

Centre for Research
on the Child and Family



Executive summary

LOOKED AFTER CHILDREN AND OFFENDING: REDUCING RISK AND PROMOTING RESILIENCE

**Professor Gillian Schofield, Dr Emma Ward, Dr Laura Biggart,
Dr Vicky Scaife, Dr Jane Dodsworth, Birgit Larsson, Alice
Haynes and Nigel Stone**



January 2012

Introduction

The *Looked After Children and Offending* project (2010-11) was funded by the Big Lottery Research Programme and was a partnership between The Adolescent and Children's Trust (TACT), the fund holder, and the Centre for Research on the Child and Family at the University of East Anglia (UEA), the research partner. The study investigated the characteristics and pathways of looked after children and the risk and protective factors that may reduce risk and promote resilience.

Research Team

The research team at UEA was led by Professor Gillian Schofield and included Dr Emma Ward, Dr Laura Biggart, Dr Vicky Scaife, Dr Jane Dodsworth, Birgit Larsson, Alice Haynes and Nigel Stone.

Context

The research was prompted by concerns about the relationship between the care system and the risk of offending. Although a small minority of looked after children aged 10-17 offend in any one year (7.9 %), this is more than twice the rate of children in the community (3%) (Department for Education, 2011). But also of concern is the fact that between a quarter and a half of children in custody have been looked after (HM inspectorate of Prisons /YJB, 2009). Among adult prisoners, it is estimated that 27% have been looked after at some time (Social Exclusion Unit, 2002). But it is important to bear in mind that these adults may only have spent a brief period in care, and have come into care in adolescence, when they may already have committed offences. There are also concerns that children in care are inappropriately criminalised by being brought to court for behaviour that should be dealt with outside of court.

Almost all children in care are from backgrounds of deprivation, poor parenting, abuse and neglect, factors that together create risk for a range of emotional, social and behavioural difficulties, including anti-social and offending behaviour. However, repairing harm and promoting resilience through high quality care can occur at all stages in a child's development, and especially in adolescence, thus providing windows of opportunity for change.

Aims

The project was designed to contribute to improving the life chances of looked after children at risk of offending and criminalisation through the following aims:

- To identify risk and protective factors which increase or decrease the likelihood of offending by young people in care.
- To identify resilience factors that can be promoted in looked after children to reduce the likelihood of offending.

- To identify features of the care and justice systems which may increase/reduce the likelihood of offending and criminalisation of looked after children.
- To identify the key transitional/turning points which are opportunities for interventions to divert children from offending.
- To develop an evidence-based typology of looked after children and offending.
- To make recommendations for policy and practice.

Management of the project

- The Project Management Group consisted of Gareth Crossman, Richard Parnell, Chris Stanley, Jon Fayle (TACT), Gillian Schofield and Vicky Scaife (UEA).
- The TACT Stakeholder Group on Looked after Children and Offending was invited to act as a reference group for this research project. This group consisted of senior representatives of statutory and voluntary bodies concerned with the welfare of looked after children and children who offend.
- The project had approval from the Association of Directors of Children's Services (ADCS) Research Committee and the support of the Youth Justice Board.

Young people's reference group

Voice (Wendy Banks, Sarah Parry and Rosamund Hall), in partnership with TACT and UEA, set up a reference group for this project of young people who had experience of the care system. This group of young people acted as consultants of the project and were involved in designing recruitment materials, piloting interviews, analysis and dissemination.

Methods

The multidisciplinary research team from University of East Anglia have used a multi-level, multi-method approach.

- A systematic review of the research literature.
- A survey in England and Wales of practice in local authority services for looked after children (LAC) and Youth Offending Services (YOS).
- In four diverse local authorities, interviews and file searches were conducted for a sample of 100 young people aged 14-19, with three sub-samples: a) looked after young people who have been in contact with the youth justice system (referral order or above) and comparison groups of b) looked after children who have not been in contact with the youth justice system and c) children who have been in contact with the youth justice system and who are not looked after.

