



Care - a stepping stone to custody?

The views of children in care on the links between care, offending and custody

Rachel Blades, Di Hart, Joanna Lea, Natasha Willmott

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16 year old girl with a conviction

What I've heard from different police officers when I've been arrested, it's like, 'you're a kid in care, you're never [going to] get out of this way of life. You're in care, kids in care are always on drugs, kids in care always make themselves unsafe, kids in care always self-harm'. So they sort of put a title on kids in care like they're something bad.

16 year old girl with a conviction

Because how can you just send kids to prison, you know?...When you're in court, yeah, it's like everyone's looking at you like you got a bad name for yourself...They don't know what's going on in my life. They think they know me, but they don't.

15 year old boy with a conviction

I just think that being in care, yeah, is too controlled...it's like there's no freedom so some of the young kids here probably even take the piss on purpose, try and break the law on purpose because they feel like they've got no freedom...they have to do bad things to get their speech across because when they talk no-one's listening to them, so they feel like they need to do bad things for people to hear them...it's probably why young people in care do more bad things than people generally...

16 year old girl with no offending history

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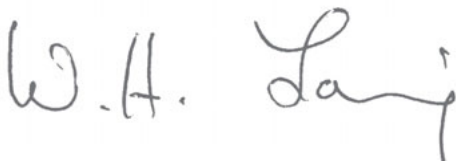
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FOREWORD

I am honoured to have been invited to make this very small contribution to this important and timely report. Yet I do so with a heavy heart. The findings of this well researched and clearly presented document should cause us all to be shocked, and to resolve to do very much better to improve the life chances for those children and young people who for part of their childhood have looked to the state to be their substitute parent.

The report sets out the facts about the experiences of these children and young people, both during their early years and as they progress through the care system. The picture is dispiriting. Many will have experienced a poor start in life, interrupted education and some will have been abused or seriously neglected. Through no fault of their own their future prospects have been diminished. The adults they looked to for love and care have not provided it. It is a huge step for the state to assume the parenting of a child or young person. With that comes the responsibility to provide stability, security and hope for the future. Sadly, the failure to secure proper care and support at this time, so critical in the development of the child, results in the continuation of the downward spiral towards imprisonment. We must not stand by and allow wasted opportunities to result in wasted later lives.

This report sets out in stark terms what needs to change. Moreover, it offers a series of recommendations for action that are both practical and compassionate. It is all too evident that we must do very much better in meeting the needs of damaged and disadvantaged children and young people. When things start to go wrong, we need to be there to help them out of trouble. If the state takes on this responsibility it must rise to the challenge of being 'a good parent' to each and every one of them. We need both the will and the ambition to make this happen. It is against that challenge that I am pleased to have the opportunity to commend this report most warmly.

A handwritten signature in dark ink, reading 'W.A. Laming'. The signature is written in a cursive, flowing style.

Lord Laming CBE DL

1 Executive summary

1.1 Introduction and background

Less than 1% of all children in England were looked after at March 2011¹. Compare this with the fact that up to half the children² held in young offender institutions are, or have been previously, looked after and you need to ask the question: is care a stepping stone to custody? If so, how and why does this happen and what can be done to help children in care avoid getting into trouble and ending up in custody?

Looked after children and care leavers have long been over-represented in our prisons. Research published by the Social Exclusion Unit in 2002 suggested that 27% of the adult prison population had once been in care³. Annual surveys of 15-18 year olds in prison suggest that anywhere between a quarter and a half have been in care⁴ at some point previously. This is likely to be an under-estimate.

Research on children in the youth justice system generally, and those who end up in custody in particular, has demonstrated the links between offending and vulnerability. A census of every child imprisoned over a 6 month period in 2008 highlighted this in stark detail: 76% had an absent father; 47% had run away or absconded; 39% had been subject to a child protection plan and/or experienced abuse or neglect; 27% had been or were looked after; and 13% had experienced the death of a parent or sibling⁵. For children in care, these indices of disadvantage are likely to be heightened, as we know three quarters of looked after children are in care as a result of abuse, neglect or family dysfunction⁶.

Concerns at the involvement of looked after children in the youth justice system are not new. Government statistics have consistently shown that rates of known offending by children in care far outstrip those of their peers, and practice in some placements, especially children's homes, has been criticised for bringing children in care into the justice system unnecessarily. In the year ending March 2010, 7.9% were given a reprimand, warning or conviction, compared with just 3% of all children⁷. Yet, as we have seen, abuse and family breakdown are by far the most common reasons why children are taken into care, rather than offending.

If we are better to understand the relationship between care and offending, and tackle the disproportionate number of children in custody who are, or have been, looked after, we need to understand the factors affecting looked after children's chances of offending, and the relationship between them. We believe children with direct experience of being looked after are best placed to identify, and comment on, aspects of the care system which protect against, and those that increase the risk of, criminalisation. This research seeks to place the voice of looked after children at the heart of the debate on care and crime and proposes a blueprint for preventing offending which draws on their contributions.

This report presents the findings of research carried out by the National Children's Bureau (NCB) Research Centre to explore the views of children with relevant experiences. The research was commissioned by *Out of Trouble*, the Prison Reform's Trust's five year

programme to reduce child and youth imprisonment, which is supported by The Diana, Princess of Wales Memorial Fund.

This qualitative study, set in the context of current research and policy, involved 23 in-depth face to face interviews with children in care who were aged between 13 and 17 years old. Their experience of, and involvement in, the youth justice system varied. Some had no formal experience, having never been cautioned or convicted. Others had, and the majority were either in custody at the time of interview (including on remand) or had been previously.

In partnership with VOICE (www.voiceyp.org), a children's advocacy organisation for children living away from home, we set up an advisory group to support the research, more details of which can be found on page 63. This group of ten young people in care and care leavers helped to guide the research at three important points: design, analysis, and reporting.

1.2 Key findings

What I've heard from different police officers when I've been arrested, it's like, 'you're a kid in care, you're never [going to] get out of this way of life. You're in care, kids in care are always on drugs, kids in care always make themselves unsafe, kids in care always self-harm'. So they sort of put a title on kids in care like they're something bad.

16 year old girl with a conviction

How does being in care impact on the likelihood of offending

Some of the children with a history of offending said they had offended prior to

entering the care system, most commonly as a result of peer pressure, although difficulties controlling anger, a lack of money, being bored and living in a high crime area were also cited as reasons for offending. As might be expected, children's pre-care experiences were significant in shaping their offending behaviour.

Children's views on whether being in care might contribute to the likelihood of offending were diverse and often complex or contradictory. We found no simple, universal answer to the question of how much and in what ways being in care affects the likelihood of offending and entering custody as this depended on individual experiences and pathways, before and after entering care.

Some children felt that being in care was the primary reason for their offending behaviour or, at the very least, that being in care increased the likelihood of offending. Other children we interviewed felt that, whilst some aspects of being in care might increase the likelihood of offending, care was not the only or main reason for their offending, or that of others. A minority of interviewees believed that being in care had no real affect, or even reduced, children's chances of offending.

Of the children who thought that being in care was either the primary reason for their offending or increased the likelihood of offending, many, (though not all) had been, or were, in custody. Almost all of those who had offended said they had not done so prior to entering the care system. Broadly speaking, these children had entered the care system in early adolescence (typically between the ages of 10 and 13 years).

Children holding these views who had been in custody had, in the main, only been placed in children's homes with some experiencing multiple placements. Those with no offending history, and those who had offended but who had not been imprisoned, tended to have lived in a mixture of foster and children's home placements and to have experienced fewer placement changes.

Some felt there was a very clear causal link between entering care and their offending behaviour, while others suggested that whilst not the only factor, being in care had increased their chances of offending or could be a factor in explaining the offending behaviour of other children.

These children felt that it was the loss of, or infrequent contact with, family, poor relationships with some carers, difficult relationships with peers/peer pressure, and the type and number of placements which impacted on the likelihood of offending.

Others felt that, whilst some aspects of being in care might increase the likelihood of offending, care was not the only or main reason for their offending or that of others. Whilst a few of the children had no offending history, most had been, or were in custody. Of these children, some had offended prior to becoming looked after. They highlighted multiple risk factors and provided explanations for offending behaviour that were often complex and multi-dimensional. Aspects of the care system that they felt influenced offending were similar to those raised by other children interviewed. However, there were also references to committing offences for money or goods, with some interviewed saying that their needs while in care (for

instance for items such as toiletries and clothing) were not being met.

A minority of interviewees believed that being in care had no real effect on, or even reduced, children's chances of offending. These children tended to have entered care in their early teens, had experience of foster care and children's homes and had offended prior to entering the care system. The drivers to offending as they saw them were a lack of money and peer pressure, from children outside of the care system or from siblings.

Which features of the care system are risk or protective factors in offending?

Aspects of the care system which the interviewees' believed had the most influence on looked after children's chances of offending included:

- **Loss of, or infrequent contact with, family/friends**

- Children felt a range of emotions on being taken away from their families; some were angry and upset and found it difficult to trust other adults, including their subsequent carers, as a result.
- A number blamed their offending behaviour on the decision to take them into care while others said they continued to offend, in part because they were taken away from their families and/or friends.
- When thinking about the future, the children interviewed frequently discussed re-establishing, or maintaining contact with, family, friends or partners to help prevent offending behaviour in the future.
- For some, however, losing contact with family and/or friends had a positive impact.

- **Poor relationships with carers and social workers**

- Some with a history of offending and, more exceptionally, those without, were critical of carers and social workers who did not always take the time to listen, offer practical and emotional support or build up trusting relationships.
- Several children did not believe that carers actually cared about the children in their care or what happens to them.
- Some poor relationships with carers were related to their inability to set boundaries or manage children's behaviour effectively.

- **Difficult relationships with peers/peer pressure**

- Interviewees experienced peer pressure both inside and out of the care system.
- Certain placements, particularly children's homes, brought them into contact with other, often older, children who were already offending.
- Peer relationships were not always associated with an increase in offending, but few were described as having a protective effect.

- **Type and number of placements**

- Frequent placement change was fairly common and proved very unsettling for some children.
- Some said they were more likely to commit crimes in children's homes, in part due to the wide age range living there, and the influence of older children who offended.
- The extent to which different types of placements offered diversionary

activities was also said to be a factor in offending; where plenty of activities were on offer, children were less likely to offend.

- A lack of money was also highlighted as a risk factor, with some children feeling that they had less money than some of their peers who weren't looked after.
- Other peripheral factors not directly relating to the care system were boredom, the 'rush' of offending, drug problems, anger, being moved from one school to another, and difficulty trusting others.

Children identified the opposite of each of the key risk factors highlighted here, ie frequent contact with family, good relationships with carers etc, as protective factors which could mitigate against the likelihood of offending.

Which features of the youth justice system are risk or protective factors in offending?

On the whole, it was difficult to identify any clear messages about 'what works' within the youth justice system in preventing reoffending by looked after children. We found that the type of intervention, and who, how and when it was delivered, could each have a significant effect on its chances of success, and that these factors varied from individual to individual. In summary:

- The quality of relationships between our interviewees and the professionals they encountered within the youth justice system was felt to be the most important factor affecting the likelihood of future offending.

- Some children reported that their experience of community sentences had stopped them from offending for a time but did not necessarily prevent them from ending up in custody at a later date.
- Activities or interventions associated with community sentences were rarely felt to be helpful, with the children interviewed generally more positive about those undertaken as part of custodial sentences, perhaps because they had little choice but to engage, or because alternative means of occupying their time whilst in custody were limited.
- A number of children had changed their attitude towards education as a result of their experiences in custody and many expressed a desire to re-engage with education on release, with the hope of gaining further qualifications and/or employment in the future.

Does the youth justice system impact unfairly on children in care?

There was little evidence to suggest that interviewees felt they were more likely to end up in custody because they were in care. Opinions differed about the extent to which children in care are treated fairly within the youth justice system:

- Interviewees were broadly divided when discussing whether children in care were picked on by the police or generally treated more unfairly in the youth justice system. Some had had negative experiences which they felt were in part, due to their care status; others reported being treated exactly the same as other children who had committed equivalent offences.
- Some children gave examples of the courts' apparent leniency in which their individual situations, including care status, had been taken into account.
- As a rule, they believed that children's personal circumstances (including their care status) should be considered when deciding on the most suitable penalty for offending behaviour.

1.3 How can we improve care and reduce offending? Children's recommendations for change

I was moving round children's homes, I was...pretty unsettled, I was starting school, then coming out of school, then home schooled, then finishing home school because I couldn't stay in that placement.

16 year old girl with a conviction

While interviewees had very different experiences before and after entering the care system, they were in agreement as to how the care and youth justice systems could be improved. Here we put forward their recommendations for ensuring experiences of care are more positive, and the risk of offending is reduced:

- Children need to feel that they are fully informed and involved in the decisions which affect their lives, whether that be planning for a change of placement or release from custody.
- Children need stable placements so that they can feel settled and secure.
- Most children prefer placements that are as similar as possible to a family environment. If they are placed in a

children's home, this is more likely to be achieved when the home is small, as children described larger homes as being more chaotic.

- Younger children generally prefer to be placed with children of a similar age. Placement alongside older children, especially in children's homes, can be a negative influence and increase the risk of offending.
- Ongoing contact with family, especially siblings, often contributes to children's emotional wellbeing during their time in care or custody.
- Children in care want social workers to spend more time with them, and to keep in regular contact, so that they know they are available if needed. For the young people's advisory group, this would mean:
 - getting to know and understand each child as a unique individual
 - visiting or phoning when they have said they will
 - ensuring that they respect children's confidentiality
 - staying in touch after children have left care.
- Children need positive relationships with at least one trusted adult who can be relied upon to provide practical and emotional support wherever they are placed (including when in custody).
- Children in care would benefit if society as a whole had a better understanding of the care system. The advisory group suggested that care should be included in the school curriculum to raise

awareness, help challenge negative perceptions of looked after children and reduce any stigmatisation or peer pressure they might experience.

1.4 A blueprint for preventing offending

Drawing on these recommendations and the findings from this research, we outline a 7 point plan for policymakers and practitioners which is designed to enhance those aspects of the care system which have been identified as protective factors in offending, thus ensuring that children's experiences of being in care are positive, nurturing and supportive.

1 Proactive care planning. Consider the likely impact of each child's family context and pre-care experiences on their future behaviour. If these factors put them at risk of offending, make sure that they are addressed within their care plan, which must reflect the child's own views on how best they can be supported to stay out of trouble.

2 Getting the placement right. In determining the most suitable placement for a child, think about the possible effect this might have on their behaviour. The number, ages and profile of other children in the placement and the track record of carers in managing problematic behaviour without unnecessary police involvement are important factors which should be taken into account. Placement teams should use their commissioning power to ensure that children's homes use restorative approaches to resolve in-home conflict.

3 Recognising the importance of relationships with adults. Children in care need at least one person within the care system who they can turn to for practical and emotional support and who is interested in them for themselves - not just because they are getting paid. This may happen naturally, for instance with a long-term carer or teacher, or may require more active planning, and the use of mentors. This is especially important where there are frequent changes of social worker or placement.

4 Being aware of family influences. Some children who grow up in care will continue to identify with their birth family. If their feelings at being separated from their parents and siblings are not discussed and dealt with, they can have an impact on children's ability to settle. Some may misbehave in the hope that this will disrupt their placement and lead to a return home.

5 Nurturing children's aspirations. Children need to have hope for the future to give them a reason not to offend. For some, this will come through education, training or employment. Others may have complex feelings about their past or their family that need to be resolved before they can move on. Offending can arise when children do not feel valued, can see no positive future for themselves and therefore feel they have nothing to lose.

6 Working across agencies. Because looked after children are primarily seen as the responsibility of social services, other agencies may not fully understand the complexity of life for children in the care system. When looked after children

get into trouble with the law, it is important that relevant information is shared with the police, youth offending teams and magistrates so that they are treated fairly, and any mitigating factors taken into account. In addition, when a child in care appears in court they should be accompanied by their social worker or another member of children's services staff who knows them well, to support them and ensure any questions about their care plan or placement are answered.

7 Being a good parent. The local authority responsible for a child in care should demonstrate the same commitment as any good parent would if their child gets into trouble. Where a looked after child is made subject to a statutory order, the local authority, as corporate parent, has a duty to do everything possible to help the child to complete it successfully, complying with any terms they may be made subject to. Where a child ends up in custody, statutory guidance states they must continue to be supported and visited by their social worker, who has a duty to put in place a plan for their release. For children who lose their status on imprisonment, the new duty outlining local authority responsibilities towards former looked after children in custody should ensure they are also visited and assessed to see whether they should become looked after again upon release.

2 Introduction and background

2.1 Introduction

This report presents the findings of a qualitative study undertaken with the aim of enhancing understanding of why children in care are disproportionately likely to end up in the youth justice system or in custody by exploring the views of children with relevant experiences⁸, and, where possible, setting these in the context of current research and policy. The Prison Reform Trust commissioned the National Children's Bureau (NCB) Research Centre to carry out this study in September 2010.

