



Understanding why looked after children in Staffordshire and Stoke-on-Trent are over represented in the Criminal Justice System

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1 Introduction

The social and economic costs of young people offending are estimated to be £19 billion every year which includes around £1 billion on imposing and enforcing custodial and community sentences. This equates to around £300 million in Staffordshire and £87 million in Stoke-on-Trent.¹ More conservative estimates for the costs of proven youth offending are around £8,000 per youth offender.²

The vast majority of looked after children are not involved in crime and go on to lead happy and fulfilling lives; however it is widely accepted that children who are looked after by the local authority and in particular those in residential care are more likely to be known to the Criminal Justice System (CJS) than those who are outside the care system.

In 2015 Lord Laming's review investigated the disproportionate numbers of children in care who were involved with the CJS and made recommendations for reform. As part of the review data was collected from local authorities to estimate the number and proportion of looked after children who had offended or were in custody. This found³:

- children in care were six times more likely than children in the general population to be convicted of a crime
- half of children in secure training centres and 38% of children and young people in youth offending institutions report that they are, or have been, in care, compared with 1% of children in the general population in England.

These national issues are mirrored within Staffordshire and Stoke-on-Trent where the looked after children population is over-represented within the caseload of Youth Offending Services (YOS).

Looked after children being over-represented within the CJS is also a reflection of the challenges this cohort face overall, including their adverse childhood experiences prior to becoming looked after and not necessarily the quality of care they receive. Local and national data suggests that the majority of our most vulnerable children (i.e. looked after children) come from families where they have been exposed to poor parenting, abuse and neglect. These factors increase the risk of emotional, social and behavioural difficulties in children which can often result in anti-social and offending behaviour.

¹ Prison Reform Trust (2012); Old Enough To Know Better? A briefing on young adults in the criminal justice system in England and Wales, PRT: London

² National Audit Office (2011); The cost of a cohort of young offenders to the criminal justice system, Technical Paper

³ Prison Reform Trust (2016) In Care, Out of Trouble: How the life chances of children in care can be transformed by protecting them from unnecessary involvement in the criminal justice system; Report of an independent review chaired by Lord Laming

There are some concerns that children in care are inappropriately criminalised by being brought to court for behaviour that should be dealt with outside of court. However it is important not to make the simple assumption that the experience of being in care itself increases the likelihood of offending behaviour. Instead it is necessary to recognise that many of the risk factors associated with pathways into offending behaviour overlap with the factors identified for children who enter the care system, for example; conflict within the family, poor parental supervision, attachment problems, living in relative poverty, low achievement and low commitment to education and negative influence from peer groups.⁴

Outcomes for children in children's homes are generally poorer than those who are looked after in other forms of care. Findings from research by the Howard League for Penal Reform highlighted that children residing in children's homes are much more likely to be involved in the CJS than those who were looked after in other forms of care and those not in the care system at all.⁵

Evidence suggests that more effort is needed from local authorities, children's homes and prosecutors to prevent the unnecessary criminalisation of vulnerable children in care and care leavers. Intelligence obtained from a number of police forces nationally as part of research indicated that children's homes were calling the police more frequently for minor offending⁵, an issue which was also mentioned in a 2013 report from the House of Commons Justice Committee which stated that police were being called to incidents that would never come to the attention of the police had the child been living in the family home.⁶ One of the most frequent reasons that looked after children are in contact with police is when they go missing. Many calls are made to police regarding this issue, particularly from children's homes.

The purpose of this report is to investigate and better understand the local picture of children in care who are involved in offending behaviour across Staffordshire and Stoke-on-Trent to help shape commissioning responses to these challenges.

The number of children and young people who are looked after has been increasing; in Staffordshire in recent years this is partially due to number of unaccompanied asylum seeking children.⁷ Rates in Stoke-on-Trent are on par with their statistical neighbours.

As at the 31st March 2016 there were 1,635 looked after children from Staffordshire (980 children of all ages) and Stoke-on-Trent (655 children). Of these 70% of Staffordshire's looked after children and around half of Stoke-on-Trent's were placed within the respective local authority boundaries with the remaining being placed out of area.

⁴ Hayden, C. (2010) 'Offending behaviour in care: is residential care a 'criminogenic' environment?', Child and Family Social Work, Vol. 15, pp 461-472

⁵ Howard League for Penal Reform (2016) Criminal Care: Children's homes and criminalising children, London: Howard League for Penal Reform

⁶ House of Commons Justice Committee (2013) Youth Justice, London: TSO

⁷ Children's Story, Joint Strategic Needs Assessment for Staffordshire and Stoke-on-Trent, April 2017

During 2015/16 there were also 800 additional looked after children who were placed in care with Staffordshire County Council from outside its boundaries whilst Stoke-on-Trent had 115 children placed within the City from outside its boundaries. This means that Staffordshire has an overall net gain of 500 looked after children whilst for Stoke-on-Trent there was a net loss of 210 looked after children.

The data used to match the looked after children dataset to offending behaviour was derived from Staffordshire Police data and therefore only reports primarily on responsible children who were looked after and offend by the County and City aged 10-17 (i.e. around 700 children). Activity data from the Youth Offending Services also includes those children who normally reside out of area (around 20% of throughput for Staffordshire).

It is important to note that although information relating to both Staffordshire and Stoke-on-Trent is presented in this document, direct comparison should not be made between the two areas as they are very different in social and demographic characteristics and not “statistical neighbours”. However many commissioners and providers cut across both areas, for example Office of the Police and Crime Commissioner (OPCC) and Staffordshire Police. In terms of children there are two separate local safeguarding boards which cover Staffordshire County and Stoke-on-Trent City but share one chair.

This report, commissioned by the Staffordshire and Stoke-on-Trent Offender Management Commissioning Development Board, , with funding from the Office of the Police and Crime Commissioner for Staffordshire, has been produced by a joint working group including members from Staffordshire County Council, Stoke-on-Trent City Council, Staffordshire Police and Youth Offending Services (YOS).

2 Crime and youth offending trends in Staffordshire and Stoke-on-Trent

2.1 Overall recorded crime rates

During 2015/16 there were around 6,860 crimes⁸ committed by around 3,970 children and young people aged 10 to 17 year olds recorded by Staffordshire Police. Of these crimes around 690 crimes (10%) were committed by a 'person in care'.⁹

Rates of crime during 2015/16 are significantly¹⁰ higher amongst children in care compared to the general population across Staffordshire and Stoke-on-Trent (Table 1):

- In Staffordshire there were 4,500 offences by 10-17 year olds in 2015/16 of which 13% (about 570) were coded as a child in care. This equates to 437 offences per 1,000 looked after children, which is significantly higher (around seven times higher) than the rate of 60 per 1,000 children in the total population.
- For Stoke-on-Trent there were 2,200 offences by 10-17 year olds in 2015/16 of which 5% (about 120) were coded as a child in care. This equates to a rate of 131 offences per 1,000 looked after children which is also higher than the 101 offences per 1,000 children aged 10-17 in the general population.

Table 1: Comparison of crime rates per 1,000 young people aged 10-17, 2015/16

	Staffordshire	Stoke-on-Trent
All young people	60	101
Children in care	437	131

Source: Staffordshire Police and Department for Education

For Staffordshire we also have activity data from YOS for around 550 children who were seen during 2016; of these children one-fifth were out of area (Table 2). Around a third of children who were seen by Staffordshire YOS were looked after children. Of this cohort over two-fifths (42%) were out of area. This compares with 8% of children who were not looked after.

Table 2: Children seen by Staffordshire Youth Offending Services, 2016

	Looked after children	Children not looked after	All children
In area	58%	91%	80%
Out of area	42%	8%	20%

Source: Staffordshire Youth Offending Services

⁸ In this report crimes are defined as 10-17 years olds who are either a named suspect or an accused (for example includes arrested and voluntary interviews)

⁹ Within the Staffordshire Police dataset for recorded crimes there is a field that collects 'person in care'. However as it is not mandatory we do not know how accurate it is.

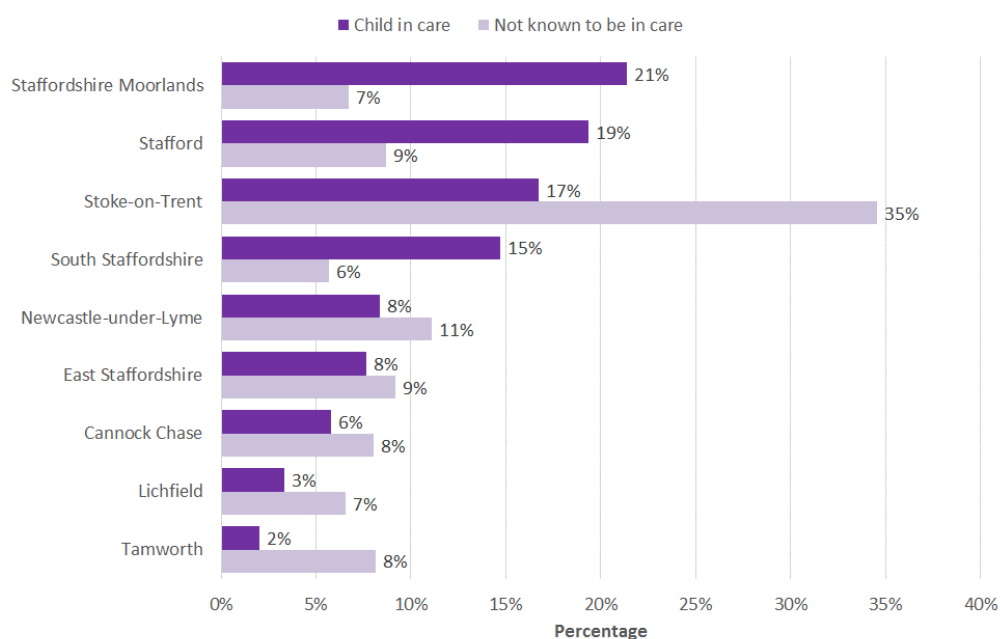
¹⁰ Throughout this report, 95% confidence intervals are used to compare different values so it is possible to compare one value against another to test whether it is statistically similar, lower or higher. If the confidence interval overlaps the comparator interval, the difference is reported as being statistically significant. If it does not overlap the difference is statistically significant.

