

**Review of Child Centred  
Arrangements – Including a 12-hour  
Clock for Children – Piloted by  
Surrey Police**

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## Introduction

The Police and Criminal Evidence Act 1984 (PACE), and associated Codes of Practice,<sup>1</sup> have governed police powers and provided legal safeguards for people detained in police custody for 40 years. Apart from a mandatory requirement that all under 18-year-olds have to be supported by an appropriate adult (AA) when detained (PACE Code C para 3.15), there is little difference required by the legislation in the way that children and adults are treated in police custody. In particular, children (10-17-year-olds) can be detained for the same maximum periods as adults (PACE s41) and the legislation permits them to be dealt with alongside adults and in the same facilities, including detention for lengthy periods in adult police cells. There also is no requirement in law for them to be dealt with by individuals with any child specialist training. This is contrary to the United Nations Convention on the Rights of the Child (UNCRC), the most important international rights standard for children (ratified by the UK in 1991). When commenting on children's rights within the justice system, the Committee on the Rights of the Child recognises that children differ from adults in their physical and psychological development, "Such differences constitute the basis for the recognition of lesser culpability, and for a separate system with a differentiated, individualized approach" (2019:2).

Within the wider youth justice system in England and Wales, 'Child First' is now the guiding principle and strategy for shaping youth justice responses to children (Youth Justice Board 2022; Case and Browning, 2021). Based on the UNCRC, 'Child First' requires prioritising a child's best interests and maintaining a focus on prevention, diversion and minimal intervention to reduce the stigmatising effects of contact with the criminal justice system (Case and Browning 2021). While Child First now informs and shapes the policy and practice of youth justice services (YJS),<sup>2</sup> it is much less embedded in policing practice. This was revealed in a three-year Nuffield Foundation-funded study examining the impact of PACE on the detention and questioning of children held in police custody in three force areas (the 'original Nuffield study') which identified a punitive and adult-centred approach. As a result, and in consultation with national policy-makers and practitioners, a number of recommendations for change were proposed (Kemp and others 2023).

With further funding from the Nuffield Foundation, Kemp and Bevan are now working in partnership with several police forces to help identify how these recommended changes can be implemented effectively to adopt a Child First approach in police custody. The research is overseen by a Steering Group, chaired by Lord Carlile KC, which includes national policy-makers and practitioners. In this report we review steps taken by Surrey Police to introduce Child First arrangements in police custody. These measures draw directly on the recommendations arising from the original Nuffield study and were instigated by the former National Police Chiefs' Council's (NPCC) lead for custody, then a senior officer in Surrey

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<sup>1</sup> There are also guidelines published online by the College of Policing (2013) on Authorised Professional Practice (APP) on Detention and Custody.

<sup>2</sup> Also referred to as Youth Offending Teams or Youth Offending Services.

Police. They include, in particular, an initial 12-hour detention clock for children, a key recommendation arising from the original Nuffield study.<sup>3</sup>

This review of the new Child First arrangements piloted in Surrey is intended to assist national and local policy-makers and practitioners to adopt similar approaches and to inform changes to be made to legislation and guidance governing the treatment of children on arrest and in police custody. The NPCC is also looking to encourage a Child First approach to become standardised practice in police custody, with details of the Surrey pilot project being shared through the Professional Workstream under the NPCC Custody Portfolio (IOPC 2024).

## The changes under review

The pilot commenced in September 2023 and the mnemonic C.H.I.L.D. was used to provide a prompt to custody officers as a reminder of the changes required:<sup>4</sup>

**C - Change** presumption of legal representation: instead of the onus being on the child to request a lawyer, the police are to presume that legal advice is required and a request for a lawyer is to be put through to the Defence Solicitor Call Centre (DSCC).

**H - Have** a conversation with the parent/guardian/appropriate adult: this requires the police to make early contact with the child's appropriate adult, asking them to attend the station to see the child as soon as possible.

**I - Inform** local authority: the custody officer is to contact the local authority to let them know that a child has been brought into custody.

**L - Limit** the PACE clock to 12 hours: instead of the initial 24-hours currently required for all people brought into custody.

**D - Direct** Investigation without delay: requiring investigators to prioritise children's cases to help in avoiding any unnecessary delays.

In addition to these prompts, several additional adjustments were piloted by Surrey Police. Firstly, that child arrests should be subject to "greater scrutiny... to ensure Code G is complied with and diversionary routes explored first in compliance with the Children's Act (sic) and UNCRC." Secondly, that all children in custody would be seen by the healthcare practitioner (HCP) and a worker from the Criminal Justice Liaison and Diversion Service (CJLDS), with a view to those practitioners assisting in "assessing any vulnerability and directing away from the criminal justice process where necessary." To support implementation custody officers were required to complete a CHILD checklist, recording their compliance with the arrangements, and a Young Suspect relevant inspector review template was also created.

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<sup>3</sup> There is currently an initial 24-hour detention clock for all people held in police custody, which can be extended to 36 hours on the authorisation of a superintendent. The detention time can be further extended to 96 hours but this has to be authorised by a magistrates' court.

<sup>4</sup> The Metropolitan Police Service (MPS) first used the mnemonic C.H.I.L.D. in June 2022 when piloting new arrangements for children held in police custody.

## Methodology

Kemp and Bevan were based in the three Surrey custody suites to observe the CHILD adjustments and to conduct semi-structured interviews with officers and practitioners from partner agencies: Staines, Salfords and Guildford. The fieldwork was undertaken over a period of 10 days during August and September 2024, in which time most of the 48 semi-structured interviews were conducted, with a small number of interviews being undertaken online. Of the 26 research interviews conducted with police officers and practitioners based in the three Surrey custody suites: 3 were with inspectors, 10 with custody officers,<sup>5</sup> 6 with detention officers, 2 with appropriate adults, 4 with CJLDS workers and one with a healthcare professional. Outside of custody, the research also included 23 semi-structured interviews: 12 with police investigators (including CID, specialist teams and the Neighbourhood Policing Investigation Team (NPIT)), 5 with response/safer neighbourhood officers, 2 with Out of Court Resolution Officers/Managers (OOCR), one with a custody training officer (CT), one with a YJS officer, one with a CJLDS CYP lead, and one with an AA co-ordinator. Interviews and fieldwork notes were transcribed in full and subject to thematic analysis using NVivo, involving an iterative review process to clarify themes.

Coded references are used when referring to comments made by research participants in this report. The first number (from 1 to 4) is used to identify the custody suite/area that the participant was based in, with number 4 being used for those practitioners who operated on a countywide basis. For reasons of anonymity, we have not identified the number given to the three custody suites. Instead of naming participants, we use the initials of the rank/role of the officer or practitioner involved. In police custody, this is as follows: 'CO' custody officer, 'DO' detention officer, 'PI' PACE inspector, 'AA' appropriate adult, 'LD' for CJLDS worker, and 'HCP' for the healthcare professional. For participants based outside of custody, the following initials are used: 'CID' for officers in the Criminal Investigation Department, 'CP' for Child Protection Team, 'NT' for NPIT officers, 'SN' for safer neighbourhood officers, 'RS' for response officers, 'OR' for OOCR officers and 'YJS' for YJS officers.

The study also included analysis of police custody record data on both adults (16,239) and children (1,199) held in Surrey custody suites from 1 April 2023 to 30 June 2024. Of the 1,199 children, 20% were female. 80% white, 7% Black and 7% were mixed race. Most children were arrested for 'violence against the person' type offences, with the most common offence under that category being 'assault emergency worker (other than a constable)'. Other common offence types were 'other theft and handling', robbery, drugs, Public Order Act offences, burglary, possession of weapons, motor theft, criminal damage, sexual offences and 'other offences (summary)'. A small proportion of children were dealt with for arson, 'other offences (indictable)' and just one or two children for fraud, homicide and motoring offences. Analysis of the statistical data was undertaken by Dr Hope Kent, Exeter University, working as a consultant on the Nuffield funded study.

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<sup>5</sup> Custody officers are required to be at least of the rank of sergeant.

## Findings arising out of the CHILD Initiative

In reviewing the new arrangements, we begin by considering changes made under the prompts to custody officers under the CHILD mnemonic. Thereafter, we consider the other additional adjustments that were piloted. We end with a discussion of the effectiveness of the adjustments and a consideration of further refinements to the initiative and some observations about wider roll-out.

### C-Change presumption of legal representation

The reversed presumption, as set out in the mnemonic, is clear in requiring custody officers to put through the request to the DSCC for legal representation in every case. In law a child cannot be required to consult with a lawyer who is called,<sup>6</sup> but research suggests that children will rarely decline to take legal advice once a lawyer is in attendance (Bevan 2024:130). The pilot 'Terms of Reference' provided further guidance on the changed presumption:

'A child will always have legal representation. In some cases, they will request a named or duty scheme to represent them. In all other cases, conversations with their parent or guardian and AA (if not the same) should be had to determine which scheme to go with. They have the option to opt out but only in the presence of an AA.'

In practice no significant change was required when a child was supported by an AA from the Surrey Appropriate Adult Volunteer Service (SAAVS). All SAAVs AAs are trained to insist that a lawyer is involved when dealing with a child. Identifying cases where SAAVS were involved, some custody officers already automatically put a referral for a lawyer through to the DSCC, even if the child refused legal advice. In this respect, as one custody officer observed, "The presumption of legal advice happens 100% across the board. It's standard procedure. There's an opt-out, but SAAVS won't allow it" (1.CO1).

The substantive change that was required under CHILD was when a parent, guardian or friend of the child was to act as AA (referred to as familial AAs), which occurs in around two-thirds of cases nationally.<sup>7</sup> In these cases, however, it seemed that the CHILD initiative had little impact on increasing the call-out of a lawyer as a matter of course or encouraging the take-up of legal advice when familial AAs were concerned:

"If mum or dad is involved, we can't encourage them to get a lawyer, but we can tell them it's free and that lawyers are independent of the police ... We had a lad in the other day who didn't want a lawyer, and you have to respect that" (1.CO2).

"We do our best to explain about having a lawyer without stepping over the line. If a child refuses, I'll not reverse the presumption [and call out a lawyer] under CHILD" (2.CO2).

"We can't tell a child what to do. We can't advise them whether to get a lawyer or not" (2.DO1).

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<sup>6</sup> Code C para 6.5A.

<sup>7</sup> The National Appropriate Adult Network (NAAN) has found that agency AAs deal with around one-third of children's cases ([Familial and Trained AAs](#)).

Investigators also failed to appreciate the change required under CHILD, including when dealing with a child for a serious offence. For example, a CID officer commented on children being able to waive their right to legal advice saying, “You can get a 17-year-old who’s been in custody before and they think they know it all. They want to get through custody quickly and so they might refuse to have a lawyer ... You can’t force a lawyer on them” (1.CID5).

Commenting on the reversed presumption a custody officer remarked, “I don’t know the figures but I think things have remained pretty consistent” (1.CO2). This assessment was borne out in Surrey’s custody record data.<sup>8</sup> When comparing the situation prior to the CHILD pilot and during the CHILD pilot, there was seen to be a slight fall in the request rate for legal advice: 85% take-up pre-CHILD compared with 83% during the pilot. Despite this small decline, children’s request rate for legal advice in Surrey compares favourably to an average legal advice request rate of 80% for children across eight police forces during 2019 to 2021 (Kemp and others 2023).