2.2 Acknowledgements

We would like to thank those who agreed to be interviewed for the study and who made this report possible. We would also like to thank participating local authorities and custodial establishments, and the individual managers, social workers and youth offending team (YOT) workers who helped to facilitate access to these children and gain their consent to take part. In addition, we also wish to thank members of the young people's advisory group for sharing their experiences and contributing to the study and subsequent report, and Voice for its help in recruiting members and supporting their work. We are grateful to our colleagues Di Hart (Principal Officer – Youth Justice, Care and Safeguarding) and Catherine Shaw (Assistant Director, NCB Research Centre) for their ongoing input to the study, support and advice. The Prison

Reform Trust and NCB would like to thank The Diana, Princess of Wales Memorial Fund for its support for this study and the overall *Out of Trouble* strategy to reduce child and youth imprisonment.

2.3 Policy context

There has been a concerted attempt to improve the outcomes of looked after children in recent years. One of the poor outcomes consistently noted is the higher rate of offending amongst looked after children compared with their peers. In 1998, the government's *Quality Protects* initiative established the principle that the state should provide the same standard of care for the children it looks after as any other reasonable parent. In spite of this, there has been a tendency for some local authorities to take a step back when looked after children commit an offence and to defer to youth justice agencies. This has been particularly evident when looked after children end up in custody including, in some cases, a failure to visit them or to hold statutory reviews. Some children describe a sense of abandonment, with the agency that claimed to be their 'parent' losing interest when they needed them most. As one boy in custody (interviewed for another study⁹) said about his social worker:

I told him I wanted to see him – even just to say goodbye – but he hasn't come.
(Hart 2006).

Regardless of the investment provided by the *Quality Protects* initiative, the gap between outcomes for looked after children and their peers continued to widen and in

2007 the then government responded with *Care Matters*: new measures requiring local authorities to re-examine and re-invigorate the way that they looked after children in care¹⁰. None of these measures were directed specifically at preventing offending. The piloting of social pedagogy in children's homes and multi-systemic therapy (MST) for children on the edge of care were intended to tackle some of the behavioural problems that could lead to offending, as were attempts to reduce school exclusions, to provide more opportunities for positive activities and to ensure that a dedicated Child and Adolescent Mental Health Service (CAMHS) was provided for looked after children. Care planning was to be strengthened, with greater oversight by Independent Reviewing Officers (IROs) to ensure that children were not being allowed to drift.

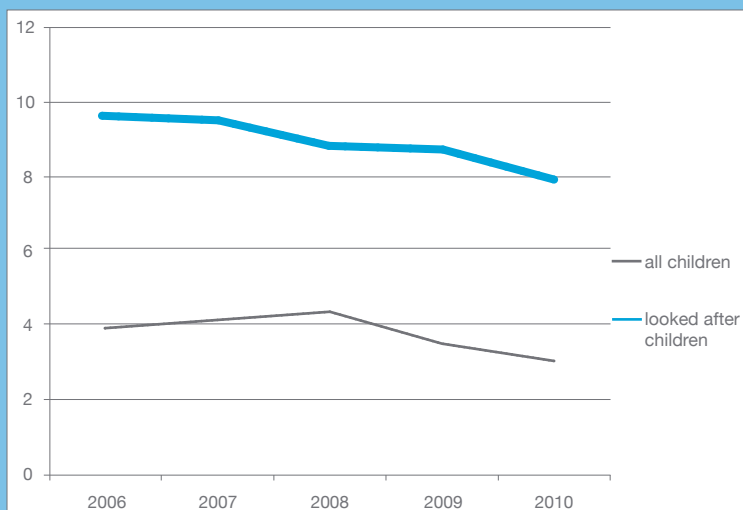
A range of specific measures have been trialled by local authorities, such as the introduction of restorative justice measures into children's homes¹¹, in an attempt to ensure minor offending in children's homes does not receive a different response to that which occurs in the family home. It is unclear how widespread these initiatives have been. Overall the reduction of offending by looked after children has been given less priority than their educational attainment, with only one local authority performance indicator related to offending as compared to more than 10 relating to school attendance and performance. Since the abolition of the Local Area Agreement framework in 2010, this is no longer a formal performance indicator. There has been no requirement to create dedicated services to tackle offending by looked after children in the same way as there has been

to respond to educational and health needs (such as Virtual School Heads or designated doctors and nurses).

Youth offending teams (YOTs) are not expected to afford any particular priority to looked after children and there is no reliable data on the proportion of children known to the YOT who fall into this category, although estimates suggest that it is about 12%¹². Surveys undertaken by Her Majesty's Inspectorate of Prisons indicate that about a quarter of boys and half of all girls in custody have been in care at some time¹³: a sad indictment of the effectiveness of corporate parenting. A recent thematic report on the care of looked after children in young offender institutions (YOIs)¹⁴ paints a distressing picture of the support provided to such children by the local authority responsible for their care.

Each local authority is required to submit annual data on the number of children aged 10-17 who have been looked after continuously for at least 12 months and are convicted of an offence or receive a reprimand or final warning. This is then compared with the same data for all children of that age group (although this is no longer a formal performance indicator). However, whilst offending rates have gone down overall, the gap between looked after children and all children has remained, and they continue to be more than twice as likely to offend¹⁵. In the year ending March 2010, 7.9% of looked after children received a reprimand, final warning or conviction compared to 3.0% of all children.

Figure 1: The percentage of children receiving a reprimand, final warning or conviction 2006-2010



There are a number of possible hypotheses to explain the higher rate of offending. The behaviour of looked after children could be different from their peers - or it could be that the same behaviour receives a different response. The following points need to be considered:

- Are looked after children more likely to commit offences and, if so, to what extent is their criminality caused by the care system?
- Is this a troubled population of children who are more likely to commit crimes because of damaging early experiences?
- Are looked after children unnecessarily 'criminalised' because they are treated more punitively by carers, the local authority and the youth justice system than other children?
- Are looked after children more likely to be remanded or sentenced to custody than other children?

There is no simple answer to these questions: the reality is likely to lie in the

interplay between different aspects of an individual child's experiences¹⁶ so that care is a protective factor in some cases but exacerbates offending in others. Looked after children are not a homogenous group: they enter the care system at different points in their childhood (and for different reasons); and then experience different types of placements, relationships with carers and services.

More detailed analysis undertaken by the Department for Education (DfE)¹⁷ indicates that some looked after children are more likely to offend than others: whilst only 3.6% of those in foster care offended in the year ending March 2010, the figure for those in residential care was 21.4%. Other factors associated with higher rates of offending are: becoming looked after due to family dysfunction/ acute stress, and having experienced more than three placements. It also appears that the children who have been looked after for only 12-18 months are at greater risk than those who have been looked after for longer, suggesting that care could be a protective factor for some. This accords with Stein's findings (2008) that children who are 'long looked after' have more positive outcomes than those who enter the care system in adolescence or who are 'in and out' of care¹⁸.

The Coalition government has stated it is

*committed to helping improve all aspects of the lives of children in care – placement stability, education, health, the daily experience of being in care, the successful transition to adulthood...*¹⁹,

although the reduction in available funding for local authorities and YOTs inevitably presents a challenge. Care planning

guidance and regulations²⁰ that came into force in April 2011 explicitly address offending by looked after children, beginning with the expectation that support measures will be in place to prevent offending through to outlining responsibilities for looked after children who end up in custody. Local authorities should adopt a proactive position, establishing protocols with youth offending agencies and making sure that each child's care and placement plan addresses this aspect of their needs rather than responding to offending if and when it occurs. There is a new duty to visit formerly looked after children in custody²¹. This means local authorities can no longer immediately close the case of a child who was voluntarily looked after under section 20²² if they are remanded or sentenced to custody. A representative of the local authority must visit the child and assess their needs, including the need to look after them again on release. Such children are not formally looked after whilst in custody, however, and it remains to be seen how the regulations and guidance will be implemented. The fact that the new regulations and guidance are statutory will provide a legal route for local authorities to be held to account if they fail to follow them.

2.4 Rationale for study

If we are better to understand the relationship between care and offending, and tackle the disproportionate number of children in custody who are, or have been, looked after, we need to understand the factors affecting looked after children's chances of offending, and the relationship between them.

Children's pre-care experiences will inevitably have a significant impact on their lives, both whilst they are in care and once they have left. Many children in care are doubly vulnerable as a result of parental abuse, neglect or abandonment, meaning that the experience of being in care itself must act as a protective, rather than risk, factor to ensure their time in care compensates for, rather than compounds, disadvantage.

We believe children with direct experience of being looked after are best placed to identify, and comment on, aspects of the care system which protect against, or increase the risk of, criminalisation. This research seeks to place the voice of looked after children at the heart of the debate on care and crime and proposes a blueprint for preventing offending which draws on their contributions.

2.5 Research aim and questions

The overall aim of this study was to gain a better understanding as to why looked after children have higher rates of known offending than their peers²³, and why they are disproportionately likely to end up in custody²⁴, by exploring the views of children with direct experience of being in care, where possible setting these in the context of current research and policy. In order to achieve this aim, the study focused on the following specific questions:

- To what extent – and in what ways – do children feel that being in care can contribute to the likelihood of offending and imprisonment?

- Which, if any, features of the care system are perceived to contribute to these pathways?
- Which, if any, aspects of the youth justice system are perceived to impact unfairly on children in public care?
- What do children think can prevent or protect children in care from offending or being imprisoned?
- Are any features of the care system perceived to be protective or preventative, and if so, what, how, and in what circumstances and for whom?
- Are any features of the youth justice system perceived to be particularly helpful in preventing children in care from entering custody?
- What else can prevent children in care from entering custody?
- which questions we should ask the children and how best to ask them
- what the findings mean and how we should write our report and
- the recommendations we should make to the Prison Reform Trust.

The advisory group comprised ten young people, aged between 17 and 24, who were in care or care leavers.

Full details of the research methodology and the sample can be found in Appendices A and B.

2.6 Overview of the methodology

This qualitative study involved 23 in-depth face-to-face interviews with children in care aged between 13 and 17 years old. Their experience of, and involvement in, the youth justice system varied. Some had no formal experience, having never been cautioned or convicted. Others had, and a number were either in custody at the time of interview (including on remand) or had been previously.

In partnership with VOICE (www.voiceyp.org), a children's advocacy organisation for children living away from home, we set up an advisory group to support the research.

We asked members of the advisory group to meet the research team on three occasions at important points in the research study to give us advice on:

3 Care histories and views on the care system

3.1 Introduction

In this chapter we discuss children's experiences of the care system, from the point at which they first became looked after and the impact this had on them, to the placements they lived in and the people who looked after them. In particular we describe features of the care system which children felt were protective, buffering them from the risks they faced, and those which put them at risk, being factors in their offending or in their ending up in custody. Their views on the links between care, offending and custody are discussed in detail in chapter five.

3.2 Children's experiences of care

Every looked after child follows a unique pathway through the care system influenced by factors individual to them, such as the age at which they enter care; pre-care experiences and the reasons for entering care; and placement type and length. This was equally true for the children we interviewed.

Age of entry to care

In the year ending March 2010, 55% of children who became looked after were below the age of 10; 33% were between the ages of 10-15; 13% were aged 16 or over.

Department for Education (2011) Children looked after to 31st March 2010.xls

Amongst the children we interviewed, age of entry to care ranged from four to 16, with just over half entering care between 12 and 14 years (a slightly different age split than that depicted by government statistics). It might be expected that entering care as a teenager brings with it its own difficulties, given the emotional vulnerabilities associated with adolescence, and this was a view highlighted by one of the interviewees:

I think it is a lot harder to come into care as a teenager because that's when everything changes. It is really hard. People don't understand actually how hard it is. I lost every single one of my friends. I lost myself really. I'm a completely different person to what I used to be.

16 year old girl with a caution

Members of the young people's advisory group and interviewees agreed that age of entry was a factor affecting children's experience of care and likelihood of offending, as we discuss in more detail in chapters four and five. In contrast to the girl quoted above however, they felt that older children entering care were likely to have a 'bit more sense' because they had lived a life before care, whereas younger children might be more vulnerable to risk factors such as peer pressure.

It was clear from the children's interviews that the process of being taken into care was not always managed in a child-centred way.

Children did not always know why they had been taken into care, especially if this had been at a very young age. The reasons they gave included family breakdown, an unsafe family environment, and their own offending

behaviour. These were sometimes interlinked: for example, they had started getting into trouble because of problems at home.

Some interviewees reported feeling unsettled, confused and shocked at being taken into care and very few had been involved in the decision-making process or given advance warning. Being moved away from friends and family, often without an opportunity to say goodbye, resulted in feelings of anger and sadness:

I wasn't very happy about it to be honest. I wasn't very happy about it at all. Felt quite sad because I was obviously leaving my family, moving away from my family.

15 year old boy in custody

...all my mates that I had there [home town], I got on with them all...I've never seen them from this day. I just got dragged away when they was all out, I never got to say goodbye or nothing, I hated not being able to say goodbye.

17 year old boy in custody

Others had a positive view of entering care, either because they had felt more prepared at the time, or because they wanted to leave their family:

I was kind of happy because I just wanted to get away from my family and start a fresh new life and things.

16 year old girl with a conviction

Placements and planning

The children we interviewed had experience of the range of placement types, including foster care, children's homes, hostels, boarding schools, and secure units. Some had lived with family members, or more distant relatives between placements.

Many had experienced several different types of placement. Aside from temporary placements while something permanent or longer-term was found, the shortest placement experienced was one week, while the longest lasted over ten years in a foster home. Broadly speaking, those who had entered care below the age of 13 tended to be placed in foster care while those who entered as teenagers were usually placed in children's homes.

The impact of later entry to care

Previous research suggests entering care as an adolescent is associated with poorer outcomes, perhaps because of the increased length of time children are likely to have been exposed to parental abuse and/or neglect, the largest category of need for children coming into the system.

Demos (2010) *In Loco Parentis* Demos: London

Most of the children we interviewed had more experience of children's homes, perhaps due to the fact that many had entered care between the ages of 12 and 14. Some said they would have preferred a foster placement to a children's home.

[In a] foster placement, it's more about a family environment. In a children's home, you're in a residential working environment, and there is a difference.

15 year old boy in custody

Others, however, didn't consider foster placements to be home:

When you're living in foster [care] it doesn't matter how long you've lived there, you still know it's not your home.

17 year old girl with no offending history

I could prefer a care home instead of a foster placement because [foster care], it's like normal, but it's not your own family, and it's too much.

16 year old girl with a caution

Some children in foster placements were uncomfortable being the only looked after child in the family, feeling that having other children nearby who were of their own age and in a similar situation to them was beneficial. One boy said he felt lonely in foster care because there were no other looked after children to talk to:

I want another foster child to be...with me, so they'll know how I feel...Then I've got someone to talk to.

13 year old boy with a caution

The young people's advisory group provided additional insight into why foster placements might not feel like home, commenting that foster carers did not always entrust children with a key to their homes, preventing them from coming and going as they pleased. Lack of patience with the children they looked after was also cited, with the perception that some foster carers rushed to end placements if they felt they were not working out as they had hoped.

The location of placements also influenced how children felt about them. For example, one child liked the fact that he was placed close to his family and friends, while another felt that she benefitted from a placement in the countryside.

I was there for a year. It was pretty rural, out of the way of everything and it was just all right...There I just felt I could chill out and get on with it.

16 year old girl with experience of custody

Similarly, the physical environment within placements shaped some children's views, with features of children's homes that would not be found in foster care or parental homes, such as staff offices, cited as setting them apart from a normal home environment.

In a care home obviously...you've got like fire exits and that...in a normal house you don't have that kind of stuff, you know what I mean, you get a staff office and all that.

16 year old boy in custody

Feeling comfortable in placements was also an issue. One interviewee said that hostels with shared facilities were not always clean, which set them apart from other types of care placements she had experienced.

I have to share toilets and I'm very picky because it's not as clean as I want it to be...nothing really wrong there, it's just about cleanness and hygiene and stuff.

17 year old girl with no offending history

The frequency with which placements changed was one of the main factors affecting how settled children felt. Children who had been moved many times generally found being in care very unsettling and reported feeling angry at being moved. Some felt this was likely to increase the risk of offending. As with entering care, children were rarely asked if they wanted to move, nor were they involved in the decision-making process.

They don't tell you...they just get you and they move you. And then if you try and make it difficult they get the police to move you. So the police just come and take you.

16 year old girl with a caution

The reasons given for placement change varied, from becoming too old to bad behaviour. Some described how they might 'start to kick off' if they did not like a particular placement, which could result in being moved - sometimes this was a positive thing:

If I'm not really happy anywhere then I don't mind moving because then you get to meet new people or go to a new place...