- Interviews with young people included narrative accounts, developmental measures and drew on social psychological frameworks for analysing attitudes and decision making.
- Interagency focus groups in each of the four local authorities explored local practice and protocols for supporting young people in care and at risk of offending.

Review of the policy and research literature

The care system

- Almost all children in care are from backgrounds of deprivation, poor parenting, abuse and neglect – factors that together are risk factors for a range of emotional, social and behavioural difficulties, including anti-social and offending behaviour.
- The care system has the goal of achieving permanence, providing a family in which children can grow safely and securely to adulthood. Permanence options include reunification with the birth family, kinship care, long-term foster care, special guardianship and adoption.
- Research suggests that all of these options can meet children’s physical, emotional, health, educational and family membership needs. However, the age at which children enter care, the genetic risk, the history of abuse and neglect and the degree of emotional and behavioural difficulties will affect the stability and outcomes of placements. So also will systemic factors, such as delays in the placement and court system, the availability of high quality family and residential placements and the support available from education, health and youth offending services.
- Adolescence and leaving care are times of both opportunity and high risk, especially for those who have mental health problems or who are offenders. Although leaving care has been the focus of research based legislation and guidance and there is some excellent practice, it remains a period in which resources are stretched and young people can slip through the net.

The youth offending system

- Youth offending services have developed constructive models for prevention and intervention, in particular in relation to restorative justice. They are required to work in partnership with children’s services to reduce offending by looked after children.
- Protocols between the police and residential care are widely used to address the problem of the inappropriate criminalisation of looked after children through court appearances regarding minor offences in their placements. However concerns remain as to how well protocols and other strategies have been implemented in some areas.

Risk of youth offending

- The research on risk factors for youth offending coincides in most cases with factors experienced by looked after children. Key here is the accumulation and interaction between these risk factors. For example, abuse is associated with anxiety and problems with attention, which affect behaviour at school and may contribute to offending. Risk factors include:
 - Low SES; family instability; more out-of home placements.
 - Physical and / or sexual abuse; anti-social parents; aggressive behaviour before age 12; delinquent peers.
 - SEN; low academic achievement; unconstructive use of leisure time.
 - Stress and anxiety; depressive symptoms; impulsiveness; attention problems; motor restlessness; attention seeking.
 - Coercive/ authoritarian parenting; lack of child supervision.
- Risk needs to be assessed in terms of type (past or present), timing (at a particular stage of development), source (origin of risk) and frequency (number of different risks).
- There are links between biological, psychological and social risk factors.
- Young children are particularly sensitive to abuse and neglect from caregivers due to the need for caregivers to provide secure care that enables normal brain development that can develop social competence and emotion regulation.
- Brains continue to develop throughout adolescence, particularly the area of the brain known to enable self-control, so interventions during this time involving available, sensitive, trusting relationships can be effective.
- Moral development requires empathy and theory of mind. These qualities are underdeveloped in offenders. Poor social cognition predicts aggressive behaviour.
- Emotion regulation is important as it allows learning to occur and enables greater variety of thinking strategies to be available. Without developing emotion regulation and mentalisation skills, pro-social behaviour cannot develop.

Resilience

- Resilient young people tend to be more intelligent, more flexible and to have a positive self-concept. They perceive themselves as more competent and are more hopeful for the future, being proactive in seeking opportunities. They have strong connections with one or more effective parents/parent substitutes. They are likely to have positive bonds with other adults and connections with positive and competent peers. Resilient individuals are also

more likely to have connections with positive organisations such as clubs or faith groups, and live in areas which are safe and provide opportunities to be involved with positive organisations.

- Resilience can be promoted through the development of sensitive, reliable, trusting relationships with adults; through creating opportunities for reflection; and through the development of social capital (positive social connections outside the home).

