

# The supervision of care-experienced children within the youth justice system

HM Inspectorate of Probation Research & Analysis Bulletin 2024/03

MAY 2024

# Contents

Executive summary	3
1. Introduction	6
2. Findings	. 10
2.1 Important contextual factors	. 10
2.2 Characteristics of children	10
2.3 Cross-agency barriers	. 13
2.4 Critical success factors	. 27
2.5 Policy and strategy	. 36
3. Conclusions and implications	. 40
References	. 44
Annex A: Methodology	. 48
Annex B: Full list of songs chosen as part of the music elicitation method	. 51

HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth justice services. Our *Research & Analysis Bulletins* are aimed at all those with an interest in the quality of these services, presenting key findings to assist with informed debate and help drive improvement where it is required. The findings are used within HM Inspectorate of Probation to develop our inspection programmes, guidance and position statements.

This bulletin was prepared by Dr Eleanor Staples and Dr Jo Staines from CYPHER research.

We would like to extend a huge thanks to all those professionals and children who participated in the research project. The sharing of experiences and views of all participants has made this research possible, and is hugely valued.

# **Executive summary**

#### Context

The number of children in care has increased over fifteen consecutive years alongside increased pressure on local authority resource. Concurrently, the numbers of children entering the youth justice system have continued to fall. The significant over-representation of care-experienced children in all parts of the youth justice system is well-evidenced and has garnered considerable policy attention, including the development of national protocols to reduce unnecessary criminalisation in England and Wales (DfE et al., 2018; MoJ et al., 2022). Factors identified as leading to this over-representation include children's adverse pre-care experiences; challenges within the care system, including placement instability and concerns about the nature and quality of residential placements; and ineffective criminal justice responses to care-experienced children's behaviour.

Most children, around 70 per cent (YJB, 2024), who are convicted and sentenced for an offence receive a community sentence and are supervised by a Youth Justice Service (YJS). However, there is limited evidence about what works in YJSs to support care-experienced children with desistance and with making broader changes across a range of domains such as education, employment and training, health and wellbeing, and building positive and pro-social relationships and behaviours.

This research sought to provide evidence about care-experienced children's involvement with YJSs from the perspectives of both professionals and children. It looks at how YJS professionals understand care-experienced children's needs and challenges and what barriers exist to working with them. It also explores perceived success factors, roles and relationships with multi-agency partners, and the impact of policy instruments designed to reduce the numbers of care-experienced children entering the youth justice system.

#### Approach

To explore how YJSs work with and understand the needs of care-experienced children, the research used a qualitative approach to gather the experiences and views of professionals. Focus groups and interviews were undertaken with frontline YJS professionals, and team, service and senior managers (n=39). To examine how care-experienced children experience being supervised by YJSs, a range of qualitative methods were used with children aged 15-18 years old (n=15), including mobile instant messaging interviews (MIMIs), music elicitation, and semi-structured interviews.

#### Key findings and implications

- The wider social, political and economic context in which YJSs operate was perceived to directly impact what YJSs could achieve for children. Increased pressures on resource across agencies, from education, to social care, the police and within YJSs themselves, were perceived to exacerbate existing challenges for vulnerable and marginalised children. This made it harder to meet children's needs and achieve the aims of the youth justice system, both in terms of reducing reoffending and developing children's pro-social behaviour.
- Different characteristics of children could play a role in the way in which they engaged with the YJS. Many professionals reported finding girls more challenging to develop positive relationships with than boys. Gender was also identified as a factor leading to

differential responses from other agencies. In particular, girls were seen as being more likely to be blamed for circumstances preceding their offending, such as criminal or sexual exploitation. Where children's racialised identities intersected with gender, professionals noted a tendency of other agencies to view boys as aggressive and have undue suspicion of Black boys being involved in gang-related activity. Some children also discussed harmful experiences and effects of racism within the youth justice system.

- Residential care was identified as the predominant placement for care-experienced children involved with YJSs. Overall, the quality of children's residential placements and supported accommodation was considered to be inadequate to meet the needs of children, having a deleterious effect on their welfare and wellbeing. Professionals also questioned the appropriateness of profit motivation in services for vulnerable children, and noted that the market is so dysfunctional, with Local Authorities facing unsustainable placement costs. Concurrently, concerns were raised about the severe shortage of placements across England and Wales, which led to children being moved far away from home communities and supports. This practice was perceived to make the work of YJSs more challenging as it increased serious safeguarding risks such as missing episodes and exploitation. Children living on care orders at home and under deprivation of liberty orders were also perceived to face significant challenges.
- Both professionals and children felt that there were too many professionals in the lives of care and youth justice experienced children. The practice of having a 'professional for everything' could be counter-productive as it could cause some children to withdraw from services and interventions. Children found the re-telling of, sometimes traumatic, past experiences to multiple professionals to be intrusive, challenging and harmful.
- Agencies outside of the YJS were perceived to hold a crucial position in the positive development of children.
  - For children, plans to re-enter education were a core part of wider aspirations and causes for optimism. However, while professionals viewed educational opportunities as a key component for developing routes out of offending, they were felt to be limited by providers who blocked access to educational provision due to children's involvement with the youth justice system. This was particularly challenging in post-16 education. A shortage of alternative provision, and negative peer relationships where children were in this type of provision were issues raised, along with a concern about the level of unidentified educational need which many children presented with in the YJS.
  - While working relationships were generally good, there was a concern that children's social care colleagues lacked knowledge about the youth justice system and their duties related to it. Children reported some very good experiences of social workers, citing examples of kindness, empathy and practical help; however, the frequent turnover of social workers was negatively reported by both children and professionals.
  - The approach of the police towards the criminalisation of care-experienced children, particularly in relation to attending incidents in residential placements, was mixed. There was a recognition that the YJS and the police had different rationales, aims and objectives which created some tensions. Some professionals and children reported very negative, and overly punitive attitudes from officers towards care-experienced children, but seconded officers and neighbourhood teams were generally perceived as good at joint working and understanding and

responding appropriately to children's behaviour. Perceptions of the way the Crown Prosecution Service (CPS), magistrates and judges dealt with care-experienced children in court were very good overall.

- Transitions between YJSs and probation, and from being in care to a care leaver were identified as particularly difficult for care-experienced children, and a point at which risks of reoffending and wider poor outcomes were exacerbated for children.
- YJS professionals prioritised positive relationships with care-experienced children to engage them in work around offending and help them develop wider pro-social skills, behaviours and identities. The component aspects of building these relationships were: consistency and perseverance, being flexible and thinking holistically, and being child-centred and empathetic. Children cited non-judgmental and consistent support as important, and particularly liked aspects of YJS work which were active and engaging. YJS professionals also had good knowledge and understanding of the care system, its processes and procedures as well as the common support needs and experiences of children subject to it. This helped them to better support children and advocate for their entitlements.
- YJSs play an important role in supporting children's mental health in a number of ways: some professionals reported having co-located child and adolescent mental health service (CAMHS) professionals in their service or delivering Cognitive Behavioural Therapy (CBT) directly to children while receiving clinical supervision themselves. These models could avoid the challenges of CAMHS waiting lists, children not being ready or able to engage in traditional talking therapies, and children being moved out of area. Children reported the benefits of counselling, talking through emotions and learning better ways to express them via therapeutic interventions. YJS professionals also felt that children's mental health should be the collective responsibility of all agencies and professionals involved in a child's life; everyone had a role to play to support children with their wellbeing and it should not all be left to CAMHS.
- In terms of specific policy instruments designed to reduce the criminalisation of care-experienced children, knowledge about, and use of, the national protocols was inconsistent, though there was widespread understanding about the CPS 10-point checklist. Professionals also acknowledged that, even where these tools had been successfully embedded at local authority level, there was little control over how staff dealing with incidents most often (residential care home staff, most of which are privately operated, and the police) would use them. There were multiple examples in the research of children being arrested due to incidents in residential placements, many of which YJS professionals felt was an inappropriate response. Conversely restorative approaches were valued by professionals, who saw them as addressing the needs of both children and victims. Generally, there was a desire to extend the use of restorative interventions, but the high turnover of residential care home staff was noted as a particular challenge.