16 year old girl with a caution

Children also cited poor communication and lack of involvement in decisions affecting them when we asked for their views on care plan review meetings. Despite guidance stating reviews should be "child-centred", providing for "the full participation of [the] child...in the decision making process where possible and appropriate"²⁵, this didn't always happen in practice. Some children were not always clear about the reasons for review meetings, with one child feeling they were simply an opportunity for her social worker to check up on her rather than a chance to discuss her support needs. Perhaps for this reason, views on their usefulness varied greatly.

Those who were more critical of reviews referred to the format of meetings and the extent to which they felt able to have their say. For example, some would have liked to help decide who should attend their review (which should happen, anyway, according to guidance), while others said the meetings were not useful because they had to repeat the same things every time and did not feel that their views were being taken into account. Often children felt that they did not have a proper say:

She went round the circle asking everybody questions. I got asked two questions and that's it. And I still heard the meeting was...meant to be about me, not anyone else. That's what the meeting was held for, for me. I didn't get a say.

16 year old girl with no offending history

For others, however, review meetings provided an opportunity to find out what was going to happen to them and to get feedback on how they were getting on more generally:

I think it's good because everyone can speak out and tell them, tell me, how I've been doing and what they think about me in general, and I can tell them how I feel being in care and what hasn't been done and what has been done. And I think that's good.

16 year old girl with a caution

Opinion was also divided about the frequency of review meetings. Some felt that they needed to happen more regularly to enable them to find out what was going to happen in the future; others thought they were only necessary if something was going to change.

I think it should be every three months...sometimes, something big might happen and you've got to wait six months for something to happen and someone to help you...kids our age, we change quite a lot, quickly don't we? I think it would be better if we had them every three months.

16 year old girl with a caution

Oh, that was just going over things...just checking things up...telling me I need to book my GP, book...for my eyes, dentist. Things like that, but I don't really think

that's needed every six months, you know what I mean...if you're coping all right, you don't need to do that. It's a bit of a hassle.

17 year old girl with no offending history

3.4 Children's views on the people involved in their care

Broadly speaking, an array of professionals was involved in children's care. They included:

- social workers and support workers
- carers (including key workers in care homes)
- youth offending team (YOT) workers
- child and adolescent mental health service (CAMHS) workers/ therapists
- teachers
- Connexions workers
- family intervention workers
- youth workers
- drug and alcohol workers.

Social workers

Many of the children we interviewed held negative views of social workers, or had at least one negative experience to draw upon. As the young people's advisory group noted, social workers were commonly seen as children's primary carers once they had left the family home. This meant that problems like poor communication and appointments or confidences not being kept were big issues, and were associated with difficulties establishing trusting, supportive relationships. Children with negative views described difficulties getting in touch with their social workers, lack of contact, and support not meeting expectations.

The perception that social workers did not maintain regular contact was exacerbated by difficulties some children had contacting their allocated social workers on office telephone numbers because they were often away from their desks.

I've just recently changed [my social worker] because she was never there. It was like that, "do you want to leave a message?" So I never got to talk to my social worker.

16 year old girl in custody

As we described earlier, review meetings were often the only time children had contact with their social workers and they complained that some did not seem to do anything to support them in between.

I wouldn't see them for a long time, and they'll pop in for my review meeting, talking like they've seen me, they've done things. But they haven't done shit and they haven't done anything that I really wanted them to do.

17 year old girl with no offending history

The young people's advisory group described how they, and other children in care, felt alone if their social workers were not available when they needed to speak to someone. As a consequence, they thought children might be led down the 'wrong path' by their peers because of their desire to be heard and to fit in.

In addition, many interviewees felt that their social workers did not do what was asked of them and consequently did not think that they were doing their jobs properly. Some children felt that social workers were not always willing to listen to their views on the matters that affected them. This was raised in relation to a number of different issues:

asking for their views on placements; having the time or inclination to discuss emotional difficulties; and providing practical support. Several children complained that they had asked their social worker for help which had not been forthcoming.

They knew how stressed I was and I was like, 'I really need someone to talk to, just for half an hour every week, just so I can get all this off, out my head, just so I can feel a bit better in myself'. I told my social worker and she didn't do nothing about it, she was like, 'you can deal with it, it'll be fine', but it wasn't.

16 year old girl in custody

This girl had also asked her social worker to forward letters to her brother, later learning this had not been done.

I've been trying to get contact with my brother who's adopted, so it's been hard, [I've] written to my social worker to pass letters on, [but] found out that they haven't been passed on, they've just put them to the side when I've told them how important it is to me to see him.

16 year old girl in custody

Some interviewees reported that the amount of support they received tailed off as they got older, with those who were nearly, or had already turned, 16 feeling this was because they were expected to be able to deal with issues on their own. Despite this, one interviewee indicated that this was the age when children needed most support from social workers, particularly for those making the transition from care to leaving care.

When you're living by yourself there's so many things that you need to talk to them about. Oh, my God, there's so many

things. I don't even know how many times a month...I'll be coming here and asking her for help or she'll be doing this or she'll be doing that.

17 year old girl with no offending history

One interviewee believed that her social worker had too many children to look after, making it impossible for them to do the job properly. Others felt that children who had not been in trouble received less support, with one child saying their social worker gave priority to supporting children who regularly got into trouble.

For some children, that the person meant to support them, both practically and, for some, emotionally, was not there when needed was a source of anger. Lack of trust, bound up in the belief that social workers did not have children's best interests at heart, was a stand-out theme for the young people's advisory group when they undertook a snapshot analysis exercise on interview data. They observed that the children interviewed seemed to find trusting adults very difficult, highlighting how they often felt let down by some of the people involved in their care.

Social workers tended to change on a regular basis, though children were rarely informed when this was happening, often only finding out when a different social worker attended review meetings. Having to repeat the same things to new social workers left children feeling that little progress was being made.

Social workers, I had so many...Half of the social workers I didn't know. They used to change like that...I never even knew I had a new social worker and I was trying to...tell her everything about my life.

17 year old girl with no offending history

There were, however, some positive views. Social workers offering practical support, by arranging Oyster cards²⁶ or bank accounts, for example, were felt to be doing their job properly. These social workers were seen as organised because they offered timely support and did not need reminding of what they were supposed to be doing.

She was my best social worker so far...if I needed something and that, then the next week I'd have it, no waiting three, four, maybe five weeks, or two months. And then she'd do it and she'd...sort it out for you.

17 year old boy in custody

Social workers described as offering good support typically remained in regular contact, checking on interviewees' wellbeing and progress.

...this social worker, she's on my case 24/7. Like, she knows I'm off on a Wednesday. She'll be calling me, 'do this, do that'...I might be like, 'oh, why is she calling me? It's too early'. But at the end of the day she's actually fixing up my life.

17 year old girl with no offending history

There was also an acknowledgement that, despite the best efforts of some social workers, children did not always accept their help.

They've tried their best with me at school, they've put me on plans at school and I still wagged it, they've always tried to help me.

15 year old boy in custody

Carers

Children's views on placements were often informed by their relationships with carers. Expectations on the role carers should play

differed, as did the extent to which children got on with, and were able to spend time with, them, and their views on the ways in which they managed conflict. Many children had poor relationships with carers, reporting a lack of practical and emotional support and feelings of loneliness because they had to deal with problems by themselves. But this was not the case for everyone. Indeed a number of examples were given of carers children got on with, and of placements in which they felt happy. Positive relationships and happy placements were seen as protective factors, helping to prevent or reduce the risk of offending.

Where I'm at now I like the staff, I get on with them. I know they are always there if I need to talk to them about anything. They have helped a lot...They have helped me access education stuff and calmed me down, I guess.

15 year old boy with a caution

Expectations of carer's role

Children had different views on the role carers were meant to fulfil and what could be expected of them. Some wanted a supportive parental figure; others were clearly uncomfortable with this idea.

The carers in the care homes used to think that they were your parents, seeing as you were in their care. And, no, you're not my parents, man, piss off, who do you think you are?

15 year old boy in custody

Children who did not want their carer to assume the role of a parent found it difficult to accept their opinions or being told what to do by them. One boy argued that, having lost contact with their families, children in care had nothing to lose from rebelling against those in authority.

*When I moved into a different place, like, I was just kind of, 'f*** this, they ain't my family, they can't say nothing to me.*

15 year old boy in custody

Children talked of finding it difficult to trust their carers, and for some this stemmed from the lack of support they were offered. The young people's advisory group noted that, for many of the children interviewed (especially those who had offended), not having someone who cared to talk to about their problems appeared to influence their behaviour. One boy interviewed illustrated this by saying:

*'Who cares man? [My carers] don't give a f*** about me so who gives a shit if I go on the rob or get into a fight. They can't say nothing to me.'*

16 year old boy with a conviction

Behaviour management

Lack of trust was a feature of children's views on the way carers responded to conflict and bad behaviour. Some were criticised for treating interviewees like young children or reacting to their behaviour in an inappropriate or unhelpful way. One boy, for instance, explained that being physically restrained by staff when he started to 'kick off' served to annoy him further. Some interviewees felt they had been targeted by staff in children's homes, and that staff didn't treat children equally. Being treated unfairly was unsettling and identified as a risk factor for offending.

They try and target you. This has happened before with the same staff. Another member, a young person...assaulted me, yeah? And I got arrested for it, because a member of staff said I assaulted him first. Now that to me

doesn't make no sense. There's things that staff in care can get away with that I can't stand.

15 year old boy in custody

In another example, an interviewee described having to stand up to other children in the home because staff did not do this for her.

In children's homes you have to, like, stand up for yourself because the staff won't really stand up for you. So I was getting bullied, I got beaten up, ended up in hospital, then the staff wouldn't do nothing so I just like dealt with it myself, just had all anger inside me so I just took that out on everyone.

16 year old girl with a conviction

Members of the young people's advisory group agreed that children in care felt less able to open up to their carers than children living with their families might, because they feared staff would report or discipline them. They drew a distinction between how - and what - children in care might be prepared to share their problems with carers and how children would communicate in a 'normal family' in which they could chat openly because they felt loved and cared for.

Relationships with carers

Some children made a distinction between the relationships they could have with foster carers and those with staff in a children's home. The fact that foster carers brought children into their own homes was, for some, evidence that they cared more about them. In contrast, interviewees often

believed that staff in children's homes were just doing a job and did not really care about, or would quickly lose interest in, the children in their care.

[From] what I've experienced and what I know...foster parents don't, won't give up that easily on you, whereas...children's homes will. [After] a couple of kick offs it'll be, "we think you need to move this girl, she's not behaving, we can't have her here making the house unsettled".

16 year old girl in custody

Children wanted to live in placements which allowed them a degree of independence, with staff in some reported to be too strict and enforcing lots of rules. Being given more independence made a difference to children's experience of care.

I was allowed to go out into town, I was allowed to see my friends, I was allowed to see my family. I was allowed to have money in my hand and they, I don't know, they encouraged me to do more things and stuff I suppose.

16 year old girl in custody

The young people's advisory group agreed that having to abide by lots of different rules was difficult for looked after children, and set them apart from their peers. Not being able to do the same things as other children, for example have their friends round beyond 10pm, even on weekends, made them feel they were 'not like real people'.

For children living in children's homes, relationships with staff could be complicated by regular shift changes. On

the positive side, a shift change could represent a clean sheet in that any trouble that had occurred during one shift would not continue as new staff came on duty. However others who found it more difficult to build relationships with staff were concerned that the carer they had bonded with might not always be there when they needed them. The young people's advisory group emphasised that staff changes did not help children with problems, suggesting that they needed a key person to identify with, rather than contact with lots of different people.

Some children's homes seemed to have taken steps to address this, organising staff rotas to ensure that there was always someone available to spend time with children, which one interviewee found beneficial.

They sit and have time for you. Because it's a big kids' home they have certain staff that do the paper work and certain staff that do the numbers and things like that. So the care staff, they have more time to spend with those children.

16 year old girl with a caution

Other staff and services

A variety of different professionals and services were involved in children's lives, from CAHMS workers to family intervention practitioners and Connexions advisers. Children held mixed views as to the usefulness of the different services, with those offering practical support generally viewed positively. For example, one child had a National Youth Advocacy Service (NYAS) worker who helped him access a range of information, while another had a Connexions worker who organised activities. Compulsory services, for

example those requiring attendance as a condition of youth justice orders, were less likely to be considered useful.

As the interviews showed, one child's experience of care was not necessarily another's and what suited some children did not necessarily suit all. Overall, many children had mixed relationships with their carers and social workers, with some seeking support elsewhere. For one girl in a children's home, who had various practitioners working with her, including a college tutor and family intervention worker, this came in the form of a Connexions worker who provided the emotional support she needed.

I could talk to her openly when I couldn't talk to other people, I could tell her how I feel...So she was there and I needed someone to come and see me, to keep me company, to talk to me because...I needed someone. The care home staff couldn't be bothered to come.

16 year old girl with a caution

4 Children's offending histories and their views on the youth justice system

4.1 Introduction

In this section of the report we provide the background to interviewees' offending behaviour, explore what they said about their pathways through the youth justice system and the range of professionals they came into contact with. We draw on the interviews with those who had offended, unless otherwise stated.

As 18 of the 23 children we interviewed had experience of the youth justice system, we aimed to find out:

- What they thought could prevent or protect children in care from (re)offending or being imprisoned
- Which, if any, aspects of the youth justice system were perceived to be particularly helpful in preventing children in care from reoffending or ending up in custody.

We start by providing an overview of the children's' offending histories.

4.2 Offending histories

Age and nature of first offences

By far the most common age at which the children committed their first offence was 12 years, although the age of first offending

ranged from nine to 13 years. This suggested that entering adolescence might have been a risk factor in the emergence of offending behaviour, though we did not ask interviewees directly if this was the case. In addition, almost all said they had experienced peer pressure in some shape or form (as we discuss in chapter five on the links between care and offending).

Only five interviewees had not offended, or had committed minor offences which had not come to the attention of the authorities. The others had been convicted for a range of first offences, frequently involving theft, burglary or robbery. Other first offences included assault, affray, criminal damage, firearms and drug dealing. Of those who had offended, almost all had been convicted for more than one offence.

That were for burglary and then I got in trouble again for [fourteen] burglaries, and then just robberies and thefts and being drunk and going into school and stuff like that.

15 year old boy in custody

Often their crimes increased in severity over time, although this was not always the case. One boy's offending worsened when his dad kicked him out and he went in to care.

My first offence was theft of a motor vehicle, and taking without the owner's consent, and I just got a caution. The next one's...criminal damage until I got older, then it's like drug dealing and ABH, firearms...higher and higher and aggravated burglary, all that kind of stuff...Because...my dad [was] gone and that and like I was away into care last Christmas and met some lads and that,

and obviously I had nowhere, nothing to do so I just thought, no one really cares, so I just thought I'd get into trouble, and got into guns and that...and that's how I ended up here.

16 year old boy in custody

4.3 Children's perspectives on pathways through the youth justice system

To provide context for their views on pathways through the youth justice system, in this section of the report we briefly describe the range of pre-and post-court disposals children had received. We then go on to explain the extent to which they were believed to have been helpful in preventing offending behaviour.

Preventative and pre-court measures

When asked about the consequences of their offending behaviour, few interviewees mentioned preventative or pre-court measures, although some said they had received reprimands or warnings for first offences. In almost all of these cases, subsequent offences were committed, attracting successive community, and in some instances, custodial sentences. By contrast, just one interviewee reported that two formal warnings, the threat of a criminal record, and a school talk about prison from the police had stopped him from reoffending.

Community sentences

Interviewees served a variety of community sentences that aimed to repair the damage caused by their offences directly or indirectly to the community. We asked them about the content and helpfulness of these

sentences, to explore the extent and ways in which they believed community sentences prevented future offending. Between them, the children had been given the following orders:

- Referral Orders
- Reparation Orders
- Supervision Orders²⁷
- Intensive Supervision and Surveillance Programmes (ISSPs).

Community sentences varied in duration and intensity. Children given Referral Orders, for example, said they reported to the YOT once every two weeks, whilst those on ISSP, who were tagged and subject to a curfew, met with YOT workers every day. They recalled undertaking a range of activities such as litter picking, cleaning up graffiti, reading to older people and victim awareness.

Some children thought community sentences didn't help meet their needs or prevent them from reoffending. Being compelled to take part in activities, rather than choosing to participate, resulted in negative perceptions and experiences. Interviewees said they did not learn anything, did boring 'unpaid work', found meetings repetitive and frustrating, and hated the loss of freedom whilst on tag.

Just doing community service or spraying over the spray paint in the parks, litter picking, going into the allotments...just the usual community service ...Boring really, obviously didn't teach me nothing because I carried on reoffending.

16 year old boy in custody

The only bit which worked was the fact that I didn't want to go back and litter

pick and shit like that. I don't want to pay back to the community, man, you know what I mean?

15 year old boy in custody

The children interviewed found meeting the conditions of orders they were subject to, such as travelling across town to YOT appointments and complying with curfew restrictions, challenging and at times they breached. Recent research has suggested a marked correlation between indices of disadvantage and compliance, finding that children with stable, supportive homes had significantly better histories of compliance²⁸.