In summary, it appears that custody officers, detention officers and investigators alike had failed to appreciate the thrust of this first pilot adjustment, that the DSCC referral should be made in every case. It may be that the reference to ‘the option to opt out but only in the presence of the AA’ in the terms of reference had undermined the clarity of the proposed reversal of the presumption. It is not clear whether this option to ‘opt out’ refers to the initial call-out of the lawyer or the child consulting with the lawyer once they have attended.

### **Access to legal advice**

While most children in detention request legal advice, and legal aid contracts require lawyers to make an ‘advice call’ to any detainee shortly after instruction, recent research suggests that access to a lawyer is generally delayed until the time of the police interview.<sup>9</sup> From discussions with custody officers, it seems that a similar situation arises in Surrey:

“Lawyers don’t have early contact with a child, they wait until they come down to the station” (1.CO3).

“Lawyers wait for the police interview before turning up, unless they’re already in the suite, then they might see someone” (1.CO4).

This was also the view of an inspector, “It’s the same as with every other detainee. The lawyer will see them (the child) just before the police interview” (1.PI1).

This approach however means that delays in the investigation, and in preparing for interview, can mean that children spend long periods without any contact with their lawyer. Although we discuss ‘D - driving the investigation’ below, in practice the custody officer has limited purchase on reducing those delays, as one CJLDS worker observed, “It’s not the custody staff who make decisions, it’s the investigating officers upstairs who decide when the child is to be interviewed” (1.LD1).

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<sup>8</sup> Electronic custody record data does not provide information on whether legal advice requested was received.

<sup>9</sup> When talking to 29 children in custody who had requested legal advice, in only four cases did the child report speaking to their lawyer over the telephone prior to the police interview (Kemp and others 2023:78).

Custody officers were also critical of lawyers who were unwilling to attend at all at night. As one custody officer explained, “We have solicitors who say they’re not coming out at night to see a child as it’s not appropriate and they’ll see them in the morning. If it’s midnight, the child might be suitable to be processed but you’ve then got a delay” (1.CO4). Another criticism was that lawyers tend to leave straight after the police interview, “The solicitor is rarely there for the disposal. They’ll call in the morning and ask what happened to their client” (1.CO3).

There were also concerns raised, particularly by some SAAVS AAs, that lawyers were themselves a significant cause of long delays for children:

“Lawyers can hold things up – it isn’t uncommon. They’re part of the system that’s under resourced” (1.AA2).

“You can sit there for 2 or 3 hours waiting for the solicitor to arrive. They can drag their feet ... If you’re talking about a 12-hour clock and there’s a solicitor involved, it isn’t going to happen!” (4.AA1).

Custody officers were also critical of lawyers causing delays by taking on several cases and, being busy with one case, not then being available to attend another interview at the allocated time:

“We’ll call through cases and the duty solicitors will be notified. Sadly, like one case today, a solicitor has come in and taken on four cases. The officers can be ready to proceed but they have to wait while he’s sitting on all those interviews” (1.CO4).

While custody officers described trying to get lawyers to hand back cases, this was seldom possible. As one custody officer explained, this could be challenging when working within the reduced detention period, “If they won’t release cases we can’t force them to. We’ve had stand-up rows about the 12-hour clock but they’re not bothered about that” (1.CO3). Investigators were also critical of lawyers for taking on too many cases, “Lawyers only turn up minutes before the interview. They can have seven or more cases and won’t give any up” (1.CID1).

## **H – Have a conversation with the parent/guardian/appropriate adult**

The second prompt in the CHILD mnemonic requires custody officers to have an early conversation with a child’s AA, and their parent or guardian (where they are not also acting as AA). The original Nuffield study found long delays before children had access to their AA in three different police forces and recommended that Code C (para. 3.15) should be amended so as to require the attendance of the AA as soon as possible following the detention of a child, and they should physically meet with the child within one hour of the request (Kemp and others 2023:101).

It was refreshing to see in Surrey what a difference a focus on swift attendance of the AA could make for children. Custody teams in all three suites had really embraced the requirement to make early contact with AAs and parents/carers. This, in combination with the 12-hour PACE clock, was prompting frontline officers to identify AAs at the point of arrest, leading to much quicker attendance of AAs to support detained children.



“Arresting officers now know that there’s more of an emphasis on dealing with children straight away. When bringing a child into custody they need to be asking, ‘Who is the AA?’ They can ring mum or dad to see if they can come down to sit with their child while they’re waiting in the hold [to be booked in]” (1.CO2).

“Having an early conversation with the AA is the big one. We note down who the AA/guardian is and contact them ASAP... Arresting officers know that custody will be on them if they come with no AA, so they are making the call really early” (2.CO2).

“The most practical thing now is for us is to get the AA down straight away. They can go through [with the child] the health and well-being questions, the rights and entitlements” (3.CO1).

Supervisors within response teams were also driving this focus on timely AA attendance, as one response sergeant reflected, “It’s drilled into my officers that the child will require an AA. I’m expecting them to identify the AA at the time of arrest” (2.RS2).

Where a suitable familial AA could not be identified, custody teams could call on a SAAVS volunteer to fulfil the role. SAAVS operate a 24/7 service, 365 days of the year and they will arrange for an AA to see a child in custody as soon as possible following a referral, including at night. The SAAVS co-ordinator confirmed the service’s expectation, “If mum, dad or a guardian is not available, custody will ring the AA on duty and they’ll aim to arrive within the hour” (4.AA1). Custody staff spoke positively about the proactive approach adopted by SAAVS:

“SAAVS are really good. They’ll come down in the middle of the night for rights and entitlements and the taking of samples. It’s a volunteer service but they don’t seem to have any issues about covering late on” (1.CO4).

“We get SAAVS out as soon as possible under CHILD. They’ll come down and do rights and entitlements, even if it’s in the middle of the night” (2.DO2).

However, inevitably, it was apparent that there is some variation in the service. One SAAVS AA observed, “Because of the distance I have to travel, it often isn’t worth going back home. So I prefer to come down for the interview only and won’t do rights and entitlements on its own” (1.AA1). While a custody officer explained of SAAVS AAs that resourcing pressures could affect their ability to attend at the earliest opportunity, “They’ll sometimes do an initial telephone call with the child, but normally they won’t speak to them before the interview. SAAVS are really stretched and so it’s a challenge for them to come down” (1.CO1). There was certainly an appreciation that it was important to protect this precious service, “We might get SAAVs down quickly but I fear that we have failed to maintain a good relationship with them. I think the perception is that we call them when it’s not always necessary ... I think we treat them as if they work for us” (2.NT3).

### **Allowing children to sit with an AA while waiting to be interviewed**

Not only does early attendance by the AA have the obvious advantage to the child of early support and advice, but often it also enabled the child to wait with their AA in a consultation room, instead of being left on their own in a cell. As a CJLDS worker remarked, “You don’t get kids sitting on their own for hours and hours. They’ll go into a cell after booking in and

when the AA comes, they'll sit out with them. If they do go back into their cell for hours, it's either because SAAVS aren't available or they can't get a family member down" (1.LD2). This contrasts strikingly with the lack of access to the AA observed in other areas (Bevan 2024:176-7). The benefits of this practice for the child were acknowledged, as well as for those responsible for their care, "But when we get the child out to do the biometrics, we'll try and let them stay with their AA. It's better in reducing the risk rather than a child being bored and trying to do something to themselves ... it puts the onus back on the parents to work with the child" (1.CO4).

The practice of allowing AAs to sit out with children in Surrey existed prior to CHILd but, as a custody officer confirmed, it had been embedded into the CHILd arrangements, "We now have to justify putting a child in a cell on our CYP [children and young people] checklist." However, the lack of available consultation rooms in some suites meant that allowing a child to sit with their AA was not always possible:

"If it's a parent we'll get them to come straightaway. There are consultation rooms and if these are free, they can sit in there with their child. If not, the child has to go back to their cell and the AA has to wait at the front counter. We'll bring them back if a consultation room becomes free" (1.CO1).

"We suffer here in that we only have two rooms available. If we're really busy it [allowing the child to sit with their AA] won't be possible" (1.CO4).

This practice was also not commonly expected of SAAVS volunteers:

"Mum and Dad will often sit with their child, family members too or their social worker. But not really SAAVs" (1.CO5).

"We try not to put a young person in a cell and we'll put them in the interview room if we can. We don't tend to have the child sitting out if it's SAAVS attending" (3.DO2).

One SAAVS AA explained that, understandably, sometimes a child will prefer not to sit out for a long period with an unfamiliar SAAVS AA, "When I come out [to the station] I'll stay for the interview. Unless it's going to be a long time and the young person doesn't want me to wait with them. Then I'll go out and come back" (1.AA2). This was also acknowledged by officers, "It's a bit harsh to expect them [SAAVS] to sit with a child for 5 hours" (2.NT3).

### **Telephone contact with the AA**

The approach in Surrey suites to enabling children to speak on the telephone to their AA also differed substantially from that observed in other force areas. Previous research has identified that the child's right to speak privately with their AA 'at any time' (Code C para 3.15) is rarely enabled (Bevan 2024:174). However, in Surrey a much more positive attitude towards facilitating such contact was observed. When asked about arranging a telephone call for a child to speak to their AA, for example, a detention officer commented, "That's not a problem. We'll take them into a consultation room and lock them in so they can have a private discussion" (1.DO1). An inspector also confirmed that if a child was waiting to be interviewed and asked if they could speak to their AA, this would be enabled, "We'll arrange that call" (1.PI1). Although there was some suggestion that this might not be the position in all the suites. When a detention officer was asked if a child could speak to their AA over the

phone in Suite 2, she replied, “There’s no issues about granting phone calls, providing they’re appropriate ... I don’t know about a child having ‘at any time’ access to their AA, we don’t routinely do that” (2.DO3).

### **Length of AA attendance**

While an AA is always present with a child when interviewed, whether they will remain at the suite until the child is released will sometimes depend on how long it takes before the investigators decide what to do next. As one AA observed: “I’ll usually wait after the interview, particularly if it won’t take long. If it’s going to be a long time, I’ll deal with the disposal over the phone. But that does depend on the state of the child” (1.AA2). However, AAs revealed an awareness that their in-person support at that point was important, since the lawyer will almost certainly have left swiftly after the interview, “I’ll wait to deal with the discharge and find out what happens. The solicitor isn’t there – they always leave after the interview” (1.AA1).

## **I – Inform local authority**

The requirement that officers ‘inform the local authority’ when a child is brought into custody is achieved by sending through a ‘youth notification’ form. The form asks for details of the child, their parents/carers, who is acting as the AA, details of any concerns about the child, about their behaviour, and any safeguarding issues. As with early AA identification, this practice had been in place before the CHILD pilot, but had been streamlined by the new arrangements, “We used to send an email to YJS but now it’s incorporated into our computer system so it makes it easier not to forget” (1.CO1).

Undeniably contact with, and information from the local authority/YJS, is vitally important for care of the child, expedient processing and informed decision-making. Custody officers recognised the benefits of having access to information about child detainees from external agencies, “Sometimes kids won’t talk to us and we need to know if there’s any learning difficulties, safeguarding issues, or inappropriate behaviour when they’re with us. The YJS might know about these things” (1.CO1). Additionally, early notification of social services is essential in cases where remand of a child after charge is a possibility, to reduce delays and difficulties in obtaining local authority accommodation. As in other areas, although the local authority has a statutory duty to provide alternative accommodation for a remanded child (s38(6) PACE), securing such a ‘PACE bed’ was challenging in Surrey, “If you remand a child in police custody it causes a lot of stress for people above my pay grade. We have to make those phone calls [to the local authority] but most of the time there’s no accommodation available” (1.PI1). Although happily, as one CID officer noted, remand of a child is a rare occurrence in Surrey, “We can remand a suspect but that hasn’t happened for a while. It’s even rarer when you’re dealing with a young child” (1.CID1).

