

# Corporate Parenting Board

10 December 2024

## Children in Care at risk of offending and custody

### For Decision

**Cabinet Member and Portfolio:**

Cllr. C Sutton, Children's Services, Education & Skills

**Local Councillor(s):**

Cllr

**Executive Director:**

P Dempsey, Executive Director of People - Children

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**Report Status:** Public

### Brief Summary:

Children in care are over-represented in the national and local youth justice systems, both in terms of numbers entering the justice system and among those who are detained in custody. Information about the numbers of Children in Care in the local youth justice system is included in section 1.

There is a local multi-agency protocol to reduce the criminalisation of children in care. The scope and implementation of this protocol is summarised in section 1, along with other measures to reduce the numbers of children in care entering the justice system.

Section 2 includes analysis of the needs of Children in Care in the justice system. The Youth Justice Service provides a multi-disciplinary response, in partnership with other services, to reduce the risk of further offending and to avoid the use of custodial remands and sentences. The impact of a custodial sentence is considered in section 2.

## **Recommendation:**

That the Corporate Parenting Board notes and supports the work being done to reduce the criminalisation, offending and incarceration of children in care.

## **Reason for Recommendation:**

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

### **1. Over-Representation of Children in Care in the Youth Justice System**

- 1.1 The overall numbers of children in the youth justice system have reduced significantly in the last 20 years. This reduction in numbers has not been evenly distributed; some disadvantaged groups of children, including Children in Care, continue to have an increased risk of entering the justice system and progressing through the system.
- 1.2 Children in Care in Dorset are more likely than other children to enter the justice system. One of the Youth Justice Board's Key Performance Indicators for Youth Justice Services is the rate of first-time entrants to the justice system. A 'first-time entrant' is a child who receives a caution or court order for the first time. In the past 2.5 years, since April 2022, 17% of first-time entrants in Dorset were Children in Care.
- 1.3 Children in Care are also more likely than other children to 'progress' through the justice system through repeat offending. At the start of October 2024, 27% of Dorset children on the Youth Justice Service caseload were Children in Care.
- 1.4 Very few children are sentenced to custody. Custodial sentences reflect serious offences, usually involving violence, and a record of repeat offending. 4 Dorset children have been sentenced to custody between April 2023 and October 2024. All 4 of them were Children in Care.
- 1.5 One of the reasons for children in care being over-represented in the justice system is that they can be criminalised for their behaviour at home when similar behaviour in a family setting would not lead to the police being called. Locally, we work to a multi-agency protocol which gives guidance to children's homes, supported housing projects and foster

carers about when to call the police to respond to behaviour by a child at their home.

- 1.6 A multi-agency group meets four times a year and reviews all incidents when the police have been called to a children's home or supported housing provider in response to the behaviour of a child in care (safeguarding issues and missing persons reports do not fall under this protocol). The protocol also covers foster placements but there is less of an issue with foster carers calling the police to deal with the child's behaviour at home.
- 1.7 The multi-agency group also tracks performance data about the number of police call-outs across the whole Dorset Police force area. It is difficult to compare data from one year to the next because the number of addresses being monitored changes as we become aware of new providers and as some projects close. Having noted that caveat, the data shows that in 2023/24 there were 26 police call-outs for criminal behaviour by children in care at their residential setting (including in the BCP Council area), compared to 46 call-outs in 2021/22.
- 1.8 It is harder to apply our local protocol to placements outside our area. Although there is a national concordat, which requires local areas to have a protocol in place, the coverage and application of these protocols is inconsistent. We sometimes see our Children in Care being criminalised for behaviour in their home, in another local authority area, which would have been dealt with differently in Dorset. Colleagues from our commissioning services participate in our local group and aim to include the protocol's principles when commissioning and overseeing placements in other local authority areas
- 1.9 If a Child in Care does commit an offence which is investigated by the police, the child's care status is taken into account when deciding what action to take. The "Child Gravity Matrix" is a national document which provides guidance on the seriousness of child offences, aggravating and mitigating features, and suitable decision-making. This document cites a child's care status as a mitigating feature, noting that "children in care are more likely to be vulnerable as a consequence of experienced trauma. This affects their behaviour disproportionately and increases their risk of becoming a victim of crime or being exploited. It is important to take this into consideration when choosing an appropriate disposal option".

1.10 The Youth Justice Service (YJS) and Dorset Police have been working to increase the use of diversion in response to offences by children. The police can decide to deal with an offence informally, on the basis that the YJS will meet with the child to complete an assessment and agree a suitable intervention and support plan to reduce the likelihood of further offending. The Ministry of Justice have supported the use of diversion options by funding a programme called 'Turnaround', but Children in Care are excluded from this programme on the basis that local authorities are already funded to work with these children. Locally we have taken the decision to apply the same diversion route to Children in Care and to fund the work from the Youth Justice Service budget.