# **1. Introduction**

This research explores the supervision of care-experienced children who receive community youth sentences or interventions by youth justice services (YJSs) from the perspectives of YJS professionals and children. It adds to a body of academic and policy concern about the over-representation of care-experienced children in all parts of the youth justice system (Shaw, 2014; HMIP 2016; Prison Reform Trust, 2016; Taylor, 2016; Bateman, 2020; Day et al., 2020; Day, 2021; ONS, 2022; Hunter et. al, 2023). A wide body of international research broadly categorises factors leading to this over-representation as pre-care risk, adverse experiences whilst in care, and structural criminalisation (Staines, 2016). While there is recognition that there have been significant reductions in first time entrants into the youth justice system since the 1990s,<sup>1</sup> the children that remain subject to its oversight are particularly vulnerable, have complex lives and have often experienced multiple disadvantages, traumatic and/or adverse experiences (Case and Haines, 2021; Gray, Smithson and Jump, 2021). In this context, it is perhaps unsurprising that care-experienced children are a cohort who remain persistently over-represented.

The number of children in care has seen fifteen consecutive years of increases. In the year ending 31 March 2023, 83,840 children were looked after<sup>2</sup> by a local authority in England, and a further 7,080 in Wales. Most children who enter state care are recorded as doing so due to abuse and/or neglect (DfE 2023), though an increasing body of research provides a structural account of the care system, highlighting the role social inequality plays in care entry rates (Bywaters et al., 2020). While the number of children in state care in England and Wales is at an all-time high, local authority budgets are estimated to face a funding gap of £4.8 billion over the next two years (LGA, 2023). There have been several recent policy reviews of the care system, looking at what has been characterised as a 'care crisis' (FRG, 2018; MacAlister, 2022). A significant national shortage of placements, including residential care, which is particularly relevant for this research, is well documented (ADCS, 2022; Ofsted, 2023a).

Children living in residential settings are at highest risk of contact with youth justice systems (Bateman et al., 2018) and there is considerable recent evidence that the children's residential care system is dysfunctional. Private providers now run most residential settings – both children's homes and supported accommodation - for children. Around four out of every five care homes are owned by private companies (Ofsted, 2023b) and 50 per cent of privately run residential settings are owned by companies that run 10 or more premises. The recent *Independent Review* of Children's Social Care (MacAlister, 2022) recognised that insufficient placement availability and increased demand for placements meant private providers could make disproportionate profits whilst also not meeting the needs of children. The Association of Directors of Children's Services (ADCS) noted that the placement shortage also allows providers to 'pick and choose' which referrals to accept (Pearce, 2023), which is likely to disadvantage children with a conviction. The Children's Commissioner (2022) stated 'there is overwhelming evidence that the system is not meeting the standards we should expect', while the Competition and Markets Authority concluded that 'the market is not working well' (CMA 2022). Ultimately, there is wide evidence that a lack of residential placements limits children's access to care appropriate to their needs whilst allowing for profiteering, placing local authority budgets under further pressure.

It is important to flag that the care system and the children who experience it are not homogenous, and that most care-experienced children do not become involved in offending.

<sup>&</sup>lt;sup>1</sup> The most recent statistics from the Youth Justice Board, released in January 2024, indicate the first rise in first time entrants into the youth justice system in 10 years, an increase of one per cent (YJB, 2024)

<sup>&</sup>lt;sup>2</sup> Although we use the term care-experienced children in this report to refer to children who are or have been in care, the term 'Looked After' has a legal meaning and in relation to the statistical information it is important to be clear what is being discussed.

Only two per cent of children in care aged over 10 years were convicted or cautioned in the year 2021-22 (DfE, 2023). However, there are aspects of children's experiences of care that make them more or less likely to encounter the youth justice system. Day (2021) concisely sets out the main challenges for care-experienced children that can lead to (further) criminalisation and inhibit positive development. Factors include:

- Placement instability: feelings of powerlessness and a lack of agency; disruption to relationships and attachments; poor development of self, identity and life story (Watson et al., 2021); and higher risks of self-destructive behaviours, criminal and sexual exploitation (Hallett, 2017; Shaw and Greenhow, 2020)
- quicker escalation of criminal justice responses to care-experienced children (up-tariffing): care-experienced children are recorded as having more minor offences linked to care placements (Day et al., 2020)
- residential care placement: the narrative of residential care as a placement of 'last resort' does not go unnoticed by care-experienced children, who can integrate this into their identity along with the nature of residential care as quasi-institutional, leading to feelings of stigma; frustration amongst children who live in 'homes' that are carers' places of work; and the tension between competing rationales of care and control in residential care has been reported in literature over the last thirty years (Kahan, 1994; Berridge, 1998; Berridge and Brody 1998; Kendrick, 2008; McLean, 2015).

There have been concerted policy efforts to address this over-representation. The 2016 review into children in care in the youth justice system, chaired by Lord Laming, took place alongside a simultaneous review of the youth justice system by Charlie Taylor, and a programme of work by the Howard League (2016) aimed at reducing the criminalisation of children in care. In response, the Government published a cross-departmental protocol, *The National Protocol on Reducing Unnecessary Criminalisation of Looked-after Children and Care Leavers* (DfE, Home Office and MoJ, 2018). A Welsh equivalent, the *All Wales Protocol on Reducing the Criminalisation of Care Experienced Children and Young Adults,* was published in 2022 (Welsh Government, 2022). These protocols provide a model framework for monitoring processes pertaining to the criminalisation of care-experienced children, incorporating the views of children and young people, and focus on de-escalation and multi-agency working to support care-experienced children's needs. However, the protocols lack statutory footing. Without a duty to implement the protocols or accompanying resource allocation, local authority implementation has been mixed (Hunter et al., 2023).

In relation to non-custodial youth sentences, in the year ending March 2022, there were just under 11,900 occasions where children were sentenced at court. Of those, 70 per cent were community sentences (YJB, 2024). Despite most children who are sentenced receiving a community sentence, there is limited evidence about what works in YJSs to support care-experienced children both with desistance and making broader changes across a range of domains such as education, employment and training, health and wellbeing, and building positive and pro-social relationships and behaviours. However, Staines and colleagues (2023) found that YJS staff could be well placed to provide gender-specific, trauma-informed interventions with care-experienced girls involved with the youth justice system and were able to build stable, supportive relationships with them, particularly when the girls had not had consistent support from children's social care.

The final development is the Youth Justice Board's adoption of 'Child First' as its guiding principle. Within this framework, the child's identity, strengths, and vulnerabilities are recognised as complex and multiple, and not determined solely by their offending (YJB, 2022). This research

looks at how YJSs are working within this newly adopted Child First paradigm, specifically exploring how professionals work with care-experienced children subject to a community sentence or intervention to tackle the influences and reasons for offending; and how they promote the influences that help children to engage in pro-social, positive behaviour. It also explores how children themselves feel about their time being supervised by a YJS.

## Methods

This research was qualitative: interview and focus group data was gathered with frontline (n=25) and managerial YJS professionals (n=10) and senior/strategic youth justice managers (n=4). 34 YJSs were represented. It also gathered the views and experiences of care-experienced children who were at the time of data collection, or recently had been, supervised by a YJS (n=three girls; n=12 boys). The children ranged from 15 years old to those who had just turned 18 and were from a range of ethnic backgrounds. Adult and child participants were drawn from all over England and Wales (Annex A).

Data collection was conducted from May to November 2023. Professionals took part in online focus groups or individual interviews which lasted around an hour, guided by a semi-structured topic guide. The research with children used an initial mobile instant messaging interview (MIMI) in which the researcher asked a series of predetermined questions over WhatsApp (or email if the children preferred). These questions include a music elicitation question ('what song or songs would sum up your overall experience of the YJS?') and a word elicitation question ('what three words would describe a good YJS worker?'). Once these MIMI questions were completed, the children were invited to take part in a phone or online interview where the MIMI and other topics were explored in more detail. Children received a voucher to thank them for their time and participation.

More detailed information on methodological issues can be found in Annex A.

The findings of qualitative research such as this are not intended to be generalisable; rather they provide a rich and nuanced understanding of some of the multiple complex factors which contextualise how, why, and what happens when care-experienced children are given a community sentence, from the perspectives of children and YJS professionals.