However, in practice, custody officers in the three custody suites said that the information received in response to youth notifications was not always helpful:

“We get a generic reply. It’s something like, ‘This person is under social services already, they are known to the system. There’s a care plan’” (1.CO4).

“YJS notification is not massively useful and I’ve not seen any come back with lots of information” (2.CO2).

“The information is more useful for the officers in charge of decision-making ... 80-90% of the time, there’s not the time to read the information received. For me, it’s another admin thing to do” (3.CO1).

### **Duplication of notification of other agencies**

Not only was the information received not always detailed enough to be useful, but it appears that the notification to the local authority may be duplicating other processes already in place. Health workers in custody said that relevant services were notified for safeguarding purposes whenever a child was brought into custody. A CJLDS worker explained, “Every child we come across we contact social care, be that for safeguarding or through our system. I can either speak to social services to find out what support we can get or refer the child to social services for help” (1.LD2). Similarly, social services are notified when a child is detained through a ‘SIGNS’ report (previously known as ‘SCARF’ - ‘Single Combined Assessment of Risk Form’) which is also sent through to them. Custody officers could also contact social services direct. However the different referral mechanisms could lead to some confusion. As one officer put it, “We’ll sometimes get them [social services] involved from a protection point of view but it will be a separate contact. I find it a little bit confusing as it comes under some sort of umbrella. I’m not 100% sure who talks to who on that front” (1.CO2).

Although the mnemonic requires the local authority to be informed, the notification was understood by officers to be sent to the YJS specifically, rather than social services. However, the YJS themselves have a different procedure of their own, the YJS notifications process. Under this procedure, YJS call through to custody suites asking for information on any child in custody. A YJS officer explained:

“Information is collected on children who have been in custody in the last 24 hours or over the weekend. We do individual checks to see if a child is known to us and if they are open to social services. We meet at 10 am every morning and bring that information together for the ‘daily risk briefing’ (4.YJS1).

A police officer managing out of court resolutions (OOCR), is responsible for bringing together information on children held in custody, for discussion at these meetings. Chaired by the YJS, the meeting includes police officers seconded to the YJS, OOCR colleagues within the YJS, Surrey Police, CJLDS, Mountain Healthcare (HCP providers within custody), CAMHS, the Engage Project lead and a Children’s Services Multi-Agency Partnership (MAP) representative.<sup>10</sup> The purpose of the meeting is to identify opportunities for early intervention and to adopt a multi-agency approach if safeguarding, exploitation or social welfare issues needed to be addressed, “It’s about having an early heads up over children

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<sup>10</sup> The MAP is a partnership of agencies, some co-located and others via virtual links, that have a duty to safeguard children and who have agreed to work within an integrated team in order to improve decision-making whenever there are concerns about a child.

who come into custody. If we haven't heard about them and they're coming into custody every week then we need to think about interventions" (4.OR1).

### **Missed opportunities**

These daily meetings are impressive in their timeliness and in bringing together information and expertise from a wide array of partners. However, critically, although information about the child seems to flow out from custody (possibly in duplicate), officers in custody and investigation teams do not appear routinely to have the benefit of that multi-agency input when the child is in detention or decisions are being made about bail/remand and about whether to charge or refer for youth intervention assessment (for an OOCR). When asked whether the daily meetings influenced decision-making within police custody, the OOCR officer replied, "No, just afterwards, when the investigation is complete" (4.OR1).<sup>11</sup>

This would seem to be a missed opportunity. If the child is still detained, information from other agencies could help to inform adjustments to the treatment of the child while in custody, or facilitate early release with suitable support/conditions or the swifter identification of accommodation options for remand. Custody teams and healthcare workers noted the absence of social services and YJS engagement for a child who is known to those services whilst they are in detention: "Where's their social worker if they've got one? Why aren't they popping their head into custody to check on them ... We'd welcome them in here and would find them a room" (1.PI1). A CJLDS worker similarly commented on how helpful this change would be, "If we had someone from social care in custody that would cut the workload in half for everyone" (1.LD2).

YJS participants also raised concerns, for example, that sometimes the bail conditions imposed on children by the police, in the absence of information from social services if they were working with the family, could prove problematic. Likewise, if the child has already been released, but the investigation is ongoing, it appears that there could be a more structured mechanism for ensuring that information from MAP and the daily risk meeting is incorporated into decision-making by investigators around whether the child is suitable for referral for youth intervention, or for other informal support. Instead, there seem to be parallel, but separate, investigations of the child, one in relation to their welfare needs and one in relation to their offending behaviour, with the police making the decision to charge or refer for an OOCR without always having the fullest information about the child and their circumstances.

## **L – limit the PACE clock to 12 hours and D – Direct the investigation without delay**

We deal with the last two mnemonic requirements together, because they are inseparably linked – the 12-hour clock was revealed as the facilitating factor behind ensuring that the investigation is completed without delay.

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<sup>11</sup> Although, CJLDS workers can provide outreach support to children when detained and, if declined at that time, they can later provide support in the community.

The 12-hour initial detention clock itself was resoundingly welcomed by custody teams. Almost all research participants commented positively on this change, as the following comments illustrate:

“I think the CHILD initiative is very good, it’s appropriate and really important ... Children should not be in custody, it’s not good for them. The 12-hour clock is really helping to focus people’s minds when we deal with children” (3.PI1).

“It’s ideal to halve the PACE clock ... we’re probably then looking at aiming for an average of 6 hours when dealing with a child” (1.CO5).

“The 12-hour clock is great but it needs to be written into PACE – I’d love that” (1.PI1).

Following a review of the pilot, Surrey Police have now embedded a 12-hour clock into detention policies and practices.

### **12-hour clock supporting the custody officer in their role**

Most of our police participants in the three custody suites said they did not want to go back to a 24-hour clock for children. They saw the reduced time-period as placing power back into the hands of custody teams to hold investigators to account in expediting the investigation. Custody officers raised concerns about what were perceived to be unnecessary delays within the investigation, particularly what they saw as a lack of urgency and the practice of delaying progressing a case in order to hand it over to the next shift. This was especially identified as occurring when children were brought into custody in the late afternoon or early evening, “The amount of time we chase [investigators] and they tell us to bed them [children] down. But what are they going to do overnight? It allows them to sleep for hours, and the case is picked up in the morning, but they’ve done nothing” (1.CO1).

In light of these concerns, the introduction of the 12-hour clock was welcomed by custody officers and inspectors as helping them to challenge delays and encourage children to be prioritised:

“We have a conflag with the arresting officer during the booking in procedure over the plan for a child, which reminds them of the 12-hour clock. If it’s early evening or later, then that’s the critical time to get on their back a bit ... If they go away and can’t hand the case over to another team, you’ll be looking to the morning to interview them” (1.CO2).

“Once a child is in custody, we let the cops know that they can’t just sit there, thinking they have all the time in the world. Our inspector is up and down the stairs talking to investigation teams. That’s half the battle, to ask if they’re aware of this initiative and to chase what they’re doing” (1.CO3).

“I’ll chase them [investigators] more saying that they need to be ready to interview early on .. It gives us quite a lot of power back” (1.PI1).

Investigation teams were generally receptive to this increased focus from custody teams. As an NPIT PC observed, “They’re getting out of custody and coming up to see us in person to ask what’s happening. This is really good and it shows that they are taking this seriously. The custody inspector is always on it” (2.NT3).

The 12-hour clock was also perceived to reduce the workload of the custody team, since children require additional care and logistical organisation, in terms of arranging AA attendance and additional referral processes.

“It’s a good thing. Getting kids out of custody early makes it easier for us. We don’t want them in custody for long as they need so much care” (2.DO2).

‘We don’t want children and young people in our suite as they are very admin heavy. We have a lot of partner agencies [to organise], extra forms to fill in, and there’s times when we don’t put children into cells. We have to manage all of that as well” (3.CO1).

The sooner a child could be released, where that is appropriate, the better both from the perspective of custody officers and staff and for the child themselves. As one detention officer remarked, “There’s a correlation between the longer a child is held in a cell and how aggravated they get” (3.DO2).

### **12-hour clock embedding cultural change**

Participants from custody teams tended to express a very good appreciation of the impact of lengthy detention on children, particularly those with additional needs and vulnerabilities:

“The risk of self-harming increases the longer a child is held in custody ... What I’ve noticed in custody is that up to 20 hours you’ll start to see children self-harm because of the boredom and frustration. They become more problematic” (1.CO4).

“A lot of young people who end up in our custody suites often have a variety of mental health or learning issues. That extra time sat in a pretty bleak room, staring at the walls, potentially with issues going on is not ideal” (1.CO2).

“Custody is not the right environment for children. Even at the other end of the block you can hear the shouting and swearing. Most kids here have troubled backgrounds and we’re adding to that. There will always be a time and place for custody but it should not be because the CYP has pissed us off” (2.CO3).

The proportion of officers and other practitioners within custody expressing such sympathetic views was greater than observed in previous studies (Kemp and others 2023, Bevan 2024). Whether this attitudinal change has arisen out of the greater focus on children as a result of the pilot, or not, is difficult to determine. However, what is clear is that the 12-hour clock was perceived by officers to be important in supporting officers to cater for these identified needs and vulnerabilities even when the suite is busy. Police custody is a hugely challenging environment for officers as well as detainees, and officers and staff are often working at the limits of their resources.

Taking a Child First approach is demanding and, while accepting of the changes required under CHILD, officers commented on the additional work that was required when dealing with children: “CHILD puts a lot of extra work on staff, with the checklists and other things they have to do, particularly in getting additional information about the child. It’s a lot harder in busy suites” (3.PI1). Without structures in place these more adjusted approaches are liable to fall away when resources are stretched. It was in these situations that officers particularly recognised the importance of the 12-hour time limit in keeping the focus on the

child as a child and cementing these differentiated and accommodating approaches to children. As an NPIT inspector observed, “The 12-hour clock has an important role to play when people make decisions in times of frustration. It makes you more aware [of the vulnerability of children] and if you didn’t have a shorter clock, then our best intentions would go out of the window” (2.NT2).

### **Negative approaches associated with punitive attitudes**

Despite the extra work required under the initiative, only a small number of participants expressed negative attitudes towards the 12-hour clock. These views tended to be linked to the individual’s belief that custody has an important role to play as a summary form of punishment (and deterrence) for children:

“I’m not the biggest fan of the CHILD initiative and instead of releasing them quickly, they need to slow things down [hold children in custody for longer]. I completely disagree with those who say that custody has a detrimental impact on children - it’s no different for them than it is for an adult. I think we’ve gone too far and a lot of it is nonsense” (2.CO2).

“I hate the 12-hour clock. I don’t agree with the process and I think we’re being too soft. Some kids are in custody on a weekly basis and we shouldn’t be treating them any differently [from adults]. Being arrested isn’t a deterrent and I think it should be sometimes” (2.NT1).

Such punitive attitudes have been expressed by officers about children in custody in other police force areas (Bevan 2022). However, the belief that harsh and prolonged custody experiences are likely to have a salutary effect on children is not borne out by the evidence. Empirical research indicates that whilst a very small number of children are deterred by the experience, these tend to be those that have not previously been in custody. More commonly, and for more custody-experienced detainees, harsh custody processes trigger resentment and distrust of the police, rendering the child more, not less, likely to come into conflict with the law in the future (Bevan 2022).