Overall crime rates in children and young people are higher in Stoke-on-Trent compared to Staffordshire; however when looking at offending rates amongst children in care rates are much higher in Staffordshire. It is not known if this is due to the high number of care homes which may mean that the higher rates in the children looked after cohort in Staffordshire are skewed by those who have been placed here from other parts of the region/Country. Looked after children are also over represented in Staffordshire's Youth Offending Services. We also know that in Staffordshire a high proportion of looked after children seen by YOS were from out of area (i.e. not Staffordshire children).

2.2 Crime rates by geographical location

Overall the majority of recorded crimes in the 10-17 cohort takes place in Stoke-on-Trent. However when we look at the looked after children cohort, the pattern changes and more crimes are committed in Staffordshire Moorlands (21%), Stafford (19%) and Stoke-on-Trent (17%). This is likely to be due to the location of where looked after children live (i.e. in placements in these locations).

Figure 1: Recorded offences by locality in Staffordshire and Stoke-on-Trent, 2015/16

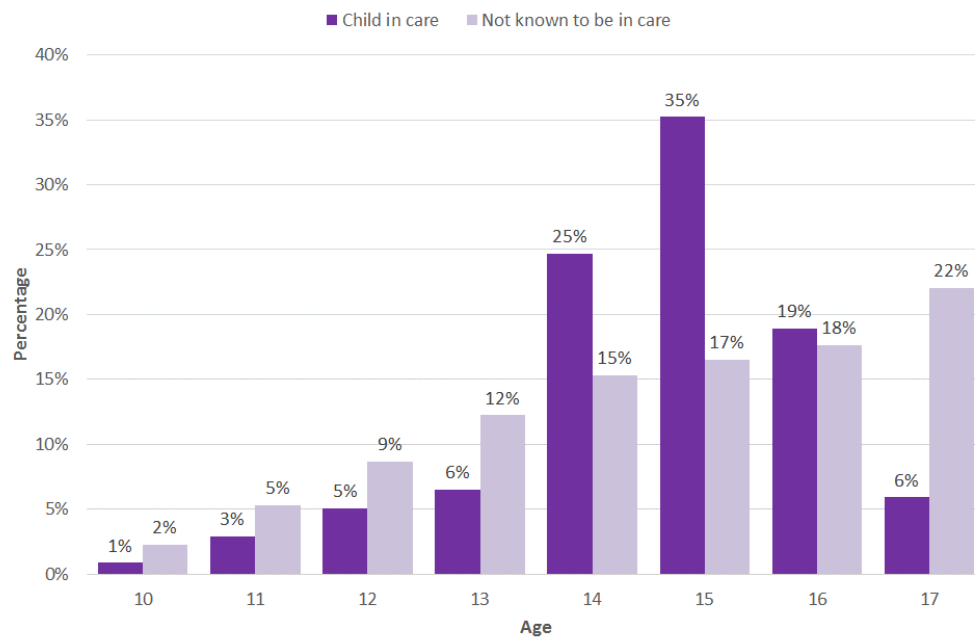


Source: Staffordshire Police

2.3 What are the characteristics of looked after children who offend?

Over 80% of recorded offences for persons aged 10-17 in care were for children aged 14-17 with the largest numbers of offences related to 15 year olds. There was a significantly higher proportion of recorded offences for children in care aged 14 and 15 when compared with those not in care. For those not in care, the largest number of offences relate to young people aged 17 (22%), a significantly higher proportion than those in care (Figure 2).

Figure 2: Recorded offences by age in Staffordshire and Stoke-on-Trent, 2015/16



Source: Staffordshire Police

Around three-quarters of offences committed by 10 to 17 years olds were male. This percentage falls slightly to 71% for children in care.

Over 80% of recorded offences for young people in care related to those of a white British ethnicity, a significantly higher proportion than those not known to be in care (74%). Around 4% related to young people of a black background, a significantly higher proportion than those who were not known to be in care. A further 9% of offences by children in care were of unknown/not stated ethnicity.

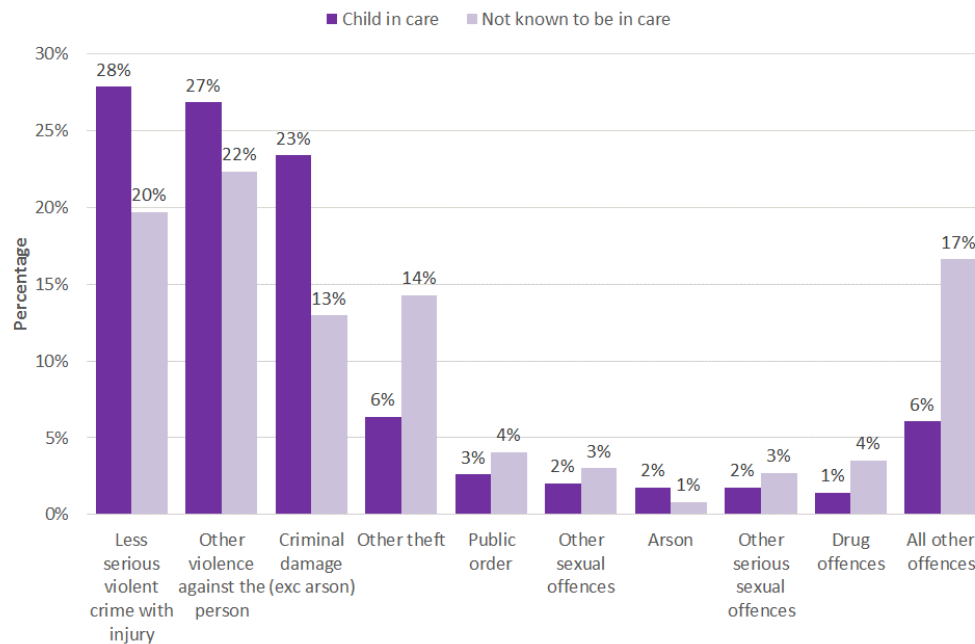
The majority of children who commit crime are from deprived communities. However for the children in care cohort the pattern is different; this is primarily thought to be due to the address being recorded as the placement address as opposed to their previous home address.

2.4 Why do looked after children come into contact with Staffordshire Police?

Around 55% of offences relating to children in care involved the use of violence - 28% less serious violent crime with injury and 27% serious violence against the person; both are significantly higher proportions than those not known to be in care (Figure 3).

A significantly higher proportion of children in care also committed criminal damage (excluding arson) (23% compared to 14% of those not in care).

Figure 3: Recorded offence type for children and young people aged 10-17 in Staffordshire and Stoke-on-Trent, 2015/16



Source: Staffordshire Police

2.5 When is crime committed?

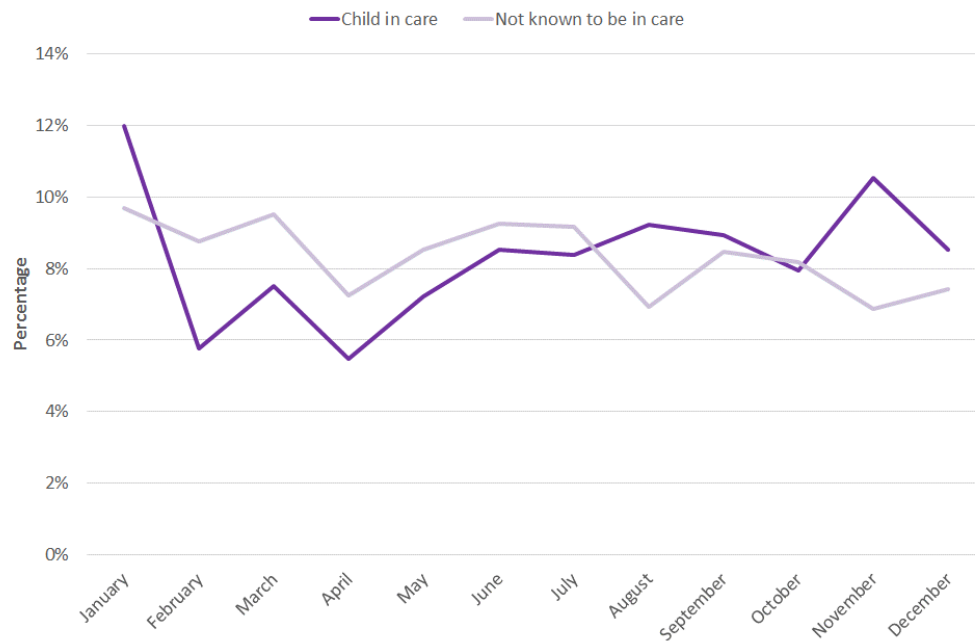
The highest proportion of offences was committed in January for both cohorts (Figure 4). This could be challenging time of the year as young people are out of routines due to the Christmas period which is unsettling due to not being in school and seeing family.

While both cohorts tend to follow similar peaks and troughs through the year, for those children in care, a significantly lower proportion of crimes were committed in February. In August the proportion of crimes committed by those not known to be in care dips while the proportion increases for those in care. The summer period is thought to be difficult as young people may become bored due to lack of activities and/or being stuck in the home.

The same pattern is seen in November where a significantly higher proportion of crimes are committed by those in care which may be due to the build up to Christmas and seeing all the activity and families coming together which can impact on children in care.