For some children, however, community sentences were helpful as they provided a fun diversion and offered new opportunities, such as feeding animals and cleaning horse shoes at a local farm. Others said that the sentences, particularly the more intensive supervision orders, kept them occupied, which for one child meant he did not have time to take drugs or engage in bad behaviour.

I'll go to see my YOT worker, probably twice a day something like that, half an hour sessions, and included in the package...I've got to see a drugs worker. They'll do stuff like...join me with a local gym, do activities, rock climbing, fishing, shit like that, try and keep you busy...To be honest it's not that bad, the ISSP, the way it works, the way they've done it. I think it's quite a good idea...You're always rushed off your feet, which in a way is a good thing because it goes fast...Keeps you from getting bored, keeps you from thinking, 'oh, well it would be nice to go and take a joyride in that car or something'...When I'm bored I

smoke cannabis because I've got nothing else to do, so I smoke to fill my time up. But if I'm doing this I won't smoke cannabis...because I can't go to see my YOT worker stoned or I can't go and get stoned to go to the gym, you know what I'm saying?

15 year old boy in custody

A few interviewees said community sentences helped them to stop offending for a while as they kept them occupied, gave them the chance to work or take part in adventurous activities (e.g. a fire-fighting course, making shelters) and to meet and talk to others in similar situations. However all these children went on to reoffend, eventually ending up in custody at a later date. They could not always explain why they chose to stop offending for a time or why they subsequently started again, but said that they tried, and at times, succeeded in sticking to their orders in the hope that the system would be more lenient in future.

Custodial sentences

During the course of this research we visited two custodial settings: a secure training centre (STC) and a young offender institution (YOI). Some of the children we interviewed had been imprisoned previously and on occasion drew comparisons between their former and current custodial placement.

Almost all of the children we interviewed in custody were serving detention and training orders (DTO) of varying durations. DTOs have a strong emphasis on training and rehabilitation and whilst in custody, children participated in education and received help to address the causes and consequences of their offending behaviour.

The regime at the STC we visited involved:

- jobs on the unit (for example vacuuming)
- weekday education programme, from 9am – 4pm (meant to mirror statutory provision in the community)
- offending behaviour programmes (OBP), including sessions on victim awareness, and a range of other issue-specific topics
- access to a range of sports and other activities.

The YOI provided a similar education programme as well as access to a range of sports and other activities.

As with their views on the helpfulness of community sentences, children's perspectives on their sentence plans varied. On the whole, however, they had more positive things to say about the activities they did as part of custodial sentences than with community sentences, perhaps because they had no choice but to participate whilst in custody. Most found the educational elements of their sentence plans helpful, with one boy in particular saying his whole attitude towards education had changed as a result of what he had learned whilst in the STC. He planned to build on his achievements by starting a college course on release.

I'm not exactly bad in education considering I haven't done it for so long, but there's a few things which I need to catch up on, obviously, if I haven't been in school for that long. And I've been trying my hardest to try and catch up, so that's what I'm going to go back into

college for now and probably going to stay there after, post 16, so I'll do the best I can, man.

15 year old boy in custody

In general, interviewees regarded their sentence plans as beneficial because education helped the days pass more quickly and they gained qualifications while in custody (such as GCSEs and sports leader/gym instructor courses) which could help them in the future. Several children interviewed in the YOI enjoyed the practical and vocational subjects like art, music, gym, and car maintenance which were offered. Others learned new skills such as construction or cooking, or simply improved their handwriting:

...when I first come here I couldn't write or anything, then I started doing handwriting classes, and now I've been told my handwriting's really good and that because I'm left handed...but I couldn't write nothing when I first come.

16 year old boy in custody

The quality of the education programme in custody received mixed reviews. For one boy, who would have preferred to learn something new, it involved a degree of repetition. Nevertheless, he described being more settled at the STC because it was strict (contrary to his experience in a previous custodial placement), suggesting that a structured and consistent environment was beneficial to him. Conversely, a boy interviewed at the YOI likened it to a 'youth club', offering greater freedom than a previous placement, and he preferred this more relaxed environment.

Children in the STC said that the offending behaviour programme they participated in helped them to understand how their victims might feel, and to think about different types of offences and the impact they might have on victims. Implicit in their discussions was a sense that they would think twice about consequences before offending in the future. However, not everyone found the activities so useful and some made a point of reminding us that they only took part because they had no choice. One boy suggested that the programme could be improved by inviting ex-offenders in to talk to children about their crimes, their experiences of custody and how they moved on successfully. He believed this approach would have a greater impact because children would be more likely to take note of ex-offenders who spoke from experience.

...actually get someone to come in, like a person who's already been in trouble in all their life, and they've been locked up, they're very experienced and they sorted their life out, and they come in and tell us about it...Because we'd all listen then wouldn't we?

15 year old boy in custody

Other preventative interventions

Some who had offended had received other help in addition to the activities undertaken as part of their sentences. These interventions were often delivered alongside core activities as part of community and custodial sentences to support rehabilitation. Broadly, they took two forms. Most commonly they were issue-specific, designed to address some of the causes and consequences of offending behaviour, for example drugs misuse or anger management. In other cases, children described interventions

similar to the offending behaviour programme run at the STC, centring on the crimes that they had committed and victim awareness. In these cases, it was not always clear if this was actually additional help, but they are discussed here because interviewees deemed it to be 'other help' over and above what was provided as part of their sentence.

With regard to issue-specific interventions, children described receiving help to address drugs misuse, mental health problems and anger management, and were able to give instances in which these had been beneficial. One interviewee had found his 'key work packs' on anger management, self control and cannabis use helpful, using relaxation and other techniques that he had learned to manage his temper so he did not lose privileges earned through good behaviour.

A trusted relationship with a drugs worker appeared to have helped another boy, who spoke with insight about the strategies he had learnt to address his anger management difficulties, and his intention to use them on release to keep him out of trouble. Clearly, the prospect of early release was an additional incentive which had encouraged him to walk away from conflict.

*...my other drug worker is my dad's old parole worker, probation officer, so it's all right. Anger management, I did actually have ADHD, which I don't have any more so they say, they took me off the medication... to be honest, since they took me off that I'm fine but then...you get locked up and people piss you off that much you f***** feel like strangling someone, you know what I mean? But to be honest I've got to a stage now where I*

control it, if someone pisses me off I can just turn away for a minute, think to myself, 'oh what's the point, it's not worth it'. I've got my early release I don't want to lose it. And it's like, being in here, it's almost taught me, if you do this you've got to face the consequences and instead of doing something without thinking, now I feel I'm capable of thinking ahead and thinking, 'right if I go over there and smack him what's going to happen in a couple of days? I could lose my early release, extra charges'...so hopefully when I'm out the same thing will happen.

15 year old boy in custody

Trust and continuity were also important for one girl's relationship with a CAHMS worker.

It was helpful, I was seeing him like two or three times a week. Because he was working with me from when I was like young...he's built up ways and found out ways to like talk about everything, but not so harshly like how it comes, like a bit more sensitively. So it was really easier to talk to him. And sometimes...he'd get me to write things down and he'd just read them. It was quite helpful. I learnt to trust him...he'd only tell if he had to, like if anything was going to put me in danger or anyone else, whereas my in-house therapist, she'll tell the staff everything.

16 year old girl in custody

Others who been on the receiving end of drugs misuse and anger management interventions did not find them useful. For one boy, this was because he only wanted to know the good things about taking drugs and had no intention of stopping. He was very clear that it was his choice.

Because it doesn't help me. It doesn't make me understand. I already know all, everything, about drugs. It's my choice. If I want to mess my life up, it's my choice.

15 year old boy in custody

Similarly, another interviewee described sessions with his drugs worker as 'bullshit' so chose not to go.

A few of the children we interviewed discussed other help which focused on their offences and addressed topics such as victim awareness. One boy, whose struggle to control his anger was a driver to his offending, said that car crime sessions, were a 'waste of time' because 'no one listens' and was adamant that he would not benefit from them and they would not stop him from reoffending.

Overall, it was difficult to identify any specific aspects of interventions that were felt likely to prevent reoffending for this group of children as there was little consensus as to what was helpful and what wasn't. Those that struck a helpful chord with some children did not for others, and other, individual, factors were also influential in whether or not interventions made a difference.

4.4 Children's views on the professionals they came into contact with while in the youth justice system

We asked interviewees about their contact with professionals to provide context for:

- their individual pathways through the youth justice system
- their views on the helpfulness of professionals
- the extent to which contact with these individuals was seen as a protective or risk factor in their behaviour.

For some, it was the youth justice practitioners they worked with that encouraged them either to stop, or indeed continue, offending. Others, who did not receive the help they would have liked, said lack of support was a risk factor in their recurrent offending behaviour, as we go on to explain.

At the time of interview all those with an offending history had had contact with the police and YOTs, and most but not all were still in touch with local authority social workers and carers (although such contacts were generally less common or frequent for those in custody). On their route through the youth justice system some had come into contact with solicitors and magistrates, while those who had been in custody also had experience of a range of other practitioners, including case workers and personal officers. A small number of interviewees described encounters variously with drugs workers, therapists, counsellors, Connexions, a nurse, and an aftercare team.

Perhaps unsurprisingly, there was no simple answer as to which practitioners or

professionals were most useful. The group had diverse opinions about YOT staff, for example, with children typically finding some workers more helpful than others. For some at least, developing and maintaining strong relationships with different professionals did seem to impact on their views on the extent to which being in care was a risk factor in their offending behaviour.

One of the boys in custody, for instance, described largely positive relationships with his local authority social worker, YOT workers, magistrates and staff in custody (although he did not like the police as he felt they targeted him unfairly because of his family name). He also got on well with his foster carers. He did not attribute his offending to being in care, saying that he got into trouble because he was bored, wanted to have fun, and bowed to peer pressure.

His views could be contrasted with those of other children with experience of custody - several of whom believed entering the care system was the main reason for their offending behaviour - who described more mixed relationships with carers and youth justice professionals. Indeed several of the children we interviewed struggled to cite positive relationships with professionals, often not trusting carers, feeling that one or more professionals (or the system in general) had treated them unfairly, or that staff were unsupportive and just doing their jobs.

At the end of the day we're just a number...they don't really care. That's what I think. To them this is a flipping job, so I don't care. If they don't care, I don't care.

15 year old boy in custody

One boy said he felt judged by the different professionals he had come into contact with. Rather than encourage him to improve his behaviour, he could not see why he should change if they all had a negative view of him.

*I don't want any Tom, Dick and Harry to judge me because they think they can. If they're a magistrate or a judge that's what their job is but I don't want [someone else] to judge me because of what I've done. He's probably got f***** things that he's not proud of, so have I, what's that got to do with the f***** price of chips, you know what I mean? And it just winds me up...and then it just makes you think, well what the f***'s the point? If people are going to see me in that way what's the point in me changing, if all they're going to do is sit there criticising and trying to put you down, you don't feel no need to change, do you? You've got nothing to prove, do you? Well you have but it doesn't feel that way sometimes.*

15 year old boy in custody

Children's views on the different professionals they came in to contact with are presented below.

The police

In general, children who had offended had negative views of the police, a point that particularly stood out for the young people's advisory group when they undertook a snapshot analysis exercise. Interviewees felt they were targeted because of their attitudes towards, or because they were already known by, the police (through their family name or previous convictions), and in a couple of cases, reported receiving poor treatment from them.

*Well, I can remember the police taking me home one day and saying that I was a little shit and a little c*** and all this.*

17 year old boy with experience of custody

Literally every time they see me...stop and search me straightaway. Like, even if I'm going out somewhere I look smart and that...I ain't got nothing on me, they'll just stop me...just take the piss and that...Horrible...I don't like them. If I'm in trouble I'll never call them, I don't need them.

16 year old boy in custody

One girl made a formal complaint about the treatment she received from police officers.

Once I was out [from a children's home] and I came back at 10.30 and then there was a couple of police officers in a blue van, they just dragged me in there, arrested me and brought me back home and then I had an argument with them. I had a fight with them because they wasn't on duty and they were drunk and everything and then they started calling me a prostitute, 'no wonder your mum don't want you here', this and that and that's why I got into an argument. I was going to get arrested but I said, 'yeah I want your name and your number and everything so I can report to another officer', but after that they just went...

16 year old girl with a caution

Others, however, described some positive experiences, with one girl saying some of the police she came in to contact with treated her with respect.

Some are all right but not many...Like some police officers just hate you and... just grab hold of you, like chuck you in a

van or whatever, and then others are all right to you and know you well. Because I know quite a few police officers well and they're always all right to me, they don't bother handcuffing me because they know I'm not going to cause any problem or anything.

16 year old girl in custody

Some interviewees felt that the police treated children in care in the same way as other children and that they deserved to be punished just like any other child who offended.

Youth offending teams

Children's perceptions of YOT workers were very mixed. Some had had both good and bad experiences, which they put down to individual YOT workers' personalities, experience, and ways of relating to children.

When asked, interviewees said that a good YOT worker was someone who knew what they were doing, knew what it was like to get into trouble, and did not make assumptions about an individual's offending behaviour. One girl recalled how her YOT worker used to take her out for coffee and allow her to talk, sometimes about offending-related issues, at other times just for a chat, which enabled her to get things off her chest. She contrasted this with meetings with another YOT worker which focussed solely on the reasons for offending behaviour through the completion of questionnaires and paperwork. For her at least, it was the YOT worker taking a more relaxed approach to their meetings that enabled her to build a trusting relationship and address the causes and consequences of her offending behaviour.

Trust and continuity were again shown to be important for a 15 year old who, at the time of interview, had a YOT worker he had known since the age of 12.

They're fun, they're sound, when I got out of [establishment] second time I were locked up I was running this mobility thing at this [project] and you get a [award] and I didn't finish it before I left, they were real good YOT workers what know me and that, they took me all the way back to [project]...and help me finish my [award]. It's proper sound and when they could see I were bored or something they'd give me something to do.

15 year old boy in custody

Another child said her YOT worker was influential because she encouraged her to see what she had 'going for her', helped to set goals and supported her towards achieving them.

But not all interviewees were so positive. An alternative view was that YOT workers pre-judged looked after children based on their case histories or acted as if they knew what they were talking about when they had not been in similar situations themselves. One interviewee described unhelpful, repetitive meetings with his YOT worker who never seemed to say anything new and was not a good listener.

*She winds me up in some of the visits and I'm walking out of [them]...I don't know, she just comes in saying...she says the same things as everyone else, 'what do you want to do when you get released? Got to make sure you're doing stuff', and I was like 'well, I've f***** heard that, you don't have to tell me every two f***** minutes'.*

16 year old boy in custody

In other examples, YOT workers were said to be ‘full of crap’, and helpful for some things but not others. Having asked his YOT worker for help to return to education, one boy felt let down when she failed to secure him a place at college, though after she helped to arrange his accommodation on release from custody his opinion changed for the better. Another interviewee disliked YOT workers in general because he felt they took up too much of his time with meetings. He said that he did not want to talk about what made him angry and was not interested in, and took little notice of, what they had to say to him. He only attended the meetings because he had no choice.

Solicitors and magistrates

Interviewees often recognised that solicitors and magistrates were there to do specific jobs – either to represent them or to decide on a suitable punishment for the offences they had committed. The interviewees recognised that they were in contact with these professionals because of their offending behaviour.

Some interviewees had largely positive views of solicitors. For example, one child said his solicitor was helpful because he ‘did not judge’, which he said made him more likely to comply with the judicial process. In another case, an interviewee said his solicitor helped ‘quite a lot’, giving good advice on what to say in court to secure a more lenient sentence. Others had more variable experiences and once again highlighted the importance of being able to trust what was said:

When they’re straight up with you, they tell you straight how it is. They don’t say, well this might happen. They tell you, well I don’t reckon you’re going to get bail, or I

don’t know if you’re going to get. They tell me straight away how it is, they don’t lie to me. Because I hate people lying to me, I hate it so much. I prefer the truth straight out, no matter how it is.

17 year old boy with a conviction

Some interviewees described magistrates as being fair and helpful if they had been given what were perceived to be lighter punishments (e.g. tag instead of custody), or indeed if they had made allowances and found them not guilty. This issue is discussed in more detail in section 5.5, children’s perceptions on whether their treatment was fair.

Local authority social workers in custody

Children’s views on the helpfulness of social workers in general were discussed in detail in section 3.4 of this report. Here we focus on children’s views on the support they received from their local authority social workers while in custody.

Regulations and guidance introduced in 2010 restated local authorities’ duties towards looked after children in custody, and placed a new duty on social workers to visit children who lose their looked after status upon entering custody. When a child is imprisoned, social workers have a key role to play in ensuring that relevant information about them is shared and all agencies involved in supporting them work collaboratively.