### **Practicability**

Broadly custody staff and investigators alike took the view that the 12-hour clock for children was manageable as long as there was the capacity to extend to up to 24 hours in appropriate cases.

“The 12 hour clock has not caused a difficulty in respect of other adult cases that we are investigating. I think it is right that they (children) are prioritised” (NT.I).

“It works 100% if you allow the default to go back to 24 or 36 hours, if needed. For the majority of children’s cases, it should be a 12-hour clock” (1.CO5).

Indeed, the fact that Surrey Police have now adopted the CHILD initiative, including the 12-hour clock as standard practice speaks to its practicability.

### **Dealing with less serious cases under the 12-hour clock**

Custody officers were generally of the opinion that most low-level/high volume cases could be dealt with within 12 hours, “You don’t need more than 12 hours when dealing with thefts, assaults or Public Order Act offences. It’s when you deal with a serious crime that you



need a different PACE clock” (1.CO1). Investigators generally agreed with this assertion for less serious cases. One exception raised was when children were intoxicated by drugs or alcohol and their recovery period was long or ran into the early hours, “We shouldn’t keep kids in custody overnight but it can happen when they’re highly intoxicated. By the time they have come round, it isn’t ethical to interview them” (1.CO2). A response sergeant raised a similar issue, “It’s only at night, or if they are intoxicated that it might take us beyond the 12 hours” (1.RS1).

Where a child was brought in for a low-level arrest in the late evening, and it was not possible to progress the case immediately, custody officers described using ‘short bail’ in appropriate cases to avoid lengthy detention:

“We have to make a judgement call when it gets late – should they be bailed to return? We have to think what’s in the best interests of the child in those late cases. More importantly, we ask ourselves ‘what are the risks to the child?’” (3.CO1).

“We tell them [investigators] at the beginning what we’ll do to get children out quicker. If they come in late at night, the presumption will be short bail and get them back in the morning so they can sleep. If it’s a school day, we can bail back at the weekend” (1.CO1).

An inspector confirmed this approach, “We use short bail depending on the offence. Or we tell them [investigators] that they can interview them now and then we’ll let them go. I think we’re doing more short bailing than voluntary interviews now” (1.PI1).<sup>12</sup> Short bail was used in particular where there was a difficulty securing the attendance of an AA and lawyer:

“We tell sergeants and inspectors that they are to go straight into the interview but it’s difficult with a child if their AA and lawyer is not around. Instead, we’ll go for very short bail, at a time that’s not impacted by school” (1.CO5).

Whilst short bail is much to be preferred to ‘bedding down’ a child overnight, it does raise the question of whether detention was strictly ‘necessary’ in the first place (PACE s37(3)), if the custody officer could safely bail them to attend on another day.

### **Dealing with more serious cases under the 12-hour clock**

Unsurprisingly, CID officers, who deal with more serious offences, commented on sometimes needing longer than 12 hours when dealing with a child, “A 12-hour clock will be unrealistic if you have things like forensics. We deal with more serious crimes and so allowing default to 24 or even 36 hours is important” (1.CID4). Another CID officer, with experience of working on homicide cases, similarly remarked:

“If there isn’t a planned arrest, we can’t deal with really serious offences within 12 hours. There’s things to plan, like the scene management, securing evidence, and conducting searches, these all take time. We need to use the 24-hour clock in these cases and document why there has been a delay when dealing with a child” (1.CID5).

It is for cases of just this sort that the ‘safety valve’ extension beyond the 12 hours was envisaged, subject to Inspector’s authorisation. With this option available in suitable cases, if

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<sup>12</sup> The main difference between ‘short bail’ and a ‘voluntary interview’ is that a child can only be bailed when under arrest, whereas they are de-arrested if asked to return back for an interview on a voluntary basis.

required, most investigators, including those on specialist teams, were in support of a 12-hour clock for children.

The only other issue with the 12-hour clock is one of shift arrangement – CID teams in Surrey do not have 24-hour cover:

“When we bring in a child at 8 or 9 in the evening, it means we won’t be ready to interview them until the early hours of the morning, but we don’t have overnight cover in CID. With no one to hand the case over to, we’re now under pressure to deal with them within 12 hours. This means that when our shift ends [at 10 pm], we’re spending another six hours or more having to deal with the case” (1.CID2).

### **Inspectors’ reviews of detention**

Under CHILD, inspectors are required to conduct an informal review of a child’s detention when first brought into custody (within 3 hours), followed by the first statutory detention review after 6 hours, and then a further review at 12 hours. Both inspectors and custody officers commented on the additional work required for a review of detention under CHILD:

“When you review a child, you have to look through their whole record. You have got to justify a lot to hold them longer than you would usually do” (3.PI1).

Previous research findings have tended to reveal the ineffectiveness of inspector reviews (Bevan 2024:217-8 and Skinns 2011). However, this more robust process, with an early informal review looking towards a 12-hour limit, was considered to be effective in reducing time periods for children. There was now more of an expectation that progress would have been made in children’s cases by the time of the 6-hour review:

“At my initial review, I’ll look to see if we can deal with the child within 12 hours and I’ll note if I think there’s a problem. I’ll note in the first review whether I’ve considered short bail. I’ll also look at the investigators and ask why the child hasn’t been interviewed and why they’re waiting” (1.PI1).

The additional and earlier focus by the Inspector, reinforcing the custody officer’s efforts to expedite matters, was felt to be key, “I’ll chase them [investigators] more saying that they need to be ready to interview early on ... It gives us quite a lot of power back” (1.PI1). When a custody officer was asked about the challenges of running the 12-hour clock, for example, he replied:

“There are no challenges. I think it’s a really positive step. It keeps people focused on the fact that it’s a 12-hour clock. When we’ve got a child in custody, not only are we asking the investigation team ‘what’s going on?’ but the inspectors are too when doing their reviews. There’s a little bit more focus – a bit more attention on the child” (1.CO4).

### **Extending detention beyond the 12 hours**

Under the usual arrangements PACE (s42) requires an officer of at least the rank of superintendent to authorise an extension of detention beyond 24 hours. Under the CHILD pilot, an extension of the 12-hour clock, to a maximum of 24 hours, could be authorised by an officer of at least inspector rank, including by the duty inspector (i.e. the authorisation

was not restricted to an inspector independent of the investigation). A custody officer explained how the extension process tended to work:

“I’ll remind officers a couple of times that we’re getting close to 12 hours and that they need to speak to an inspector. When we’ve got a PACE inspector on duty, I’ll have told them if it’s a serious offence and the investigation is likely to go over 12 hours, so he knows early on. It gives him the heads up ... I don’t think they go over 12 hours often. If they do, it’s for a good reason” (1.CO2).

Custody officers felt that it was appropriate to have this authorisation requirement to exceed the 12-hour limit, and that there should not be an automatic extension when dealing with a child for a serious offence:

“We’re working in an informal situation [with the 12-hour clock] and so we do have 24 hours. It’s actually a benefit [not to automatically allow an extension] because we’ll try and deal with it within 12 hours. If we need 24 hours, 36 hours or perhaps a remand, we have to make sure the delays are proportionate to the offence ... We probably have more extensions beyond 12 hours than we need with an informal clock but it’s doing what it’s meant to do. It’s having the right effect” (1.CO4).

There was a difference of opinion, however, about who should be responsible for authorising an extension of the 12-hour clock for a child, were the provisions to be enshrined in law. There was some support for the extension requiring an officer of at least superintendent rank: “I’d want an extension from a superintendent and then we would have to abide by that. It would start to focus people’s minds. It wouldn’t bother me. I’d be quite happy with that change” (1.PI1). Recognising the likely severity of offences for which such extensions would be sought, a CID officer similarly observed, “I can’t see a problem with having a superintendent’s authority instead of an inspector. We deal with really serious offences” (1.CID1). Such a requirement would underscore the importance of a different approach for children and would be consistent with the level of authorisation required for adults under s42 PACE. However, it might be considered too onerous, given that the number of child cases requiring extension to 24 hours might be anticipated to exceed the number of adult cases requiring extension to 36 hours.

There was more support for authorisation remaining at the level of at least of the rank of inspector, but different views about what sort of inspector this should be. Some participants endorsed the status quo under the pilot, where the power to extend could be exercised by a duty inspector, who might be a member of the investigative team:

“If PACE was amended the investigative inspector should be able to authorise over 12 hours ... I agree that they might have a conflict of interest [in smoothing the way for their team] but if they can justify going over 12 hours, the extension would be appropriate. I do acknowledge that in relation to children, I don’t want them in here and they [investigative teams] do” (3.PI1).

“Someone at least at the rank of inspector, including the duty inspector” (1.CID2).

However, that potential conflict of interest was of concern to some custody officers and inspectors, who favoured the power resting only with a custody inspector (independent of

the investigation). There was a concern that an investigative inspector might be insufficiently robust with their team:

“There’s no expeditiousness. They go at the same pace as with an adult. Knowing that the Boss will sign off another 12 hours makes their life a bit easier” (2.CO3).

“I think inspector is the right level. Custody inspectors will see it one way but the duty inspector will not review it objectively” (2.PI1).

“When inspectors are doing the reviews [of detention], they are supposed to be independent and ideally it should not be an inspector whose team is dealing with the suspect” (1.CO3).

### **Analysis of custody record data and the 12-hour clock**

In addition to the qualitative work, the impact of the 12-hour clock on the detention times of children was also examined by analysing data from 1,199 Surrey custody records for children, from April 2023 to June 2024. Overall, the average length of time children spent in custody was 10 hours, although this reduced from 11 hours and 6 minutes prior to CHILd (April to August 2023) to 9 hours and 24 minutes during the CHILd period (September to June 2024). This compares favourably to the average time children were found to be held in custody when examining data drawn from eight police forces (2019 to 2021), which was 11 hours and 36 minutes (Kemp and others 2023). Table 1 sets out the average time that children were detained overall and also when compared between the three custody suites, both prior to and during the CHILd initiative.<sup>13</sup>

**Table 1:** Average time spent in custody for children, broken down by custody suite, before and after the CHILd project was implemented.

	Pre-CHILd	CHILd
<b>Overall</b>	11.1 hours	9.4 hours
<b>Custody suite 1</b>	11.6 hours	9.1 hours
<b>Custody suite 2</b>	9.5 hours	9.2 hours
<b>Custody suite 3</b>	12.2 hours	10.0 hours

The average time that a child was held varied by month, as visualised in Figure1 below.<sup>14</sup>

<sup>13</sup> Note that updated figures provided in 2025 indicate that between January and March 2025 the mean average time in custody for children was 7.6 hours, indicating a continuing downward trend.

<sup>14</sup> One of the custody suites was closed in April 2024, which meant that suspects were diverted to other custody suites.

**Figure 1:** Average total time (in hours) children spent in custody, broken down by month. The solid black horizontal line represents 12 hours, and the solid black vertical line represents when the CHILD pilot began.