## **2. Support for Children in Care in the Youth Justice System**

- 2.1 At the start of October 2024, there were 11 Children in Care from Dorset on the YJS caseload. While recognising that each child has their own individual story and identity, analysis of case records showed some recurring issues
- 2.2 All 11 children were born male and identify as male. 1 of the children was aged 15, 4 of the children were aged 16, 5 were aged 17 and 1 had turned 18.
- 2.3 7 of the 11 children had been placed out of area at some point. 2 of them had previously been in youth custody, placed at Feltham Young Offenders Institution in West London.
- 2.4 As well as experiencing multiple placement moves, these children have also experienced multiple changes of education placement. All 11 children had experienced temporary or permanent exclusions from school. 2 of the children are still school-age; both of them receive part-time education in Alternative Provisions. Amongst the 9 children who are older than school-age, 8 of them are Not in Education, Employment or Training, and 1 is attending college.
- 2.5 9 of these 11 children have been assessed as having Special Educational Needs and Disabilities.
- 2.6 6 of the 11 children have been assessed by a YJS Speech and Language Therapist. All 6 were found to have communication needs. 5 of the 6 have significant communication needs. These needs had not been identified

before the child entered the justice system and met the YJS Speech and Language Therapist.

- 2.7 10 of the 11 children have been in contact with CAMHS. 2 of the children also have significant physical health needs.
- 2.8 9 of the 11 children have used cannabis or other drugs. The average age of first use was 12 years old.
- 2.9 8 of the 11 children have been identified as being at risk of experiencing harm outside the home, through child criminal or sexual exploitation.
- 2.10 It is reasonable to assume that these children have experienced significant trauma in their earlier years, affecting their mental and emotional wellbeing, and contributing to the reasons for them coming into care. There is also a pattern of Special Educational Needs and Disabilities, speech, language and communication needs, exclusion from mainstream education, and the harm caused by multiple changes of home and school. The interaction of these multiple areas of need compounds the disadvantage faced by Children in Care in the youth justice system.
- 2.11 The YJS is a multi-disciplinary team. As well as youth justice officers, the team includes CAMHS nurses, a psychologist, speech and language therapists, education and careers specialists, restorative justice specialists, a probation officer and two police officers. In recent years the service's priorities have included a focus on children's speech and language needs and the application of trauma-informed practice.
- 2.12 The YJS Speech and Language Therapists complete a speech and language assessment for all children on the YJS caseload, which enables the child to understand their communication needs and to support YJS workers to improve their work with the child. These assessments are also shared with the child's social worker and carers to help them adjust how they communicate to meet the child's individual needs. A one-page version of the assessment report is also produced, described as a Communications Passport, which is shared with the court and with Dorset Police to help ensure that the child is supported to understand and engage with court and police processes.
- 2.13 Trauma-informed practice means that the team seeks to understand the impact of past traumatic experiences on the child and how it affects their current behaviour to work out the best way for workers to respond to these needs. The YJS Psychologist leads multi-professional formulation

meetings, under an approach known as ‘Enhanced Case Management’, to develop a shared understanding and consistent approach to meet the child’s needs. Social workers are asked to contribute to these formulations and to use the formulations to guide their work with the child.

- 2.14 Although it is relatively rare for a child to receive a custodial sentence, the impact of going into custody can be acute. Inspection reports for youth custodial establishments confirm that these are not safe places for children. The high risk of violence and harm in youth custody exacerbates the trauma experienced by Children in Care. Difficulties operating a safe regime in custody can prevent children from accessing education. A recent thematic inspection report on work with children who have been remanded in custody showed that support for Children in Care during their time in custody can be inconsistent. The report did note that a period in custody can lead to physical health problems being treated, when this may not have been achieved in the community.
- 2.15 As well as the impact of the period in custody, it can be difficult to find suitable release accommodation for Children in Care coming out of custody. It is important to confirm a child’s post-custody accommodation well in advance of the release date. Effective resettlement is based on multi-agency plans to address health and education needs, possibly alongside risk management controls such as electronically monitored curfews. The difficulties in finding suitable residential placements can make this hard to achieve, with accommodation sometimes not being confirmed until the day before release.
- 2.16 The work of the YJS is overseen by the Youth Justice Service Partnership Board, chaired by the Executive Director of People – Children. The Board used its most recent meeting, in October, to focus in depth on the over-representation of Children in Care in the youth justice system. The Board requested a Task and Finish group to focus on issues including earlier identification of children at risk of entering the justice system and the support for Children in Care who do enter the justice system.

### **3. Financial Implications**

There are no financial implications from this report.

### **4. Natural Environment, Climate & Ecology Implications**

No environmental, climate or ecological implications have been identified in this report.

## 5. **Well-being and Health Implications**

The health workers in DCYJS liaise with the Child in Care health team to help meet the health needs of children in care who have contact with the justice system. It is recognised that young people in the youth justice system often have unmet, and sometimes unidentified, health and communication needs. The above report contains more information about how the YJS works to meet these needs

## 6. **Other Implications**

No other implications have been identified.

## 7. **Risk Assessment**

### 7.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Medium

## 8. **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.

## 9. **Appendices**

A summary version of this report is appended.

## 10. **Background Papers**

None

## 11. **Report Sign Off**

### 11.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring

Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder.