

Corporate Parenting Board

21 January 2021

Children in Care at risk of offending and custody

Portfolio Holder: Cllr A Parry, Children, Education, Skills and Early Help

Local Councillor(s): N/A

Executive Director: T Leavy, Executive Director of People - Children

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Report Status: Public

Recommendation:

That the Corporate Parenting Board note and support the work being done to reduce the criminalisation and offending of children in care.

Reason for Recommendation:

To ensure that the Corporate Parenting Board are informed of the issues relating to children in care at risk of offending and of the work being done to address these issues.

1. Executive Summary

Children in Care are over-represented in the youth justice system in England and Wales. Work is being done locally to reduce the criminalisation of children in care and to prevent them entering the justice system. For those who do enter the justice system, it is important that support is in place to prevent further offending and to reduce the chances of the child progressing further into the justice system and potentially reaching custody.

The numbers of Dorset children in care entering the justice system for the first time have reduced in the last three years. There has also been a reduction in the number of children in care receiving a formal youth justice 'outcome'. No Dorset children in care have been remanded or sentenced to custody in the last two years.

2. Financial Implications

There are no financial implications from this report.

3. Well-being and Health Implications

Children in care who have contact with the youth justice system can have significant unmet, and sometimes unidentified, health needs. Section 15 of this report summarises the work of the specialist health workers in the Youth Offending Service.

4. Climate implications

No climate implications have been identified in this report.

5. Other Implications

No other implications have been identified.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Medium

7. Equalities Impact Assessment

This report does not relate to new working arrangements and therefore an Equalities Impact Assessment has not been undertaken.

It is recognised however that children in care are over-represented in the youth justice system, adding to other disadvantages experienced by this group. This report sets out some of the actions taken to prevent children in care entering or progressing through the justice system.

8. Appendices

None

9. Background Papers

None

10. Report Introduction

10.1 It has been known for some time that children in care are over-represented in the youth justice system. In 2016 the Department for Education published a review of children's residential care by Sir Martin Narey. In 2017 the Prison Reform Trust published Lord Laming's report "In Care, out of Trouble".

10.2 Lord Laming noted that Looked after children in England and Wales are significantly over-represented in the criminal justice system. In England, children in care are five times more likely to be cautioned or convicted of an offence than children in the general population. Although only 1% of children in England and 2% of those in Wales are looked after, the 2015-16 survey by HM Inspectorate of Prisons found that 37% of children in young offender institutions and 39% of those in secure training centres have experience of local authority care.

10.3 The aim of our work locally has been both to reduce the numbers of children in care coming into the justice system and, for those who do enter the justice system, to prevent progress through the system so that our children in care are less likely to enter custody.

11 Reducing the Criminalisation of Children in Care

11.1 One reason for children in care being more likely to enter the justice system is that misbehaviour in their home can lead to the police being called when similar behaviour by a child living with their family may not involve the police. In 2016 we agreed a 'pan-Dorset' multi-agency protocol for Reducing the Criminalisation of Children in Care. The principles of this agreement are that carers should only call the police when the child's behaviour poses an immediate and unmanageable risk. Otherwise the carers should seek to manage the child's behaviour themselves or, if police involvement may be needed, to consider this in 'slow time'. It had been noted that previously police were called to incidents in which the child had already calmed down, and sometimes apologised, before the police arrived.