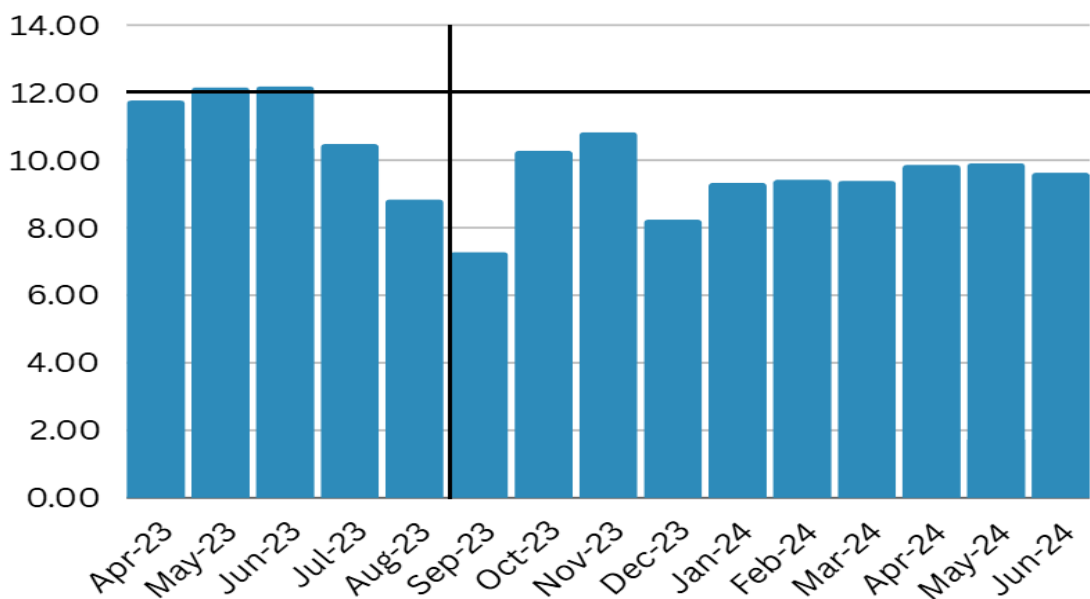


Table 2 reviews the proportion of child detentions which fell at or below the 12-hour time limit both before and during the CHILD pilot period. It also shows those detentions which exceeded the 12-hour time limit but ended before or at 15 hours' duration (the second statutory review point under PACE) and those which lasted for more than 15 hours.

**Table 2:** Percentage of children held for 0-12 hours, 12-15 hours, and more than 15 hours, broken down by custody suite, before (April 2023 to August 2023) and during the piloting of CHILD (September 2023 to June 2024).

	0 – 12 hours		12-15 hours		More than 15 hours	
	Pre-CHILD	CHILD	Pre-CHILD	CHILD	Pre-CHILD	CHILD
Overall	64%	72%	8%	11%	28%	17%
Custody suite 1	56%	76%	13%	11%	31%	14%
Custody suite 2	75%	73%	4%	9%	22%	18%
Custody suite 3	60%	68%	8%	13%	32%	19%

With the exception of suite 2, the figures show the proportion of children being held for less than 12 hours rising, and a marked reduction in the proportion of children held for more than 15 hours - reducing overall from 28% to 17%.<sup>15</sup>

From analysis of the custody records, the CHILD initiative was also seen to be effective in reducing the proportion of children held in detention overnight.<sup>16</sup> Overall, 30% of children were detained overnight: 32% in custody suite 1, 26% in custody suite 2, and 33% in custody suite 3. This compares favourably with 45% of all children detained overnight in the Home Office custody record dataset for year ending March 2022 (Home Office 2023) and 54% of children identified in the custody record dataset of the eight police forces capturing data from 2019 to 2021 (Kemp and others 2023). Set out in Table 3 are the proportions of children held overnight both prior to and during CHILD.

**Table 3:** Proportion of children detained overnight, broken down by custody suite, for the pre-CHILD and CHILD periods.

	Pre-CHILD	CHILD
<b>Overall</b>	34%	29%
<b>Custody suite 1</b>	40%	27%
<b>Custody suite 2</b>	23%	28%
<b>Custody suite 3</b>	39%	31%

The custody record data confirms that the 12-hour clock has had a positive impact on lowering the average length of time children are held in police custody, reducing the proportion of child detentions over 12 hours and reducing the number of children detained overnight. However, as discussed below, it is anticipated there would have been further reductions were it not for Surrey Police running other operations during the CHILD pilot (Operations Falcon and Marshall), which had the aim of increasing the number of detections and resulted in a raise in arrest rates. Not only were children liable to be arrested as part of those operations, but the increased numbers of detainees overall, as a result of the initiatives, placed substantial pressure on custody teams, impacting on the extent to which they, and their investigative colleagues, could apply CHILD adjustments to the full.

Having examined changes taking place in Surrey under CHILD, considered next are two additional aspects of Child piloted by Surrey Police. The first requires the police to place child arrests under ‘greater scrutiny’, to include exploring diversionary routes. The second is

<sup>15</sup> Note that in updated data provided for April 2025, 87% of children brought into custody were detained for a period of less than 12 hours, indicating a continuing downward trend.

<sup>16</sup> Overnight detentions had been defined by the Home Office as spending a minimum of 4 hours in custody and at least part of this period being between 00:00 and 04:00 – regardless of when a child came into custody. This definition has been used although, we note that the Home Office changed this timeframe in the second edition when reporting on custody record data to 00:00 and 08:00 (Home Office 2024).

for all children in custody to be seen both by a health practitioner and a CJLDS worker, to assist in identifying vulnerability and encouraging children to be diverted away from the criminal justice process where necessary.

### **Increased scrutiny of child arrests and ensuring diversionary routes are explored first**

We turn now to the requirements additional to the mnemonic prompts, the first of which is the intention to increase the scrutiny of child arrests under the pilot arrangements, to ensure that diversionary routes are explored first. Whilst the decision to arrest is solely that of the arresting officer, the custody officer's purchase on this issue lies in the decision to authorise detention, or not, under s37(3) PACE. For all detainees, detention should only be authorised where it is 'necessary' to 'secure and preserve evidence' or to 'obtain such evidence by questioning' (PACE s37(3)), and not where detention would merely be 'convenient or expedient'.<sup>17</sup> For children the test should be 'strictly applied',<sup>18</sup> and they should be detained only as a 'last resort' (UNCRC Art 37). Previous research has consistently identified, however, a tendency for this decision to be a mere 'rubber-stamping' exercise (Dehaghani 2017:190; Buke and Brown 1997; Kemp 2020a), with near blanket authorisation. Indeed, most recently, in relation to children, Kemp and others identified that detention was refused in less than 1% of cases (2023:93).

Since the CHILDS pilot commenced in September 2023, some inspectors and custody officers felt that authorisations of detention had reduced, and the use of diversionary routes had consequentially increased, because frontline officers were more mindful of the timing of arrests and the strict requirement for necessity to detain:

"The 12 hour expectation of release has been of real benefit to children brought into custody. It's fed through into division and investigating officers. They know that it's no longer the case of bringing anyone one into custody" (1.CO4).

However, in practice, analysis of the custody record data for children (April 2023-June 2024) suggests that the CHILDS initiative did not (in the period being evaluated) lead to a sustained reduction in the number of children brought into custody. On the contrary, as shown in Figure 2, after a sharp reduction in the number of children detained from July to August 2023, the general trajectory has been an increase in the number of children detained, returning to just above pre-CHILDS levels in June 2024.<sup>19</sup>

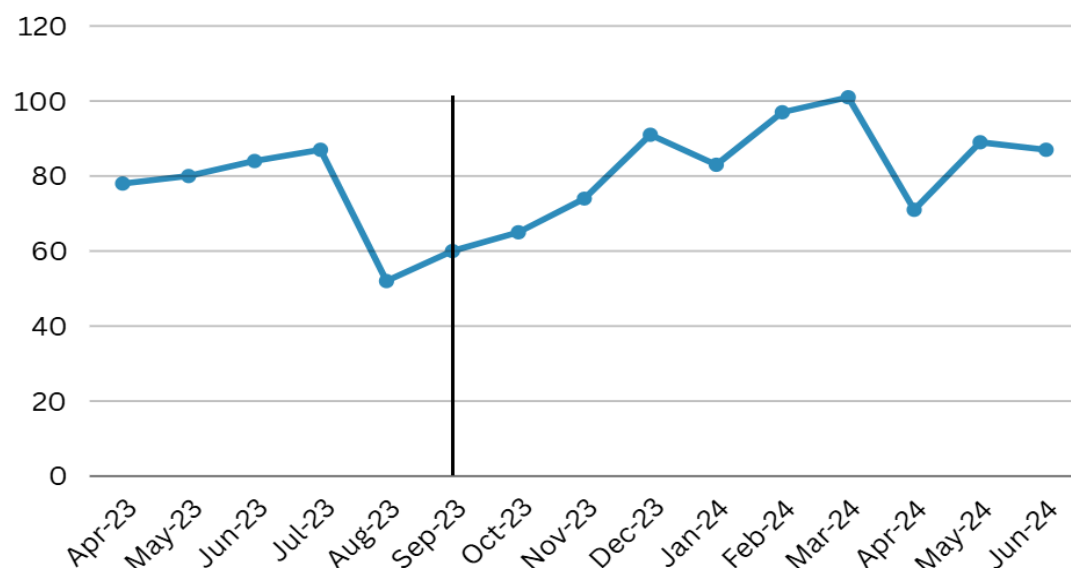
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<sup>17</sup> Authorised Professional Practice, Detention and Custody (APP(DC)), Response Arrest and Detention, [Response, arrest and detention: College of Policing](#)

<sup>18</sup> APP(DC) Children and Young Persons [Children and young persons: College of Policing](#)

<sup>19</sup> While there was a sharp reduction in the detention of children observed in April 2024, this would have been partly due to one of the custody suites being closed during most of that month. This would have led to frontline officers in that area not bringing children into one of the other two custody suites unless absolutely necessary.

**Figure 2:** Overall monthly totals of children brought into custody. The vertical black line represents the start of the CHILD project.



However, the qualitative data suggests a number of reasons for this apparent lack of progress.

### **CHILD and Operations Falcon and Marshall**

When speaking about these issues, custody officers across the three custody suites commonly made reference to 'Operation Falcon', another countywide initiative that was running during the CHILD pilot. As noted in the HMICFRS inspection report on Surrey Police, this initiative seeks to:

“support the force’s commitment to relentlessly pursue those responsible for serious acquisitive crime, which includes burglary, personal robbery, theft from a person, and theft of and from a motor vehicle. It also increases criminal justice outcomes for serious acquisitive crime, and other serious crime types” (2023:31).

Unsurprisingly, as one custody officer put it, the initiative “has led to pressure from our senior management team to arrest” (1.CO1). Indeed, some officers saw the operation as an ‘edict’ from the Chief Constable to increase numbers of arrests. Such a push inevitably has an impact on child arrest rates. An inspector in NPIT observed there being, “a big push in Surrey on shoplifting offences, which is an offence that often involves children” (3.NT1). Another inspector commented, “During Op Falcon, the message was that ‘an empty cell is a wasted cell!’ But children are getting caught up in that” (2.PI1). Reflecting on the impact on children, one Inspector observed, “It should be disapplied for certain groups, including children” (3.PI1).

Operation Falcon was seen to contradict the aims of CHILD, “We have competing initiatives. One saying, ‘treat children as children and not criminals’ but there’s another from the Chief Constable about needing many arrests” (3.CO2). Another inspector commented on how Operation Falcon was incentivising arrests without any focus on consideration of other investigative approaches:



“There are posters on the first floor which show how many arrests a certain team has made but there aren’t any posters to show how many ‘voluntary attendances’ a team has done ... I think there’s a free parking space for the person making the most arrests!” (2.PI1).

Reflecting on the impact of Operation Falcon on the CHILD pilot, one response sergeant remarked, “Perhaps the two initiatives cancel each other out” (2.RS1).

Alongside Operation Falcon and the CHILD pilot, a further initiative, Operation Marshall, was launched in March 2024.<sup>20</sup> This again was Surrey-wide, focusing on the arresting of outstanding prolific suspects, and investigative teams noted that children were being arrested proactively as part of this operation as well. With frontline officers and investigators being under pressure to increase arrests during these operations, it is perhaps not surprising that the number of children arrested and brought into custody has not reduced during the CHILD pilot.

