction since 2009/10
Sentenced by courts	30960	49% reduction since 2011/12
Community and other sentences	29126	63% reduction since 2004/5
Total custodial sentences	1837	70% reduction since 2005
Average number of young people in custody at any time	1 034	65% reduction since 2007/8

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# What are the legal processes?

- being arrested (perpetrator)
- being interviewed (perpetrator, victim)
- being charged (perpetrator)
- awaiting decisions (perpetrator, victim)
  - 'taken forward' or not?
  - diversion or more formal process
- appearing in court (perpetrator and victim)
  - the environment
  - the process
- the 'outcome' (perpetrator and victim)

# The roles of mental health services within legal process for young people (direct provision)

- **understanding the stressors**
  - for the child as victim or as perpetrator
  - preventing harm
- **understanding the rules of legal process**
  - provision of therapy
  - professional vs expert witness
- **assessment and clear communication**
  - whether in relation to victims or perpetrators
- **understanding the context**
  - credible recommendations
  - advising to promote meaningful participation
  - continuity



# What is already in place?

- identified specific roles
  - ‘appropriate adult’ in police interviews for young people under 17
  - registered intermediaries for vulnerable child witnesses
  - CAFCASS and children’s guardian in family law cases
- modifications to court fabric
  - youth court
  - adult court settings when children are interviewed
- modifications to court process
- plenty of materials and guidance about what is needed

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The Crown Prosecution Service



# Provision of Therapy for Child Witnesses Prior to a Criminal Trial

## Practice Guidance

### FOREWORD

Witnesses are fundamental to the success of the criminal justice system. The Government, in its response to Sir William Utting's report *People Like Us*, said it was determined to ensure that children and other vulnerable witnesses should be able to give their best evidence in criminal proceedings with the minimum of distress.

The report *Speaking Up For Justice*, produced in June 1998 by an interdepartmental working group on the treatment of vulnerable or intimidated witnesses, endorsed the development of guidance on therapy for child witnesses prior to a criminal trial and concluded that vulnerable or intimidated witnesses should not be denied the emotional support and counselling they may need both before and after the trial.

The Crown Prosecution Service, the Department of Health and the Home Office have worked together to produce this guidance. The guidance is issued as part of the Action For Justice programme by which the Home Office is co-ordinating the implementation of the various measures for witnesses recommended in *Speaking Up For Justice*.

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. We hope that it will be helpful for all practitioners, especially those in the criminal justice system, NHS, social services departments and voluntary child care organisations.

The guidance has been produced following widespread and lengthy consultation within the criminal justice system and with those professionals who provide therapeutic help to abused children. We are grateful to all concerned for their important contributions to this guidance. We believe that the use of this guidance will enable children who need therapy to receive it at an appropriate time and to give their best evidence in criminal proceedings.

JOHN HUTTON, Department for Health

ROSS CRANSTON QC, Solicitor-General

# Going to court

A booklet for children and young people who are going to be witnesses at Crown, magistrates' or youth court



CRIMINAL JUSTICE SYSTEM



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# Intermediaries in the criminal justice system

IMPROVING COMMUNICATION FOR VULNERABLE WITNESSES AND DEFENDANTS

Joyce Plotnikoff and Richard Woolfson

With a foreword by Lord Thomas of Cwmgiedd, Lord Chief Justice of England and Wales



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# What is not built in?

- continuity of professional support/oversight especially in youth criminal process
- absence of delay
- development of consensus planning
- geographical consistency of good practice
- local expertise in working with sexually harmful behaviour and/or sexual trauma (not just ‘therapy’)

# ‘The uneasy position of vulnerable defendants’

‘An intermediary sometimes assists a vulnerable person called to court as a prosecution witness; that person can appear in a different case as a defendant without intermediary help’

(Plotnikoff and Woolfson)

# What can a good mental health liaison service provide for young people?

- allowing others to know when they don't know
- accessibility for graded involvement
- knowledge of the terrain
- understanding of developmental issues
- very good inter-service and inter-agency links
- willingness when required to get directly involved
- understanding need for continuity
- training and support
- identification of gaps in provision

