

# Care experience and criminalisation

## AN EXECUTIVE SUMMARY FROM TACT

'74% of respondents felt that looked after children are at a greater risk of unnecessary criminalisation.'

Executive summary: Findings



### BACKGROUND

Action Research Limited was commissioned by The Adolescent and Children's Trust (TACT) to explore the relationship between care experience and criminalisation<sup>1</sup>. The overarching objectives of the study were:

- to identify the relationship between care and both concurrent and subsequent criminalisation
- to explore those factors which may influence or mediate any potential negative impacts of care, and
- to explore the suitability of measures for "buffering" looked after children against criminalisation

### METHOD

To maximise value within the resources available, the study encompassed a scoping review and a survey of 27 local authorities in England and Wales.

#### Scoping review

A narrative literature review was carried out to identify UK literature pertinent to risk and protective factors for looked after children, and the relationship between care experience, criminal behaviour and criminalisation. Academic databases were searched alongside the websites of relevant government departments and non-governmental bodies.

#### Interviews with service providers

A telephone interview was conducted with senior members of staff in Youth Offending Teams (YOTs) and Looked After Children's (LAC) Teams. The purpose of the interview was to gather practitioners' perceptions on the extent to which

looked after children were at risk of criminalisation and the circumstances in which this risk was greatest.

The interview also allowed for the detailing of current and future measures for providing support to looked after children. A total of 35 interviews were conducted within 27 local authorities; this represents a response rate of 65%.

### FINDINGS

#### The relationship between care and criminalisation

Relatively few studies have addressed the relationship between care and criminalisation, and they are inconclusive about whether looked after children are at greater risk of criminalisation. However, respondents to the survey, who have direct contact with these children, had a clear view that looked after children are at greater risk. 74% of respondents thought this was the case.



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<sup>1</sup> For the purposes of this study criminalisation was defined as the process by which individuals are transformed into criminals.

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‘Criminalisation is seen as a visible sanction for other young people in the unit to enforce their compliance [...] It is a way of maintaining discipline.’

YOT Respondent



The respondents felt that the key factors putting looked after children at increased risk of criminalisation were

- mixing with offending peers
- poor management of challenging behaviour
- lack of stability of care placements.

Residential care was highlighted in both the literature and in the practitioner survey as the care setting which posed by far the greatest risk to young people in terms of criminalisation.

Over four in five respondents felt that looked after children were more likely to be prosecuted than were children living at home.

Practitioners indicated that it was not uncommon for carers (and in some cases other residents) to report young people to the police for committing minor offences such as stealing, fighting and criminal damage.

This situation was improving in many local authorities as a result of protocols between the residential care homes, the police, the YOTs and the LAC Teams.



## RELATIONSHIPS BETWEEN SERVICES

The links between LAC Teams and YOTs varied considerably though were described positively by the majority of respondents. Where strong links were in place there tended to be common goals, engagement at strategic and operational levels, and joint-training exercises.

Stronger links were associated with better outcomes for looked after children who had offended and a better ‘fit’ between YOT plans and LAC Team care plans. Nevertheless, despite protocols and good links, information sharing and the ‘fit’ between service plans were identified by many respondents as in need of improvement.

'Protocols have been largely successful in reducing the need for formal police involvement.'

Executive summary:  
Management of challenging



Within a minority of local authorities, respondents had worked hard to foster links with other key services such as the Police and the Crown Prosecution Services. These relationships were seen to be important in reducing the criminalisation of looked after children.

### **MANAGEMENT OF CHALLENGING BEHAVIOUR**

Work with looked after young offenders' was typically seen to be a mixture of needs-led and crisis-led work. YOTs were three times more likely to see work as being needs-led and preventative than were LAC Teams.

Over three-quarters of local authorities had a protocol in place for residential care staff in managing challenging behaviour amongst looked after children. Training, often run by LAC Team staff and/or YOT staff, has been provided to care staff in support of this protocol.

Protocols have been largely successful in reducing the need for formal police involvement in resolving minor offences. Where

protocols have not been successful there has been a lack of commitment either at a strategic level or on the part of key stakeholders.

Restorative justice measures, often linked to protocols, were successfully being utilised in the majority of local authorities. In a minority of cases measures were not being adopted by key stakeholders thereby reducing their utility in providing alternatives to formal police involvement.



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## SUPPORTING LOOKED AFTER CHILDREN

Respondents detailed a range of measures which they felt could improve outcomes for looked after children and make care more of a buffer to criminalisation.

These included:

- **Improving the quality of care**  
increasing the range and quality of accommodation options available in which to place children and young people, and to improve the support offered to young people leaving care
- **More multi-agency working**  
a holistic approach between all agencies involved in supporting a child or young person was seen to lead to better individual outcomes
- **Focusing on prevention**  
engaging looked after children in a greater variety of preventative activities, including positive recreational activities, could promote factors which would protect them against involvement in offending. There may also be some scope for greater engagement of parents and carers both before and after a child becomes looked after
- **Avoiding criminalisation**  
tackling the prevailing negative stereotypes and prejudices around care through effective training and awareness raising
- **Promoting education**  
ensuring looked after children's continued engagement with education was seen to be another protective factor against involvement in offending

'This isn't the way that an affluent society should be dealing with the most vulnerable people.'

YOT Respondent

## CONCLUSIONS

In conducting the scoping review we identified considerable anecdotal evidence about the unnecessary criminalisation of young people but little in the way of hard research identifying pathways from one to the other. What evidence that does exist illustrates a complex relationship in which looked after young people start at a much greater risk of involvement in offending than do other young people even before they enter care, because of common risk factors. Becoming looked after is unlikely to increase the rate of offending by young people, however it can make it more likely that relatively minor challenging behaviour is sometimes dealt with through inappropriate use of the criminal justice system.

This study, while based on a small, selective sample of local authorities, found that much work was being undertaken to address what is a well recognised issue around care and criminalisation. The suggestions made by the 35 respondents we spoke with serve as an excellent starting point to build upon the work



already being undertaken with carers and between services.

In order that being looked after should be a buffer against criminalisation, rather than an accelerant into it, the key measures to be considered are:

- promotion of preventative services aimed at common risk factors.
- Improve quality of residential care – better staff, training, more use of Restorative Justice.
- More joined-up work between care staff, Youth Offending teams, Looked After Children teams, and Police at strategic and operational level.
- Protocols between homes, police, Youth Offending Teams and the Crown Prosecution Service.



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