

EXTERNAL SERVICES SCRUTINY COMMITTEE - THE CRIMINALISATION OF LOOKED AFTER CHILDREN (LAC)

Contact Officer: Lynn Hawes

Telephone: 01895 277957

Appendix 1: Reducing Offending and the Criminalisation of Children in Care (2017)

REASON FOR ITEM

To advise of the local strategy to reduce the offending and the criminalisation of Children in Care (CiC).

OPTIONS OPEN TO THE COMMITTEE

Members are able to question the witnesses and make recommendations to address issues arising from discussions at the meeting. Members may also request further information from witnesses.

Information

1. The over-representation of CiC within the criminal justice system has been documented for a number of years and explored within various national reviews. The most recent, 'In Care, Out of Trouble' (see www.prisonreformtrust.org.uk/carereview) chaired by Lord Laming and published by the Prison Reform Trust in 2016, noted:
 - children in care in England are six times more likely to be cautioned or convicted of an offence than other children.
 - slightly less than half the current total number of children in custody are estimated to be looked after children.
2. In terms of local data, in 2016/17:
 - 146 individual young people received a criminal justice disposal, which equates to 0.5% of the 10-17 population.
 - 304 individual young people aged 10-17 had a LAC episode:
 - 18 of these young people received a criminal justice disposal.
 - 7 of these were LAC because of the criminal proceedings. Only 1 of these had had a previous LAC episode unrelated to criminal matters.
 - 11 LAC young people were already LAC at the onset of the proceedings. This equates to 3.61% of the 10-17 LAC population.
3. The criminalisation of any young person can be a barrier to the transition into adulthood and their future life prospects. The life experiences of many CiC make them particularly vulnerable to involvement in the criminal justice system (CJS), as does the context in which they live, i.e., in residential establishments or with paid carers.
4. A local strategy and protocol (Appendix A) has been developed with the aim of reducing the criminalisation of CiC by ensuring the responses to behavioural difficulties which may be viewed as criminal are proportionate and appropriate in terms of staff/carers response and the need for police involvement and/or court action.

5. Some of the issues and actions reflected in the strategy and protocol are not unique to the LAC cohort but the purpose of the documentation is to highlight, raise awareness and guide the practice of those professionals responsible for meeting the needs of this group as part of the Corporate Parent responsibility.
6. The strategy is formulated around the following principles:
 - Professionals supporting CiC recognise their vulnerability to involvement in the CJS and mitigate against it in their care planning and practice.
 - Children and young people who come into care, having already had contact with or as a result of their contact with the criminal justice system, also need protection from escalation. Children in custody are particularly vulnerable as a result of multiple needs and risks and require integrated support from social care, the Youth Offending Service and custodial establishments.
 - Victims and communities have a right to be protected from CiC offending and are entitled to have their needs and interests taken into account in the aftermath of challenging/offending behaviour.
 - Restorative Justice processes will underpin the response to offending behaviour whether it occurs in placement or in the wider community.
 - Professionals within the system should pursue an integrated approach to reduce CiC offending.
7. The strategy identifies the responsibilities of the core agencies and practices most likely to impact on CiC offending including:
 - The use of in-Borough placements as far as possible.
 - The consideration, when commissioning placements, of a provider's policies and practice regarding the prevention or minimisation of offending and ensure behaviour management systems prioritise internal resolution wherever possible (i.e., without involving police).
 - The inclusion of restorative justice principles into the Behaviour Management Policies of all in house residential, with staff trained accordingly.
 - Placement and care plans to identify how they will minimise the risk of offending behaviour.
 - Care plans and Youth Offending Service (YOS) intervention plans to complement and reinforce each other.
 - YOS to support the development and implementation of restorative justice processes, both formal and informal, for looked after children.
 - YOS to provide training to residential staff on restorative justice approaches.
 - Police liaison officers for local residential units who will establish constructive relationships with young people and staff.
8. The protocol, which supports the strategy, focuses specifically on the actions and decision making following incidents taking place within placements. It requires the recording of incidents where police have been called to our residential units and the outcome.
9. The protocol gives practical advice on decision making following such incidents, promotes good information sharing and liaison between agencies to achieve a

constrictive outcome whilst recognising that the needs of the victims will need to be acknowledged and addressed.

10. The strategy recognises the role of the Corporate Parenting Board in ensuring that children are protected from offending and criminalisation by scrutinising data and holding agencies to account for improving outcomes for all CiC who are at risk of or involved in offending behaviour.
11. The strategy and protocol were presented to the Corporate Parenting Board on 22 May 2017 for its endorsement. The Board will review the data and impact of the strategy on an annual basis.