Regular visits to looked after children are crucial to ensure they are properly supported whilst they are in custody, sentence planning takes account of their needs and to help plan for placements on release. Social workers are responsible for recording the plan and communicating its

contents to the child, their supervising YOT, other agencies involved in supporting the child and, if appropriate, the child's family.

As we found when discussing views on social workers in the community, children in custody generally had some form of contact with social workers but this was often infrequent. Having limited contact meant children held negative views of the support they received from their social workers.

Several children in custody said they did not trust social workers, often because they did not do as they said they would (or were expected to) or because they were slow in responding to requests for help. One boy was angry that his social worker had not visited him since he had been in custody, because she needed to find him a place in a hostel on release. As with other professionals, trust, or a lack thereof, was a key factor influencing children's perceptions.

The ingredients of a good relationship were said to include regular contact to check on wellbeing and progress, and maintaining a link between children in custody and the outside world. For one boy, this meant keeping in touch with his brother who was also in custody. Without his social worker, this would not have been possible. Social workers also offered practical help, securing access to clothing allowances and money for stamps.

One individual described mixed experiences with social workers – whilst in the past he had been refused financial allowances because of his bad behaviour, more recently, his social worker had helped to secure what he considered to be a satisfactory placement on release.

Visiting children in custody

Visits and contact with friends, family and carers are central to helping children maintain links with their communities whilst they are in custody and to aid resettlement on release, yet previous research suggests a significant minority of children who are imprisoned receive no visits.

*HM Inspectorate of Prisons/ YJB (2010)
Children and young people in custody – An analysis of the experiences of 15-18 year olds in prison London: TSO*

Staff in custody

In most cases, interviewees had positive things to say about the staff they encountered whilst in custody, who were generally perceived as supportive because they did not want to see children return.

A good relationship with staff inside was said to be reciprocal, '...if I'm good to them they'll be good to me', and to bring significant benefits. Having 'a laugh' and 'a joke' with staff made time pass more quickly, and getting on well with them could help facilitate progression from basic level to enhanced privileges and incentives, which meant access to extra facilities and after-school activities. Staff also helped children complete work packs designed to aid rehabilitation, and explored the possibility of early release on their behalf. For some interviewees, developing a good relationship with prison staff had taken time, but they were said to be very helpful, found the time to talk, and actively addressed bullying on the unit.

Some staff in custody were said to 'make life easy', whereas others made life more difficult. One interviewee said he preferred the direct attitude of staff at the YOI compared with a previous secure setting

where staff were 'cocky' which antagonised him. He felt he was better behaved in his current placement as a result.

But it was just the staff, they used to wind me up again... They used to just get cheeky to me, cocky to me and all that, all the time, saying, 'oh he's a little brat and all that'. Just used to say a lot of sly stuff to me and make sly comments and that. And then that just used to wind me up and they'd wonder why I go mad. Then I'd go mad but they'd end up restraining me and putting me in a cell. And I hated it, I hated that secure unit.
17 year old boy in custody

When asked how his current placement compared he said:

It is better, I do like most of the guys [staff] in here, they're all right... There is some cheeky ones in here that will say sly comments to you and stuff. But obviously I'm older now, I've had it in so many other places... I get used to it. But there is some other guvs that stick up for you and say, oh he's just an idiot, don't listen to them... so I like them and that, I just chat to them and that... and they talk to you how you want hear it basically. They tell you straight up instead of trying to lie to you and that. That's what I like.
17 year old boy in custody

Other interviewees were less positive. For example, one described how some staff would punish children for minor things without first giving a warning. This

sometimes led to a loss of privileges which he thought was unfair. He said he did not like to get too close to staff because he feared they would take advantage.

Although he did not say how they might take advantage, he had a despondent outlook in general and said that life was 'full of disappointments'. This child had a negative view of all professionals he came into contact with while in the youth justice system, a view which was not shared by many.

Other practitioners

As discussed earlier, some of the children interviewed were in touch with a variety of professionals and support services depending on their individual needs or the requirements of orders they were completing. As we have seen elsewhere, children valued practical help above all else. Assistance finding somewhere to live on release from prison and help filing a complaint against the police were some of the examples they cited.

5 Children's perspectives on the links between care and offending

5.1 Introduction

In this section we explore children's views on the links between care and offending in more detail, with a particular focus on:

- The extent and ways in which being in care might contribute to the likelihood of offending and imprisonment; and
- Which, if any, aspects of the youth justice system impacted unfairly on children in care.

We start by outlining interviewees' views on the extent to which being in care leads to offending. We then go on to highlight aspects of the care system (and other factors) which they thought had the greatest influence on the chances of offending. Finally, we consider children's views on whether they were treated fairly, received a more punitive response or were more likely to end up in custody because they were in care.

5.2 Children's views on the extent to which being in care leads to offending

We asked those who had offended what difference coming in to care had made, and asked all interviewees how much they thought being in care affects children's chances of coming into contact with the police and committing crimes.

Of those we interviewed who had a history of offending, half said they had offended prior to entering the care system. When asked to explain why they had offended, the most common reason given was peer pressure, though difficulties controlling their anger (sometimes arising from family problems), a lack of money, being bored and seeking excitement, and living in a high crime area were also cited. Some children's pre-care experiences were significant factors influencing their offending behaviour.

As was true for a number of the questions we asked the children, their views on whether being in care contributed to the likelihood of offending were diverse and often complex or contradictory. Their deliberations on this question touched on the extent to which their own criminality was 'caused' by the care system, whether receiving 'good care' might have a preventative effect and whether looked after children are 'criminalised' by carers (among others), leading to more punitive responses to their behaviour.

Care as a primary factor in offending behaviour

Some children felt that being in care was the main reason for their offending, or at the very least, that being in care had increased their likelihood of offending or was a factor explaining the offending of others. However, there was no clear delineation according to children's offending histories.

Broadly speaking, children who thought care was the main reason for offending behaviour tended to have entered the care system in early adolescence (typically between the ages of 10 and 13 years,

although there were examples of children coming into care at a much younger or older age). Where interviewees were willing to share the information, most with an offending history said they had not offended prior to entering the care system. Children in custody who held these views had, in the main, only experienced children's homes, with some experiencing multiple placements. Children who had not offended and those who had but had never been imprisoned, tended to have lived in a mixture of foster and children's homes, experiencing fewer placement changes. For some of these children there was clearly a perceived causal link between care and offending. When asked what they thought had influenced their offending behaviour, they were adamant that being taken into care was the main reason:

...if I never got put in care I know I wouldn't have got in trouble...So if I'd just stayed living with my mum I know for a fact I would not have got in trouble...Why I started getting in trouble was because I was moved away from my mum for no reason. Well, to me it was for no reason.

16 year old girl in custody

Others thought that, whilst not the only factor, being in care had increased their chances of offending, or could be a factor explaining the offending behaviour of other children. One boy, for example, started getting into trouble before entering care, but explained that while peer pressure had also been a contributory factor, entering the care system had definitely increased his offending. Coming into contact with 'horrible people' in care had led him to commit more serious crimes:

I'd meet other people...that's how I got meeting drug dealers...and I used to rob cars and that and [the drug dealers] used to have, like, big geezers...come looking for me and come to my care home...

16 year old boy in custody

During the interviews, we probed for more detail on what it was about being in care that might increase the likelihood of offending, and children pointed to a loss of contact with family, poor relationships with some carers, difficult relationships with peers (including peer pressure), and the type and number of placements. We outline these factors in more detail in section 5.3.

Care as a secondary factor in offending

Others that we interviewed felt that, whilst some aspects of being in care might increase the likelihood of offending, care was not always the only or main reason for offending. These children talked about their own or other children's offending behaviour within the context of multiple factors, not all of which related to care. Most had experienced custody; for some, their offending had started prior to their entry to care, and their time in care was characterised by a range of placement types (including foster care and secure and non-secure children's homes), with fewer reports of multiple placements.

As we highlighted previously, poor relationships with carers (including a perceived lack of support or understanding), challenging relationships with peers, and difficulties in placements and the frequency with which they changed were cited as risk factors for offending. However, references were also made to offences being committed in order to access money or goods that carers were

described as unwilling or unable to provide. The inference was that, whilst in care, children's needs for items such as toiletries and clothing were not being met.

Explanations for offending behaviour were often complex and multi-dimensional. One boy talked about the factors which had influenced his own offending, which, in the main, he put it down to 'having a temper...when something happens, I don't think, I just do'; however he also outlined how whilst in care and living in an independent unit he had started to commit crime to provide for himself:

I only got £50 a week and they just said that's supposed to last me a week...If it's supposed to last me a week, it's not going to...There's the stuff that you need to buy to clean your toilet and your bedroom. You have to buy shower gel, toothpaste, and some bits and bobs, like little bits of clothes and then you've got your cutlery and then there's food, it don't last long. That's why I resorted to crime most of the time.

17 year old boy in custody

Other children acknowledged the complexity of the link between care and offending. In the example below, a girl explained the different ways in which being in care could sometimes increase the likelihood of offending.

If you're in a placement that you don't feel like you're cared for and [carers] don't interact with you or do anything with you, you might get bored and you're more likely to meet the wrong kind of people and do the wrong kind of things. And when you go into a kids' home, say there's a lot of you, sometimes they've

been in care for longer than you and they might be... 'naughty', and they might lead you into doing wrong things, like maybe drugs or going round stealing and things like that... Obviously when you go in care, I don't know about other kids but me, I was quite angry at the world, because you'd see lots of other kids with their mums and their dads...you feel quite alienated and you get quite angry and stuff. So you're more likely to lash out at people, fighting and stuff, or have breakdowns.

16 year old girl with a caution

Sometimes the reasons children gave for offending appeared quite straightforward and not always directly linked to their care experience. One boy argued that not having enough money was the main reason he committed crime and the young people's advisory group agreed that this was true for many children in care who offended, either because they wanted to supplement their existing low income, buy drugs, or because they did not have money to buy the things that other children got at birthdays and Christmas.

Well it's always money. The only reason people get in trouble is because of money...I wouldn't commit trouble if I had money. I wouldn't need to.

17 year old boy with a conviction

However, while interviewees did not always make a direct connection between their care experience and offending, they sometimes made implicit links between the two. For example, interviewees who identified a lack of money as being a factor often went on to talk about not having enough money for things such as clothing, toiletries or socialising with friends. They

contrasted their situations with those of children living with their families, implying that children who were not in care had more clothing, more opportunities to go out and socialise with friends and more money of their own to spend. Desire to have the same things as their peers was cited as a reason why some offended.

All my friends, they've got normal families, or what we'd term normal family obviously, and you've been in care, and basically they get more stuff than you, so you end up selling drugs, and when you're selling drugs it's probably the best way to make money.

17 year old boy in custody

Children also identified a range of other factors (some care related) which influenced their own offending behaviour or that of their peers. These included (in alphabetical order):

- boredom
- disengagement from education (including children's own refusal to attend and the extent to which carers were able to influence school/college attendance)
- drug misuse (including to earn money to buy or sell drugs)
- fun or 'rush' of committing crime
- difficulties controlling anger
- mental health difficulties
- peer pressure (from children and others outside of the care environment e.g. at school and in the local neighbourhood).

Some of these factors were discussed in chapters three and four of this report. Others will be examined in more detail later in this chapter.

No perceived causal link between care and offending

A minority of the children we interviewed thought that being in care did not affect, or sometimes reduced, children's chances of offending – all had offended prior to entering the care system, and most had become looked after in their early teens, living in foster care and children's homes. In their opinion, the main driver to offending was lack of money, with examples cited including not have enough money to buy clothing and other items needed for a move to a hostel. For this boy, the fact that he could not afford the things he needed was clearly linked to his status as a looked after child, though this was not necessarily his interpretation of the situation.

Peer pressure was also identified as a factor influencing children's offending behaviour, with one young boy saying his offending was influenced by an older sibling who kept 'getting into trouble'. As a result he started 'following in her footsteps', offended and took the blame for his sister's shoplifting:

Me and my sister went shoplifting, she got caught so I took the blame for it...I see them buzzer things go off when she walked through it...I didn't want her getting in trouble because she would have got a criminal record, so I took her place.

13 year old boy with a caution

5.3 Which aspects of the care system have the most influence on chances of offending?

During the course of the interviews, children talked about aspects of the care system which were most influential on looked after children's chances of offending. We asked them to explain in more detail how the care experience either contributed to an increased likelihood of offending, or had been one of a number of factors which influenced their offending.

The factors they highlighted included (in alphabetical order):

- losing contact with family and friends
- poor relationships with carers and social workers
- relationships with peers and peer pressure
- type of placement & frequency of placement moves.

Losing contact with family and friends

Having infrequent contact (or no contact at all as was the case for some of the children) with family and friends was clearly a significant issue for the children. While experiences varied, some interviewees deemed leaving their family and being taken into care a major, or contributory factor, in their offending behaviour or that of their peers.

Being taken away from siblings, in particular, was felt to have a negative impact. While some were happy and relieved to be leaving certain other family members, interviewees generally felt that they had a shared bond with brothers and sisters that they did not want to lose, and there were feelings of guilt at leaving siblings behind. Some of the children were

angry that they had been separated from their sibling(s), and accommodated in separate placements when taken into care, and could not understand why social services had not made more effort to keep them together.

I felt a bit sad, because I was moving out of my home...I didn't like my step-mum really, but I had my little sisters to think about. I got on well with my little sisters, and then I got moved.

15 year old boy in custody

Children described feeling a range of emotions. Some were angry about lack of contact with their families, and found it difficult to trust other adults, including their subsequent carers. Children who had never been in trouble with the law described having witnessed the sadness and anger of other children in care and believed that their offending behaviour was due in part to grief at losing their families and the difficulties they experienced adjusting to life in care. Members of the young people's advisory group supported the view that some children in care offended because they were angry and upset at being taken into care.

A few examples were given of children who had breached the terms of their tag or curfew, or run away from placements to try and reach home to maintain or re-establish contact with family members, stealing to pay for food and clothes in the process. As one interviewee explained:

I was on a Section 20 so I could go home whenever I wanted, but I couldn't because I was on a tag and my tag address was the children's home. I used to breach it to go back home to my

mum's house...so then that would be more trouble for me, getting arrested again and having to go to court for breaching the tag.

16 year old girl in custody

On the other hand, having limited contact with family was a positive influence for some children, helping them to settle into a placement.

It was in Wales. I just settled down...I completely lost contact with all of my family for about a year. And I just got on with the staff in the house and enjoyed where I was living for a bit, and then they moved me.

15 year old boy in custody

Being taken into care also affected the likelihood of children maintaining friendships. While few specific references were made to relationships with peers outside of the care system, they were clearly important for some children who described being placed far from home and finding it difficult to maintain existing friendships. Changes in their living circumstances often meant moving schools, or travelling long distances to continue attending the same school, with one child describing a journey of more than an hour to and from school which made it difficult to maintain old friendships. In addition, some friends changed their attitudes towards children after they entered care.

When they found out I'd been taken into care they wouldn't talk to me, they started to treat me different.

16 year old girl with a caution

In some cases, re-establishing or maintaining contact with old friends led to

an increase in children's offending behaviour. As a result, social workers sometimes denied contact with friends outside of care if they were believed to be a bad influence - a course of action which children generally disliked.

They took my phone off me and deleted all my numbers so now I can't contact no-one. It ain't fair, I don't see why I can't call my mates from home when I want, I ain't in prison I'm just in a home.

16 year old girl with a caution

When we asked all interviewees if 'getting the right help stops young people in care doing crime', many agreed. They often defined 'the right help' in terms of re-establishing or maintaining positive relationships with friends, family or partners – people whom they wanted to be with and could trust. Some children felt that contact with their families was a protective factor, and for these children, key relationships were fundamental to their interest in, and ability to address, their offending behaviour. One boy, for example, said that becoming a father had made him not want to reoffend.

However, as mentioned elsewhere, some children believed that their friends or family had a negative effect on their behaviour, and when this was the case they did not want any further contact with them.

Poor relationships with carers and social workers

Both children who had offended and, more exceptionally, those who hadn't, thought that offending was in some way linked to poor relationships with carers and social workers, citing:

- Carers and social workers not taking the time to listen, offer practical and emotional support or build up trusting relationships
- Carers not 'caring' about the children in their care and what happens to them
- Carers' inability to set boundaries and manage behaviour effectively.

Risk factors associated with their relationships with carers were interrelated and often summarised by the children as a lack of support or 'care'. Often, though not always, poor relationships were raised with reference to staff in children's homes – it should be noted, however, that this could simply be because the children we interviewed had more experience of children's homes.

Children said that some carers and social workers were not willing or able to listen to their views and experiences on the matters that affected them. This point was raised in relation to a number of issues including obtaining children's views on placements, having the time or inclination to discuss emotional difficulties, or providing more practical support, such as chasing up payment of clothing allowances.