The research addressed the following research questions, which were devised by HM Inspectorate of Probation:

- What are seen to be the elements of a successful strategy for working with those with care experience?
- Are there effective relationships with other agencies to meet the needs of those with care experience?
- Have staff been provided with the necessary guidance and training in relation to working with those with care experience? How do YJS staff rate their knowledge about how best to work with those with care experience?
- What are the common challenges, difficulties and barriers to good practice encountered by YJS staff working with those with care experience?
- What are the critical success factors and areas of good practice for working with those with care experience? How can any barriers be effectively addressed?
- To what extent is the local implementation of the *National Protocol on Reducing Unnecessary Criminalisation of Looked-After-Children and Care Leavers* (and the Welsh

equivalent) having a meaningful and positive impact on the work undertaken by YJSs supervising care-experienced children?

The findings presented in this bulletin are laid out thematically, mapped broadly onto the research questions listed above. The practitioner data and the children's data were coded separately before being brought together to construct the themes. As such, the discussion of the findings integrates adults and children's data in order to provide multi-perspectival discussion of the themes. Children can and did talk about many of the same topics as practitioners, often adding a different perspective. While separating children's data into a separate section may have made it more visible, there was a risk of it becoming a secondary consideration or disregarded, particularly in subsequent discussions about policy and practice implications.

Data collection yielded large amounts of data. It was not possible to include the full breadth and depth so only the most pertinent themes are presented. It should be acknowledged that the amount of children's data collected was significantly less than that of professionals, in as much as the transcripts were significantly shorter. Issues such as researched-researcher power dynamics, children's individual levels of confidence, and broader social inequalities can all constrain the amount that children say to a researcher. Further, it is important to interrogate the notion that a qualitative interview as a mode of expression captures children's 'voice' in the most authentic way. Children often have alternative ways of sharing perspectives and experiences. The music elicitation method was chosen to make children present in the data, and to harness 'voice' and insight into their social worlds, thoughts and feelings, without an expectation that they engage in a way we might expect from professionals. At relevant points, some of the songs representing the thoughts and feelings of the children have been included with key lyrics and links to listen to each song. There is also a full list of songs in Annex B which readers can listen to and reflect on when reading the report.

# 2. Findings

# 2.1 Important contextual factors

There was a distinct recognition from professionals that wider structural and political-economic issues directly impacted the work of YJSs and the wider wellbeing of children and could affect the likelihood of reoffending. In each focus group or interview, topics such as the following were discussed:

- intense pressure on national and local authority budgets
- a lack of therapeutic settings for children
- widening social inequalities
- the closure of secure children's homes
- more children entering care, coupled with a lack of placements.

High pressure on resources, and on services and systems designed to protect and support children, was felt to make it difficult to reverse the over-representation of care-experienced children in the youth justice system and limited the impact of what could be achieved for children "society and the services are hamstrung. We can't make it any better. I feel very powerless" (Professional one).

A particular structural issue that most professionals raised as significant for their work, and for the welfare and wellbeing of children more broadly, was the shortage of residential placements coupled with the privatisation of children's residential care. There was general resistance to the core idea that private children's homes, run as businesses and motivated by profit, could be driven by the needs of children:

"[The] children's homes market is driven by the market; it's not driven by the needs of the children and the local authorities." (Senior Manager two)

Professionals described the way private providers operated as being like "*pop up shops*" (Professional four) opening and closing without much difficulty, which was to the detriment of children: "*they don't actually care about the wellbeing of the young people, they're doing it absolutely just because of the money*" (Professional five). Another described how "*profit comes hand over fist over the young people*" (Professional 23). These concerns reflect recent evidence and policy responses to the market in children's residential care, discussed in the introduction.

# 2.2 Characteristics of children

Both professionals and children discussed various aspects of experience and identity in relation to care-experienced children's needs, their offending, and the work YJSs were doing. There are both practice and strategic implications which result from care-experienced children's intersecting identities and experiences when they come into contact with the youth justice system.

Gender was considered by professionals to play a significant role in relation to reasons for and type of offences care-experienced children committed, as well as their treatment in the various systems they were subject to. Ultimately girls were viewed as more vulnerable (see also Staines et al., 2023). There was widespread acknowledgment that care-experienced girls were much more likely to have experienced sexual assaults, abuse or exploitation than boys. This was sometimes felt to lead girls to act in 'nihilistic' or very dysregulated ways, or feel a need to

protect themselves from being victimised again, all of which could present as offending and all of which could make building relationships more challenging:

"What we tend to see with girls is that they're inward and then something has shifted. So, whereas a girl might have been self-harming from the age of 12 to 14 then all of a sudden 15, they've gone 'FU I'm gonna hurt the world now'. And then all of a sudden, the response is very, very different." (Service Manager one)

It is perhaps significant that the girls in the research all talked about how traumatic they had found some of their conversations with YJS workers around things that had happened to them previously – to a greater extent than the boys. For example, Lateesha, 17, said that she was glad every time her YJS appointment was over: "*after every meeting, I was really relieved. I felt like I was reliving some trauma".* The girls who took part in the research described their experience as somewhat intrusive and they wanted more understanding from their YJS workers about how some conversations could incite trauma and needed careful exploration:

"When they are talking about a topic, yeah. And then they...they should be very careful because you are in the process of healing. So, they don't have to harass you or talk about something that may hurt you." (Faith Evangeline, 18)

Conversely, boys' reactions and behaviour in response to traumatic events or challenging situations were viewed by professionals as more 'outward' and therefore easier to make sense of, and work with. Some reflected on how boys tended to just "*get on and do things with us*" (Professional 10). Interestingly, some of the boys who took part in the research gave an account of this gendered expectation. They talked about the circumstances leading up to their offending and their entry into the YJS as requiring them to uphold stereotypical masculine behaviour. The following extract explains one boy's song choice that represented his time being supervised:

"...in times of difficulties, in terms of when people look down at you, as a boy. You're meant to be the strong one in the... and you were not supposed to give up or say, cry, like normal people do when they're facing difficulties." (Hunter, 18)

## Song: Boys Don't Cry Artist: Jake Banfield

And I tried keeping all of this inside But the cracks they start to show And I've been told

Boys don't cry, but damn, I need a shoulder I'd be lying if I said I don't Sometimes I'm the one that needs a little holding If boys don't cry, where these tears supposed to go? Where these tears supposed to go?

Listen on YouTube here

However, many reflected that, after engaging with a consistent and supportive YJS worker, some of this pressure to maintain a 'tough' attitude loosened. One boy, when describing why his YJS worker had been so important, stated it was because "*they cared about me. Yeah, that was a* 

*very important thing at that time in my life*" (Kyle, 17). Despite some boys articulating the weight of social norms around masculinity, they valued and needed care, empathy and kindness as underpinning principles in a YJS.

There was also evidence that professionals saw care-experienced girls being blamed for their role in offending; that there was a perception that "*they've caused it themselves or they should have walked away*" (Team Manager two). Others talked about how girls were still often blamed, by other agencies, for going missing from placements and their exploitation: "*blaming girls and the language they use, especially when it comes to CSE [child sexual exploitation], it's been going on for years, it's consistently the way*" (Professional six). There was also a recognition that older boys, who were perceived as displaying aggressive or loud behaviour, carrying weapons, or being classed as gang affiliated, were unlikely to elicit an empathetic response from other agencies:

"When you've got a 14-year-old Black boy who's had a really crap time, like he maybe grew up had a bit of time in Somalia and has witnessed some horrendous civil war issue is then carrying weapons...There isn't the same empathy because it doesn't fit our normal narratives of what vulnerability is... they don't get the same empathy as a result." (Service Manager one)

This extract also raises a key factor mediating which children get the most empathy and support: children's racialised identities. There is evidence that racially and ethnically minoritised children are overrepresented in both care and the youth justice systems and receive racial and other forms of discrimination and exclusion from services, as well as being likely to receive harsher sentencing than white counterparts (Hunter, 2022; Barnardo's, 2023). There was a perception from professional participants that the Black children in general were treated disproportionately and targeted more in comparison to white or Asian counterparts, some noting their over policing:

*"I've never understood why it takes seven to ten police officers to stop and search one young boy of colour" (Professional eight).* 

There was also recognition that Black boys were at risk of being judged to be gang affiliated – simply for existing as Black boys. There was a perception that services and society were... "quick to assume that they're part of a gang." (Professional 17)

and they were policed on that basis.