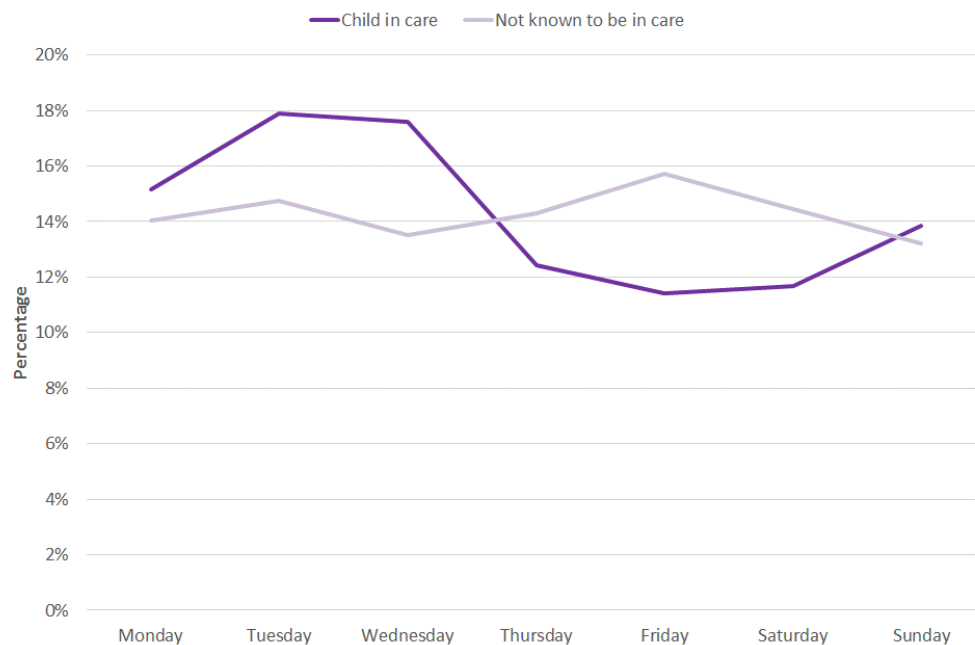
Tuesdays and Wednesdays were the two most common days that children in care offended. For children aged 10-17 not known to have been in care, offences peaked on Fridays, at which time they were significantly higher than for those in care (Figure 5).

Figure 4: Proportion of crimes committed by month for children and young people aged 10-17 in Staffordshire and Stoke-on-Trent, 2015/16



Source: Staffordshire Police

Figure 5: Proportion of crimes committed by day of the week for children and young people aged 10-17 in Staffordshire and Stoke-on-Trent, 2015/16

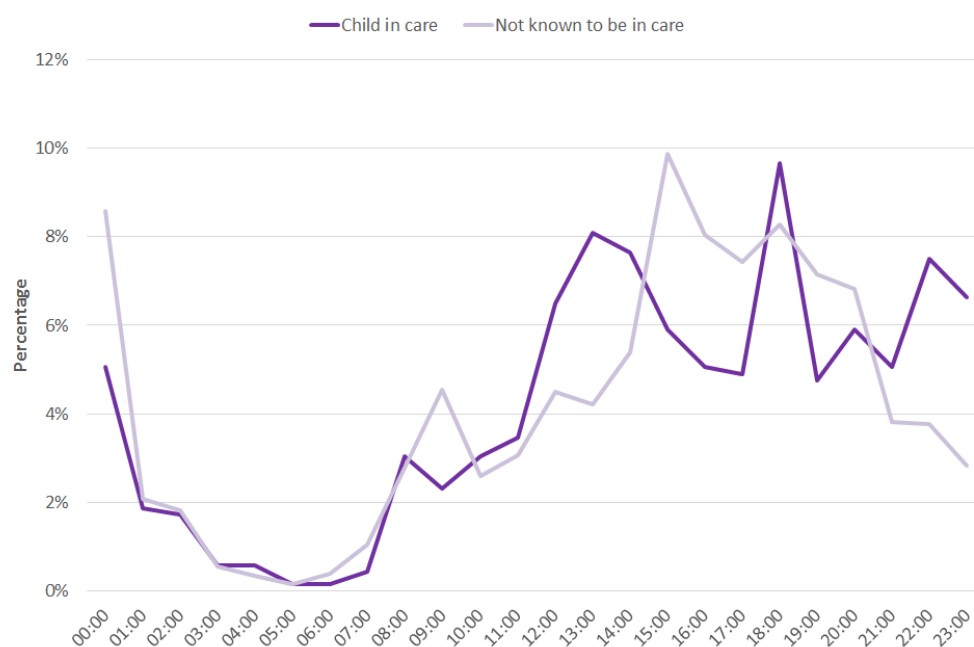


Source: Staffordshire Police

A significantly higher proportion of offences were committed by those in care between 1pm and 3pm, between 6pm and 7pm and between 10pm and midnight. Anecdotal evidence suggests that anti-social behaviour usually happens before education in the morning, towards the end of school days as some young people struggle to maintain attention all day. Meal times can also be disruptive, and evening when young people start to wind down for bedtime and/or there is resistance to curfew times, i.e. daily routine.

Conversely a higher proportion of offences were committed by those not known to be in care between 3pm and 7pm (peaking between 3pm and 4pm around the time school finishes) and between midnight and 1am (Figure 6). As you would expect for both cohorts, recorded offences were low in the early hours of the morning.

Figure 6: Proportion of crimes committed by time of day for children and young people aged 10-17 in Staffordshire and Stoke-on-Trent, 2015/16



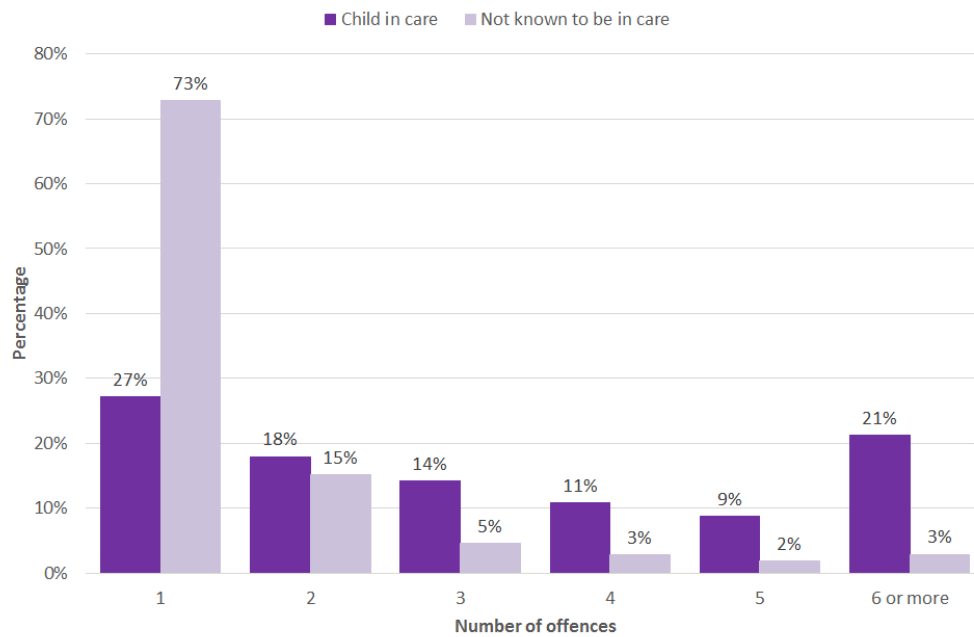
Source: Staffordshire Police

The highest number of offences are committed in January for both cohorts; however there is little other seasonal variation. Looked after children are more likely to commit crimes on Tuesday and Wednesdays; between 1pm and 3pm, between 6pm and 7pm and between 10pm and midnight.

2.6 Repeat offenders

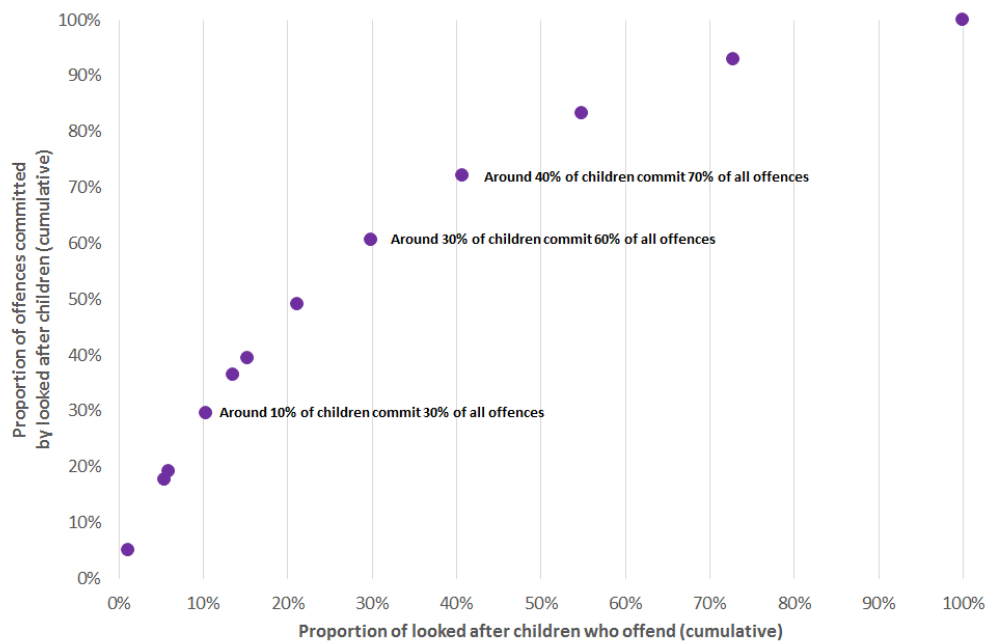
Around three-quarters of persons not in care only committed one crime in 2015/16. The picture is very different for children in care with 27% committing only one offence and much higher proportions of young people committing three or more offences. Around one in five children in care committed six or more crimes during the year (Figure 7). This means that a small number of looked after children are committing the majority of offences, for example 10% of looked after children who offend commit 30% of all crimes committed by looked after children (Figure 8).