One girl stopped expressing her opinions during review meetings, believing social workers didn't listen to her. When asked if there was anything that could have stopped her getting into trouble she said:

I think more support from social services and more support from kids' homes, because they kind of look down on you... some of the times I got arrested was sometimes for self-harm, just to put me in a safe place so I couldn't hurt myself...It's

a lot harder to be in that state of mind when social services don't really help you that much. They'll tell you to stop and get you what therapists they think will do good for you, and they'll tell you 'you have to do this and you have to do that', and most of the time it never worked. And I told them and they never listened.
16 year old girl in custody

Lack of mutual trust and respect was a key theme in the interviews - children talked about carers attitudes 'winding them up', of being treated like younger children, not respected or listened to, and described some carers remarks as 'sly' or condescending. Clearly, feeling valued and being able to trust their carers were mutually inclusive. Other barriers to developing trusting relationships included staff turnover and/or higher numbers of staff in children's homes, frequent changes in, and difficulties in contacting or meeting with, their social workers.

Several interviewees wanted the adults in their lives to take more of an active interest in them and show that they cared, thinking that this might make it easier for them to talk openly about things and could stop them from getting into trouble:

If people would talk to us and try and understand how we feel and what's happening with us, instead of just blaming us for things and just arguing with us, then it would have helped us from not fighting, from not going into drug dealing or stuff like that.
16 year girl with a caution

One interviewee argued that some children's offending behaviour was either a reaction to the problems they were experiencing or an attempt to get the attention of carers and social workers.

I just think that being in care, yeah, is too controlled. They're [carers] too up in your business. And everything you do, it's like there's no freedom so some of the young kids here probably even take the piss on purpose, try and break the law on purpose because they feel like they've got no freedom...they have to do bad things to get their speech across because when they talk no-one's listening to them, so they feel like they need to do bad things for people to hear them...it's probably why young people in care do more bad things than people generally...

16 year old girl with no offending history

For her, the more attention carers paid to troublesome children, the less children like her, who went to school and didn't get into trouble, would get.

Interviewee's views on the type and level of discipline they encountered in different placements varied. Some believed children's homes were stricter than home environments while others said they were less focused on discipline. Similarly some children described foster placements as 'family environments' that helped to reduce the chances of offending, while others reported that they were not as strict.

Nevertheless, living by different rules and experiencing different forms of discipline whilst in care was a contentious issue for some. Interviewees gave examples of what they saw as carers being unable to set

boundaries, or manage behaviour effectively, drawing comparisons between their own parents' management of their behaviour and that of their foster carers or children's home staff. Some argued that if they still lived at home, their family's disapproval and disciplinary actions following bad or offending behaviour might have deterred them from getting into further trouble.

Interviewees had mixed views on the statement 'the reason children in care offend is because their carers can't cope with their behaviour'. Some who had offended felt that this had had little to do with carers. Most felt that carers could not stop them from offending because they were not their parents and did not command the same respect or level of authority. Others noted that carers were more likely to call the police than manage behaviour themselves, an issue we discuss in more detail later.

Not everyone believed poor relationships with carers caused children to offend, but children tended to feel happier in placements where they had good relationships with carers or other children, and associated such placements with periods when they weren't offending much or at all. One girl interviewed said that one of the positive aspects of her experience of being in care was 'some of the people I've got to meet'. She believed that continuing support and contact from previous foster carers, as well as friendships with other children in care, helped her to stop offending.

Relationships with peers and peer pressure

Relationships with peers, and specifically the influence of peer pressure, were commonly cited reasons for offending. Some interviewees linked this to the people they met in care, while others encountered peer pressure that was unrelated to their care histories.

For some, the loss of contact with friends and family on entry to care and the lack of opportunity to socialise with children who weren't in care themselves was said to have triggered their offending behaviour.

Then they moved me from my area, like miles away, and that's when I started getting in trouble, really, with the other kids in the care home...obviously I was away from home, I weren't allowed to see none of my family or friends and I weren't allowed out of the care home without the carers and I just used to run away from the carer with the other girls, and just get in trouble.

16 year old girl in custody

Certain placements brought individuals into contact with others who were already offending (for example stealing, absconding, or taking drugs). Some children who had offended before said they found themselves copying other children's behaviour, or mixing with the wrong kind of people, particularly in children's homes, as we discuss later.

Less frequently, children made references to the impact of peer pressure outside the care system. They reflected on how their offending was in some way influenced by people they knew prior to entering the care system, including family members, and

older children they met on the streets. One boy, who did not think being in care had influenced his behaviour, said he offended because his peers were committing crimes:

It's really the people I hang around with...when you see them doing [crime]...if I wanted something, then I just had it and stole it.

17 year old boy in custody

Those who reported peer pressure from friends who weren't in care themselves, said boredom and a desire to join in, have fun and get an 'adrenaline buzz', were drivers to offending.

Just people who you hang about with...it was because we were having a laugh, innit?

17 year old boy in custody

Everyone else was doing it and it's just one of them things, we were always doing it together. And then obviously someone else would do one more thing... And then obviously that means someone else will do it more, or whatever.

15 year old boy in custody

However, relationships with peers weren't always seen as drivers to offending behaviour. Children who talked about friends (whether inside or outside of the care system) who did not offend, tended not to think that looked after children committed crime simply because their friends did. However, it was more common for children in custody to agree with the statement 'young people in care do crime because their friends are doing it' with reference to children in care generally, and to their own experiences of peer pressure prior to being taken into care, as well as that encountered in care placements.

Type and length of placement

Some children felt that the type and length of care placements were factors influencing offending; others that it was age at entry to placements and the kind of activities offered that contributed.

The children interviewed had experienced various types of placements, including:

- foster care
- children's homes
- hostels
- boarding schools
- local authority secure children's homes.

Some had also been lived in kinship care, with grandparents or extended family members, or had returned to the care of their own family in between placements. Many of the children had experienced several different types of placements.

Those who had experienced multiple moves between placements talked about feeling unsettled or angry at not being consulted or informed about the reasons for placement changes, having difficulties building relationships with carers and other children due to frequent moves, and diminishing trust in the adults responsible for supporting them and making decisions about their lives. These experiences were seen as risk factors influencing their own and others' offending behaviour.

Some said they were more likely to commit crimes when they were placed in children's homes because they came into contact with other children who were already offending. They said they experienced peer pressure, copied this behaviour or found themselves mixing with the 'wrong kind' of people to avoid being bullied.

In children's homes you mix with loads of kids...there's different kids in there, you've got kids that are on drugs, go missing, sleep around, not keeping themselves safe, and I was just getting involved with them...spending all night out. And then I got moved [to another children's home] and the thing that led me more to get in trouble was mainly mixing with the wrong crowd, because in kids' homes you get kids in there for everything, so it's really hard to not sort of go off and follow them because that sometimes led kids to getting bullied as well, just like being the odd one out, not doing nothing wrong. So I think most of it was [I] wanted to fit in as well so I didn't get picked on even more.

16 year old girl in custody

The age range in children's homes was identified as an additional risk factor because younger children could be influenced by the behaviour of older children. One boy, who had offended before entering the care system, argued that mixing with older children whose behaviour was worse increased his own offending:

I think you've got a lot more chance [of committing crime] because you're around people in different age categories. If you go into a care home there's people in there that's older than you...There's always someone that's done more things [crimes] than you and done worse things than you. And you're going to start talking to them...and then you're just going to end up stealing, robbing, criminal damage, assault, and stuff like that basically.

17 year old boy in custody

Children's views on placement type were influenced by the availability (or otherwise) of activities designed to occupy their time, an issue most commonly raised in relation to children's homes. Where activities were not provided, children tended to have a negative opinion of the home, whereas those that laid on activities like cinema trips and paintballing were believed to help reduce offending behaviour because children were kept busy.

They just done more stuff with me...the Lake District, Alton Towers ... Blackpool Pleasure Beach, everywhere. If you wanted to go somewhere they'd take you, if the money was there.

17 year old boy in custody

When we asked interviewees whether they agreed with the statement 'you're more likely to get into trouble if you come into care when you're a teenager', many children in custody (who had often lived in children's homes) agreed that a child's age on entering care was a risk factor in the emergence of offending behaviour. They said entering care as a teenager was tough, because teenagers liked to experiment and could be vulnerable to peer-pressure within children's homes. Others, however, disagreed and said offending could start at any age, while some said factors which were unrelated to being in care, such as the individual child, their background and what their parents taught them, were more influential. Children who had never offended held very mixed views.

5.4 Other factors influencing children's chances of offending

Individual characteristics and personal circumstances

Some of the children interviewed stressed that their individual personalities and characters were important in shaping their time in care. Children who believed that they had a strong character, were resilient to peer pressure and able to deal with the unsettling and temporary nature of being in care, generally fared much better. One boy felt he had matured whilst in care, helping him to cope with the different situations he encountered.

There's no good thing about being in care. If the person can handle themselves then they will do better. If they can look after themselves then they won't have to deal with so much shit.

17 year old boy in custody

Others talked about having their own mind in relation to withstanding peer pressure.

I wouldn't do what they [friends] do. I have a mind of my own. I want to do what I want to do...I'm not one of those people that follow people around. I just want to do my own stuff.

16 year old girl with no offending history

For this girl, it was her individual strength of character that helped her to stay out of trouble and focus on her education in spite of being in care.

When we asked all interviewees if they agreed with the statement 'getting the right help stops young people in care doing

crime', several were unsure or disagreed because they felt individual characteristics or personal circumstances were responsible for children offending. They said that children committed crimes because they chose to, implying that personal motivation was more influential than outside 'help'.

There were several examples where children's attitudes towards offending had changed over time. Some did not want to reoffend because they had people in their lives with whom they wanted to maintain relationships, like partners and in one case, their new-born child. Other children, whose characteristics, personal experiences, and choices had originally led them to offend, simply decided they wanted to stop. In one or two cases, children said they had matured and wanted to take responsibility for their future lives without crime. Their aspirations often involved education, as is discussed below.

Education and employment

A minority of children cited negative experiences of education before and after entering care as a risk factor in their offending behaviour. Some were angry at teachers for being mean to them, and their peers for winding them up, sometimes because they were in care. One boy found it difficult to concentrate at school and struggled to control his anger. He said this was one reason why he got into trouble.

About nine, that's the first time the police come, and I used to throw chairs. Then when I was in my other boarding school...I got arrested when I was about twelve or thirteen...because I used to just kick off in school and that and the staff would be restraining me and I couldn't

calm down, because I had a proper bad anger problem. And all the kids in the school used to wind me up...I don't get it any more but just when I was younger...I think it was just people at that age get mouthy and that. And then I just went mad with them and went into the classrooms and started beating up people.

17 year old boy in custody

For some, being in care made it more likely they would access education, though frequent moves between placements made it difficult for them to attend school and keep up with work.

I was moving round children's homes, I was like pretty unsettled, I was starting school then coming out of school, then home schooled, then finishing home school because I couldn't stay in that placement.

16 year old girl in custody

Others were disengaged from education, although this may not have been a consequence of entering care, with one child feeling they weren't receiving the support necessary to enable them to attend school.

For some children who had offended, (re)engagement in education was seen as a route out of further offending and on the whole, those in custody talked positively about their hopes for release, which included gaining qualifications and taking part in activities to occupy and steer them away from trouble, often with a longer-term aim of securing employment. With lack of money one of the main reasons cited by some for their crimes, finding work was central to stopping offending.

...If everyone helped them get a job, yeah? Most kids in care would probably rather work than rob, like me.

17 year old boy in custody

All those we interviewed at the secure training centre (STC) aspired to achieve in education and participated in the opportunities offered, despite not having always been so positive about education in the past. While they had no choice but to engage, they nevertheless reported gaining qualifications and being able to pursue some of their interests, displaying pride in their achievements. This helped to fuel their interests in continuing education, longer-term. Two of the boys in custody intended to start college courses, one of whom also hoped to work with his dad as a labourer, though these were not part of their formal release plans.

Going to college or getting a job were aspirations which were shared by other interviewees.

...if I get into more and more trouble I'll end up getting a criminal record...I won't, because I want to get a decent job.

13 year old boy with a caution

The young people's advisory group was not surprised by the comments about education made by those who were in custody. They felt that children who had missed out on education previously might find that being in custody offered a more supportive learning environment because they had a roof over their head and on-site access to education and training.

Leisure activities

Commonly, interviewees had hobbies or interests that they wanted to pursue. As we

discussed in chapter four, keeping occupied helped some repeat offenders to stop offending for a time. Children who had no history of offending also highlighted the importance of hobbies and interests in filling their time, and providing some distraction from life in care. Some children developed interests while in custody, such as drama, gym and rugby and they often wanted these types of activities to be part of their YOT orders on release.

5.5 Children's views on whether they are treated fairly

This section explores whether interviewees thought looked after children are unfairly criminalised and treated more punitively by the care and youth justice systems. First, we draw on children's views from across the sample on how fairly they were treated within the care system. We then go on to discuss views regarding the fairness of the youth justice system.

Is the care system fair?

As we highlighted earlier in this chapter, the quality of children's relationships with carers and social workers was considered one of the main factors influencing their likelihood of offending. How carers sought to manage children's behaviour and how they, in turn, responded was key. While apparently rare, some children described what they saw as more minor behaviour (for example absconding, staying out later than agreed, breaking plates, and 'kicking off') resulting in the police being called to children's homes, a concern which has been noted by others²⁹. Children felt that carers were sometimes too eager to call in the police, resulting in some children having regular contact with the police, and verbal

and physical assaults on carers being added to offending records. Children felt it was unfair that what they considered minor incidents were treated as criminal matters, as this would not necessarily happen in a family home environment.

To elicit views on the question of whether children in care were stigmatised more generally, we asked all interviewees whether they agreed with the statement 'everyone expects children in care to get into trouble so why not do it anyway'. Many of those who had offended agreed.

*I can always remember this incident, I was outside a pub, some fat guys were shouting to me and my mate, 'ah, you kids in care you're the scum of the earth'...I've had people say to me, 'oh you're in care, what do you expect?' ...I've heard people talking about me saying I was in care 'what the f*** do you expect? He got arrested the other night, I saw him driving a stolen car blah, blah, blah, what do you expect, he's in care?' I've heard it and it f***** pisses me off.*
15 year old boy in custody

I don't think everybody does but people that aren't associated with the care system, they do think that all children in care are on drugs and they're hookers and they steal, and they're always in trouble with the police and they always go to jail. There's a misconception about [us]. So some children, they might think, 'well if that's what they think then I'm going to do it anyway'...when I was at school and in care, some kids they're like, 'oh you're an orphan' and this, that and the other, because they don't understand...they've never been in care.

And some adults...they know you're in care and they think you're a bad influence...it can be children...adults...old people...friends, it can be anybody of any age.

16 year old girl with a caution

Members of the young people's advisory group agreed that a lack of understanding about the care system and the reasons why children are taken into care drove stereotypical views amongst the public.

Others we interviewed did not know or indeed care what people thought about them and some cited children in care who did not offend as examples of children who chose not to conform to stereotypes. Children who had no history of offending often disagreed with the statement, sometimes because they had never felt stigmatised and so thus did not think they were treated differently because they were looked after.

Is the youth justice system fair?

We asked children we interviewed whether they agreed with two statements, one about the police, the other about the law more generally, to ascertain their views on whether looked after children in the youth justice system are treated fairly.

We asked interviewees if they thought 'children in care are picked on by the police', but there was little consensus as to whether this was the case or not. Some agreed, having experienced this first-hand:

I think the police ain't got nothing else better to do than to harass people in care. Like me. When I used to live in a

children's home they used to come by every day because they thought I was doing something suspicious.

15 year old boy in custody

What I've heard from different police officers when I've been arrested, it's like, 'you're a kid in care, you're never [going to] get out of this way of life. You're in care, kids in care are always on drugs, kids in care always make themselves unsafe, kids in care always self-harm'. So they sort of put a title on kids in care like they're something bad.

16 year old girl in custody

Others, however, held the view that the police treated everyone the same:

...children in care are just the same as people out of care, you don't have to tell the police if you're in care or not.

13 year old boy with a caution

Children's responses to the statement 'the law is unfair to young people in care' were equally varied, with no discernible difference in opinion according to offending history. Some agreed, citing examples of what they considered to have been unfair treatment, including being kept in a cell despite charges being dropped.

Others, however, disagreed. Some felt children in care were treated the same as other children, or at least that they themselves had never encountered unfair treatment; others believed that children in care were treated more leniently.

I'm not sure...I haven't had it unfair but I don't know if anybody else has in care.

14 year old boy with no offending history

Say you've done something bad and you go to court, they're always quite lenient. Well they've been quite lenient with me because they know I'm in care and they've read things about my past. I think they feel sorry for you. They realise, obviously, you've had a rough time and that, so I think they're more easy with your punishment.

16 year old girl with a caution

In order to explore further which, if any, aspects of the youth justice system were unfair to children in care we asked those who had offended whether they had been treated fairly.