Some professionals discussed their work with children who were part of gangs. Crucially, professionals recognised that the experience of gang involvement, while it may involve victimising others, was beset with violence and trauma. One professional reflected on the work they completed with a child who later received a lengthy custodial sentence. The main strength of their work together in the YJS had been around recognising and working through his trauma:

"There was a lot of trauma that he'd been through, and a lot of violence he had seen in the home and within gangs... it was a week before his order ended, he was remanded to custody for all these further drug charges... And I felt really disappointed, I felt that we'd worked together for a year, and we'd done so much work, it just felt like I'd failed him or something... And then I had a discussion with some of my colleagues, we spoke about all the work we did around his trauma, and some of the sessions we had, where he was able to understand his trauma better, and although he went on to offend, there was still some success in the fact that he started to understand his trauma." (Professional 13) Some children in the study discussed their experiences of racism, in a variety of services and contexts. One girl said that the main thing she would change about her experience of the police and the YJS was "*maybe racism, and aggression among them. Yeah. Racism among them*" (Faith Evangeline, 18). Others described how society and different agencies viewed them with a certain set of biases and expectations: "*I'm a Black man. Yeah. And I'm seen to be a Black man*" (Benji, 17). One child talked about how much it helped that his YJS worker was a Black male because they shared a particular experience of being in the world:

"There is this narrative of, you know, racial...racial activity. Just racism. Yeah, I felt more comfortable talking to (name) because he's Black, and I think he resonates with what I've been through and or what I go through every day in my life." (Steven, 17)

Finally, care-experienced children from racially and ethnically minoritised backgrounds were felt to be further disadvantaged when they were moved out of area. This was because they could often be subject to what many professionals described as a 'culture shock' when uprooted from large urban cities to rural, predominantly white areas. While there is nothing inherently wrong with rural, white areas "*where there's only sheep and fields*" (Professional 19), services, supports and networks to help children adjust, connect and settle were described as missing in those areas and could cause alienation from placements and professionals.<sup>3</sup>

The last important characteristic of children which impacted the practice of YJS professionals was care-experienced children's experience of trauma. Without exception, professionals talked in some way about 'traumatised children', 'childhood trauma', 'trauma responses', 'traumatic experiences' or a 'traumatic journey'. One professional stated that many care-experienced children had live *"things that we'll never, ever be able to, understand, experience, or imagine"* (*Professional 18*).

There was widespread recognition that care-experienced children would have had painful, frightening, damaging life experiences which were at the root of their offending. The prevalence of these traumatic experiences illustrates an idea which runs through the data: that many children with care and youth justice experience have been both victims (often in multiple ways) and have offended.

# 2.3 Cross-agency barriers

#### 2.3.1 The care system

All practitioner participants, without exception, discussed aspects of the care system as making the implementation of good practice, and successful strategies, challenging. They also discussed it as a barrier to providing children with good experiences and outcomes whilst being supervised by a YJS and beyond.

#### Quality of children's homes and supported accommodation

The predominance of residential care in the lives of children who are in contact with the youth justice system is well established. Perhaps unsurprisingly, our research reflected this trend. Relatively few professionals or children had a great deal of experience of foster placements. Where they had, the benefits of foster care were felt to be down to the skill and experience of individual carers.

Almost all professionals recognised that residential care homes could be positive for children and could offer good quality support and care. Many could give examples of this:

<sup>&</sup>lt;sup>3</sup> There was evidence in the data of a perception that in less urban areas, where YJSs were much smaller, resources in general were much more constrained in terms of the voluntary or 'extra' services on offer for children or that YJSs could access.

*"I've got about two young people in residential private placements at the moment... they're fantastic. They're really good and do... therapeutic work, and restorative approaches."* (Professional 23)

There was also an acknowledgment that residential care could better meet the needs of the children they worked with, who tended to be older, more independent, and might struggle in a foster placement. However, the dominant view was of variable standards in residential care homes, where good provision was not the norm *"there's good placements too, but I've had more bad experiences"* (*Professional six*).

Many professionals felt that much residential care did not meet children's needs and poor-quality of care and support could result in a subsequent escalation of safeguarding concerns, and that addressing these *"dominates rather than the work with the child"* (*Team Manager two*).

Others linked poor-quality placements to missing episodes:

"Why is he running away from this God-awful place where they allow him to hoard things? Drawers that are empty and broken and a saucepan half full of water with remnants of noodles. Why are you not going in there? Why are you not helping him to make that a homely space? It's his home... but it's not his home. It's just a place he's passing through. So no wonder he's gone away from it... It really makes me very angry" (Professional one)

In a context where safeguarding concerns become the focus of the multi-agency response, the work that YJSs are tasked with doing becomes extremely challenging. Another key concern, found in many other studies (see DfE, 2021), related to staff: high turnover and a lack of training, skill and knowledge. This was felt to inhibit the development of positive, trusting relationships with children and add further instability to the life of a care-experienced child, leading to an escalation of challenging behaviours and increasing the likelihood of being criminalised.<sup>4</sup> These staffing issues were also perceived to negatively impact joint working between the YJS, children's social care, and the placement provider:

"How do we work with both the social worker and staff from an independent provider who these days are quite often agency staff and seem to rotate... you do wonder if people really are that interested in working with you." (Team Manager seven)

At the same time, there was a perception of a more stable and better trained staff group in local authority run homes compared with those run by private providers. It was noted that local authority homes were "*that bit more professional*" (Professional nine) and that "*local authorities*" *own provisions kind of had that stasis about them*" (Professional 25) which tended to include a more static staff team. This is not to suggest that professionals thought all local authority homes were good, but that they were not subject to the same 'churn' in staffing. There was much concern about the suitability of supported accommodation for 16- and

17-year-old children.<sup>5</sup> There was a recognition that because these settings were no longer required to provide care, the support on offer did not meet children's needs:

<sup>&</sup>lt;sup>4</sup> Further discussion of the criminalisation of children in residential care is presented in section 2.5 on policy and strategy. One of the most significant areas of youth justice policy development in recent years has been around combatting this issue and it is explored fully there.

<sup>&</sup>lt;sup>5</sup> There have been recent changes to the way residential care for 16- and 17-year-olds is regulated. This placement type is no longer referred to as semi-independent or supported lodgings but 'supported accommodation' where there is no requirement for the provision of care, only accommodation, which means that staff may not be present at all times.

"I think that a lot of the staff aren't trained, aren't paid well enough in the post 16. They don't seem to have a lot of insight into the children and why they may be a certain way... I think the tolerance for the children is really low." (Professional six)

In particular, supported accommodation was seen to increase the risk of exploitation. This was highlighted by professionals many times:

"The young person's either put in semi-independent, don't know where to sign on, don't know how to cook, don't know how to do this and that, and then automatically gravitate to the gangs and the negative peers that we have." (Team Manager three)

*"It's not known to be a nice place to live, basically. You know, you'll have pimps hanging about outside..." (Professional 17)* 

Overall, apart from a few positive examples of local authority run supported accommodation working well, the overwhelming view was that these placements were not good enough for children and there were many accounts of children being put at risk of harm. In this context, implementing the work of the YJS in addressing influences upon offending, and nurturing influences to promote positive, pro-social behaviour, is extremely challenging.

All except two of the children who took part in the research had experienced either a residential children's home or supported accommodation, but they talked in little detail about their experiences. In the main, their time in residential care was described as 'OK'. Some children did report positive attributes about at least one member of staff. For example, some were described as "*supportive and friendly*" (Lateesha, 17); another said his key worker at his children's home was "*funny... and listens to me*" (Kasey, 16), and one even wanted to forge her own career in residential care due to her positive experience of living in a children's home.

Two children noted that being in residential care involved being monitored. Chris, aged 16, felt ambivalent about this: "being in care, it's a bit helpful. The strictness helps but also you can feel your freedom is gone". Jaxon, aged 17, had similar mixed feelings but thought that in the end it helped him: "you get to be monitored more often, more attention is paid to you. Though at first you may see it as if it's not a good thing but in the long run it's helpful".