### **Inexperienced frontline officers**

Several custody officers expressed concerns that these problems are being exacerbated by young-in-service frontline officers, “The officers on response sometimes don’t know what they’re doing. They’re very inexperienced. We have a difficulty because the Chief Constable says to arrest and children and young people can get nicked for a shout and punching a wardrobe” (2.CO1). Police investigators across Surrey commonly raised similar concerns, as one manager identified, “They [frontline officers] aren’t as experienced now and we can’t retain them” (4.OR1). This is a national issue. Cuts to policing budgets from 2010 led to the loss of 20,000 experienced officers across the country, followed by the enrolment of 20,000 new officers by the Conservative government from 2019. It has been noted in the Criminal Justice Joint Inspection (2024) that the scale of such rapid recruitment has high risks, not only for an inexperienced frontline but also due to the high attrition rate of officers during the early years of service.

This has ramifications for children and Child First policing. In the absence of confidence to deal with the complexity of some situations involving children and vulnerable adults, some more senior officers noted a tendency to opt for the easy option, notably arrest:

“CHILD has not been a problem – probably the challenge is in the frontline confidence. There is a lack of experience. Too often they are dealing with vulnerable people and those in a mental health crisis and they don’t know what to do ... They’ve almost always committed some sort of minor offence or an assault [and they are brought into custody]. I’ve seen that with children too” (3.NT1).

Secondly, a lack of understanding of the purpose of custody amongst young-in-service frontline officers was also considered to be problematic, “Some officers feel that they want

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<sup>20</sup> As set out on Surrey Police’s website, Operation Marshall was focused “on the relentless pursuit of the county’s highest harm and most prolific offenders,” it “has resulted in almost 600 arrests.” <https://www.surrey.police.uk/news/surrey/news/2024/05/operation-targeting-surreys-most-prolific-offenders-results-in-almost-600-arrests/>

to bring them [a child] into a cell to teach them a lesson and we say it doesn't work like that" (1.RS1). A custody officer similarly observed:

"If it's a regular 'missper' [missing person], they [response] want to nick them and bed them down. Sometimes we feel like a creche for kids ... Custody is a process not punishment – we shouldn't be doing it [bringing children into custody] just because we don't like them" (3.CO2).

Outside of response, police managers considered that the problem was compounded by a lack of knowledge and experience amongst some frontline supervisors as well, "Some are very inexperienced. They aren't always picking up some of the straightforward stuff they should" (4.OR1).

These findings indicate that training plays an important part in ensuring that Child First measures are effective. Whilst all frontline officers and investigators were made aware of CHILD and the 12-hour clock, this tended to be in the form of a briefing and email notification, as a response sergeant described, "The changes were delivered in a briefing and an email. There may have been a PowerPoint in the briefing, I can't remember. There wasn't an e-learning package or something similar" (2.RS1). There has not been a concerted programme training on why Child First measures are important and effective, to underline why the initiative is in place, to counter more punitive approaches and to support inexperienced officers in engaging effectively with children. An NPIT inspector explained, "An email came round about CHILD. One of my bugbears is that we don't get much training in Surrey ... We get training around the process but not about dealing with children" (2.NT2).

### **'Voluntary attendance' as an alternative to bringing children into police custody**

Officers are encouraged to use 'voluntary attendances' (VAs) as an alternative to arresting and detaining a child to facilitate a police interview. Several investigators described a significant emphasis now being placed on the use of VAs instead of custody, for a range of reasons. For example, there was widespread acknowledgement that being brought into custody could have a significantly negative impact on the child:

"If we can, we will always VA for exactly the reason that custody is not a good place" (1.CPO1).

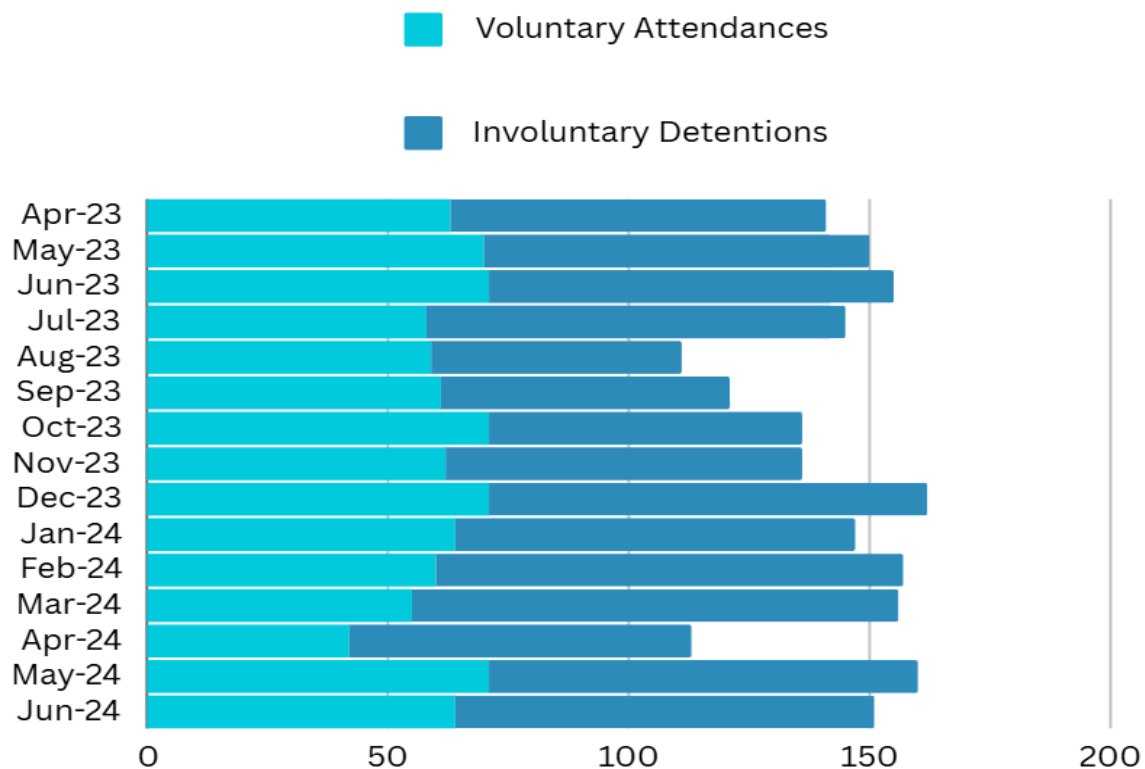
"The police do try to deal with children in the most appropriate way, and that's not bringing them to the station. It's not the right place for a child. We should VA instead" (1.NT1).

Additionally, there was some appreciation that VA might not just be beneficial for the child, but offer advantages for the investigation as well, in being more likely to elicit a 'comment' interview from a child. As an NPIT PC observed, "Children talk more in VA's. I can't remember a 'no comment' interview when I've VA'ed. Maybe it's the atmosphere – it's not custody ... I've never felt that by VA'ing them we had undermined or detracted from the investigation" (2.NT3).

Prior to the CHILD initiative, Surrey Police had been exceeding many other forces in their use of VA, accounting for 46% of Surrey interviews of children (671 VAs and 786 arrests) in the period April 2022 to March 2023 inclusive (Bath 2023:12). The Surrey custody record data

for April 2023 to June 2024, shown in Figure 4, suggests a similar level of VA usage during the pilot period.

**Figure 4:** Monthly total number of voluntary attendances for children, as well as the total involuntary (custody) detentions.



More focused research with frontline officers would be required to identify why, given the emphasis on using alternatives to custody within CHILD, there has been no substantive rise in the use of VA during the pilot period. However, several potential factors emerge from the qualitative data obtained so far. The first lies in the legal framework. Under PACE a number of key investigative powers and safeguards are tied to arrest and are not available where VA is used.

“We make an arrest to obtain evidence through questioning but probably we also need evidence by seizing property, such as a phone or property. We also arrest if we want safeguards in place, and bail conditions need to be imposed [which can be imposed following an arrest but not a VA]. There’s also mental health teams in custody who can help [a child]” (1.CPO1).

As alluded to above, there is also assistance, in the form of CJLDS, which is not readily available outside police custody. It is of concern that this perverse incentive may lead to the arrest of a more vulnerable child, exposing them to the potentially traumatising experience of custody, in the interests of providing further support to them. Finally, as indicated above, there remains the sense that arrest is simply the easiest option: “We take the path of least resistance and it’s easier to bring them into custody [than VA]. It’s less red tape to arrest and it’s more standardised” (2.NT1).

### Pressure on custody officers to authorise detention

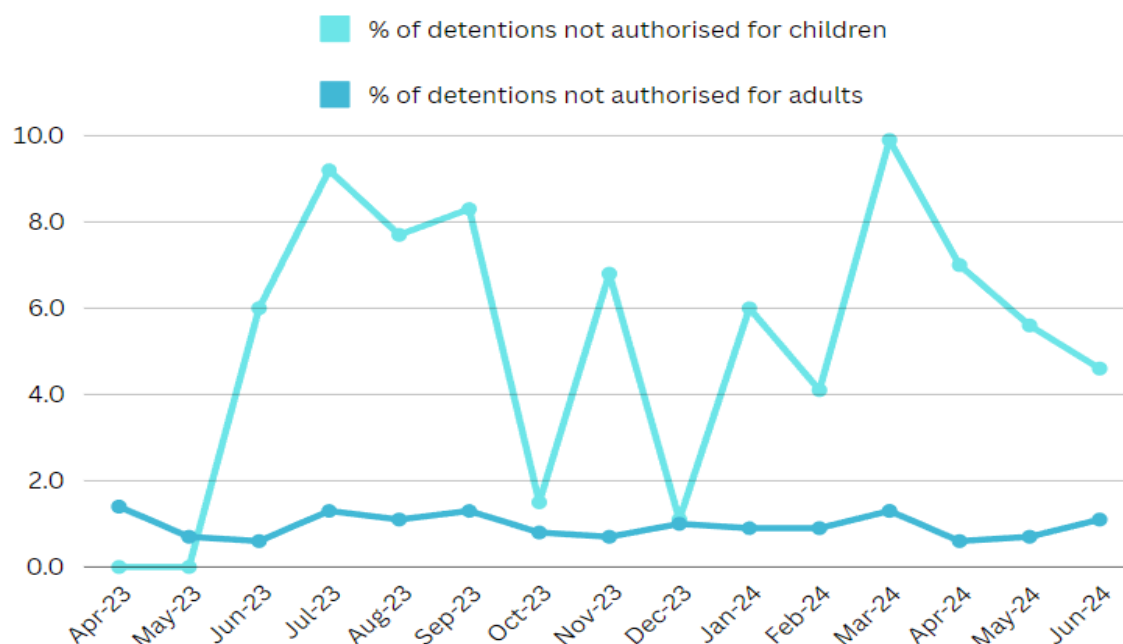
Of course, if the arrest of a child is inappropriate, or their detention unnecessary, a custody officer should be refusing to authorise that detention, particularly under CHILD. However, despite the pilot's focus on scrutinising child arrests, custody officers commented on the pressure that they felt under to authorise detention once a child was brought into custody, particularly from senior investigating officers:

"I will enforce the law [when authorising detention] but doing the right thing in policing doesn't win you a lot of friends as you're seen as being obstructive" (1.CO1).