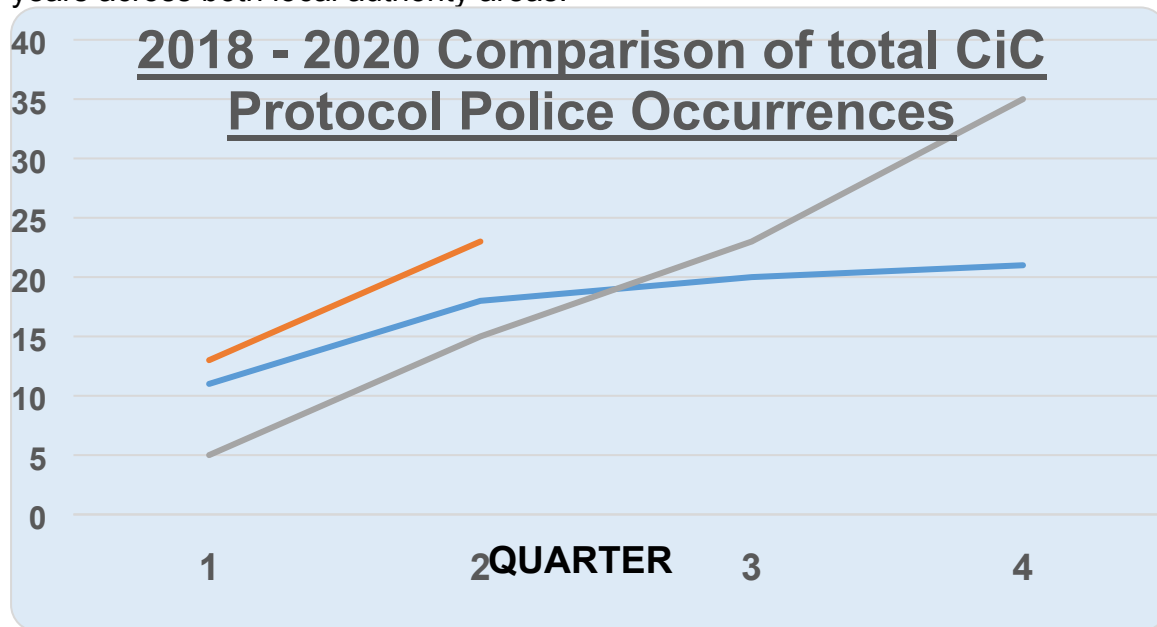
11.2 Sir Martin Narey's report in 2016 recommended a national concordat to ensure consistency in the use of police interventions at the homes of children in care. In Dorset we had already agreed our protocol and in fact the Department for Education used some aspects of the Dorset protocol when they published their national concordat in 2018.

11.3 A multi-agency group developed our local protocol and oversees its ongoing application. The group includes representatives from Dorset Police, Dorset Combined Youth Offending Service, local authority children's social care, local authority placement commissioners, the Office of the Police and Crime Commissioner, the health team for children in care and a representative of independent children's homes. The group monitors all police call-outs to children's homes and other residential settings (excluding call-outs for missing persons), checks that the protocol has been applied appropriately and agrees necessary actions to keep the protocol working well.

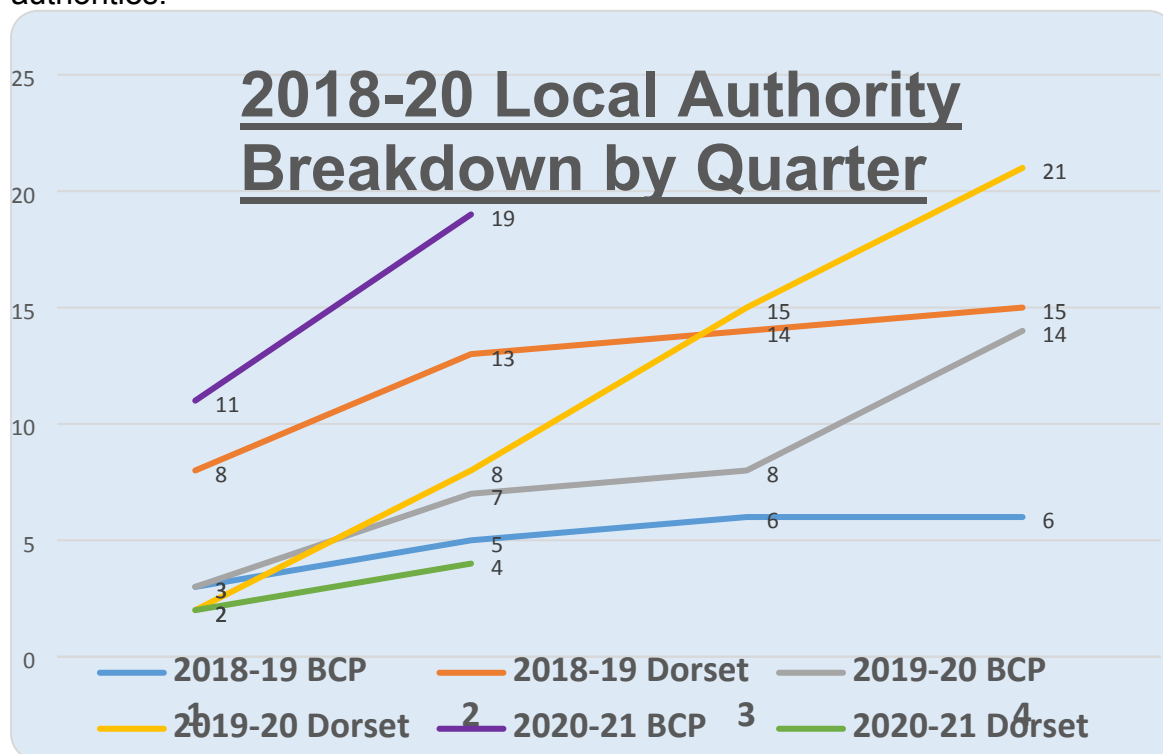
11.4 It is difficult to compare data on police call-outs from one year to the next because of changes in both the numbers of residential projects and the numbers that are known to the police and included in the reporting process. After the introduction of the Protocol in 2016 there was about a 50% reduction in police call-outs. In the current year numbers are up on the same periods in 2019 but we have added some projects that accommodate 16-17 year-olds which were not previously included. It should be