Less positive views mainly related to a sense of bossiness or strictness which some children did not like: "*Yeah, they're annoying. Telling me what to do all the time – do this, do that*" (Kasey, 16). None of the children reported being treated unfairly or being very unhappy in residential care. However, it should be noted that the focus of the interviews and MIMIs was on children's experiences of the YJS, not their care experience.

#### Peer influences in residential care

There was broad recognition among professionals that other children in residential or supported accommodation were likely to have equally complex lives and have experienced multiple adversities which could pose challenges for children's positive development:

"You're bringing together like traumatised troubled children in one place. Sometimes causing more problems than it solves." (Professional 22)

It is important to highlight that professionals understood that peer relationships were highly complex – not straightforwardly positive or negative – for this cohort of children. Undoubtedly,

In fact, if a provider offers care as well as accommodation, they must be registered as a Children's Home and follow *The Children's Homes Regulations 2015.* Supported accommodation recently received its own set of regulations (*The Supported Accommodation (England) Regulations 2023*). Supported accommodation placements must be registered with Ofsted but they are less frequently inspected than children's homes.

the risk of offending could be heightened by meeting and spending time with other children with similar unmet needs. However, there was also an acknowledgement that children needed to meet their needs somewhere, that they deserved a chance to have fun and experience the joy of messing around with mates, a sense of belonging, just as any other child would:

"You get those sort of friendships forming who don't really promote a positive identity, but they've become important to the young people because they are friendships and you do things together and have fun together and have a laugh together." (Professional 25)

This is another issue which highlights the balance that YJSs strike in their work supervising careexperienced children, as a factor identified as having a negative influence on children's offending may also be a source of comfort and self-esteem, important factors in reducing offending behaviours. Further, children were acutely aware of how peer influences might affect them, and many were being helped by YJS workers to "*avoid unnecessary crowds*" (Hunter, 18) or "*shift focus and change who to associate with*" (Jerome, 16).

#### Children on care orders living at home (COAH)

In the year ending March 2023, seven per cent (n=4710) of all children in care in England, and 13 per cent in Wales, were living with parents or another person with parental responsibility (DfE, 2023). There is a dearth of research around the experiences of children in this type of care arrangement, although there is some noteworthy recent evidence from the statutory social worker perspective (Murphy et al., 2023).

Some professionals perceived that a COAH could exacerbate a child's risk of offending, was detrimental for their wider wellbeing, and damaged their prospects of building a relationship with supporting professionals. The reality of these arrangements was often described as chaotic, and in some focus groups, when asked about working with children on a COAH, there were just sighs of exasperation. One professional likened a COAH to "*closing the stable door after the horse has bolted*" (Professional 18). The use of these arrangements were linked to the placement shortage, and a lack of local authority resource, rather than being in the best interests of the child:

"You've demonstrated significant harm in court if you've got that care order. And often there's nothing that's changed in the family... they go there because of the placement deficit." (Professional 25)

The overall view was that Local Authorities provided insufficient support to families to meet a child's needs where a COAH was in place, and this made the work of the YJS particularly challenging. In particular, there were examples where concerns for children on a COAH had escalated over years, and once the YJS had become involved, children were extremely averse to professional involvement which increased the risk of them breaching an order.

Only one child in the research had experience of a COAH. When talking about the arrangement, he did not differentiate between his previous involvement with children's social care – he had the same social worker and still lived at home. He described his future plan as to "*come off social services, and then stay with my mum for a bit, but then like, get a job and my own place*" (Musa, 17). For this child, being care-experienced was qualitatively different from children removed from a parent's daily care. His engagement with and assessment of his YJS worker was positive, as he differentiated her role in his life from that of his social worker who he disliked because of her level of involvement with his family, which caused "*arguments with my mum*".

#### **Deprivation of Liberty Orders**

Although not a placement type, several professionals raised the use of Deprivation of Liberty (DOL) orders in relation to children deemed to need high levels of support and care, who are usually placed in a children's home. In the year to June 2023, 1,249 children were deprived of their liberty due to concerns about their welfare, the majority of whom had already been subject to a care order. In England, an analysis of data from Cafcass showed a 462 per cent increase in the use of DOL orders in the three years to 2020/2021 (Roe, 2022).

Overall, the perception was that these orders caused harm to children; they were being "*overused*" (Professional 12); and children subject to them were often put in places where "*there's absolutely nothing*" (Professional five). Some professionals discussed how a DOL order could damage children who have experienced negative or unhealthy encounters of adults exerting control over or violations to their bodily autonomy, such as sexual abuse. Crucially, DOL orders were seen to cause additional criminalisation. Some professionals discussed how children's offences were towards care home staff, and often only during the DOL restrictions when they wanted to leave the premises. Others were unsure whether staff were "*qualified to handle certain situations… with your DOLS and things like that*" (Team Manager 3). Other professionals simply felt that the restriction to a child's liberty was inhumane: "*they were locking her up like a dog… it was tormenting*" (Professional 24). The use of DOL orders for children is a multi-systemic issue that is wider than the youth justice system or the work of the YJSs. However, if the trend identified above continues, YJSs are likely to encounter more children subject to a DOL order.

#### The over-professionalisation of children

For care-experienced children, there was a view that there were too many professionals working with them which could be confusing, intrusive, and lead to children not wanting to engage:

"There was literally a queue of people outside the house waiting to see him, all from fragmented agencies: social worker and youth justice worker, prevention service worker, a CAMHS worker, a drugs worker and somebody from school, we were queuing down the road." (Professional 25)

YJS professionals knew that for care-experienced children, they were likely to be "*just another face, another professional, another person who's asking intrusive questions*" (Professional 1). This, coupled with the mandatory nature of a youth community sentence, could be a barrier to building a relationship with a child. The children's data reflected this. Children described how difficult it was to tell their story several times. Others talked about how their trust had been violated when the professional network around them had discussed their personal details:

*"I opened up about my wellbeing, my upbringing. That disappointment you face. So, it's like a big shock."* (Gabriel, 17)

Some children expressed how retelling their experiences and going over reasons for offending with their YJS worker became a reason to disengage, describing it as "*just interference*" (Lateesha, 17). Another child described the constant questions about her life as "*it wasn't helpful…they all want to know so much*" (Anita, 16).

# Song: Silence Artist: Marshmello ft. Khalid

I'm in need of a saviour, but I'm not asking for favours My whole life, I've felt like a burden I think too much, and I hate it I'm so used to being in the wrong, I'm tired of caring Loving never gave me a home, so I'll sit here in the silence

> I found peace in your violence Can't show me, there's no point in trying I'm at one, and I've been quiet for too long

> > Listen on YouTube here

This is linked to the over-professionalisation of the children themselves: the expectation of certain behaviours and attitudes of care-experienced children that would not be expected of other groups of children. This pertains particularly to the expectation that children give an account of their life, relationships, traumatic events or experiences, without prevaricating. There was evidence from children of this expectation, where failure to discuss private aspects of their life was viewed as non-compliance:

"The first thing they always talk about is stuff at home and if I don't answer his questions, apparently, I'm not complying." (Jayden, 15)

Professionals recognised that for this group of children, their life was often treated as 'open' to agencies and services, and they acknowledged how intrusive and unsettling this could be for children when they felt everything was scrutinised, monitored and systematised:

"They hate the words 'being in the system' ...but as one young person once mentioned to me, if he sneezed the wrong way there's a meeting about it, and, 'Oh, I've got a girlfriend, there's a meeting about it'." (Professional three)

This over-professionalisation of children creates its own vulnerability, and risks, as children can retreat from the people around them trying to support them and seek connections in other places, leading to missing episodes and engaging in criminal and sexual exploitation (see Hallett, 2017).

#### Children's disconnection from communities

For most children, entry into care involves a degree of disconnection from communities and relationships. However, this was felt to be more severe for those with experience of care and youth justice as they were moved more frequently in and out of local authority areas. This was usually due to a placement breaking down and providers that could, and did, refuse to accommodate children with a criminal conviction in the context of fierce competition for placements. Professionals consistently described "*moves, the constant moves*" (Team Manager 5) as one of the biggest challenges for the work of YJSs. Children subject to moves out of area were described as "*un-anchored in their community*" (Senior Manager 2) as they were far away from people and relationships which gave them support, or at the very least, consistency.