"A lot of custody officers feel uncomfortable because in their heart they know the necessity is not there but there's pressure from above ... I've refused to authorise detention and it's got escalated. The Super agreed with my rationale but he stepped outside of PACE to authorise detention ... To not authorise detention requires a lot of report writing. Lots of hoops to go through – it's easier just to authorise detention" (3.CO2).

Despite these pressures, from April 2023 to June 2024, whilst the percentage of adult detentions refused remained fairly stable at 1%, there was a slight rise in the numbers of children refused detention. Pre-CHILD the percentage of detentions refused stood at 5%, and it increased to 6% during the pilot period. However, as can be seen in figure 3 below, the overall numbers are small and subject to very significant variation, such that it is difficult to draw any firm conclusions from the data.<sup>21</sup>

**Figure 3:** % of detentions not authorised for children and adults



<sup>21</sup> In updated data provided for April 2025, 12.6% of children brought into custody had their detentions not authorised. This indicates a longer-term trend towards greater scrutiny of child arrests.

## Case outcomes for children held in police custody

When dealing with high volume and low-level offences, NPIT investigators said that most children detained would be sent through to the YJS for a ‘youth intervention’. There was a strong emphasis on the outcome as a route to obtaining help for the child, as an NPIT inspector observed, “When dealing with disposals, we always try to get the bigger picture. In my view, for a relatively minor offence it’s all about getting support for the child and I’m fully prepared to hand over the outcome. I try to think about what is best for the person” (2.NT2).

**Table 4:** Describes the final disposals (or most up to date disposal at the time the data were pulled) for children overall, and in the pre-CHILD (April-August 2023) and CHILD periods (September 2023 to June 2024).<sup>22</sup>

	Overall	Pre-CHILD	CHILD
<b>Charge</b>	13.3%	11.3%	14.3%
<b>NFA</b>	9.8%	10.0%	9.8%
<b>OOCR</b>	24.2%	28.1%	22.4%
<b>Pre-Charge Bail</b>	34.8%	32.5%	35.7%
<b>RUI</b>	16.8%	17.3%	16.6%
<b>Other</b>	1.1%	0.8%	1.2%

In the majority of cases overall (52%) the case outcome remained outstanding at the time the data was extracted (March 2025), with 35% of children remaining on police bail and another 17% released under investigation. When compared to an analysis of custody record data for children drawn from 8 forces in 2019-2021 (Kemp and others 2023:44), fewer children in Surrey are charged (at 13% compared 21%) but a higher proportion receive an OOCR (24% compared to 14%). Also, in the 2019-2021 data, 56% of cases had no further action taken, and with another 5% of cases remaining outstanding. In Surrey, while there was no further action taken in 10% of cases, it is of concern that 9 months following a child’s release from custody the case outcome remains outstanding in 52% of cases. This long delay leaves children waiting a long time for their case to be resolved. It also means there are long delays in providing help and support for the child, or any reparation that a victim could receive. It is important for Surrey Police and the YJS to identify and address the causes of such long delays. This could be due to the police delaying sending cases to the YJS for an assessment, for CPS to decide on charging decisions, or delays in the YJS assessment process.

## Referral to HCP and CJLDS for all children

The CHILD pilot requires that all children in custody be referred both to the healthcare practitioner (HCP) and to a worker from the Criminal Justice Liaison and Diversion Service (CJLDS), with a view to those practitioners assisting in “assessing any vulnerability and directing away from the criminal justice process where necessary.” This was contained within

<sup>22</sup> Details of case outcomes were updated by Surrey Police in March 2025.

the CHILD checklist for custody officers and appears to have been consistently achieved, according to custody staff, HCPs and CJLDS workers. Indeed, this requirement had been in place prior to CHILD and so was already embedded in custody processes.

The frequent identification of additional vulnerability within the child suspect population, particularly in relation to neurodiversity, mental health difficulties, trauma and self-harm, clearly suggests that a blanket referral approach is justified. Mandatory fields within custody records do not capture this information in its entirety, although 'vulnerability warning flags', which can be added to an individual's custody record, give some indication of certain additional vulnerabilities. From analysis of 1,199 electronic custody records for children in custody (April 2023 to June 2024), the proportion identified with these flags were as follows: 24% 'self-harm', 13% 'suicidal', 9% 'child protection plan', 6% 'domestic abuse risk', 4% 'learning disability', and 0.3% 'drug dependant'. Research into the incidence of such issues within child populations in contact with the criminal justice system suggest that these figures are likely to be significant underestimates,<sup>23</sup> and these flags do not capture common conditions such as ADHD and autism. Custody officers reflected on the high frequency of children identifying additional vulnerabilities of this sort:

"95% of kids come in here with anxiety, depression, ADHD. They reel them off, whether diagnosed or not. They can be looked after, in residential care, we do record that too" (3.CO1).

Nor can there be much doubt that many children in custody could be assisted by additional support, not just in the community but in particular during the custody process. Custody staff and practitioners from all disciplines recognised that the custody environment could be extremely challenging for all detainees, but particularly for children with additional vulnerabilities:

"The majority of children coming in have ADHD, something that is neurodiverse... there's only so much we can do to keep their minds off what's going on. Our cells aren't equipped to keep them entertained. We offer distraction items, the cell facilities, exercise yard is very limited. They can easily get overwhelmed" (1.CO4)

"Children also shouldn't be brought into custody for very minor offences, but the police need alternatives to custody" (1.LD2).

There is always an HCP on duty in each custody suite in Surrey, including overnight and bank holidays. Their main concern when seeing a child is over their medical welfare, to assess any physical vulnerability and particularly to check if they are on medication. An HCP described the difference between his role and that of CJLDS saying, "I'm here for the medical issues, whereas they focus on the mental health issues." While HCPs play a vital role in keeping children physically safe and well in custody, they were not seen to have a role in carrying out an assessment of the child's wider vulnerability, or to assist in directing them away from the criminal justice process, as required by the CHILD initiative.

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<sup>23</sup> See Chitsabesan and others (2015) and Kent and Williams (2021).

CJLDS workers are not always present in the custody suite, being available from 7 am to 7 pm, three or four days a week. They approach every child, and, where the child consents, use a child specific vulnerability assessment to identify their needs. In relation to support in the community, the assessment considers all aspects of the child's home life. A CJLDS worker explained, "If agreed [with the child] we carry out an assessment and refer the case to our CYP [children and young people] lead. They'll pick it up and they are the expert on referring cases on to different agencies" (1.LD1). When undertaking the assessment, another CJLDS worker remarked, "We see if there's anything we can identify for support. Any vulnerabilities, problems at school, in their family life incidents with gangs, and that sort of thing" (3.LD2). All assessments are forwarded to their specialist Children and Young Person Lead within the community. She, or her team of Youth Engagement Officers and Peer Support Workers, then follow up with the child in the community. They offer a wide range of assistance and referrals to other services and they can also support further assessment and diagnosis, liaise with schools and colleges, and link in with the MAP and the local authority. They attend the daily risk briefing reviewing all children in custody and will ensure that the SIGNS report is completed.

The only frustration identified in relation to referrals in the community arose in relation to children detained in Surrey suites but who live out of the area. The service found that neighbouring counties would not act on a referral:

"They won't take a referral [from us] unless they've seen the person face-to-face. We'll do a full assessment for a child who lives in their area but they won't accept it. People have needs, they talk to us but still they won't accept it. They won't come here to see the child. We've done the assessment but it's a waste of time" (1.LD2).

### **Supporting care within custody**

In contrast to CJLDS services in some other police force areas (Bevan 2024), the CJLDS role in Surrey covers not just identifying appropriate referrals for children on their release but also keeping the child safe and securing adjustments to support them while in detention. In addition to the vulnerability assessment, they have a child-focused safety plan which they can complete with the child to ensure that their care is tailored to their specific needs. As a CJLDS worker explained, if a child is identified as neurodiverse, or having communication difficulties, for example,

"We hand this over to the custody sergeant and they'll put it on their part of the system and they know they can approach us at any time for information [about the child] ... this will include noting if the child says they don't like to be touched, or if they struggle with bright lights ... We'll create a plan with the police if there are any specific risks, of self-harm. We can discuss with the police the best way to deal with them" (1.LD1).

Custody officers spoke very positively of this assistance and confirmed that the information is incorporated into the care of the child:

"They give us an understanding of the child's history, their trauma, and how they are feeling at that minute ... They'll also check on any communication needs a child might have. Any information they give us goes through to custody staff, including detention

officers. It will also get noted on our care plan and we'll talk about things like that in the custody team" (1.CO1).

### **Sitting on the 'bridge'**

Again, in contrast to CJLDS practitioners in some other force areas, CJLDS workers in Surrey suites sit on the 'bridge', alongside the custody officers and detention officers. This means that they can see people when they are first brought into custody, providing them with an early opportunity to check if any concerns are raised. CJLDS workers commented positively on this:

"It's really helpful to be based on the bridge. There are buzzwords that my ears will prick up at, autism and ADHD for children. We see a lot of that. We can chat with custody staff about any concerns they have with children and we can let them know if there are people who can help. We used to be based in the SAAVS room but this is much better – we are amongst it and we have a good relationship with police staff, which helps" (3.LD1).

Custody teams also remarked on how helpful this arrangement is:

"It's great that we have CJLDS on the bridge. They can do some preliminary checks just by listening to what's happening. If they were tucked away in a room, they'd have no idea about what the person was like when they were booked in. We have a good rapport with them... I find it very helpful that we're all singing off the same hymn sheet" (1.DO1).

The long-term nature of the arrangement with Surrey police was also thought to support this close working relationship, "We've been approved in Surrey for a seven-year tenure and that's great" (1.LD2).

### **Engagement and timing issues**

As has been observed in other forces, children can be reluctant to engage while in detention, "engagement with children in custody is generally quite low" (3.LD1). The custody environment is often not conducive to what can be difficult discussions:

"some are quite distressed and they don't want to talk about what's happening at home, they just want to get out. We'll give them a leaflet about our service, what crisis resources and safe havens are available for them" (1.LD1).

Equally, a child who attends the police station out of CJLDS hours will not be seen by the service whilst detained. However, opportunities for the child to engage are not lost entirely. The team will follow up with them in the community and, as one CJLDS worker observed, "more often than not they'll accept help when they get home and we can follow up with outreach" (1.LD2).

Nor is the opportunity for information to feed back to the custody team entirely lost where the child declines to consent to an assessment. The CJLDS worker will screen every child that comes in on their NHS systems, regardless of whether they accept an assessment, so that if any information is held it can be provided to the custody officers and team. Although inevitably, where the CJLDS worker is not on duty that information cannot be accessed.



In addition, it appears that children who are invited to attend for voluntary interview are not regularly being referred to the CJLDS, especially not before their voluntary interview, even though this is a requirement within the NPCC voluntary interview guidance (NPCC 2024:21).

## Discussion

### 12-hour clock

The stand-out success of the CHILD pilot is the 12-hour clock. It was very widely supported across both custody and investigation teams as representing an effective and manageable way of ensuring that a child is treated as a child in police custody. Custody officers welcomed the reduced time limit because they felt it gave them ‘power back’ in ensuring that a child is detained only for as short a time as appropriate in the circumstances. In particular, custody officers described greater use of short bail, where suitable, to avoid ‘bedding down’ children overnight and inspectors felt that their reviews were more effective and robust with the 12-hour limit informing discussion with investigation teams. Overall, the 12-hour time limit had resulted in a reduction of overall detention times from 11 hours and 6 minutes prior to CHILD (April to August 2023) to 9 hours and 24 minutes during the CHILD period (September to June 2024),<sup>24</sup> and a marked reduction in the numbers of children being detained for more than 15 hours. There was also some indication that the clear distinction had helped to reinforce the need to treat child detainees differently and embedded changed attitudes and treatment even in busy times and where resources were stretched.