Responses were very mixed, and at times contradictory. Several interviewees said they believed the courts had treated them fairly. As highlighted earlier, there was a view that the courts were there to do a job and some accepted that if they had been convicted of a crime they should be punished. They did not think that their care status made them more likely to be given a custodial sentence and, as previously mentioned, sometimes felt that they were treated more leniently because they were in care. However others reported different, or varied experiences, such as the following child who had experience of several court appearances to draw upon:

I think the magistrates are fine really but then you get the occasional judge who's like, 'I don't care, I've heard this all before', sort of thing...But then you get others who understand why you've done it really, whatever you've done...

16 year old girl in custody

Another interviewee felt she had been unfairly singled out by the court:

...there's a few of us that have got in trouble, and I was always the youngest out of the group that I used to hang around with...yet I'd be called the ringleader...the one who gets everyone else in trouble...I don't really think that's fair because I wasn't and I know I wasn't and I felt the court and that always gave them more chance than I [got].

16 year old girl with a conviction

Despite this, however, she felt that overall, the court had treated her too leniently, recognising she was in care and had been unsettled by frequent placement changes, and sympathising with her situation. In her view, had she received a custodial sentence earlier she might not have reoffended, as the loss of freedom she had experienced in custody had made her realise she did not want to go back. The threat of another custodial sentence was the only thing she thought would stop her offending in the future.

Others had differing views on whether they were treated fairly. In line with the descriptions of minor offending for which the police were called to children's homes, some felt that children in care tended to be criminalised for 'silly things'. Others were upset and angry that they had been criminalised by courts that appeared not to know or understand what was happening in their lives.

Because how can you just send kids to prison, you know?...When you're in court, yeah, it's like everyone's looking at you like you got a bad name for

yourself...They don't know what's going on in my life. They think they know me, but they don't.

15 year old boy in custody

For some children, it was very important that their care histories and personal circumstances were taken into account when decisions were being made about suitable punishments, a finding that stood out for the young people's advisory group.

Are looked after children more likely to end up in custody?

Whilst the disproportionate number of children in custody who have a history of being in care might imply otherwise, overall the children we interviewed gave little indication that they thought being in care meant they were more likely to end up in custody than children who weren't looked after. Of the children we interviewed in custody, there was a general acceptance that they had been imprisoned because they had committed crimes which attracted the most severe punishment.

Some children cited examples of unfair treatment from their carers or the police which had, they felt, brought them into the youth justice system unnecessarily. On the whole, however, interviewees did not think the courts had treated them more punitively as a result of their care status.

In the next section of the report we conclude with a summary of views expressed by the children we interviewed, key findings for each of the research questions, and learning points for the future.

6 Conclusions and learning points

6.1 Introduction

...some of the young kids here...try and break the law on purpose...they have to do bad things to get their speech across because when they talk no-one's listening to them, so they feel like they need to do bad things for people to hear them.

16 year old girl with no offending history

Is care a stepping stone to custody? If so, how and why does this happen and what can be done to help children in care avoid getting into trouble and ending up in custody?

Looked after children are more than twice as likely to receive a reprimand, final warning or conviction as their peers³⁰, and account for a quarter of the boys and at least half of the girls who are in custody at any one time³¹. The aim of this study was to gain a better understanding as to why this might be by exploring the views of those with direct experience of being in care.

The study focused on the following specific questions:

- To what extent – and in what ways – do children feel that being in care can contribute to the likelihood of offending and imprisonment?
- Which, if any, features of the care system are perceived to contribute to these pathways into custody?
- Which, if any, aspects of the youth justice system are perceived to impact unfairly on children in public care?

- What do children think can prevent or protect children in care from offending or being imprisoned?
- Are any features of the care system perceived to be protective or preventative, and if so, what, how, and in what circumstances and for whom?
- Are any aspects of the youth justice system perceived to be particularly helpful in preventing children in care from entering custody?
- What else can prevent children in care from entering custody?

6.2 How does being in care impact on the likelihood of offending?

The children we interviewed generally felt that official data showing that children in care are more than twice as likely to be cautioned or convicted as their peers chimed with their own impressions. They differed, however, in their views as to why this might be the case. Most children, including those who had never offended themselves, felt that the experience of being in care was the primary reason, or at least a major contributory factor, for their or others' offending histories. Others, including those who had experienced custody, felt that being in care was one of a number of factors which influenced offending. A minority of children argued that being in care did not really affect chances of offending, including one child who believed the care system had helped to reduce his chances of offending.

Despite differences of opinion across the group of interviewees, it was interesting to note a level of agreement amongst children

with experience of custody that was lacking elsewhere, with most thinking being in care was just one of a number of factors influencing the likelihood of offending.

Overall, however, the children told us that there was no simple, universal answer to the question of whether and how much being in care impacts on the likelihood of offending. As the interviews attested, children bring with them into care a unique history of individual experiences which then interact with different features of the care system. With the emphasis on individual care pathways, no two children share the same experiences of care, so the impact of being in care is likely to affect each child differently.

6.3 Which features of the care system are risk or protective factors in offending?

A cautious approach needs to be taken when attempting to identify the factors within the care system that appear to be associated with offending. Children in care are not a homogenous group, with some presenting more challenges than others when it comes to finding suitable placements. The fact that children placed in children's homes have a higher rate of offending, for example, does not necessarily mean that the placement has caused the offending. We wanted to know what looked after children themselves thought about this and asked them what it was about the care system that might increase the likelihood of offending. They identified the main risk factors as:

- loss of or infrequent contact with friends and/or family
- poor relationships with carers and social workers
- challenging relationships with peers and/or peer pressure (in and outside of the care system).

In addition, children with a history of offending identified the following as important risk factors:

- type and number of placements (in particular children's homes and frequent placement change) and a lack of money.

Children's homes were a recurring theme when discussing risk factors with those we interviewed. Whilst the children's concerns appear to reflect official data³² showing that children living in children's homes are five times as likely to be cautioned or convicted as those in foster care, we note that the children in our sample had greater experience of children's homes than any other placement type. While some individuals had had positive experiences, many highlighted aspects of their placements that they felt had made them more likely to offend. These included poor relationships with carers, stemming in part from unmet expectations about the role that carers would play, how behaviour should be managed and how much time they had to spend with children. In addition, interviewees often experienced peer pressure within children's homes, particularly if they were placed with older children, some of whom were already in trouble. Some children had also experienced frequent moves from one children's home to another, confirming the Department for Education (DfE) data

indicating higher rates of offending amongst those who have experienced frequent placement change.

Beyond the care system, children highlighted a number of other peripheral risk factors in offending such as boredom, the 'rush' of offending, drug problems, anger, frequent school moves, and difficulty in trusting others, often a result of events in early childhood. We did not explore the circumstances surrounding interviewees' entry into care in detail because they often made it clear that they did not want to discuss these matters; in any case this was not the main focus of the research.

However, some children volunteered the information that they had been taken into care because of family problems or breakdown. Even though looked after children are no longer in the direct care of their family, the legacy of their experiences will continue to affect them. Many will also have ongoing contact with, or plans to return to, their family and it is clear from some of the children's comments that family difficulties continue to be a risk factor for offending after the child has been taken into care. As the DfE data shows, children entering the care system as a result of family difficulties (where family in acute distress or family dysfunction are cited as the category of need) have the highest rates of offending behaviour³³.

Children highlighted the opposite of each of the main risk factors as protective factors. For example, where interviewees wanted and were allowed regular contact with their families and friends, they generally felt more settled and supported. Similarly, when they had had strong relationships with their carers and/or social workers, interviewees were happier and indicated

that this resulted in periods where they did not offend or they committed fewer offences. In some cases, these relationships appeared to be fundamental to children's motivation, and perceived ability, to address their offending behaviour. When considering this, the young people's advisory group also suggested the importance of ongoing support networks to maintaining this resolve.

6.4 Which aspects of the youth justice system are risk or protective factors in offending?

Over half of the children we interviewed were either in custody or had been at some point. Some said that whilst their experiences of community sentences had stopped them from offending for a time, they had not prevented them from ending up in custody at a later date. In general, interviewees were more positive about activities undertaken as part of custodial sentences than community sentences, perhaps because they had lost their freedom and had little choice but to engage. Several children said that their attitude towards education had changed as a result of what they had learned while in custody. Many wanted to re-engage with education on release, in the hope of gaining qualifications and/or employment in the future. For some children, interventions in custody which were aimed at tackling specific problems, such as drug misuse or difficulties managing their anger, had been successful. On the whole, however, it was felt that it was not just the intervention itself but who, how and when it was delivered that had a significant effect on its chances of success. This made it difficult to identify

any clear messages about ‘what works’ in preventing reoffending for this group of children.

On the whole, interviewees said that it was the nature of their relationships with the professionals they came into contact with that had the most impact on their experiences of, and views on, the youth justice system. A small number of children described positive relationships with a range of youth justice staff both prior to and after ending up in custody. One boy, who did not attribute his offending to being in care, was positive about aspects of life in custody and appeared optimistic about his plans for release. This optimism was due, in part, to these positive relationships. In contrast, others who described predominantly poor relationships with one or more professionals expressed a more negative view of the youth justice system, and generally had lower expectations of their future prospects. The two main factors in determining interviewees’ views of professionals were how much they felt they could trust them, and the extent to which they felt they were being judged on the basis of their current and past behaviour.

6.5 Does the youth justice system impact unfairly on children in care?

Opinions differed about whether children in care are treated fairly within the youth justice system. When discussing the statements ‘children in care are picked on by the police’ and ‘the law is unfair to children in care’, children with experience of custody were broadly divided. Some drew on negative experiences of the police and the courts in concluding that they had been treated unfairly, and that this was due

in part to their care status. They indicated that this may, over time, have contributed to their escalation through the youth justice system and led to repeat convictions and ultimately custodial sentences. Others, however, said that they were treated exactly the same as other children in similar situations. Children who had not offended and those who had never been in custody held equally mixed views, and there was no consensus as to whether there were aspects of the system that impacted unfairly on children in care.

Interviewees provided other examples where they felt they had been treated fairly and the circumstances surrounding their entry into care, and their subsequent experiences, were taken in to account, resulting in them being ‘let off’ or given more lenient sentences. Overall, children thought that personal circumstances in relation to being in care and to life more generally (for example, family, health and financial issues) should be taken in to account when deciding on suitable punishments for offending behaviour.

Overall, there was little evidence to suggest that interviewees felt that they were more likely to end up in custody because they were in care.

6.6 How can we improve care and reduce offending? Children’s recommendations for system change

The children we interviewed had very different experiences both before and after entering the care system and what helped one individual did not necessarily help another. However, they did agree on some

of the ways in which the care and youth justice systems could operate more positively. Many of these factors have previously been identified as safeguards which should be placed at the heart of the care system to improve all aspects of children's outcomes. Offending behaviour cannot, therefore, be seen in isolation. A 'good' care experience will enhance a child's self-esteem, equip them to fulfil their educational potential and ensure they have good health. These are also important factors in reducing the likelihood of offending. Children should be seen holistically, not as a bundle of separate problems to be addressed, and the messages from interviewees confirm this. Rather than suggesting an approach that focuses on their identity as potential offenders, they want a care system that recognises them as individuals with a range of needs and aspirations. One by-product of a high-quality care experience should be reduced offending. However, there are also messages within this about specific aspects of the care – and youth justice – systems that may have a more direct effect on offending, either for better or worse.

It is also important to differentiate the risk of offending and the risks inherent in the response to offending. It may be that aspects of the care or youth justice system are serving to 'criminalise' children in care by responding more punitively than would be the case with their peers, including an increased use of custody. The children interviewed for this study did not directly identify this as an issue but that does not mean that it does not happen. They would not necessarily be in a position to know, and another type of study would be needed to indicate if this were the case. The young people's advisory group, however, felt that it was important that, wherever possible,

every attempt was made to prevent children from coming into care, so as to avoid some of the problems that can arise.

We present a list of the safeguards that the children and young people's advisory group felt should be in place to make children's experiences in care more positive, thereby helping to reduce the risk of offending behaviour. This is followed by our attempt to draw out the specific implications in relation to offending.

- Children need to feel that they are fully informed and involved in the decisions which affect their lives – whether that be planning for a change of placement or their release from custody.
- Children need stable placements so that they can feel settled and secure.
- Most children prefer placements that are as close as possible to a family environment. If they are placed in a children's home, this is more likely to be achieved if the home is small, as children describe larger homes as being more chaotic.
- Younger children generally prefer to be placed with children of a similar age. Placement alongside older children, especially in children's homes, can be a negative influence and increase the risk of offending.
- Ongoing contact with family, especially siblings, often contributes to children's emotional wellbeing during their time in care or custody.
- Children in care want social workers to spend more time with them, and to keep in regular contact so that children know they are available if needed. For the

young people's advisory group, this would mean:

- getting to know and understand each child as a unique individual
 - visiting or phoning when they have said they will
 - ensuring that they respect children's confidentiality
 - staying in touch after children have left care.
- Children need positive relationships with at least one trusted adult who can be relied upon to provide practical and emotional support wherever they are placed (including when in custody).
 - Children in care would benefit if society as a whole had a better understanding of the care system. The advisory group suggested that care should be included in the school curriculum to raise awareness, help challenge negative perceptions of looked after children and reduce any stigmatisation or peer pressure they might experience.

6.7 A blueprint for preventing offending by children in care

When a looked after child gets caught up in the youth justice system, or ends up in custody, the professionals and agencies involved in their care, and the local authority with responsibility as the corporate parent, must ask themselves what they could have done differently. Whilst there has been much debate on the poor educational outcomes of children in care relative to their peers in the community, there has been too little focus

on their disproportionate involvement with police, youth offending teams and young offender institutions. It is hoped that this report, which places children at the very heart of research on care, will reinvigorate the debate at a time when the system is facing unprecedented scrutiny. With the number of children in care reaching 65,520 in March 2011³⁴, the recently published Munro Review seeking to reshape the child protection system to improve outcomes for the most vulnerable children and young people, and government restating its ambition to boost the number of children in care who are successfully adopted, the time is right for a shift towards a child-focused care system.

The delivery of a care system which safeguards, supports and parents children who, for whatever reason, are unable to live at home with their families, would ensure that the risk factors inherent in offending by children in care, such as the loss of family and friends, damaging pre-care experiences, and poor relationships with carers, were countered by those which can protect against offending, such as stable placements, continuity in the provision of social workers, and solid relationships with adults they can trust.

Drawing on the children's recommendations and the research findings, we outline a 7 point plan for policymakers and practitioners which is designed to enhance those aspects of the care system which have been identified as protective factors in offending, thus ensuring that children's experiences of care are positive, nurturing and supportive. The plan incorporates recommendations for improving the way in which looked after children who offend are dealt with, by both the care and youth justice systems.

1 Proactive care planning. Consider the likely impact of each child's family context and pre-care experiences on their future behaviour. If these factors put them at risk of offending, make sure that they are addressed within their care plan which must reflect the child's own views on how best they can be supported to stay out of trouble.

2 Getting the placement right. In determining the most suitable placement for a child, think about the possible effect this might have on their behaviour. The number, ages and profile of other children in the placement and the track record of carers in managing problematic behaviour without unnecessary police involvement are important factors which should be taken into account. Placement teams should use their commissioning power to ensure that children's homes use restorative approaches to resolve in-home conflict.

3 Recognising the importance of relationships with adults. Children in care need at least one person within the care system who they can turn to for practical and emotional support and who is interested in them for themselves - not just because they are getting paid. This may happen naturally, for instance with a long-term carer or teacher, or may require more active planning, and the use of mentors. This is especially important where there are frequent changes of social worker or placement.

4 Being aware of family influences.

Some children who grow up in care will continue to identify with their birth family. If their feelings at being separated from their parents and siblings are not discussed and dealt with, they can have an impact on children's ability to settle. Some may misbehave in the hope that this will disrupt their placement and lead to a return home.

5 Nurturing children's aspirations.

Children need to have hope for the future to give them a reason not to offend. For some, this will come through education, training or employment. Others may have complex feelings about their past or their family that need to be resolved before they can move on. Offending can arise when children do not feel valued, can see no positive future for themselves and therefore feel they have nothing to lose.

6 Working across agencies. Because looked after children are primarily seen as the responsibility of social services, other agencies may not fully understand the complexity of life in the care system. When looked after children get into trouble with the law, it is important that relevant information is shared with the police, youth offending teams and magistrates so that they are treated fairly, and any mitigating factors taken into account. In addition, when a child in care appears in court they should be accompanied by their social worker or another member of children's services

staff who knows them well, to support them and ensure any questions about their care plan or placement are answered.

7 Being a good parent. The local authority responsible for a child in care should demonstrate the same commitment as any good parent would if their child gets into trouble. Where a looked after child is made subject to a statutory order, the local authority, as corporate parent, has a duty to do everything possible to help the child to complete it successfully, complying with any terms they may be made subject to. Where a child ends up in custody, statutory guidance states they must continue to be supported and visited by their social worker, who has a duty to put in place a plan for their release. For children who lose their status on imprisonment, the new duty outlining local authority responsibilities towards former looked after children in custody should ensure they are also visited and assessed to see whether they should become looked after again upon release.