noted that the group works at a pan-Dorset level and therefore considers incidents in both the Dorset and BCP Council areas.

11.5 This table shows the total number of recorded police call-outs over the past three years across both local authority areas:



11.6 This table shows the data for recorded police call-outs broken down by local authorities:



11.7 The above charts refer to numbers of call-outs to properties in each local authority area, not numbers of young people. There have been some instances of a children's home making repeated calls over a period of time in relation to the same child. Such situations are addressed by the multi-agency group with follow-up by the allocated police officer for that project.

11.8 In theory our local Protocol also applies for our children placed out of area, with placement commissioners seeking to ensure placements follow the Protocol's principles. In practice the role of the local police is crucial to the effectiveness of the Protocol and responses can vary. The publication of the national Concordat in 2018 was intended to ensure more consistency across the country but the effectiveness of local arrangements remains crucial.

12 Children in Care Entering the Justice System

12.1 Reducing the rate and number of 'first-time entrants' is a priority of the youth justice system. The definition of a first-time entrant is a child who receives a 'substantive outcome' which means a Youth Caution, a Youth Conditional Caution or a court disposal. Evidence shows that entering the youth justice system has a detrimental impact on a child's life chances. For children in care, entering the justice system can add further obstacles and difficulties for the child to overcome.

12.2 The following data table shows the total numbers of Dorset children entering the justice system in the three years to September 2020 and the numbers who were children in care when they received their caution or court order:

LAC at outcome (No of yp)	Oct 17 to Sept 18			Oct 18 to Sept 19			Oct 19 to Sept 20			Grand Total
	Female	Male	All	Female	Male	All	Female	Male	All	
No	32	89	121	21	53	74	15	50	65	260
Yes	2	4	6	1	2	3	1	2	3	12
Grand Total	34	93	127	22	55	77	16	52	68	272

12.3 This data table is slightly different from the one above because it shows the child's care status at the time of the offence rather than at the time they received the caution or court order:

LAC at offence (No of yp)	Oct 17 to Sept 18			Oct 18 to Sept 19			Oct 19 to Sept 20			Grand Total
	Female	Male	All	Female	Male	All	Female	Male	All	
Yes	5	8	13	3	2	5	4	4	4	22
No	29	85	114	19	53	72	16	48	64	250
Grand Total	34	93	127	22	55	77	16	52	68	272

12.4 The data in paragraph 12.2 shows that the total numbers of Dorset children entering the justice system has reduced over each of the last three years. The numbers of children in care entering the justice system has also reduced from 6 in the year to September 2018 to 3 in the following two years. It is reassuring that the reduction in first time entrants appears to have included children in care and may partly reflect the continuing work to avoid criminalising children in care for behaviour in their place of residence.