Research findings

Headline research findings

- The care system has proved to be effective in providing good care to children from backgrounds of abuse and neglect, promoting security, resilience and pro-social values.
- However, prior to care most looked after children have experienced many of the risk factors, such as adverse parenting and abuse, that also lead to offending. Thus a correlation between care and offending is to a large extent a result of shared risk factors.
- Early entry to care followed by sensitive parenting in a stable placement with good professional support from a range of agencies, including education and health, minimises the risk of offending behaviour.
- However, late entry into care in adolescence can also reduce the risk of offending if it capitalises on the protective potential of relationships and involvement in constructive activities.
- If children in care from backgrounds of abuse have significant emotional and behavioural problems, do not have stable placements with sensitive caregivers and do not have appropriate professional support, they will be at risk of a range of poor outcomes, including being at risk of offending.
- Two of the most crucial periods are entry into care during adolescence and transitions from care to independence. These are windows of opportunity for positive change, but they also carry risk. When the system works effectively it builds resilience; if not there is a danger of the harm done before entry into care being exacerbated.
- An additional and serious risk factor for looked after children is inappropriate criminalisation through police and court involvement as a response to challenging behaviour or minor offences in their placements. Policy commitments and practice protocols to prevent this are not working well enough.

Detailed research findings

(i) Policy, procedure and practice: national survey and inter-agency focus groups

- *Local authority policy, targets and strategies* for reducing offending by looked after children and preventing inappropriate criminalisation are widely but not universally in place. Some areas have multi-agency strategies established at senior management level, but many do not.
- Managers in both looked after children and youth offending services often lack *accurate and aggregated data* on which to base their joint strategic planning and monitoring of practice. The placement of looked after children outside of local authority boundaries in particular can affect tracking and service provision, especially specialist services such as mental health and education support. Joint working requires much better information gathering and sharing.
- *Assessment, planning and review* operates to national requirements (i.e. LAC and ASSET) in both the care and youth offending services (YOS). Both frameworks were found to be useful, but have certain limitations. In relation to looked after children and offending, it was suggested that the LAC review processes need to be able to pick up on concerns at an earlier stage. Both LAC and ASSET need to pick up overlapping risks regarding mental health, learning difficulties and offending that would also be jeopardising placement stability. Some YOS teams talked of an increasing focus on assessing 'vulnerability' as well as 'risk', especially relevant for joint work with the LAC teams.
- Responsibility for *prevention of first offending* for looked after children was said to rely on good quality foster or residential care that mitigated the impact of abuse and neglect and could be protective against anti-social influences. But input/advice from YOT prevention services and mental health services may be necessary to prevent early conduct disorders/attachment problems escalating. There were examples of good practice in YOT prevention schemes that were not often being used to inform social work LAC practice.
- For *diverting* children who showed anti-social behaviour and *preventing re-offending and escalation of offending*, a multi-dimensional approach that combined relationship building, education / activities and boundary setting was found to be necessary – but required a multi-agency approach that was better developed in some areas than others.
- Prevention of looked after children being *inappropriately criminalised* was a major issue. Restorative justice approaches combined with effective use of

protocols between the police and residential staff were therefore seen as essential, and there were excellent examples of good practice at a local level. However, there seemed to be difficulties in ensuring that residential staff were trained appropriately and police engagement with the process varied. In addition, the crown prosecution service staff were not always observing the relevant guidance regarding looked after children in residential care.

- *High quality and effective foster care placements* were viewed as able to provide stability, reduce risk and promote resilience, as indicated in the wider research. Foster care was perceived to be highly protective where secure attachments and stability were available and children's education and engagement with the community was promoted. There were some concerns about the availability of foster carers who could work with children at risk of offending when there was also a foster care shortage. Some agencies also reported that because of budget cuts they were losing specialist adolescent fostering services.
- *High quality and effective residential care* was said to be most likely in small units with well-supported staff, where other agencies, including the police, worked in partnership. Concerns about residential care were about ensuring adequate staff training and support.
- There were also concerns that in some agencies there was *pressure to move young people out of residential care placements early*, sometimes by their 17th birthday, into 'semi-independence', often causing breakdowns in schooling and adding risk of offending. Supported lodgings and semi-independent living arrangements were seen as less suited to these most vulnerable young people, and yet they were more likely to be moved into them at a younger age than more competent young people in foster care.
- The experience of *looked after young people in the secure estate* caused some specific concerns, both in terms of maintaining contact with young people at distance and in terms of managing their reintegration into the community.
- A range of *interventions* for young offenders were described, each with valuable implications for meeting the needs of young people who are also looked after, in particular: mental health / therapeutic interventions; victim empathy and restorative justice; education, training and activities; work with birth families; tackling substance misuse; work on speech and language. For many young people, a multi-dimensional approach was required.
- The overwhelming message in relation to looked after children and offending was the *high risk period of 'leaving care'* - and the difficulty in providing the necessary accommodation and support, including for education and employment, for vulnerable young people, especially where