Figure 7: Repeat offending: children and young people aged 10-17 in Staffordshire and Stoke-on-Trent, 2015/16



Source: Staffordshire Police

Figure 8: Proportion of offences by proportion of looked after children aged 10-17 in Staffordshire and Stoke-on-Trent, 2015/16



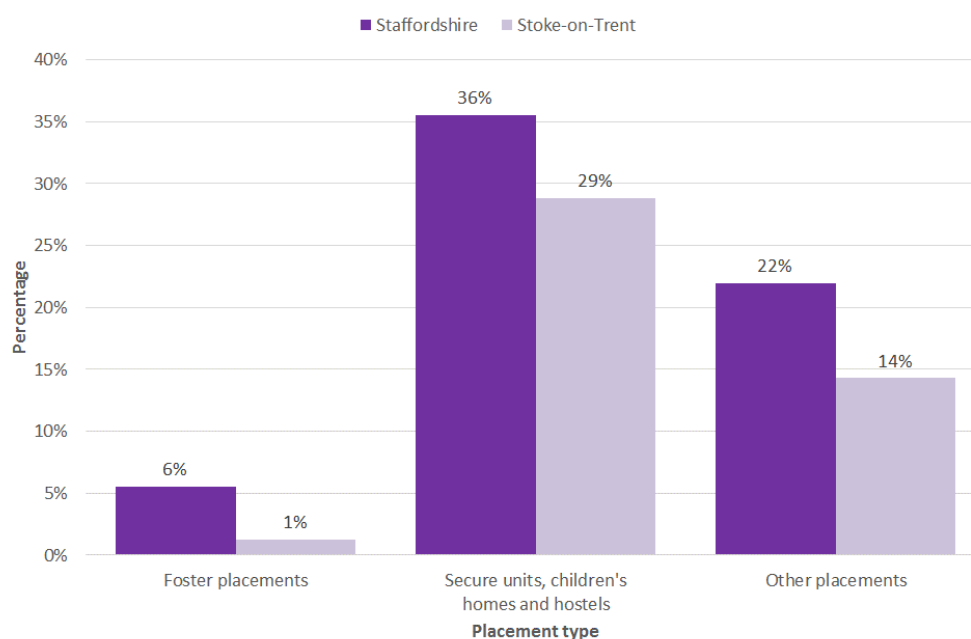
Source: Staffordshire Police

2.7 Placements

National research suggests that both placement type and the number of placements during a child's time in care is linked to offending behaviour.¹¹ While for some children, living in a children's home can be seen to be a catalyst in their offending behaviour, for others this environment offered them stability and security that was lacking in their home lives and encourages better outcomes. In fact, findings from the Narey review led to a conclusion that linking residential care to spending future time in custody generally falls into the trap of confusing correlation with causation.¹² Instead he suggested that stability of placement may be a factor in achieving good outcomes for looked after children by presenting evidence which infers that those who spend a longer time in residential provision may have better outcomes than those who have only spent a short time in such provision. Department for Education data in 2014 showed that stability (i.e. longer placements in children's homes) was strongly associated with a reduction in levels of criminal activity and substance misuse.¹³

This pattern is also observed locally. Over one in three Staffordshire children living in a children's home committed an offence in 2015/16. This compares with only 6% of children in foster placements committing an offence in 2015/16. This trend was also seen in Stoke-on-Trent's looked after children cohort where around 29% of those living in children's homes committed a crime during 2015/16 compared to 1% of those in foster homes.

Figure 9: Looked after children who offend by placement, 2015/16



Source: Staffordshire Police, Staffordshire County Council and Stoke-on-Trent City Council

¹¹ Schofield G. et al (2012); Looked after children and offending: reducing risk and promoting resilience, London: The Adolescent and Children's Trust (TACT) and Norwich: University of East Anglia (UEA)

¹² Department for Education (2016) – Residential Care in England - Report of Sir Martin Narey's independent review of children's residential care

¹³ Department for Education (2014) – Children's Homes data pack

Feedback from police forces nationally indicated that they felt some private providers of children's homes were using the police cells as respite to cover staff shortages and staff were not trained and competent to deal with certain behaviours.¹⁴ These findings corroborate the findings in a report published in March 2015 by HM Inspectorate of Constabulary for England and Wales which stated that the police were frequently being called to deal with incidents where children's homes could not cope with a child's disruptive behaviour and that they sought to use the police as a way to discipline children.¹⁵

Around three-quarters of Staffordshire offenders who were looked after lived in private provision compared with 51% of non-offenders. In contrast for Stoke-on-Trent the proportions living in private provision are similar (62% of offenders who were looked after compared with 59% of the non-offending children who were looked after).

Local data on placement frequency suggests that around 31% of Staffordshire children who have three or more placements offend compared with 8% who had a stable placement (defined as no moves during the year). A similar pattern is seen for Stoke-on-Trent where around one in five children (22%) who have three or more placements offend compared with only 8% of children who had a stable placement.

As with national findings, looked after children who offend are more likely to be placed in care homes and also experience more placement changes. Being in foster care and a stable environment appear to be protective factors. However it is not known whether children are moved due to their offending behaviour or whether changes in their environment drive them to offend.

2.8 Missing children

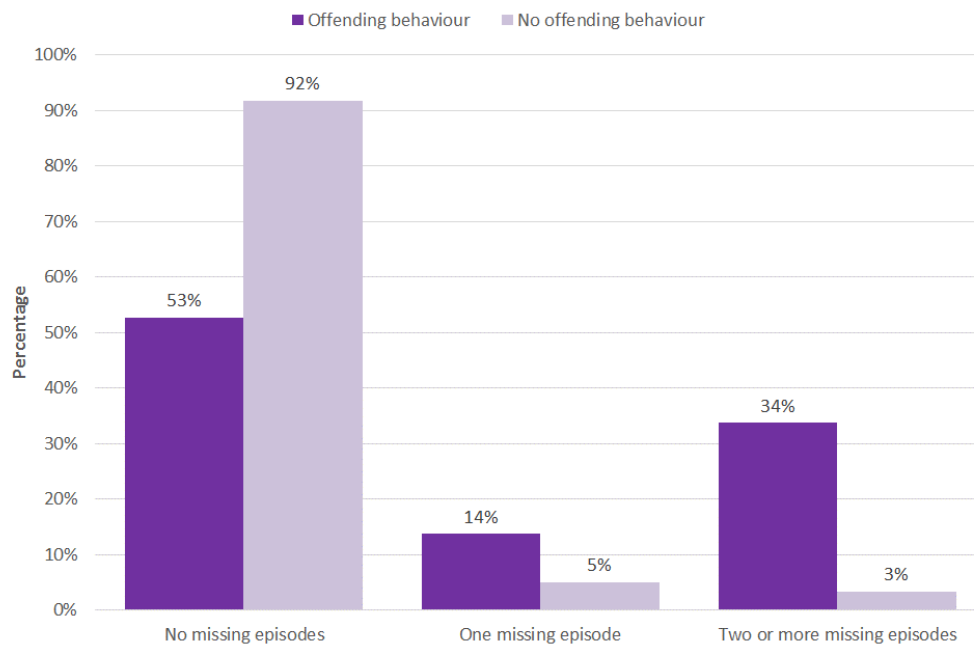
Data from Staffordshire YOS includes a flag for whether the child, prior to entering YOS, had a previous record of a missing episode. The 2016 data shows that a significantly higher proportion of young offenders who were currently or previously looked after (59%) were recorded as missing from home/care when compared with those who had not been looked after (20%).

Using information from the looked after children dataset also found that a significantly higher proportion of those children that did offend had gone missing during 2015/16 compared to those that had not offended (47% compared with 8%). Looked after children that offended also went missing more frequently with 34% of this group going missing more than once compared to only 3% of the non-offending looked after children (Figure 10). On average, looked after children that offended went missing around three times per child compared with 0.2 episodes per child that didn't offend. Of those that went missing there were six missing episodes per young person in the cohort of looked after children who offended compared with around two episodes in those that did not offend.

¹⁴ Howard League for Penal Reform (2016) Criminal Care: Children's homes and criminalising children, London: Howard League for Penal Reform

¹⁵ HMIC (2015) The welfare of vulnerable people in police custody, London: HMIC

Figure 10: Number of missing episodes per looked after child in Staffordshire, 2015/16



Source: Staffordshire Police and Staffordshire County Council

Children who offend are more likely to have significantly more missing episodes. Anecdotal evidence suggests that the missing episodes may be occurring before crime. However more work needs to be done to understand the relationship between offending behaviour and missing episodes.

3 What are the needs of our looked after children who commit crime?

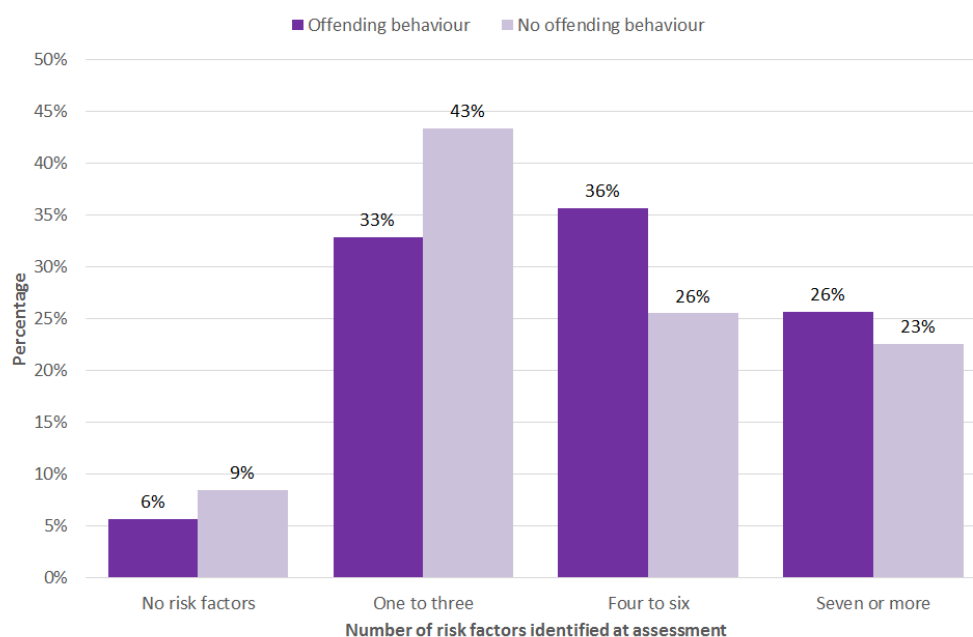
The extensive literature review produced by Dr Jo Staines to accompany Lord Laming's report collates a wealth of research which suggests that looked after children and young people have significantly worse emotional, psychological and behavioural health, including using illegal drugs and being involved in offending behaviour, and are more likely to experience difficulties in interpersonal relationships than other young people.¹⁶

3.1 Risk factors and identified need

Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Local authorities undertake assessments of the needs of individual children to determine what services to provide and action to take.

