

REVIEW BY THE EXTERNAL SERVICES SCRUTINY COMMITTEE: CRIMINALISATION OF LOOKED AFTER CHILDREN (LAC)

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| Cabinet Member | Councillor David Simmonds CBE |
| Cabinet Portfolio | Deputy Leader of the Council Education and Children's Services |
| Officer Contact | Nikki O'Halloran, Chief Executive's Office |
| Papers with report | None. |

HEADLINES

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| Summary | Cabinet is asked to approve recommendations made at the External Services Scrutiny Committee's single meeting review on the criminalisation of looked after children. |
| Putting our Residents First | This report supports the following Council objective of: <i>Our People</i> . Hillingdon's Children and Families Trust Plan |
| Financial Cost | There are no direct cost implications resulting from this report. |
| Relevant Policy Overview Committee | External Services and Children Young People & Learning |
| Ward(s) affected | All |

RECOMMENDATIONS

That Cabinet:

1. **Notes the report of the External Services Scrutiny Committee on the criminalisation of looked after children (LAC);**
2. **Gives consideration to increased opportunities for children in care to participate in local activities as set out in the report; and**
3. **Encourages Councillors to actively promote awareness and advancement of LAC in the Borough.**

Reasons for recommendations

During this single meeting review, Members gathered information from witnesses about the work that was being undertaken to address the criminalisation of looked after children. The recommendation supports the work that has already been undertaken in Hillingdon whilst also acknowledging that continued partnership working will help to safeguard children in the Borough in the future.

Alternative options considered / risk management

None.

SUPPORTING INFORMATION

1. As the criminalisation of looked after children (LAC) falls within the remit of more than one Policy Overview and Scrutiny Committee, the Chairman and Labour Lead of the Children, Young People and Learning Policy Overview Committee attended and participated in this single meeting review.
2. The over-representation of Children in Care (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' 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 of the current total number of children in custody are estimated to be LAC.
3. It should be noted that children can become LAC because they have a criminal episode. 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.
4. 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.
5. A local strategy and protocol 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. The effectiveness of the strategy and protocol will be regularly monitored by the Corporate Parenting Board.
6. It has been suggested that the strategy and protocol need to be forwarded to the LSCB and other bodies to ensure that there is buy in and to ensure that the expectations of other agencies are clear. The content of these documents has been coproduced by the police, Council and other partners.

Inter Agency Working

7. The Committee notes that, as a corporate parent, the Council has a responsibility to work with the police to put local arrangements in place to ensure that proportionate and balanced action is taken to deliver justice. Members recognise that the police form a wider part of the corporate parenting community. The introduction of the protocol has helped the police in their duties whilst also raising awareness of those individuals in care that have issues which make their transition from child to adult more challenging.
8. Although there were 51 LAC police attendances in the last quarter, 37 of these had been in relation to one child. It is also worth noting that the majority of these attendances were curfew related. Of the 12 children currently deemed to be missing from care, 7 are thought to be immigration absconders.
9. It has been suggested that the police being called out to deal with all calls from care homes can be seen as a badge of honour by some LAC or, alternatively, the start of a stigma and self perpetuating. To ensure that police action is postponed where appropriate and that clear guidelines are available regarding when to charge children, officers have agreed to revisit the protocol to reinforce that there is a presumption that the police will not arrest unless absolutely necessary.
10. Concern has been expressed that, when the police are called out to attend a care home, it is a judgement call as to whether or not the young person is arrested, which can then result in a criminal record. LAC taken to a police station are likely to have to wait up to eight hours before someone arrives to represent them and they may never have met this person before. As such, it is important to get a social worker there as soon as possible to support the child in the same way that other parents would. It is worth reiterating that LAC are often given different advice and treated differently to non-LAC. For example, if every parent phoned the police every time their child missed their curfew, the police would be very busy.
11. Children admitted to care homes are likely to be older, which is more of a challenge with regard to correcting poor behaviour. Those children in foster care are thought to be less likely to live with a lot of other children and therefore proportionally less likely to be exposed to negative influences. However, there can be breakdowns in communication with foster carers if a child in their care has a criminal episode.
12. Members have expressed concern that, as with police arrest, court appearances can be seen by some children as a badge of honour. As such, education regarding the impact that criminal behaviour will have on their future needs to be available. This education could be delivered by the care homes and consideration is being given to how to address the emotional root causes before the behaviour escalates.
13. CiC are often labelled as 'trouble'. To this end, the Committee heard anecdotal evidence that some school staff had complained about the number of LAC that they had to take in. Action needs to be taken to remind these staff that LAC are children and should not be labelled in this way. Furthermore, when a non-LAC experiences challenges at school (or elsewhere), the parents would liaise with the teachers (or other organisation) to resolve the issues. To ensure that LAC receive the same level of parental support, a number of