they were already at risk of offending. Some local authority and voluntary organisation provision was felt to be doing a reasonable or good job, but we cannot overstate the concern that practitioners feel for vulnerable young people expected to manage with in some cases very limited support.

- *Interagency working* was both a challenge and yet seen as essential in this area of work. What was helpful seemed to be joint-working at all levels - with the need to engage large interagency boards on this issue, but also the need for key advocates from YOS and LAC to work together at the most senior and the most junior levels.

(ii) Risk and resilience: quantitative findings from psychological measures and file data on our sample of 100 young people.

Risk factors

- LAC offenders are exposed to more risk factors than LAC non-offenders and non-LAC offenders.
- The risk factors for both offending groups are similar, except that LAC offenders are:
 - more likely to have been exposed to abuse and/or neglect.
 - more likely to be experiencing mental health problems.
 - more likely to have a statement of special educational needs than non-LAC offenders.

Protective factors

- LAC non-offenders have exposure to more protective factors than offenders.
- LAC non-offenders were more likely than LAC offenders to be in:
 - foster care placements.
 - more likely to have entered care before the age of 10 years.
 - more likely to have had less than 4 placements during their time in care.
- LAC non-offenders had better emotion recognition scores and were more likely to show benign bias than either of the offending groups.

(iii) Risk and resilience in the narratives of young people in care

- The themes of risk and resilience that had been identified in the literature were used to provide an analytical framework for the interviews with the two sub-samples of young people in care, the LAC offender group (n33) and the LAC non-offender group (n32).
- Five interacting resilience dimensions were taken from the literature:
 - Trust in relationships
 - Mentalisation, affect regulation and moral reasoning

- Self-esteem
- Self-efficacy
- Belonging, identity and values
- Three broad groups were identified:
 - Resilient
 - Coping with support
 - Vulnerable / high risk
- Across the three groups it was possible to use the five resilience dimensions to demonstrate how individual risk and resilience factors interact with factors in the family, peer group, community and professional systems.
- Thus, experience of maltreatment in early childhood that was followed by sensitive, secure base foster care could achieve good outcomes – ideally when this was an early placement after admission to care, but possible even when this placement was reached after other unsuccessful placements.
- Late entry into care in adolescence has the greatest chance of success if it capitalises on the protective capacity of relationships and involvement in constructive activities for developing adolescent social competence and self-efficacy.
- The emphasis here is on resilience as a range of qualities and strengths that can be *promoted*, not only by caregivers in placements, but by birth relatives, friends, and a range of professionals, including social workers, YOT workers, teachers and activity leaders.
- In contrast, children from backgrounds of abuse and neglect, entering care at any age, who do not receive sensitive and committed care or have emotional and behaviour problems that overwhelm carers' best efforts to help, need highly targeted therapeutic and educational support and guidance. If young people do not receive either care that meets their needs *or* the necessary support and guidance from agencies, and are not able to regain a positive developmental and social trajectory before they reach adulthood, the prospects are likely to be bleak.
- Any stage in a child's life from pre-school to late adolescence provides a potential window of opportunity for change, but relationships will be key to helping children take these opportunities.

RECOMMENDATIONS

Underlying all these recommendations is the principle that we have a duty of care to ensure that all looked after children are entitled to have their welfare and participation rights respected.