Data was available mainly for children who were looked after who had assessments that took place during 2015/16 with some earlier assessment data also available for the Stoke-on-Trent cohort. Overall looked after children that offended had on average significantly more identified risk factors than those that did not offend (five factors compared with 4.2). The proportion of offenders who were looked after who have seven or more risk factors is also slightly higher than the non-offending group (Figure 11).

Figure 11: Number of risk factors identified at assessment for looked after children in Staffordshire and Stoke-on-Trent, 2015/16

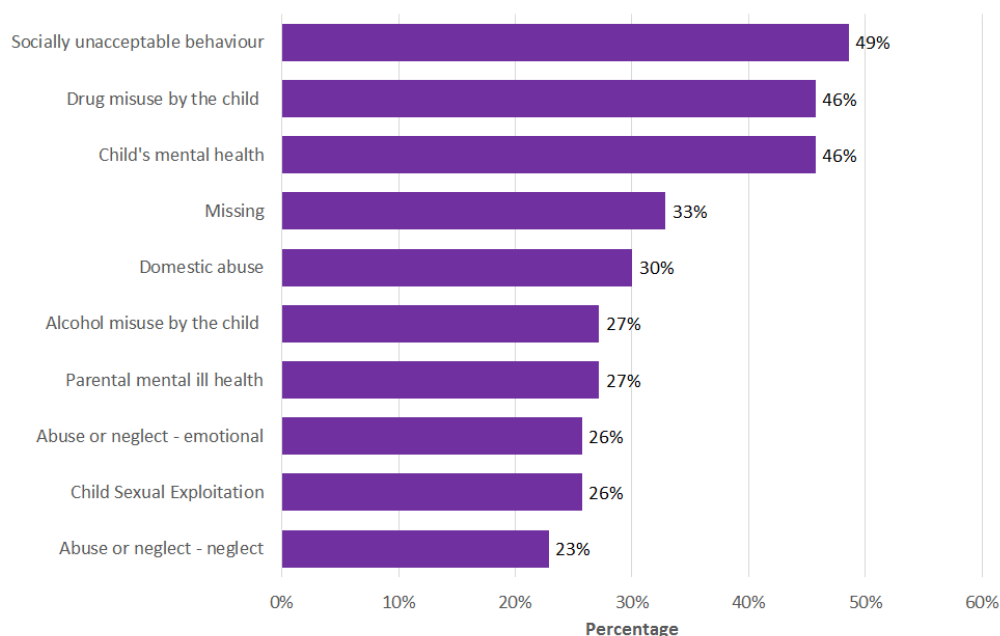


Source: Staffordshire Police, Staffordshire County Council and Stoke-on-Trent City Council

¹⁶ Staines, J (2016) Risk, Adverse Influence and Criminalisation: Understanding the over-representation of looked after children in the youth justice system, London: Prison Reform Trust

Common risk factors are shown in Figure 12. This shows that children who are looked after and offend are more likely to be identified with needs concerning themselves such as unacceptable behaviour, drug misuse and mental health.

Figure 12: Common risk factors identified at assessment for looked after children who offend in Staffordshire and Stoke-on-Trent, 2015/16

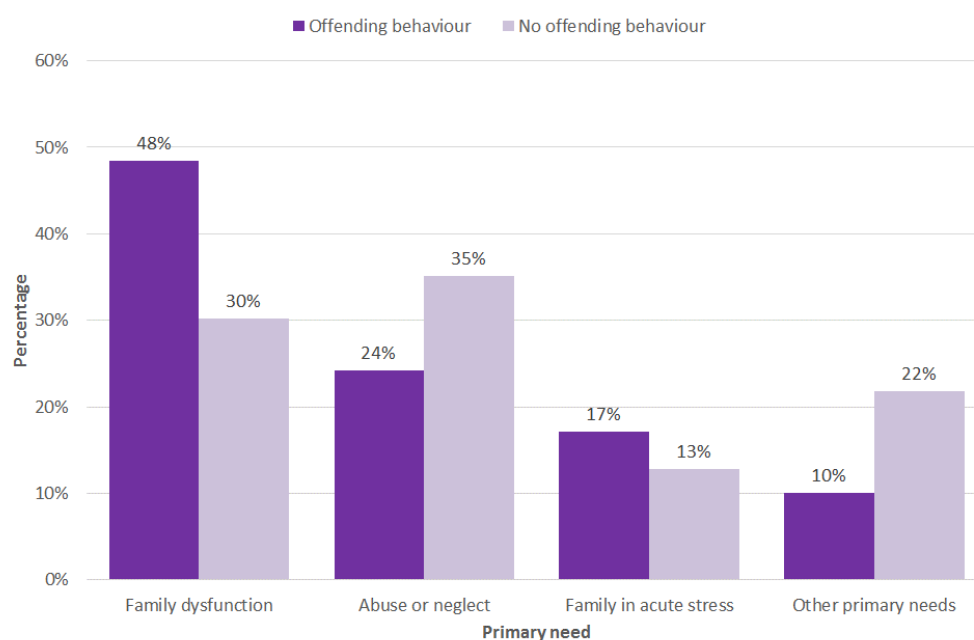


Source: Staffordshire Police, Staffordshire County Council and Stoke-on-Trent City Council

Almost half of offenders had family dysfunction identified during their assessment as their primary need (48%), which is higher than 30% of non-offenders (Figure 13). Family dysfunction is when a child's needs primarily arise from living in a family where the parenting capacity is chronically inadequate.

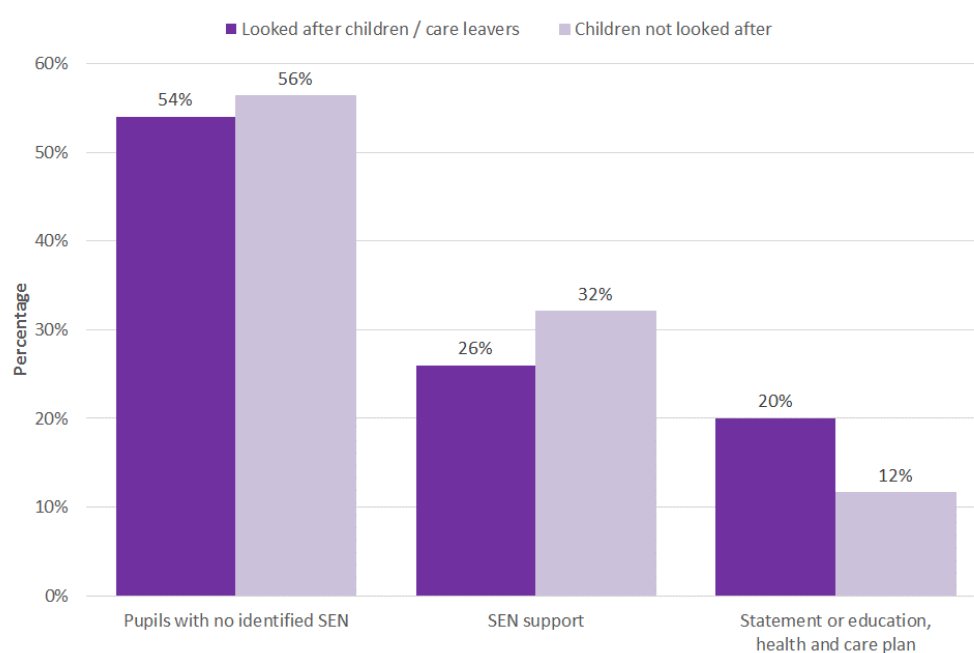
The proportion of children who have either a statement of educational needs or disability (SEND) or an educational health and care plan also appears to be higher in the looked after children cohort using Staffordshire YOS than those not looked after (Figure 14).

Figure 13: Primary need identified at assessment for looked after children in Staffordshire and Stoke-on-Trent, 2015/16



Source: Staffordshire Police, Staffordshire County Council and Stoke-on-Trent City Council

Figure 14: SEND status of children using Staffordshire Youth Offending Services, 2016



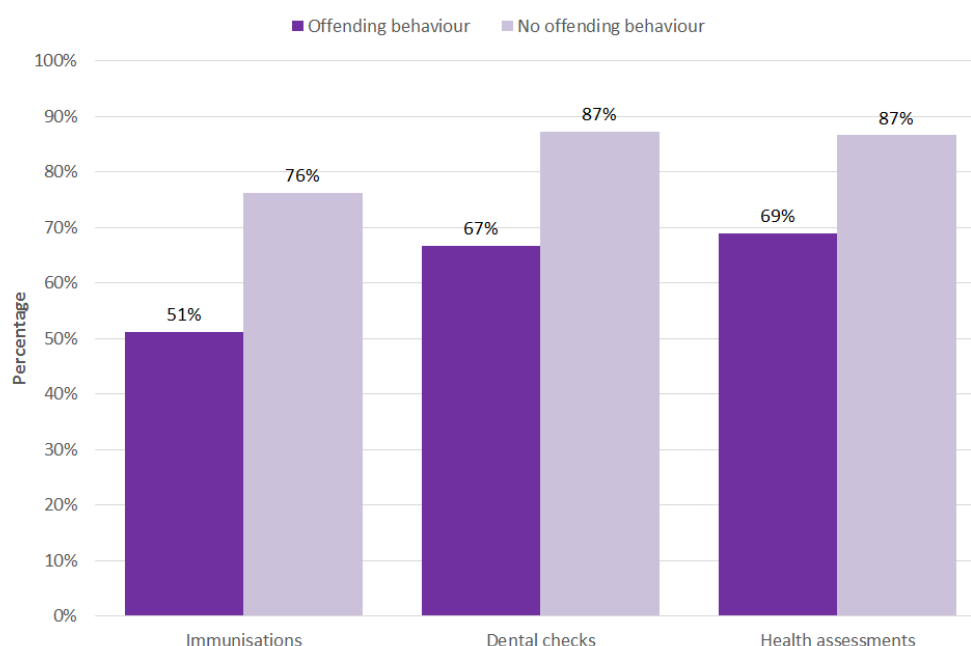
Source: Staffordshire Youth Offending Service

3.2 Health and wellbeing needs

Outcome indicators are also collected annually to help monitor the extent to which “children looked after gain maximum life chance benefits from educational opportunities, health care and social care”. These are collected for those children who were looked after continuously for at least twelve months as at the 31st March. Based on this dataset we collect about looked after children in Staffordshire we also know:

- A lower proportion of looked after children who offended have immunisations, dental checks and health assessments up to date than non-offending comparators (Figure 15).
- The average Strengths and Difficulties Questionnaire (SDQ) score measures emotional and behavioural health. A higher score indicates greater difficulties (a score of under 14 is considered normal, 14-16 is borderline cause for concern and 17 or over is a cause for concern). The average for looked after children who offend is 17 which is the threshold for concern. This is higher than for those children who didn’t offend where the average score was 14 which indicates that the looked after children offending cohort have poorer mental wellbeing. However this should be treated with some caution as a greater proportion of those that offended did not have an SDQ score than those who did not offend (62% compared to 42%).
- 42% of looked after children who offend have a substance misuse problem compared with 3% of those looked after children who didn’t offend. However only half of looked after children with substance misuse problems are offered and receiving interventions - this is similar for both cohorts. Note: It is likely that substance misuse is under-reported for both cohorts.