officers are available to assist. Depending on the circumstances, the following teams/officers are able to intervene and provide support: Virtual School, Designated Personal Advisor, Youth Offending Service and the Participation Team. Officers from each of these teams will regularly communicate with each other and, in some instances, can provide a greater level of rigour than parents of non-LAC.

Out of Borough Placements and Diversionary Activities

14. The Council remains the corporate parent for children placed in care outside of the Borough. Where there has been a criminal episode, to help reduce the risk of further offending, consideration could be given to placing children outside of Hillingdon where they would not be around local negative influences that may have exacerbated their behaviour.
15. A Sub Group of the Corporate Parenting Board has been investigating the possibility of a leisure card for LAC. This type of scheme has been implemented in other parts of the country with the possibility of reciprocal arrangements with other local authorities where their LAC have been placed out of Borough. Consideration of this idea is being given in Hillingdon.
16. In terms of opportunities, Hillingdon Virtual School provides activities for LAC at certain times of the year but these are not clubs where the children can be part of a group that meet on a regular basis. Members have suggested that consideration be given to providing increased opportunities for CiC to participate in activities that are deemed normal by other children (such as uniformed groups, sports clubs and creative activities) and to monitor the take up and impact of these opportunities.

Committee's Conclusions

17. The Committee wants to stress that crime is not an inevitability for LAC. To improve outcomes for LAC, it is important that all agencies sign up to the approach being proffered and that the police identify alternative actions to arrest.
18. Although 7 of the 12 children currently deemed to be missing from care are thought to be immigration absconders, this still means that there are 5 children missing from care that are unaccounted for. Partners are working hard to reduce this number but further work is still needed. This work could include action to address children's mental health issues and the emotional root causes of their behaviour before it escalates.
19. It is unacceptable for anyone to attach a derogatory label to children and the committee is concerned that any professional might label a looked after child or young person. To this end, schools have a responsibility to advocate on behalf of their looked after children and to ensure that they are informed by their needs and issues, which include the risks and challenges they face.
20. Members feel that participation in activities that are deemed normal by other children would provide LAC with the opportunity to experiencing the camaraderie of a functional group. As such, it has been suggested that consideration be given to providing increased opportunities for CiC to participate in activities such as uniformed groups (e.g., air cadets, police cadets, scouts, guides, etc), sports clubs and creative activities (e.g.,

amateur dramatics, art classes, etc) and to monitor the take up and impact of these opportunities, consistent with previous POC reviews on this subject.

Financial Implications

There are no direct financial implications arising from this report.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon residents, service users and communities?

The recommendations in this report are designed with the purpose of raising awareness of the work that has been undertaken within the Council to address the criminalisation of looked after children.

Consultation Carried Out or Required

None.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report, confirming that there are no direct financial implications associated with the recommendations outlined above.

Legal

Schedule 2 Children Act 1989 requires local authorities to take reasonable steps to reduce the need to bring criminal proceedings against children and to take steps to encourage children in their area not to commit offences. There are no other legal issues arising out of this report.

Relevant Service Groups

Children's Services has been consulted on the report.

BACKGROUND PAPERS

NIL.