13. Offending and Re-Offending by Children in Care

13.1 The following table shows the total number of children in care receiving substantive outcomes for criminal offences over the last three years. This includes

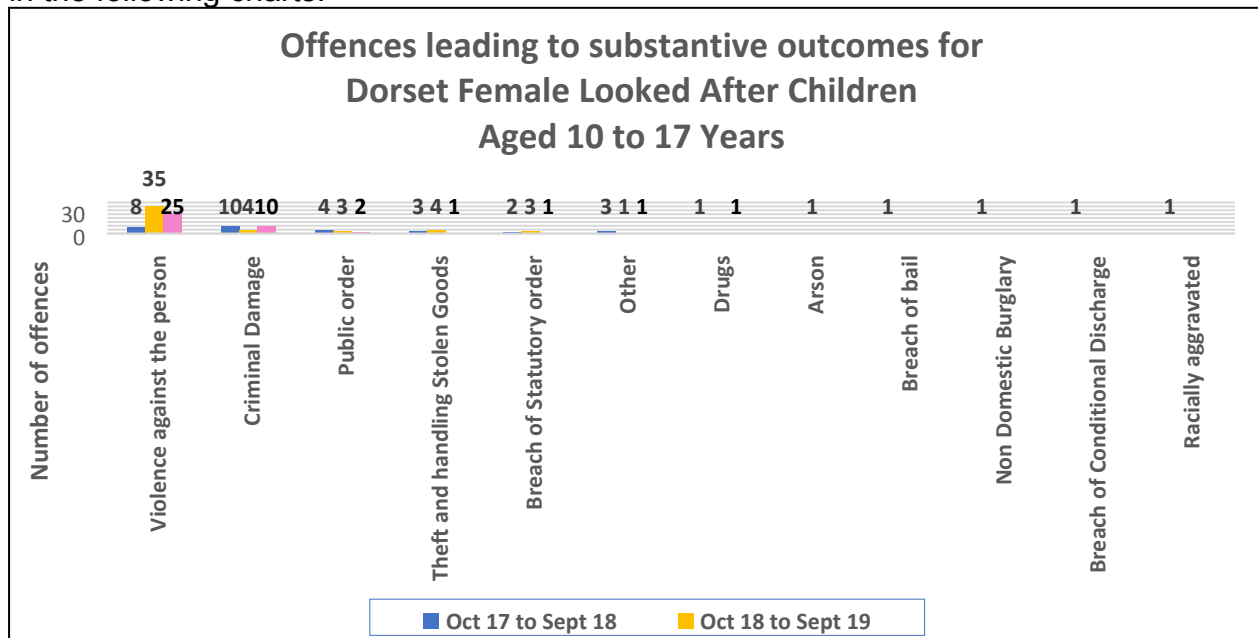
children who had previously entered the justice system:

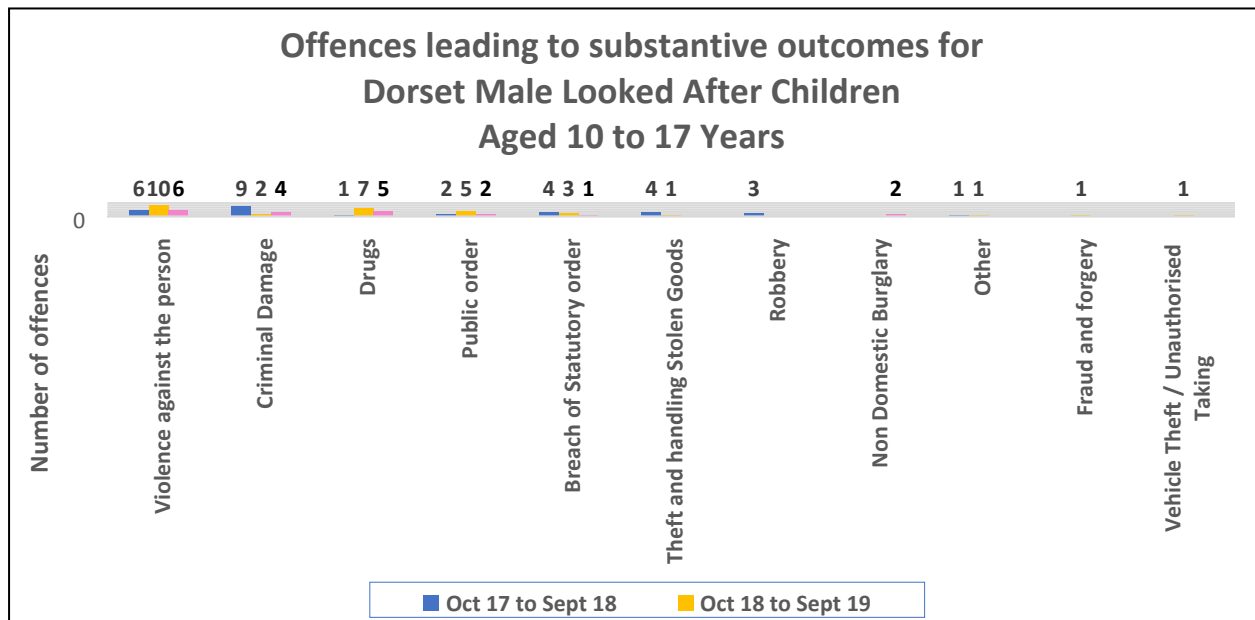
Dorset LAC receiving substantive outcomes in the period.			
Year	Female	Male	All
Oct 17 to Sept 18	14	19	33
Oct 18 to Sept 19	11	20	31
Oct 19 to Sept 20	5	9	14