In advance of the pilot and the evaluation, some policy-makers had expressed concerns that a 12-hour clock for children might be unworkable, creating undue pressure on investigation teams and with the potential to have a negative impact on the quality of investigation not only for children, but also for adult cases which might be deprioritised as a result. However, the evidence from the pilot suggests that concerns of this sort are misplaced, as long as there is the capacity to revert to the 24-hour clock, where necessary, in serious or exceptional cases.

There are several points that arise from the findings that we anticipate would support further embedding of the 12-hour clock, and greater reductions in overall detention times, and may be helpful for other forces looking to pilot the measure:

- **Extensions beyond 12 hours should not be automatic or only for serious cases:** The availability of an extension beyond the 12-hour limit is vital, but it is important that a balance is struck between the availability of extra time and ensuring that the 12-hour limit is not unduly watered down. Custody officers and investigators acknowledged that seriousness alone should not result in an automatic extension to 12 hours, since many serious cases will not involve scene preservation, forensic testing or other investigative measures which might require the longer period. Equally, it is plain that the reasons for needing to extend a child’s detention beyond 12 hours may not always arise simply because of the severity of the case. Where a child is intoxicated, or an AA

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<sup>24</sup> Declining further to a mean average of 7 hours and 36 minutes between January and March 2025.

or lawyer is unavailable at a critical juncture, for example, an extension may be required (and appropriate) even in cases which may not be of the highest seriousness.

- **The rank and role of the authorising officer:** The extension of the 12-hour clock by an officer at inspector rank or above has proved workable. Whilst superintendent authority for an extension would bring the adjustment into line with PACE s42, the number of extensions in this study, and that might realistically be anticipated for wider roll-out, suggest that this might not be practicable were the measure to be enshrined in primary legislation. However, there are indications that, to ensure robustness of the protection, the independence of the authorising inspector from the team investigating the allegation is an important safeguard.
- **Training:** The punitive attitudes towards children expressed by those who were not supportive of the CHILD initiative, and particularly the 12-hour clock, indicate the importance of training not just on process but on the reasons behind Child First approaches to ensure effective implementation. The findings indicate that this is particularly important for frontline officers, many of whom are inexperienced and young-in-service. Training should address common child vulnerabilities, the impact of negative experiences with the police and the theory behind, and effectiveness of, Child First approaches, as well as addressing practical techniques to empower officers at all ranks to engage effectively with children.
- **Guidance on alternatives to custody for frontline officers:** Despite the greater scrutiny of arrest, and prioritisation of alternatives to custody, during the pilot period, the quantitative data reflects limited impact of the initiative on the numbers of children being detained, those whose detention is refused and those who are subject to voluntary interview. Whilst the rate of the use of VA within Surrey is strong there are still indications that frontline officers are arresting when less intrusive options are available and there may be a lack of clarity around the range and availability of OOCRs. This issue is not limited to Surrey and has been observed in other force areas (Kemp and Bevan forthcoming). It may be helpful for guidance to be produced for frontline officers to support wider use of alternatives to custody, which could include a toolkit/flowchart to support diversionary decision-making when a child comes to the attention of the police. Guidance on voluntary interview procedures, and particularly the availability of CJLDS referral, in line with the NPCC Voluntary Interview Guidance (2024) may also assist in reducing unnecessary arrests.
- **The importance of clear messaging from Senior Leaders:** The apparent impact of Operations Falcon and Marshall on the numbers of children being brought into custody illustrates the fragility of adjustments which are not enshrined in legislation. There is evidence in this study (and in other forces as well) that other policing priorities are liable to override Child First measures unless messaging from Senior Leaders is clear. Where performance is measured, or perceived to be measured, by numbers of arrests, this will always have a negative impact on children, who are easy and available targets for arrest and stop and search. For Child First measures to be fully effective over the long-term greater legal protections for children need to be enshrined in legislation. But in the absence of such change, clear messaging from Senior Leaders about the

importance of Child First approaches, and differentiation of the approach to children in focused operations, is essential.

### **Legal advice**

In cases where SAAVs AAs are used there was no substantive change to uptake because the SAAVs blanket policy requires a lawyer be called for every child in any event. However, the policy of reversing the presumption for cases involving familial AAs was ineffective, in part, it would appear, because the terms of reference for the pilot did not clarify how the identified 'opt out' might work. This finding is potentially instructive for Surrey in refining their CHILD adjustments, and for other forces seeking to pilot such arrangements. It underlines that absolute clarity is required for a reversal of the presumption of legal advice to be effective. In order to give effect to the intention of the adjustment, that a child 'will always have legal representation', the Terms of Reference need to state clearly that call-out to the DSCC should be made for every child, and that any 'opt out' relates only to the child's right to refuse to see a lawyer who has been called, and is in attendance (in line with Code C 6.5A), rather than to the calling out of a lawyer in the first instance. More broadly the finding also reveals the importance of enshrining a reversed presumption in primary legislation to ensure consistent implementation.

For those who do request legal advice, the findings revealed that, as in other areas of the country, lawyers tend to have contact with their child client only shortly before interview. Where there are delays in the investigation this can mean that children wait for long periods before having access to legal advice. There were also concerns about lawyers adding to delays, particularly by taking on multiple cases. This is not new. Research over the years has highlighted issues about delayed attendance, and problems over lawyers 'stacking' cases and causing a delay in the timing of the police interview (Kemp 2013:190-192; Bevan 2024:137). These practices, however, need to be considered in the context of the low fee paid for police station legal advice. With lawyers being paid a fixed fee since 2008, this has led to them doing the minimum amount of work on cases to try and make this profitable. Unfortunately, this results in many lawyers focusing on the police interview only, which means they have little or no earlier contact with their clients (Kemp 2020b:127). Lord Bellamy recommended increasing legal aid fees for police station work in his Independent Review of Criminal Legal Aid (2021:81ff), noting that front-loading these costs is likely to represent value for money in preventing unnecessary proceedings. This study adds to the growing body of evidence that illustrates in addition to increasing legal aid fees for police station work, it is important to ensure that legal advice is timely and effective for all detainees, but particularly for children.

In seeking to address these problems, in November 2024 the Metropolitan Police embarked on a four-month pilot study in two London custody suites.<sup>25</sup> With specialised child-specific training for lawyers and custody officers using the two suites, the aim is to involve lawyers as soon as possible once a child has been detained. By receiving early access to legal advice and assistance from specialist child lawyers, this is intended to help reduce the number of

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<sup>25</sup> Called ChiRP – the Child First Custody Training and Research Pilot, funded by a consortium including MOPAC, Haringey and Lambeth Councils. Kemp and Bevan are evaluating the pilot project as part of the wider Nuffield study.

children held in custody, the length of time they are detained, and the number of children charged.<sup>26</sup> It is hoped that this study will provide further indications of how legal advice might be more effective for children in police custody.

### **Timely and meaningful AA support**

Overall, longstanding practice in making early attendance requests of AAs had been enhanced by the focus on early contact with the AA, and avoiding use of a cell, under the CHILD initiative. As a result, not only were children having early, and often prolonged and meaningful contact with their AA, but they were also commonly spared a lengthy wait, alone, in an adult cell. There was a sense across the suites that custody teams viewed the AA not as an unwelcome ‘challenger’ (Holdaway 1983:71) but as more of a partner in providing care and assistance for a child in custody. Their presence was recognised as supporting the work of the custody team and enabling conditions to be adjusted for the child, and that this was leading to a better experience for children and less problematic behaviour for custody teams to deal with. In short, the AA safeguard appeared to be functioning more effectively in Surrey suites than has otherwise been observed in previous research (Bateman 2017; Kemp and others 2023; Bevan 2024).

Key to this success, in making meaningful the AA safeguard, is the availability of suitable accommodation for the child and AA to sit out of the cell. In this regard the Middlesbrough Child Custody Suite provides an excellent example of the benefit of having a dedicated non-cell space for AAs and other practitioners to spend time with children in detention.<sup>27</sup> Whilst the scale of physical adjustment in Middlesbrough may be outside the scope of many custody suites, this study underlines what a positive impact providing a consultation room, or refurbishing cell accommodation to create a Child First space, could have for children to engage with AAs and other practitioners.

### **Healthcare and partner agency support**

Overall, the support provided by CJLDS and HCPs in custody was seen to be highly effective and valued by custody teams. The focus not just on referral to services outside custody, but on the support provided to the child and the custody team during detention is impressive. However, the research raises some potential areas of improvement for consideration:

- **Risk of overload:** the referral of each child to both HCP and CJLDS runs the risk of overloading the child, given that fewer children than adults have physical health conditions and the two assessments are likely to require the child to answer a significant range of questions twice, some of which will be duplicated. To avoid this some participants described sometimes conducting joint assessments of a child, which was considered to work well, “We can bounce questions off each other, and it helps just in case there’s something we’ve forgotten” (1.HCP1). However, mandating joint assessments might prove challenging. It may be that consideration could be given to mandating referral to the CJLDS worker only during their working hours, with referral

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<sup>26</sup> See the launch of the ‘[Child First Custody Training and Research Pilot](#)’.

<sup>27</sup> [First of its kind Youth Focused Custody Suite launches in Middlesbrough: Cleveland Police](#)

to the HCP mandated outside those hours, and where indicated the risk assessment (or requested) in the usual way.

- **Extending access:** In light of the positive support for the work of CJLDS, there would seem to be a good argument (subject to funding) for extending the hours of their service, particularly later into the evening when many children will find themselves in police custody.
- **Child specialist training:** Whilst there is a specialist CYP Lead in the community, and she is sometimes available to attend custody, CJLDS workers are generally all ages practitioners and, although using tailored instruments, they described not having particular specialism to work with children. Levels of engagement of children in custody were reported to be low. It may be that with child-specific training they can raise the engagement levels of children within custody. One CJLDS worker observed, “Child specific training has been talked about and it’s in the pipeline. We do have mandatory training that covers child safeguarding” (3.LD1).
- **Supporting criminal justice decision-making:** It seems that the flow of information out of custody through the CJLDS and the daily risk meetings, is efficient, and potentially highly effective, in engaging support for children in the community. However, there is no effective mechanism to ensure the flow of relevant information back into police custody and to the investigation teams to support criminal justice decision-making. The current youth notification process does not appear to be providing this important information in a timely way.

Within custody, whilst both HCPs and CJLDS workers have a role in identifying vulnerability, and engage well on supporting care within custody, they do not have a role, at present, in “directing [the child] away from the criminal justice process where necessary”, as envisaged by the CHILD initiative. Equally, CJLDS and YJS are represented in the daily risk briefings but their knowledge of the child and their specific vulnerabilities, which could be relevant to considerations relating to bail or to assessments under the Child Gravity Matrix, are not routinely fed back into bail/remand consideration or decisions to charge or refer for youth intervention within custody or thereafter. Nor do individual children’s social workers regularly visit them in custody or support decision-making for them at that stage. There is a sense that there are two parallel, but separate, tracks for consideration of children who come to police attention, one addressing welfare and safeguarding in the community and the other considering their potential offending and suitable criminal justice outcomes. It would be helpful to move towards a more integrated approach by getting YJS and social services meaningfully involved in support and decision-making pre-charge/disposal decision and preferably in police custody. This could have wider benefits not only for the child and their family, but also for victims and the wider community (Byrne 2023).

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