I The Government

1. **Government** should disseminate the findings of this research and its policy / practice implications to all those working with looked after children.
2. **Government** should disseminate the detailed new Children Act Regulations and Guidance to ensure good practice is established e.g. for care planning, for residential care and for care leavers in contact with youth justice / in custody.
3. **Government** should state in regulation and guidance that local authorities as corporate parents have a responsibility to ensure that children in their care are not at risk of inappropriate criminalisation.
4. If custody budgets are devolved to local authorities, the **government** should ensure that funding is adequate so that it benefits children at risk of custody, as intended, and does not impact negatively on resources available to other children in care.

II Corporate parents

5. **Lead members and children's services directors**, consistent with the requirements of care planning guidance and regulations, should develop multi-agency strategies aimed at:
 - a. Reducing offending by looked after children.
 - b. Avoiding looked after children being inappropriately drawn into the criminal justice system.
6. **Multi-agency** strategies should include:
 - a. Protocols between children's services departments, youth offending services, police, crown prosecution services and care providers e.g. with the police to avoid criminalisation; with education to provide supportive places, avoid exclusions and apply restorative principles; with health services to prioritise looked after children and offenders through specialist services.
 - b. Monitoring and review arrangements.

III The family support and child safeguarding system

7. **Children's services departments**, in partnership with other agencies (e.g. health), should offer early years support and parenting education for families with vulnerable children.
8. **Children's services departments**, in partnership with other agencies (e.g. health), should also develop and offer support for vulnerable adolescents and their families.
9. **Children's services departments** should undertake assessments of development and parenting capacity and make timely use of the care system when infants, children and adolescents cannot be kept safe in their families and are at risk of significant harm to their development – care should not be seen as a 'last resort'

IV The care system

10. **Children's services departments** should ensure that all children entering care have a full developmental screening assessment, including mental health, learning difficulties and speech and language.
11. **Children's services departments** should ensure well-managed care pathways to permanence, using the new Care Planning Guidance, whether through reunification, kinship care, long-term foster care, special guardianship or adoption. This applies not only for young children, but also for children in middle childhood and adolescence.
12. **Independent reviewing officers** should pay particular attention to the risks of offending and of inappropriate criminalisation and should use the reviewing process to ensure that measures are taken to avoid this.
13. **Children's services departments** should develop /commission high quality foster care placements, where sensitive care giving and therapeutic relationships provide a secure base that promotes attachment, resilience, social cognition, education, activities and pro-social values through middle childhood and adolescence.
14. **Children's services departments** should develop / commission high quality residential care in small residential units, with well-trained and supported staff, who can offer stability and longer term relationships. Emergency admissions to residential care need to be separated from long-term settled children.
15. **Children's homes and fostering services providers** should pay particular attention to the National Minimum Standards requiring the avoidance of inappropriate criminalisation of looked after children.

16. **Schools** should have strategies for promoting pro-social behaviour and reducing the risk of offending and inappropriate criminalisation of looked after children.
17. **Children and adolescent mental health services** need to be alert to the risk of conduct disorder, anti-social behaviour and offending when assessing looked after children and offer support and advice to LAC and YOS teams.
18. **Children's services departments** need to develop a strategy for managing adolescents coming into care, whether for crisis intervention and reunification or for longer term care, in order to reduce the risk of offending. Services for adolescents in the care system should include:
 - Therapeutic support for relationships with caregivers
 - A wide range of stimulating educational, leisure, sporting and other activities
 - Mentoring and advocacy services
 - Restorative justice interventions to deal with challenging and antisocial behaviour
 - Active support to manage birth family relationships positively

V Ofsted

19. When inspecting Children's Homes and Fostering Services Providers, **Ofsted** should pay particular attention to the provisions in place to reduce offending and inappropriate criminalisation of looked after children.

VI Leaving care / the transition to adulthood

20. **Children's services departments** should ensure that no child is expected to leave their placement before the age of 18 and that all young people leaving care have the option to remain in their placement, whatever that placement is, until the age of 21.
21. **Children's services departments** need to reduce the risk of offending by looked after children leaving care by ensuring that both appropriate accommodation and support are available, either through the local authorities' own provision or through effective commissioning.