Figure 15: Health care and development assessments and reviews for looked after children who are continuously looked after for 12 months in Staffordshire, 2015/16



Source: Staffordshire Police and Staffordshire County Council

3.3 Care leavers

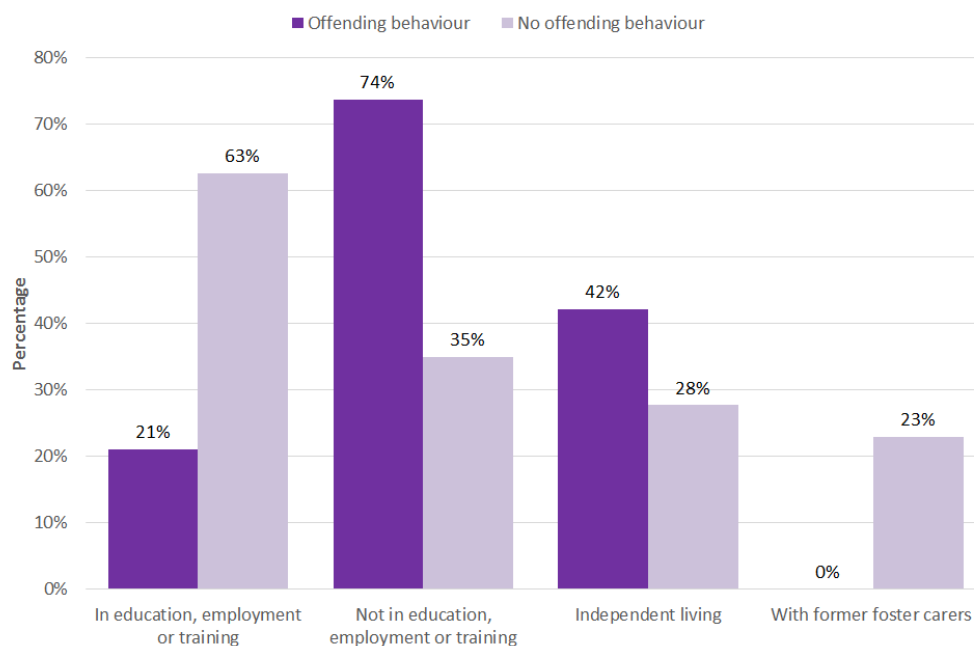
Local authorities continue to stay in touch with care leavers aged 19 to 21 with information from this data collection being published for the first time in 2016. In 2016 former care leaver information was expanded to include children who were aged 17 or 18. During 2015/16 there were around 345 care leavers aged 19 to 21 and around 115 care leavers in Staffordshire aged 17 to 18. This section looks at Staffordshire care leavers aged 17 or 18 who left care during 2015/16 and therefore does not reflect all care leavers, for example those that left in previous years so just a small cohort of all care leavers.

Care leavers appear to be over-represented in the CJS. There was a greater proportion of care leavers in those that offended compared to those that didn't, with a fifth of offenders being care leavers, compared with only 14% of those that hadn't offended.

Education, employment, training and accommodation information is collected for care leavers. Figure 16 shows selected outcomes for care leavers:

- Around one in five care leavers that had offended were in employment, education or training. This is significantly lower than the proportion of care leavers that had not offended (63%).
- The most common accommodation for care leavers was independent living with a higher proportion of those that offended in this accommodation. None of the care leavers that offended were living with former foster carers, compared to almost a quarter of those that had not offended.

Figure 16: Outcomes for care leavers in Staffordshire, 2015/16

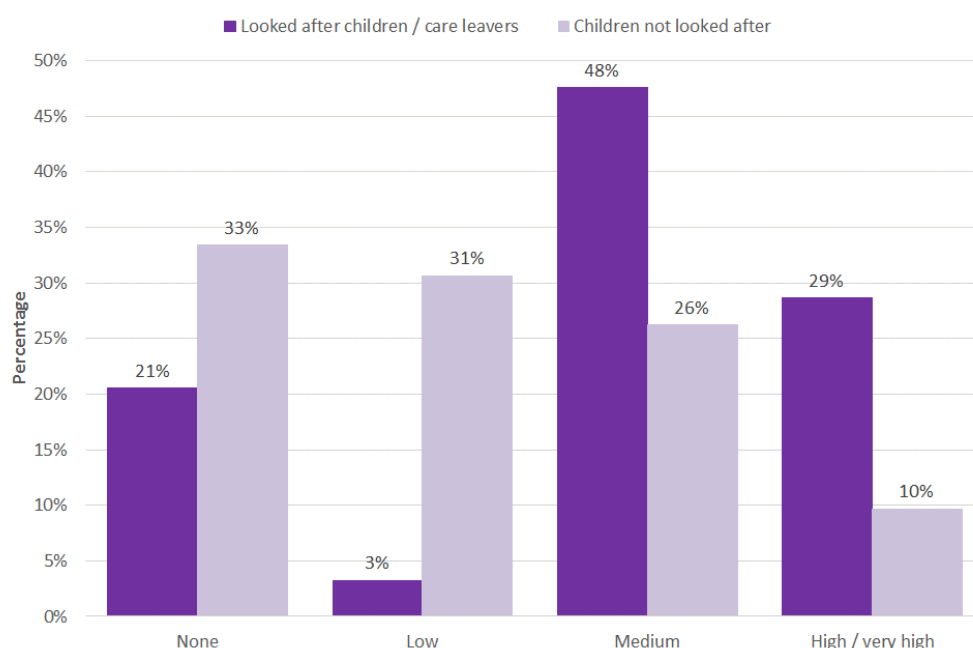


Source: Staffordshire Police and Staffordshire County Council

4 What is the journey of looked after children through the Criminal Justice System?

An assessment of the young person's vulnerability is undertaken by YOS during the initial assessment stage. This assessment makes a judgement of the risk of the young person being harmed, either physically and or emotionally, either by their own actions or the actions of others. This initial assessment considered multiple factors in the young person life prior to their involvement with YOS. More children who are looked after are assigned at medium (49%) or high levels (29%) compared to those who are not looked after (Figure 17). In contrast almost two-thirds of children who have never been looked after have either no or low levels of vulnerability assigned to them.¹⁷

Figure 17: Vulnerability levels for children using Staffordshire Youth Offending Services, 2016



Source: Staffordshire Youth Offending Services

Based on activity data from YOS who were seen during 2016 the most common intervention types for Staffordshire were voluntary community resolutions (47%) and referral orders (27%). A significantly lower proportion of those either previously or currently looked after received community resolutions (13%) compared to those not looked after (47%) whereas a significantly higher proportion of those either previously or currently looked after received referral orders (38%) compared to those not looked after (23%).

¹⁷ This only includes a minority of community resolutions. Children who have community resolutions would not contain vulnerability information as they wouldn't normally have this assessment

In Stoke on Trent the most common type of intervention were voluntary community resolutions (42%). A lower but not statistically significant proportion of looked after children received this intervention (32%) when compared to those not looked after (43%). The second most common type was a prevention programme which accounted for 17% of interventions although no looked after children received this intervention. A significantly higher proportion of looked after children received referral orders (34%) compared to those not looked after (13%).

When categorising the interventions into pre-court and court-based interventions users of YOS in the looked after children cohort in Staffordshire were more likely to receive court interventions compared to those not looked after:

- In Staffordshire 75% of users of YOS from the looked after children cohort received interventions through court and only 25% pre-court/out-of-court disposals (OOC). This compared with 35% of those not looked after receiving interventions through court and the remaining 65% pre-court.
- In contrast more offenders in the looked after children cohort in Stoke-on-Trent received interventions pre-court (45% of the looked after children cohort); however whilst this is much higher than Staffordshire it is still significantly less than those not looked after where 80% of users of YOS received interventions pre-court.

However during this period Staffordshire and Stoke-on-Trent YOS employed differing practice in relation to the administration of OOC. These differences in practice explain why a greater proportion of young people in Stoke-on-Trent received interventions at the OOC stage.

During this period Staffordshire YOS were not offering assessments and subsequent interventions to all young people suitable for community resolutions. However, within Stoke-on-Trent young people who were suitable for the imposition of a community resolution were assessed by YOS staff and voluntary interventions were offered when deemed appropriate.

Both Staffordshire and Stoke-on-Trent practice with regards to OOC adhere to legislation set out in Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO Act 2012) which outlines local authorities and police service requirements with regards to this area of work.

However to address these known differences in practice a triage pilot has been taking place across the County and the City to address the differences in the decision-making process and to further divert children and young people away from the courts. The triage will be fully rolled out across the County and City by November 2017.

Looked after children, particularly in Staffordshire, were more likely to receive court-based intervention than their counterparts. This reflects practice at the time of the data collection. However a new decision-making process will be fully rolled out across the County and City by November 2017 to address these differences.

Of those young offenders who were no longer active on the Staffordshire YOS caseload, a higher proportion of the children who were not looked after had started an intervention completed it (81%) compared with the looked after children cohort (60%). Around one in two of the looked after children cohort who had not completed their intervention was due to them being transferred to another local authority.¹⁸

For those young offenders who were no longer on the Stoke-on-Trent YOS caseload at the end of December, a higher proportion of those not looked after who started an intervention successfully completed (72%) compared to those looked after (55%). In addition a significantly higher proportion of looked after young offenders did not complete the intervention due to the revocation of their order and were resentenced to Community Penalty.