Further, this level of disconnection was considered to pose serious risks of missing episodes, because children "*don't want to be three hours away from their friends and their family*" (Senior Manager 3). Children's desire to return to their lives, links, connections, and sense of belonging

in their home area was also linked to exploitation and gang involvement. It was not lost on professionals that both of these risks often motivated a child's move out of area in the first place:

"... a lot of local authorities thinking if a child's been exploited 'we need to get them as far away as possible'. And actually, in reality, you are placing them at greater risk because you are moving them away from their support networks at least they had in the area they were in." (Senior Manager one)

The consequences of children's disconnection from communities and relationships were seen to have a significant and deleterious effect on all aspects of the work of the YJS: order completion, reducing reoffending, and promoting pro-social behaviour: "*the orders end up just running out with actually no work being completed*" (Professional 23). As with poor-quality placements, and the over-professionalisation of children, the consequences of children's disconnection from community can lead to the focus of the work being managing risk and safeguarding children at quite a basic level.

#### Working with children's social care

In terms of multi-agency practices, most professionals described a fairly good working relationship with children's social care colleagues. There was an underlying appreciation that children's social workers were often balancing a precarious number of children on their caseloads. The phrases 'overwhelmed' and 'under pressure' were used very frequently to describe social work colleagues. Others stated that social work caseloads were "*insane*" (Professional 17), "*horrific*" (Team Manager one), and that they were "*swamped*" (Professional 12). This could make contacting a child's social worker, their presence in court, or scheduling review meetings very challenging. However, even in this context there were examples of YJS professionals having a lot of respect for social work colleagues, and their commitment to do the best for children:

"There's people I admire enormously because they stick at it and they make space somehow. But I will guarantee you, when they get home at night opening their laptops... I say it all the time, you get a message from a social worker. It's very always sent at 12:10am or something." (Professional 25)

Aside from the general challenge of joint working with an agency under huge pressure, the main obstacle was a widespread perception of a lack of social worker knowledge of the youth justice system and its processes and procedures. This finding mirrors those in the recent *Joint Thematic Inspection of work with children subject to remand in youth detention* (HM Inspectorate of Probation, HM Inspectorate of Prisons and Ofsted, 2023) where it was found that children were being let down by 'ineffective care planning and because their social workers lack knowledge of both the criminal justice system and secure estate processes' (p. 4). Unfortunately, our data suggests that this is the perception of many YJS professionals. Some described being "*shocked by the lack of knowledge*" (Professional 14) that social workers had about how the youth justice system worked, or what happened when a care-experienced child was arrested. This gap in understanding was especially evident in relation to children who became looked after upon being remanded to youth detention accommodation (RYDA):

"There's a big lack of knowledge in social care when children go into custody. They seem to completely forget all the child in care procedures. I don't just understand it. It's just an initiation of child in care procedures. So, I'm anxious now... I'm like sending the policies and stuff." (Team Manager five) Several professionals also described children's social care as viewing RYDA as a way to keep children safe, because there was simply no resource in children's social care to do this. In this way remand could be viewed as "*a kind of respite for the local authority*" (Professional 15). Others reflected that children's social care's acceptance of RYDA for children was a result of the severity of the placement shortage:

"They're remanding way more children for not having placements...They're saying to hold them for two weeks and see if you can find a placement. Well the placements are then not sought and they just keep them in (STC name). Even four years ago these children wouldn't have been in custody. They just say they don't have the placements." (Professional six)

Overall, there was substantial evidence that YJS professionals understood the responsibilities of corporate parenting, and they understood the complex needs and vulnerabilities of children who enter the youth justice system. In this context, the idea that RYDA was an acceptable alternative to being remanded to the care of the local authority represented a misunderstanding of children's social care about the realities of custody for children.

Further frustrations were identified with the (lack of) involvement of children's social workers in court hearings: "*I once had a round of applause, there was a bit of a, 'Oh, you managed to get a social worker to come to court*" (Professional three). The lack of a social worker in attendance was noted as particularly likely for older children and/or those living in supported accommodation, those who were not viewed as stereotypically vulnerable:

"The local authority needs to be more proactive now because we've got one of their children in care, you know, one of your children is in custody and they're really vulnerable right now and you're not anywhere to be found." (Professional 16)

As found in the previously mentioned *Joint Thematic Inspection* (HM Inspectorate of Probation, HM Inspectorate of Prisons and Ofsted, 2023), specific concerns were raised about poor careplanning for children being sentenced to custody, and those who were unable to return to their accommodation.

"I know placements are difficult. I know it's been really, really hard. I've been there! But you're running around trying to get a response from the duty social worker because that child has got nowhere to go once they're dealt with in court, and I'm not always sure that that is prioritised by children's social care." (Professional 10)

#### 2.3.2 Education

#### The importance of education

Being able to engage any child in education, or training, was seen as a measure of success by YJS professionals. Indeed, for vulnerable children, education is widely reported to be a protective and enabling factor (Berridge, 2017; DfE, 2019a). It can open and close doors for children, with lifelong ramifications. For care-experienced children in particular, education was seen to help them regain some "*control…have a feeling of hope and belonging*" (Professional 10). Others noted that engaging in education gave children a "*positive outlook on life*" (Senior Manager two), a consistent routine, and helped with desistance.

Positively, multi-agency working was seen to be beneficial for children's education; for example, in one area a taskforce was established between the YJS and local pupil referral unit (PRU) to try

to reduce the number of children being excluded; in another, the YJS was running youth groups within the PRU building to try to prevent children from becoming involved in offending. Having an education worker or coordinator within the YJS was also seen as positive because they had knowledge of children's legal entitlements to education and built relationships with educational settings and virtual schools and had the confidence to challenge decisions and advocate for children. Taking a proactive, rather than reactive, approach to working with schools was seen as beneficial, for example delivering interventions in schools or PRUs around hate crime or going into schools to work with children at risk of exclusion.

However, other professionals highlighted how cuts to education budgets (reducing the number of school nurses, pastoral workers, or careers advisors) and to YJSs (such as no longer having a specialist education worker) were seen to have significantly increased the likelihood that children would "*slip through the net*" (Team Manager two). Mainstream schools having to work with increasingly fewer resources meant that some participants felt there had been a return to the "old fashioned [position] where they're just naughty and we haven't got time so we need to get rid of them" (Professional seven).

#### Perceived lack of accountability

Academies were viewed by professionals across the data as having less accountability, and being more willing and able to exclude children, than non-academy schools. Ultimately there was a concern that there was less consultation between academies and the local authority in relation to excluding children:

"A big problem we're having ... is the big rise in academies. Academies are almost a bit of a law to their own. They don't seem to have to adhere to the same rules that a local authority school would have done...there are rules to follow but they seem to be able to manipulate how they do that in terms of not supporting a young person." (Professional nine)

Others observed that because of limits to local authority oversight, academies seemed to be able to get around rules which were in place to ensure children received their legal right to education: *"it's got worse since they've becomes academies...they've adapted their own processes, whereas before we'd have to have quite rigorous meetings with the Council before they could exclude the child"* (Team Manager 5). High levels of permanent exclusion amongst academies were also a source of frustration for YJS staff, some of whom felt they were on a *"different page"* (Professional 13) from other schools and, arguably, did not see education as an important protective factor for care-experienced children nor consider the long-term damaging effects of exclusion:

"Since a lot of the schools became academies that has increased exclusion...we used to get quite a lot of managed moves between schools and they used to be quite successful. Now we've found that managed moves do still occur but they're almost like a bargaining tool of 'we'll take one of yours if you take two of ours' and how it affects their figures." (Professional seven)

In this context, professionals described situations where children were left without any educational provision, in some cases for 18 months or more. There were also multiple examples of children receiving limited timetable tutoring offsite – "*some are only an hour a day...it's a mess*" (Professional 23) – because it was the best a local authority could provide. Although schools are meant to justify why they cannot provide for an individual child's needs, some participants said that reasons were not given, despite chasing or "*badgering*" (Professional 14), and that nobody seemed to be held accountable for the huge gaps in a child's educational journey.