13.2 It is encouraging that the numbers of children in care receiving a formal justice outcome has dropped significantly in the year to September 2020. There was a 55% reduction on the previous year.

13.3 It has previously been noted that a higher proportion of female children in care receive criminal justice outcomes compared to other female children. The total Youth Offending Service caseload usually comprises about 23-25% females. In the first year recorded in the table above, 42% of the Dorset children in care supervised by the YOS were female. This dropped to 35% in the second and third years, with a notably lower total number in the third year. Among the 5 females who received a justice outcome in the year to September 2020, one has already turned 18 and three more will do so in the next six months. The other female will turn 17 in 2021. This indicates that we have avoided criminal outcomes for younger female children in care over the past year.

13.4 The types of offences committed by female and male children in care is illustrated in the following charts:





13.5 Violence against the person (usually offences of Common Assault) and Criminal Damage are the most common offence types for both genders. It is notable though that there is a higher rate of drugs offences among the males (13 drug offences over the 3 years) compared to the females (2 drug offences over the 3 years). This is consistent with the offence patterns among the total YOS caseload.

14 Children in Care in the Justice System and the Use of Custody

14.1 As stated in the introduction to this report, evidence shows that young people in custody for criminal matters include a disproportionate number of children in care and care leavers.

14.2 There have been no custodial remands or sentences for Dorset children in care in the last two years.

15 YOS Work with Children in Care

15.1 The Youth Offending Service is a multi-agency partnership which includes CAMHS nurses, speech and language therapists, a psychologist, education, training and employment specialists and restorative justice practitioners, as well as workers who focus on offending behaviour. The seconded health workers in the YOS undertake assessments and care-planned interventions with children who are referred by YOS case managers. The YOS speech and language therapists complete an assessment on all young people receiving a court order or a second 'out of court disposal'. These workers also link with the children in care health team and other health providers to improve the appropriateness and continuity of healthcare for children in care.

15.2 The addition of speech and language therapists to the multi-disciplinary YOS team has been transformative. Their assessments show that about 80% of young people known to the YOS have some form of speech, language or communication need,

with about 30% of them having Developmental Language Disorder. In most cases these needs have not previously been identified until the assessment by the YOS speech and language therapist. The speech and language assessments are shared with the social workers for children in care and with the residential carers to enable better understanding and response to the child's communication needs.

15.3 Youth offending services are increasingly aware that many children in the justice system are struggling to process past trauma, with consequences for their relationships, their emotional stability and their behaviour. All YOS practitioners attended a three-day training course in February 2020 to support our plan to become a trauma-informed service. Individual formulations are developed for children working with the YOS; for those with significant levels of trauma, complexity and offending behaviour a multi-agency case formulation process is led by the YOS psychologist. The resulting formulations can shape the response to the young person, with a focus on building relationships, assisting emotional regulation and building on strengths.

15.4 The combination of a speech and language assessment and a trauma formulation enables YOS workers and other professionals to respond to each child in an individualised way.

16 Conclusion

16.1 The local Protocol for Reducing the Criminalisation of Children in Care works well and is subject to ongoing scrutiny and improvement. This Protocol helps to ensure that children in care are not criminalised unnecessarily.

16.2 There has been a reduction in the number of children in care entering the justice system. Although this reflects a wider trend of reducing 'first-time entrant' numbers in the total population it is encouraging that children in care have been included in this reduction.

16.3 There has also been a reduction in the numbers of children in care receiving a 'substantive outcome' for a criminal offence, with the total in the year to September 2020 down more than 50% on the previous year. Although the rate of females among children in care on the YOS caseload is higher than for the overall service caseload, it is encouraging to see the rate of female children in care also reducing.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.