A lower proportion of Staffordshire and Stoke-on-Trent children who were looked after completed the intervention they had started. In Staffordshire around half of those not completing their intervention was due to them being transferred to another local authority. In Stoke-on-Trent a significantly higher proportion of looked after young offenders did not complete the intervention due to the revocation of their order and were resentenced to Community Penalty.

Data from the Staffordshire YOS shows that the proportion of looked after children assessed as being at high risk of reoffending is significantly higher (37%) than their counterparts (6%). In contrast the proportion of those looked after children considered at low risk of reoffending was 10% which is lower than those not looked after (40%).

Reoffending rates in Staffordshire show that 29% of the looked after children have reoffended which is a larger proportion than those young offenders who are not looked after (14%). Note: this difference is not statistically significant.

¹⁸ This only includes a minority of community resolutions. Most of the community resolution data does not include completion information.

5 What are the views and experiences of looked after children?

5.1 Views on why some children may offend in the home or local community when first coming into care or moving into a new area

Consultation conducted by Staffordshire County Council's YOS Voice Project¹⁹ in October 2016 found that many young people were able to relate offending behaviour either to their experiences or to what they had seen other young people do in residential settings they had lived in. This found that some young people, when they first come into care or move to a new area, may offend in the home or the local community, because they were **experiencing emotions such as anger, sadness or confusion.**²⁰

These emotions generally come to the forefront as a result of the often enforced change in circumstance which the young person is experiencing. Having been removed from their families and friends (and sometimes not understanding the reasons why this has happened or indeed when they will see their families and friends again) it is common for some young people to feel unsettled, isolated, lonely and scared.

These feelings can cause emotions which sometimes leads the young person to react in a negative way.

Methodology: 11 young people with majority being from other local authority areas participating in 1-1 or small group discussions.

Supporting young people who are in care and moving to different areas

Some young people felt that having hobbies, coping strategies or care staff that could support them better with moving could reduce offending behaviour. When young people are moving into care (or are moving to different areas), good support from practitioners including Youth Offending Services and social workers can make the transition easier for the young person. Regular and reliable communication, being listened to and receiving answers to questions were key aspects which can encourage a smoother transition for younger people.

5.2 Experiences of being looked after and supervised by the Youth Offending Team

The Voice Project highlighted that young people being looked after had different experiences of being in care. Not all the young people were accepting of the reason why they were in care and some didn't like being away from their homes and/or found it difficult being surrounded by other children who had issues.

¹⁹ The Voice Project provides a consultation and engagement service that offers its services across the whole of Families First with an aim to ensuring the voices of children, young people and families are embedded in Staffordshire's approach to planning, design, delivery and evaluation of services.

²⁰ Staffordshire Youth Offending Service and The Voice Project Quarterly Consultation: The experiences of looked after young people who are currently involved in the youth offending service, Staffordshire County Council, October 2016

Conversely, some of the young people had positive experiences of being in care (and in care in another area). Some found their care was better and said that changing areas had helped to keep them safe, had given them the opportunity to settle into a new life with opportunities to learn at college and time for friends, hobbies and interests which they felt had helped them feel more settled and happy.

Those whose experience of care had been negative, identified the need for better communications and clearer structures which need to be followed to help improve their experiences.

5.3 *What are the priorities for looked after children?*

In 2016, the Big Vote Consultation was undertaken with looked after children, young people and care leavers in Staffordshire as part of the Voice programme of research. In total, 100 children participated in the survey. The survey results identified looked after young people's main priorities, with the top two being family contact and leisure.²¹

²¹ The Voice Project Annual Report, Consultation and Engagement across Families First, Staffordshire County Council, September 2016

6 What are the views and experiences of professionals?

6.1 National research

A research study commissioned by The Adolescent and Children's Trust (TACT) explored the relationship between care experience and criminalisation. This was conducted through a national literature review and a survey of practitioners across 27 local authorities. A total of 35 interviews were conducted within these 27 local authorities representing a response rate of 65%.

Some of the key findings included:

- 74% of respondents, who have direct contact with these children, felt that looked after children were at greater risk of criminalisation
- Key factors which respondents perceive to put looked after children at increased risk of criminalisation include:
 - Mixing with offending peers
 - Poor management of challenging behaviour
 - Lack of stability of care placements
- Residential care was highlighted as the care setting which posed by far the greatest risk of young people in terms of criminalisation.
- Over four in five respondents felt that looked after children were more likely to be prosecuted than those who were living at home- practitioners indicated that quite often carers and/or other residents to report young people to the police for committing minor offences

Respondents detailed a range of measures they felt could improve outcomes for looked after children and make care more of a buffer to criminalisation:

- Improving the quality of care
- More multi-agency working
- A focus on prevention
- Avoiding criminalisation
- Promoting education

6.2 Local views and experiences

To better understand the local picture about looked after children and their involvement in crime and disorder views were sought from professionals working with looked after children across Staffordshire and Stoke-on-Trent. This included understanding views on why looked after children are over-represented in the Criminal Justice Service (CJS) and what can be done to help reduce their criminalisation.

An electronic survey for professionals was developed by members of the Looked After Children Criminalisation Task and Finish Group in April 2017 (shown in Appendix 1). This was forwarded to professionals across Staffordshire and Stoke-on-Trent including police, care workers, YOS, social workers and professionals working in preventative and support services. Data was collected between 5th and 19th May 2017 and a second collection specifically with care home providers due to initial low response was collected between 5th and 9th June 2017.

A total of 65 practitioners shared their views on looked after children and the CJS. Survey responses were received across Staffordshire and Stoke-on-Trent and respondents included social workers, care workers, the police, youth offending staff and prevention and support services.

Views were expressed on a range of themes including the reasons why looked after children are over represented in the CJS and the various methods which could be deployed to try and reduce this. A summary of the responses shared by practitioners is included below.

Over representation of looked after children in the CJS

Nearly all practitioners (98%), gave a view on why looked after children are overrepresented in the CJS. Many acknowledged the family environment, the lack of stability in the child's life and the results of being in a placement were common reasons why looked after children were over represented in the CJS.

Negative impacts of looked after children being involved in the CJS

The majority of practitioners (71%) articulated the negative impacts of young people being subject to formal criminal justice sanctions for offences committed within the care system. The breakdown of relationships and trust between young people and their carers as well as the associated impacts on the young persons *"self-esteem"*, *"self-worth"* and *"ability to empathise"* were notable. These impacts could *"limit opportunities in education, training and employment"* and *"increase the risk of reoffending"*.

Restorative approaches

Awareness of restorative approaches was high with 89% aware these could be used to manage problematic behaviour of young people in care settings. By respondent type, YOS, police and care practitioners were most likely to say they were aware of these.

Around half had used these in a care setting and YOS and care providers were most likely to say they had used them.

57% of all respondents commented on their use of restorative approaches; of these the majority commented on positive outcomes. For looked after children, the benefits included *"developing empathy for other people"* and *"avoiding a criminal record"*. For the victim benefits included *"closure"* for example *"repairs to property which has been damaged"*.

Sanctions

Comments on both types (violence and criminal damage) of sanctions were received from practitioners with 68% commented on criminal damage sanctions and 71% commented on violence sanctions. Sanctions used in both types of instances included the *“withdrawal of privileges”* and gaining an understanding of the reasons for behaviour. For violent behaviour, *“intensive intervention”* and *“therapy”* were additional sanctions for consideration.

Out of court disposals

A total of 66% of practitioners were aware that out of court disposals were available to the police to avoid young people from being criminalised for their problematic behaviour. YOS and the police respondents were most likely to be aware of these. 58% chose to give additional comments on these and respondent views on how well these worked in practice, were mixed. They were regarded as *“really effective in dealing with lower level crimes where re-offending was unlikely”*. However, these were regarded as being less effective where *“the child’s behaviour was extreme and where a further incident was a strong possibility”*.

Alternative referral pathways

A total of 58% of practitioners had used alternative referral pathways, other than the formal CJS route for young people in care who were exhibiting problematic behaviour. Social workers were most likely to say they had used these. Nearly all those who had used them (57%) commented on them. Comments on *“preventative work”*, *“early intervention”*, *“referrals”* and *“civil proceedings”* were received.

Diversions principles and practices

Over half (52%) of practitioners had used principles and practices to divert young people who are looked after away from the CJS. *“referrals to the Youth Offending Team”*, *“spending 1-1 time with the young person”* and *“investing in pro-social activities”* were popular practices which have been used.

Prevention services

Around three in five (62%) of practitioners were aware that both Staffordshire County and Stoke-on-Trent have prevention services which accept referrals from professionals regarding young people who exhibit problematic behaviours that have not yet led to criminal proceedings. Prevention services were viewed as particularly good for *“low level offending and anti-social behaviour”* and where *“the young person wants to change”*. Evidence suggests that practitioners would benefit from some clarification of *“when to use prevention services”* and when situations should be *“dealt with in an alternative way”*.

Summary

- The majority of professionals acknowledge the family environment, the lack of stability in the child's life and the result of being in a placement as common reasons why looked after children were over represented in the CJS.
- Around seven in 10 practitioners acknowledge negative impact of criminalisation of looked after children through being subject to the formal CJS. Comments included the breakdown of relationships, trust, self-esteem and the motivation to change.
- Most professionals are aware of restorative approaches as a way of managing problematic behaviour of young people in care settings (89%) with professionals feeling they would lead to positive outcomes for both looked after children and the victim. Around half of all respondents having used these in care settings.
- Only two-thirds of practitioners were aware that out-of-court disposals were available to the police to avoid young people from being criminalised for their problematic behaviour. YOS and the police respondents were most likely to be aware of these.
- Only three in five practitioners were aware that both Staffordshire County and Stoke-on-Trent had prevention services which accepted referrals from professionals regarding young people who exhibited problematic behaviours that had not yet led to criminal proceedings.

7 Summary and recommendations

The vast majority of looked after children are not involved in crime; however it is widely accepted that children who are looked after by the local authority and in residential care are more likely to be known to the Criminal Justice System (CJS) than those who are outside the care system.