#### Identifying and meeting educational needs

The high level of special educational needs amongst this cohort of children was also highlighted. There were mixed views and experiences of whether these needs had been identified, assessed, or addressed prior to YJS involvement:

"Most of our young people have somehow managed to get through the education system – often when you look back with difficulty – without any sort of diagnosis... which baffles me because I don't know how they get to, at least primary education without somebody picking up on these things." (Professional 16)

The lack of attention given to children's additional learning needs before they reached a YJS was frustrating for professionals given the significant multi-agency presence in the lives of care-experienced children. Many children were not in mainstream schools, and the fault was perceived not to lie with a child's ability to cope in mainstream but with a misunderstanding about how unmet educational needs could translate into disruptive behaviour. These concerns highlighted the need for "*bespoke education, individual learning plans*" (Professional 19) for this cohort of children who may face a combination of social, emotional, and mental health needs and SEN in the context of the challenges associated with being care and youth justice experienced.

#### **Alternative provision**

It was acknowledged by both YJS professionals and children that being placed in alternative educational provision (AP) could be beneficial for some care-experienced children. One interviewee felt that staff in APs may have "*a better attitude towards keeping the young people we work with because that's their main cohort of young people*" (Professional nine). However, it was also recognised that APs could become "*overwhelmed*", leading to "*really poor packages*" of educational provision (Team Manager five).

In some instances, it was believed that once a child entered a PRU, which is meant to be a temporary measure with a plan to reintegrate children into mainstream education, no other options would be explored and the 'stopgap' just continued. Concerns were raised about the reduction in the breadth of courses available in AP and PRUs and the lack of other options, such as apprenticeships. It was also acknowledged that placing care-experienced children in AP could limit their ability to achieve the "*positive outcomes that they could have if they were in a ... mainstream setting*" (Professional 14).

Worries were also expressed about the acceptance among agencies of non-school attendance for care and youth justice experienced children:

#### "It just feels like [for] our cohort of children it's just normal that they're not at school, and it's normal that they've got nothing, nothing to do and no purpose." (Professional 12)

The lack of structure resulting from limited educational provision was a source of concern, as was the lack of connection with "*the whole broader group of peers who they can establish friendships with*" (Professional 25). Instead, professionals saw the same peer dynamics in AP as in residential care. One interviewee expressed the view that children could enter a PRU or AP having committed just one offence but then "*come out worse, because that's where we're accumulating all our gang people*" (Professional eight); while another said that APs "*are probably a breeding ground for grooming and exploitation*" (Team Manager three).

Risk

Managing the perceived risk posed by a child involved in the youth justice system was seen as a barrier presented by educational providers as a reason not to offer a place to a child. One professional discussed having to 'threaten' a school that they would involve the Department of Education because the school was refusing to provide a place for a child:

"[He] is just 12 and, honestly, you'd think he were like the most wanted person in the world ... one school's been directed to take him and we haven't got an answer yet. So, we're threatening them through the Department of Education to direct...we've managed children like that forever." (Professional 16)

Issues of risk were particularly problematic in post-16 provision. One interviewee described how a child, who had not reoffended for a year, had attended all of his YJS appointments, and had made very good progress in a PRU, was not allowed to attend a college course as he was seen as too 'high risk'. While this decision was successfully challenged, the passage of time meant that it was too late for the child to join. The interviewee continued to say that there is no "*system of empathy for these children, or any forgiveness or any second chances*" (Professional six). Even where YJSs were providing a comprehensive package of support, the child's conviction could act as a fixed, immovable barrier to accessing education. Some professionals described how they would avoid engaging with colleges because the presence of a YJS in a child's life would be construed as high risk: "*as soon as they get wind of us …we're scared to ask now in case that young person gets kicked out*" (Team Manager three).

In other circumstances, YJS professionals discussed how their agency had agreed to provide educational support to allow a child to join college or prevent an exclusion. However, the limit of the YJSs' ability to support children over a longer period was recognised:

"We've offered to bring them into school... but then long term who is going to do it? How can everybody support this child to increase their attendance?" (Professional 12)

# 2.3.3 Legal responses

#### **Relationship with the police**

Participants reported variable relationships with the police. There were many reports of good relationships with neighbourhood teams or those holding key roles and responsibilities such as officers seconded to the YJS or those leading on safeguarding. However, with 'unknown' or response officers, the picture was more mixed:

"It's very varied and I've been in meetings where I've observed officers who are not child friendly, not child focused. I can switch that and go a different meeting and other officers are just amazing... And our young people would reflect that as well. Some of them have quite good relationships with certain police officers. But not with others." (Professional 21)

Children who took part in the research did reflect this, expressing a variety of views. The main positions were either negative, with a perception of unfair treatment: "*I felt like I haven't been treated fairly…So I've been in trouble with the police like loads of times in the past. But I don't really like the police…*" (Jayden, 15); or there was an acceptance about the role and remit of the police: "*they're just doing their job. I weren't treated unfairly*" (Musa, 17) (See also p.11).

It was acknowledged that there was a tension between the aims and objective of YJSs and the police. This meant that professionals felt they had a different alignment in agendas and a different way of thinking about the 'problem' of youth offending and its solutions. Overall, police officers were seen as being more punishment-focused and more resolved that the consequence for a child who had offended should fit with traditional ideas of justice:

"Once the police are involved, I think they at least don't want to let go of those offences because they operate within that model of getting young people to the court, dealing with them severely, bringing them to their sentence. Their sense is punishing them and that will change things." (Professional 25)

It was argued that police officers need further training on the impact of trauma and the experience of care on children's behaviour in order to reduce the criminalisation of care-experienced children:

"I think their understanding of trauma and their approach to the child in that moment, I just don't feel that they've got the training, the understanding...if a police officer's approached them, put hands on, you know, what trigger that would have caused that young person." (Team Manager four)

This was felt to be especially needed in cases of children going missing from residential settings, when children were extremely vulnerable but could be displaying behaviours that were hard to understand as vulnerability and fear:

"So, what happens then is the care home report them as missing, the police go and look for them and then they become agitated, they might become aggressive towards the police officer and then they get arrested for assault on a police officer." (Professional 19)

Participants recognised the need for local and national conversations to establish firm principles for practice, including incorporating the Child First approach and upholding the United Nations Convention on the Rights of the Child across agencies. Some professionals noted 'pushback' against more Child First aligned changes to the way children were diverted away from court, or that it had been "*difficult to get buy in*" from the police (Team Manager four). At the same time, many professionals acknowledged the challenge of putting policies into practice in a busy police station. There was also acknowledgment that the police service was stretched and that they often had to focus a large amount of resource devoted to incidents involving a small number of children.

# 2.3.4 Transitions

#### Beginning and ending the relationship with the YJS

Care-experienced children can face significant transitions at different times, entering and leaving and beginning and ending their involvement with the youth justice system. These transitions were felt to be a challenge for YJSs to manage but were especially difficult for children.

In terms of children's initial knowledge about the youth justice system, and the process of being supervised, many talked about a sense of anxiety about what would happen after they were given their sentence. Here, it is important to remember that many of these children would have no recourse to familial support or a trusted person to seek reassurance. Indeed, some children did not cite any support other than friends: "*I don't speak to adults about problems*" (Jayden,

15). Sadly, some children described being very isolated, having 'a friend' and no supporting adults. Others described having to be completely self-reliant to survive:

"My friends isolated me, so I did feel very bad... I had to come up strong for myself and I knew that I was... I had to be strong for myself, that nobody will be strong for me, so I had to. I had to be strong." (Gabe, 17)

In this context, although children generally positively regarded YJS workers once the relationship was established, the period immediately after receiving a youth community sentence could be a particularly isolating, worrying and confusing time. One child said "*I wasn't clear about what was going on really, and I worried a lot about it*" (Kyle, 17), while another described it as "*a lonely experience*" (Lateesha, 17).