Appendix A: Methodology

Introduction

In this section we provide a brief description of the methodology and the characteristics of the children who participated in the study. We then go on to provide an account of the role of the young people's advisory group and how it has supported this research.

Qualitative interviews with children in care

To address the research questions we undertook in-depth qualitative interviews with 23 children between the ages of 13 and 17. In order to explore as many different viewpoints as possible, we aimed to ensure that three distinct categories of participants were included:

- Children in care with no offending history (never cautioned or convicted) (n=5)
- Children in care who had been cautioned and/or convicted but had never been in custody (n=5)
- Children in care who were, or had been, in custody (either under sentence or on remand) (n=13).

The purpose of these interviews was to understand in more depth the views of children, focusing specifically on the following:

- Exploration of the child's individual pathway through the care and youth justice systems (if appropriate), particularly focusing on points at which offending was either initiated or

prevented (and the factors believed to be at play in each case)

- Children's experiences of the various professionals involved in the care and youth justice system and how helpful or otherwise they are perceived to have been
- Children's experience of any interventions intended to prevent offending or reoffending.

The open questions were tailored to reflect individual experiences. We also used a common set of statements as 'prompts' to elicit views across the sample. This enabled children to comment on issues about which they may not have had direct personal experience. The statements were printed on flashcards and children were invited to agree or disagree. A copy of the interview topic guide can be found in Appendix C (page 66).

Sampling and recruitment

We then worked with the local authorities and custodial establishments to draw up a long list of children to recruit to the research. All case study local authorities and establishments were fully briefed as to the sampling rationale for the research (outlined below). Local authorities and establishments provided support to the research team including sending out information about the research to potential participants, assistance in gaining the relevant consent to take part (see below for more details) and helping to arrange dates, times and locations for interviews.

Accessing the sample of children

In each case study setting, we took advice and obtained all relevant ethical and other approvals required to conduct the research.

In addition, we discussed with each setting our approach to research with children, our methods of ensuring informed (and ongoing) consent throughout the research process and procedures for how we would safeguard children.

Informed consent was obtained from all children interviewed, from the local authorities (if the young person was in care under a Section 31 order of the Children Act 1989, under 16 years of age or in custody) and from parents (if the young person was in care under a Section 20 order and under the age of 16, whether in custody or not). Where children were in a secure setting, consent was also obtained from the setting concerned. Once consent had been secured from all parties, local authorities and custodial establishments were asked to provide basic data about each young person prior to interview, including, for example, age of entry into care and care status.

Sampling rationale

Our primary sampling objective was to conduct interviews with a sample of children from each of the three categories (aiming for around 10 children in each category, with a maximum of 30 individual interviews). Furthermore, within each category we aimed to ensure we included children with a range of different characteristics and experiences, to ensure as far as possible that the overall sample provided us with variation in terms of:

- Gender
- Ethnic and cultural background
- Age (13-17 years range, on the basis that the peak age for offending is around 15 years)
- Age of entry into care and length of time in care (we aimed for interviewees to

have been in care for at least 12 months, either in total or continuous)

- Care settings e.g. foster care, children's homes, secure children's home, independent/supported accommodation (care leavers)
- For those children with experience of custody, a range including remand, sentenced, secure training centres (STC), young offender institutions (YOI), secure children's homes (SCH).

Achieved sample

In total, 23 of the 30 interviews were completed with children. Setting up interviews with some children proved to be very challenging at times. Despite the best efforts of local authority and custodial establishments, and the research team, some booked interviews did not materialise.

Some children withdrew consent to take part at the point of interview. In addition, during the course of the fieldwork period some children experienced changes in their personal circumstances that either made it more difficult for us or their social worker to make initial, and/or maintain, contact. Other factors included children absconding from their placements, sudden placement moves and ill-health or hospitalisation.

In terms of children's characteristics, we interviewed eight girls and fifteen boys all aged between 13 and 17 years. Fifteen of the children were looked after under a Section 20 care order and eight were under a Section 31. Just under half of the children we interviewed were White British and a similar proportion was aged 16 at the point of interview. Further details of the characteristics of the sample can be found in Appendix B (page 65).

Data collection and analysis

All the interviews were conducted between November 2010 and February 2011.

Interviews were conducted in a range of settings including youth justice custodial establishments, local authority offices, youth services settings and at children's own placements (children's home or foster placement). We were aware from the outset that the interviews were likely to touch upon sensitive issues and took steps to monitor the impact on the children throughout the process. This included checking regularly whether they were happy to continue (gaining ongoing consent) and debriefing at the end of interviews.

Interviews lasted on average between 40 minutes and one hour and, with the exception of one interview³⁵, were digitally recorded with the respondent's permission and transcribed verbatim for analysis. The data was analysed using Framework, a rigorous and systematic method that allows in-depth thematic and within-case analysis. Initial broad themes were suggested by the research questions and provided a starting point for the analysis. As further themes emerged, the index of key themes was revised and refined. Basic data for each young person (provided by the local authority or custodial establishment prior to interview) was also incorporated into the index.

A matrix was drawn up for each theme, with the columns representing key sub-themes and the rows representing individual participants. Data from each transcript was summarised in the appropriate cell. The final matrices thus provided a full picture of each individual's views, displayed the range of views

described by participants and allowed the accounts of different participants and groups of participants to be compared.

Young people's advisory group

This research benefitted greatly from the involvement of a young people's advisory group, which provided us with support and guidance on how best to approach the research with children. In partnership with VOICE (www.voiceyp.org), a children's advocacy organisation for children living away from home, we set up an advisory group to support the research. The group involved ten young people, aged between 17 and 24, who were in care or who were care leavers.

We asked the advisory group members to meet with the research team three times at important points in the research study to give us advice about:

- What questions we should ask children and how best to ask them
- What the findings mean and how we should write our report
- What recommendations we should make to the Prison Reform Trust.

At each of the meetings, the group was given key questions to consider for each task and encouraged to work together to complete the tasks, with the support of the research team and a participation worker from VOICE.

At the first meeting, which took place at an early stage, the group were involved in informing the research design, including commenting on a draft of the interview topic guide, helping to select the 'statements' used on flashcards to elicit views and providing a steer as to how best to approach the interviews with children.

Towards the end of the fieldwork period we asked the group to interpret and discuss the significance of the emerging findings. The group carried out a snapshot analysis exercise with some of the emerging interview data, outlining what they thought were the key themes emerging from the interviews, and suggested ideas for the full and summary reports.

At the final meeting (in April 2011) the group provided advice on presenting findings to a young audience and commented on a draft of the young people's summary report.

The influence of the group on the research

The group gave us advice on how to explain our approach at the start of interviews with children. They suggested that we:

- Cover confidentiality first to put interviewees at ease and encourage a more open and honest response
- Emphasise that our research role is not linked to the police or social services
- Put the research study in the wider context so children understand that they could help other children who are in care.

They commented on the structure and content of the interview topic guide, in particular:

- Stressing to the research team that we should ask interviewees if they have been in trouble at the start of the interview, and then, where relevant, asking them whether they want to begin by talking about their experiences of the care or youth justice systems

- Commenting on the use of particular words and phrases, including helping to select a list of statements used to elicit views
- Making suggestions for additional questions
- Giving feedback on ideas designed to make the interviews more engaging.

The group interpreted the interview findings by:

- Highlighting what stood out for them from a snapshot of interviews, for example a lack of positive relationships in many of the children's lives, and a need to take into account every young person's circumstances when trying to understand their views on and experiences of care and custody
- Putting forward their views based on what they had learned about the extent to which the experience of being in care affects a young person's chances of offending and ending up in custody.

They made recommendations on our plans for the reporting stage by:

- Giving feedback on the structure and content of the main report
- Suggesting ideas for a young people's summary of the report that will be shared with research participants.

Appendix B:

Characteristics of the children interviewed

Table 1: Age of children interviewed

Age (years)	No.
13	1
14	1
15	4
16	11
17	6
TOTAL	23

Table 2: Ethnicity of children interviewed

Ethnicity	No.
Bangladeshi	3
Black African	3
Black British	1
Black Other	1
White British	12
White European	1
White Irish	1
White Other	1
TOTAL	23

Appendix C: Interview topic guide

Topic guide - children

Introduction

- introduce yourself and NCB – emphasise research role, not linked to police or social services and explain that NCB is a charity working with and for children
- confidentiality/anonymity (including how applies to this study and limits)
- introduce the research:
 - aim is to find out why children in care are more likely to get a criminal record or to be locked up than other children.
 - this is one of 30 interviews with children in care. Some have been in trouble with the police.
 - this research aims to help children like you who are in care.
- outline issues/areas to cover
- check OK to record interview
- reporting (including anonymity in reporting, use of quotes etc.)
- no right/wrong answers – want to hear own views - right to refuse to answer any question
- reminder of interview length – (up to 1 hour) check OK
- check the young person is happy to take part
- any questions (also outline opportunity to ask questions at end of interview)

Background

Purpose - to collect some background information to provide context for the rest of the interview.

- **Can you tell me a bit about yourself**
 - name
 - age
 - where you live (who live with, - how long lived there, likes and dislikes)
 - do you go to school/college/work
 - what you do in your spare time
- **This interview is about being in care and offending. What do you want to talk about first** (care history or offending - take the young person's lead on how to structure the rest of the interview)
- **Tell me about your experiences of getting into trouble/care...**
- **Views on and experience of the youth justice system**

Offending history

Purpose - to get an overview of any contacts with the police (e.g. school/home/placement) and any experiences of the youth justice system. Use this section to establish if and when to follow up in more detail. If the young person has not offended, please move on to the section 'Views on the links between care and custody', unless they have said they want to talk about their time in care first

[If not covered above in background]

- **Have you ever been in contact with the police**
 - can you tell me what for
 - have you ever been in trouble with the police (what for)
 - what happened next (e.g. warning, remand to secure, court but not convicted, conditional discharge, community sentence, custodial sentence)
- **How old were you when you first got into trouble**
 - how many times have you been in trouble with the police since (and what happened each time)
 - have you been on any court orders or been in custody
- **Why do you think you got into trouble in the first place**
 - what was the main reason for getting into trouble
 - were there any other reasons (If so, what)
 - what do you think could have stopped you from getting into trouble? (e.g. somebody, something; what makes you say that)
- **Overall, do you think you were treated fairly** (explain reasons why)

Views on the youth justice system

Purpose - to explore the type of support received, the extent to which this support made a difference and how, if at all, it was useful. Probe fully to understand points at which offending started or was prevented and influencing factors – the risk and protective factors (e.g. experience of professionals, any interventions designed to prevent offending/reoffending).

- **Since you first got into trouble, who have you come into contact with** (e.g. police, solicitor, YOT worker, magistrate)
 - what did you think about them
 - how helpful were they (in what ways)
 - based on your experiences, would you say the same about all police/solicitors etc (if not, why not)
- **Have you had any community sentences** (e.g. supervision order)
 - what did you have to do
 - how did it go
 - how helpful was it (why)
- **Who did you have contact with in custody** (e.g. personal officer, prison social worker, establishment case worker)
 - what did you think about them
 - how helpful were they (in what ways)
 - would you say the same about all personal officers etc. (if not, why not)
- **Did your social worker come to see you in custody**
 - how was that
 - did they still do reviews

- **Can you remember what was in your sentence plan**
 - how was it
 - what was helpful (and unhelpful)
- **Did you do anything else that was meant to stop you (re) offending** (e.g. anger management, substance misuse work)
 - For each mentioned:
 - what did you think about X
 - how, if at all, did it help you
 - what, if anything else would have helped you
- **Can you remember what was in your release plan**
 - how was it
 - what was helpful (and unhelpful)

Views on the links between care and custody

Purpose - to explore to what extent and in what ways children feel being in care can contribute to the likelihood of getting into trouble and being locked up, and what can prevent or protect children from this happening.

- **How much do you think being in care affects a young person's chances of coming into contact with the police (and their chances of doing crime)**
 - is there anything about the care system that makes children more likely to do crime than other people their age (if so, what)
 - how does it affect children's chances of doing crime
- **Did you know that children in care are more than twice as likely to get into trouble with the police as children in general**
 - what do you think about this
- **Do you think being in care might prevent some children from doing crime**
 - in what ways
- **During your time in care, have you ever thought you might get in trouble with the police**
 - what makes you say that
 - what do you think stopped you from getting into trouble (how)
- **Have you seen other children in care getting into trouble**
 - what do you think could have helped them not to (and why)
- **What difference did coming into care make**
 - how did coming into care affect your chances of coming into contact with the police
 - how did coming into care make getting into trouble any more/less likely (why)

Views on the links between care and custody

Flashcard exercise

Now I'm going to say some things about children in care getting into trouble. I want to know if you agree or disagree with each of the things I say **and I want you to explain why.**

A flashcard for each statement
Agree, Disagree, Not sure

- Children in care do crime because their friends are doing it.
- Everyone expects children in care to get into trouble so why not do it anyway.
- Children in care are picked on by the police.
- The law is unfair to children in care.
- The reason children in care offend is because their carers can't cope with their behaviour.
- Getting the right help stops children in care from doing crime.
- You're more likely to get into trouble if you come into care when you're a teenager.

Views on and experience of the care system

Care history

Purpose - to get an overview of the young person's pathway through the care system. Use this section to establish if and when to follow up placements in more detail.

**Now we're going to talk about your time in care. I'm going to ask you some questions and then we will talk about things in more detail if that's OK

- **Do you know your care status**

- are you subject to a care order (s31), accommodated by voluntary agreement with parents or unaccompanied asylum seeker (S20); eligible; relevant

** Make a note if the young person does not know their care status. We should already have this information from a key worker.

- **How old were you when you first went into care**

- can you tell me what led to you being taken into care
- can you remember how you felt about it at the time

- **How many different placements have you had since then**

- how long for
- what was the shortest/longest placement

- **What different sorts of placements have you been in** (e.g. foster, residential, secure etc.)

- what did you think about the different types of placements
- how did X compare to X (please explain why)

- **Can you tell me why you moved between placements**

- what happened at the end of placements

- **Have you lived with your family at any point in between placements**
 - for how long

Views on the care system

Purpose - to explore the type of support received, the extent to which this support made a difference, and how, if at all, it was useful.

- **What help have you had during your time in care**
 - who were the main people involved in your care (e.g. social worker, foster carer, youth worker, leaving care worker)
 - what did you think about them
 - how helpful were they (were some more helpful than others; why)
- **Did you get any other kind of help**
 - if so, what (e.g. financial, substance misuse, mentor etc)
 - what did you think of it
- **What would you say have been the positives about being in care**
 - how have you benefited from your time in care
 - what makes you say that
- **How could your experience in care have been better**
 - can you explain why

****If appropriate, follow up long term or influential (e.g. best/worst) placements in detail. In particular, explore contact with important people, experiences in/out of education and any other risk/protective factors identified so far. Focus on times when offending started or was prevented (where relevant).**

- **Length of time at placement**
 - when and why
 - experiences and feelings
 - how well prepared
- **Contact with important people** (e.g. who lived with, friends, family, social worker)
 - who and how often (continuity)
 - how useful
 - whether still in contact
- **Likes and dislikes**
- **Education**
 - type
 - memories
 - friendships
 - any experiences of exclusion
 - relationships with teachers/other staff
 - any qualifications
- **Any new activities, interests, skills and importance of these**
- **Care plan**
 - content
 - usefulness
- **Leaving care plan**
 - content
 - usefulness

Closing questions

- **is there anything else you would like to tell me about being in care, being in trouble or being locked up**
- **before we finish, can you tell me what do you want to do in the future**

Thank you

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- 22 Children can be looked after on a voluntary basis (section 20 of the Children Act 1989) or subject to a care order (section 31). When a child is subject to a care order (Section 31 of the Children Act 1989), the named local authority shares parental responsibility for the child with the parent(s) and must decide where the child should live. Where parents/carers are having difficulties in caring for their child it may be agreed that the local authority will accommodate the child on a voluntary basis. The local authority is responsible for planning for the child's care as if they were subject to a care order, but does not hold parental responsibility.
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Children in care are more than twice as likely to end up in trouble with the law than other children. Looked after children account for more than a third of children in custody, but less than 1 in 100 of those in the general population. The overwhelming majority are taken into care as a result of abuse, neglect or family breakdown. That so many end up on a fast track to the youth justice system suggests we are punishing disadvantage.

Is care a stepping stone to custody? If so, how and why does this happen and what can be done to help children in care avoid getting into trouble and ending up in custody?

Drawing on interviews with children with direct experience of care and of being in trouble, this report considers whether aspects of the care and justice system act as risk or protective factors, increasing the likelihood of, or mitigating against, offending by looked after children.

This report, set in the context of current research, shines a light on a vulnerable yet neglected group of children in the youth justice system by placing the voice of looked after children at the heart of the debate on care and crime. It sets out a blueprint for policy and practice change to put things right at long last.



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