Many of the risk factors associated with pathways into offending behaviour overlap with the factors identified for children who enter the care system, for example; conflict within the family, poor parental supervision, attachment problems, living in relative poverty, low achievement and low commitment to education and negative influence from peer groups

Similar to national trends looked after children in Staffordshire and Stoke-on-Trent are over represented across all parts of the criminal justice system pathway.

Overall crime rates in children and young people are higher in Stoke-on-Trent compared to Staffordshire; however when looking at offending rates amongst children in care rates are much higher in Staffordshire with Staffordshire Moorlands and Stafford having the highest rates. This is likely to be due to the location of where looked after children live (i.e. in placements in these locations).

We know that overall there is a high number of looked after children from other parts of the Country who are looked after within the County. However we were not able to conclude whether the higher rates in the children looked after cohort in Staffordshire were also those who have been placed here from other parts of the region/Country. Looked after children are also over represented in Staffordshire's Youth Offending Services. We also know that in Staffordshire a high proportion of looked after children seen by YOS were from out of area (i.e. not Staffordshire children).

Children in care who commit offences tend to be 14 to 15 and predominately male. Around 55% of offences relating to children in care involved the use of violence; 28% less serious violent crime with injury and 27% serious violence against the person.

The highest number of offences are committed in January for both cohorts; however there is little other seasonal variation. Looked after children are more likely to commit crimes on Tuesday and Wednesdays; between 1pm and 3pm, between 6pm and 7pm and between 10pm and midnight. Anecdotal evidence suggests that anti-social behaviour usually happens before education in the morning and towards the end of school days as some young people struggle to maintain attention all day. Daily routines can be difficult such as around meal times and in the evening when young people start to wind down for bedtime and/or there is resistance to curfew times.

Around three-quarters of persons not in care only committed one crime in 2015/16. The picture is very different for children in care with 27% committing only one offence and much higher proportions of young people committing three or more offences. Around one in five children in care committed six or more crimes during the year. This means that a small number of looked after children are committing the majority of offences.

As with national findings, looked after children who offend are more likely to be placed in care homes and also experience more placement changes. Being in foster care and a stable environment appear to be protective factors. However it is not known whether children are moved due to their offending behaviour or whether changes in their environment drive them to offend.

Children who offend are more likely to have significantly more missing episodes. Anecdotal evidence suggests that the missing episodes may be occurring before crime. However more work needs to be done to understand the relationship between offending behaviour and missing episodes.

Children who are looked after and offend are more likely to be identified with needs such as unacceptable behaviour, drug misuse and mental health. They were also more likely to have a statement of educational needs or disability (SEND) or an educational health and care plan. A lower proportion of looked after children who offended have checks such as immunisations, dental checks and health assessments up to date than non-offending comparators.

Care leavers appear to be over-represented in the CJS. Based on a small cohort of care leavers aged 17-18 who left care during 2015/16 we found that only one in five care leavers that had offended were in employment, education or training which is considerably lower than their counterparts. The most common accommodation for care leavers was independent living with a higher proportion of those that offended in this accommodation. None of the care leavers that offended were living with former foster carers, compared to almost a quarter of those that had not offended.

Looked after children, particularly in Staffordshire, were more likely to receive court-based intervention than their counterparts. This reflects practice at the time of the data collection. However a new decision-making process will be fully rolled out across the County and City by November 2017 to address these differences.

A lower proportion of Staffordshire and Stoke-on-Trent children who were looked after completed the intervention they had started. In Staffordshire around half of those didn't complete their intervention due to them being transferred to another local authority. In Stoke-on-Trent a significantly higher proportion of looked after young offenders did not complete the intervention due to the revocation of their order and were resentenced to Community Penalty.

Consultation in Staffordshire found that some young people, when they first come into care or move to a new area, may offend in the home or the local community, because they were experiencing emotions such as anger, sadness or confusion. These emotions generally come to the forefront as a result of the often enforced change in circumstance which the young person is experiencing. Having been removed from their families and friends (and sometimes not understanding the reasons why this has happened or indeed when they will see their families and friends again) it is common for some young people to feel unsettled, isolated, lonely and scared.

Some young people felt that having hobbies, coping strategies or care staff that could support them better with moving could reduce offending behaviour. When young people are moving into care (or are moving to different areas), good support from practitioners including Youth Offending Services and social workers can make the transition easier for the young person. Regular and reliable communication, being listened to and receiving answers to questions were key aspects which can encourage a smoother transition for younger people.

The practitioner survey found:

- The majority of professionals acknowledge the family environment, the lack of stability in the child's life and the result of being in a placement as common reasons why looked after children were over represented in the CJS.
- Around seven in 10 practitioners acknowledge negative impact of criminalisation of looked after children through being subject to the formal CJS. Comments included the breakdown of relationships, trust, self-esteem and the motivation to change.
- Most professionals are aware of restorative approaches as a way of managing problematic behaviour of young people in care settings (89%) with professionals feeling they would lead to positive outcomes for both looked after children and the victim. Around half of all respondents had used these in care settings.
- Only two-thirds of practitioners were aware that out-of-court disposals were available to the police to avoid young people from being criminalised for their problematic behaviour. YOS and the police respondents were most likely to be aware of these.
- Only three in five practitioners were aware that both Staffordshire County and Stoke-on-Trent had prevention services which accepted referrals from professionals regarding young people who exhibited problematic behaviours that had not yet led to criminal proceedings.

Recommendations

- Relaunch the joint protocol which aims to reduce the number of looked after children being prosecuted. A performance framework should also be developed to monitor performance for the protocol.
- Work with partners to recognise risk factors and trigger points to reduce the risk of looked after children offending through prevention and early intervention strategies.
- Relevant agencies need to continually work closely with care home staff. This should include the offer of training and practical support of preventative measures and restorative justice approaches to deal with offending behaviour.
- Work with partners to encourage foster placements; strengthen the offer of skilling foster carers to deal with inappropriate behaviour.
- Work with the care market to ensure that children are matched to appropriate care (foster carers and care homes) and stabilise placements.
- Ensure both foster carers and care home staff recognise the importance of providing good quality care at transition points, e.g. first few weeks of starting care, moving to a new placements or area or leaving care.
- Reduce the inequalities in outcomes such as education, health and wellbeing for looked after children who offend.
- Develop a better understanding of the variation in outcomes for looked after children by placement and out-of-area.

Appendix 1: Practitioner questionnaire



Criminalisation of Looked After Children: Questionnaire to practitioners

As a professional working with young people who are looked after we would really appreciate your views on Looked After Children and the Criminal Justice System. This includes understanding your views on why Looked After Children are over-represented in the Criminal Justice Service and what we can do to help reduce their criminalisation.

Please take a few minutes of your time to share your views with us. You can be assured that your opinions will be treated confidentially.

Please return your views by **Friday 19th May**.

Questions

Most children who experience care do not get into trouble with the law. However, children and young people who are, or have been in care are over five times more likely than other children to get involved in the Criminal Justice System.

- Q1 In your view, why do you think Looked After Children are over-represented in the Criminal Justice Service?

When a young person causes criminal damage within a care setting, there are sanctions, other than being arrested and subject to the Criminal Justice System, which can be used.

- Q2a Please tell us about those sanctions which you have used (and how successful you felt these were) in the space provided below:

When a young person is violent towards another young person or adult in a care setting, there are sanctions, other than being arrested and subject to the Criminal Justice System, which can be used.

- Q2b Please tell us about those sanctions which you have used (and how successful you felt these were) in the space provided below:

Q3 Restorative approaches can be used to manage problematic behaviour of young people in a care setting.

	Yes	No	Not sure/NA
Were you aware of these...?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have you used them...?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4a If you have used restorative approaches, please tell us about these below.

Q4b If they led to positive outcomes for young people, it would also be useful if you could explain what these were:

Q5 Have you used alternative referral pathways (other than the formal Criminal Justice Service route) for young people in care who are exhibiting problematic (anti-social/offending) behaviour?

☐ Yes ☐ No ☐ Not sure/NA

Q6 If yes, please tell us about these and how well you thought they worked in the space provided below:

There are many negative impacts, both short and long term, of young people in the care system being subject to formal criminal justice sanctions for offences committed within the care system.

Q7 Please tell us about those impacts you are aware of or have experienced in the space provided below:

A Joint Protocol to Reduce the Prosecution of Looked After Children was launched in 2013. The protocol advocates keeping Looked After Children out of the Criminal Justice System, unless it is absolutely necessary due to the seriousness of the offence.

- Q8 Can you provide any examples of when you have used principles/practices to divert young people who are looked after away from the Criminal Justice System?

- Q9 Are you aware of Out of Court disposals that are available to the police to avoid young people being criminalised for their problematic behaviour?

☐ Yes

☐ No

☐ Not sure/NA

- Q10 If yes, please tell us about these and how well you think they work in the space provided below:

- Q11 As a professional working with young people who may display problematic behaviours, you may have knowledge of prevention services within Staffordshire and Stoke-on-Trent that can deal with such behaviour.

If you do, please tell us about these and how well they are working in the space provided below.

- Q12 Please use this space to share any additional comments on how we can help to reduce the criminalisation of Looked After Children:

About you

Giving the following information is optional, but it will help us to use the information you have provided more effectively.

Any personal information which you choose to share will only be used for research purposes by Staffordshire County Council. It will not be used for any other purposes and will not be passed onto any other organisations. Your information will be treated in confidence in line with the Data Protection Act 1998.

Please tell us:

Q13 The name of your agency/organisation:

Q14 The postcode of your agency/organisation:

Q15 Your job role:

Q16 The area where you work:

- | | | |
|--|--|---|
| <input type="radio"/> Cannock Chase | <input type="radio"/> Newcastle-under-Lyme | <input type="radio"/> Staffordshire Moorlands |
| <input type="radio"/> East Staffordshire | <input type="radio"/> South Staffordshire | <input type="radio"/> Stoke-on-Trent |
| <input type="radio"/> Lichfield | <input type="radio"/> Stafford | <input type="radio"/> Tamworth |

Once you have completed your response, please return to Insight, Policy and Performance (SP1 fourth floor), Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH,

Thank you for taking the time to share your views with us.