VII The youth offending service

22. **Youth offending teams**, in partnership with **children's services departments** should provide preventive services for pre-teenage children that address common risk factors for care and crime and promote resilience.
23. **Youth offending teams** should work in close collaboration with **looked after children teams** to offer advice and preventive services / appropriate interventions for looked after children at risk of offending / re-offending.

24. The **youth offending service** should ensure training for its staff regarding the impact of abuse and neglect on looked after children in relation to offending, care placements and pathways

VIII The secure estate

25. **The secure estate** needs to pay special attention to the complex needs of looked after children, in particular their emotional and mental health needs, but also their need for education and training.
26. So that care pathways into custody can be better understood, **the secure estate** should keep detailed records of the histories of young people.
27. As the new regulations require, **YOTs** and **looked after children teams** need to provide social work support in the secure estate, offer support for the young people's links to the family / community and facilitate move the back to the community on discharge.

IX The crown prosecution service

28. The **Crown Prosecution Service** should review the operation of its guidance in relation to children who offend in children's homes, to evaluate its effectiveness and make changes if necessary.
29. The **Crown Prosecution Service** should extend its guidance in relation to children who offend in children's homes, to all looked after children.

X The police

30. The draft ACPO guidance "Advice for crime recording by police officers dealing with incidents at Children's Homes" should be swiftly implemented.
31. The draft guidance for recording incidents in children's homes should be extended to cover all looked after children, wherever they are placed.

XI The Youth Court

32. **HM Courts and Tribunal Service**, in collaboration with the **Magistrates Association** and the **Youth Justice Board**, should set up a monitoring system for recording cases where the magistrate believes that a child has been inappropriately referred to the Youth Court. Such cases should be drawn to the attention of the YJB and the Director of the appropriate Children's Services Department.
33. **Courts** should be given the power to refer cases back to CPS/Police for reprimand final warning or to discontinue, if they are of the opinion that the looked after young person has committed a relatively minor offence that it is not in the public interest to proceed with.

TACT (The Adolescent and Children's Trust) is the UK's largest charity and voluntary agency providing fostering and adoption services. Our core work involves providing high quality and well supported fostering or adoptive families for children and young people in the care of local authorities. Working in partnership with local authorities from our offices across England, Wales and Scotland, we are dedicated to providing creative, effective and outcome-focused services. We also campaign on behalf of children and young people in care, carers and adoptive families.

The Centre for Research on the Child and Family at the University of East Anglia produces high quality research evidence that informs the complex policy and practice decisions that have to be made on a daily basis regarding the well-being of adults, children and their families. The Centre aims to:

- Advance our knowledge of the effectiveness and efficiency of children's services across the statutory, voluntary and independent sectors
- Advance our conceptual understanding of the psychosocial development of children and the diverse meanings of family life across the life span in a changing and multi-cultural society
- Contribute to and disseminate policy and practice knowledge which will enhance the well being of children in their families and communities
- Work in collaboration with or on behalf of child and family agencies in the statutory, voluntary and private sectors in the United Kingdom and overseas

The Big Lottery Fund is the largest distributor of Lottery money to good causes, they deliver funding throughout the UK. The research programme aim was to enable VCS organisations to produce and disseminate evidence-based knowledge, to influence local and national policy and practice and, in the longer term, develop better services and interventions for beneficiaries. In doing so the programme would develop VCS capacity to engage with, use and do research.

© 2012 the authors and UEA

All rights reserved. No part of this publication may be reproduced or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without prior permission of the copyright owners.

First published in 2012 by University of East Anglia. Printed by UEA.

For further information, contact:

Professor Gillian Schofield
The Centre for Research on the
Child and Family
Elizabeth Fry Building
University of East Anglia
Norwich Research Park
Norwich, NR4 7TJ
01603 592068. swk.info@uea.ac.uk

TACT Fostering & Adoption
The Courtyard
303 Hither Green Lane
Hither Green, London
SE13 6TJ
020 8695 8142
enquiries@tactcare.org.uk