Some children discussed how, throughout supervision, they still felt unsure about what was expected of them. This meant that for some the start of each appointment was always "*a bit tense*" (Jerome, 16). Others described feeling anxious: "*I felt so nervous and worried before the meeting because I never know what to expect*" (Jaxon, 17). Others talked about how they felt they were always on alert, guessing what they would be asked or expected to do:

"I think in the meetings I'm always predicting or trying to predict what we are going to talk about as well. What they're going to ask." (Chris, 16)

In terms of ending their involvement with a YJS, although there were some children who professionals perceived as being "*glad to get rid*" of the YJS (Professional one), for others the end of their order and relationship with the YJS could be difficult, especially when the YJS had been the main source of support, or children felt let down:

*"The ending of it always felt harder and probably more fractious because I think it was "you're letting me down do one, mate." (Service Manager one)* 

Many professionals recognised that ending the relationship between the YJS and the child could be really difficult or "*unnatural*" (Professional five):

"But then one day – and I dread to think what that must feel like for the child – you tell somebody sometimes your innermost thoughts, the good, the bad, the ugly, and when you've done well, and let's say you've completed a course, that's incredible. You share that celebration, but then all of a sudden, they've disappeared." (Professional three)

Further, where YJSs had been providing support for other domains of children's lives, such as mental health, it was noted that once a child left the YJS, they also ended therapeutic work:

*"We're lucky to have two amazing clinical psychologists, but as soon as the order ends that's it." (Professional 13)* 

Some professionals noted that children could start to withdraw from supportive relationships towards the end of an order. Earlier experiences of being taken into care were described as sudden, like being "*ripped away from their family, it's usually abrupt*" (Professional five). In this context, children could expect a difficult end to a relationship over which they had no control, and adjusted their expectations accordingly:

"They will start to maybe push back on some of the positive relationships they've built because they think, 'Well, you're not going to be here anymore and I'm going to ruin this relationship."" (Professional 17)

Examples were given where children's behaviour could deteriorate as they approached the end of their involvement with the YJS, and where engagement with the requirements of their order, such as attending appointments, reduced.

#### From YJS to probation, and leaving care

The 'cliff-edge' in support and provision for care-experienced children as they leave care and transition to adult provision, so widely reported elsewhere (Palmer et al., 2022), was recognised by YJS professionals, who saw this as a period when children could be at their "*most vulnerable*" (Professional four). However, higher thresholds for services such as adult mental health provision and substance misuse services could limit access to crucial support. Participants recognised that this could be a "*frightening and isolating time for those children*" (Senior Manager 4). Another professional talked about how children said they were "*dreading turning 18... so scared about what's going to happen*" (Professional 17) because of the combined impact of being treated as an adult and the withdrawal of support.

Some of these worries potentially related to being given fewer 'second chances' by probation than had been allowed in a YJS, as probation was seen as less trauma-informed and not having the same welfare focus as the youth justice system:

"It's really difficult when you've got a young person that's transitioning to probation, because we'll do everything we possibly can, handhold if you like, to get them through the order so we're not breaching young people. But then it's really hard to prepare them for, 'Oh, well when you get probation, they don't do any of that, you're an adult."" (Professional four)

In terms of the transition from 'in care' to 'care leaver', personal advisors replace social workers and were seen to have even less frequent contact than the social workers had. This could lead to the YJS relationship disappearing while another "*personal relationship is also fading away*" (Professional five). At the same time as moving from a social worker to a PA and from the YJS to probation, in some instances children had to also move accommodation, which often was seen as unsuitable for their needs:

"One of my young people, when we were trying to find her housing, post-18, some of the things they were looking at were sort of women's hostels... you'll have pimps hanging about outside, a lot of women who are sex workers and the idea of this particular young woman living there was just horrific." (Professional 17)

One interviewee described having to "*battle*" for post-18 accommodation and gave an example of a care leaver going through "*every single council*" (Professional 20) before a home was found for them.

#### **Transition planning**

There were some examples of good practice in supporting children through the transition to adulthood, particularly from the YJS to probation, such as having a clear exit plan that all relevant agencies had committed to. Some YJSs had a seconded probation officer who could help develop clear processes and timescales for the transition to probation, including joint meetings to

help the child get to know their new worker. Other YJS professionals described how they would 'hang on' to children after they turned 18 "*even where they were going to be on an order for six, nine months, especially if they're particularly vulnerable*" (Team Manager seven). Others continued providing support to children on a voluntary basis post-18 and maintained an 'open door' policy for children:

"We'll sort of do like a sort of transition period. I had a young person that was open with me consecutively for around three years... what we did is we offered him a voluntary programme afterwards and sort of I saw him every week to then, every fortnight and every month, to then to the point where he was happy for me to sort of exit." (Professional 23)

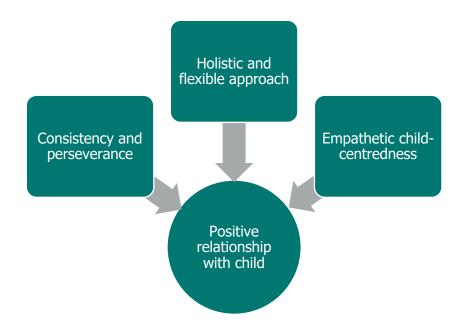
# 2.4 Critical success factors

#### 2.4.1 Putting relationships at the centre

The importance of relationships and relationship-based practice is well established in social work and youth justice literature and practice (see Creaney, 2014; Ruch et al., 2018). Further, one of the evidenced based models for youth justice is cited by HM Inspectorate of Probation to be a relationship-based practice framework:

"The foundation and bedrock of youth justice work can be seen as the establishment of positive relationships between practitioners and children. The 'engaging practitioner' is one who has the skills and capacities to build effective relationships with children, recognising that child-centred practice is a powerful vehicle for changing behaviour and supporting desistance." (HMI Probation, n.d.)

There was widespread evidence in the data that professionals prioritised building positive relationships with care-experienced children to engage them in work around offending and help them develop wider pro-social skills, behaviours and identities. The core characteristics demonstrated by professionals which helped to build these relationships were consistency, flexibility, and empathetic child-centredness.



#### Consistency

Consistency for care-experienced children was recognised to be crucial. Countering the likelihood of "*so many people coming in, coming out of their life*" (Professional three), professionals expressed that it was important for the YJS to act as an anchor:

"We see them at their most vulnerable, we see them when they're in prison, we see them in the police station, we see them consistently... they just have a churn over of social workers, people that are seeing them in the cell for five minutes but actually, we know them so well, they are like our children." (Service Manager three)

Many professionals spoke about how YJSs should lead that consistency for a child and develop "one plan, one consistent trusting and effective relationship that is built upon and used as a conduit" (Service Manager one). Indeed, it was recognised that being that one 'conduit' could break down barriers to children engaging with other professionals and agencies:

"If they can relate better to not just me but other professionals, because of the consistency they've received from the way that I've worked with them then that to me is successful." (Professional one)

For children in the research, consistency of worker came up several times as important. Some children reported how hard it was when they had to see a different YJS professional, whilst also changing social workers, because you have to "*tell the same story – to her, and to him and to a lot to different people*" (Jerome, 16).

Perseverance was highlighted as important by both professionals and children as it showed a child that they could rely on their YJS worker. One professional described this as "*picking up and never giving up, never giving in, knocking on doors and all the rest of it"* (Professional four) whereas a child described the dedication of his YJS team, as being like they had "*held my hand until I completed*" (Hunter, 18). One child further emphasised the value of persistent support, even when the relationship and the circumstances of the work were challenging:

"We just need support. Our elders, you know... we just need some help... we can go astray in some ways but they should always be there to help us so that we can walk on the right path." (Anita, 16)

#### Song: Highs And Lows Artist: Prinz ft Gabriella Bee

I'll be there through the highs and lows We all know life gets tough when you're by yourself, it's a lonely road If you ever need someone, stop crying around and call my phone and I will be there Yo, look These highs and lows are a part of life

*Live everyday like it's your last, I left my past, the futures bright If leave the dark, you'll find the light If you're going through high and lows, remember I will be there* 

Listen on YouTube here

#### Flexibility

The second important aspect of building relationships with care-experienced children was approaching the work in a holistic and flexible way that accounted for a child's experiences pre-care as well as their experiences in care. This was often described by professionals as how they responded to a child not engaging with the YJS:

"Sometimes you have to be flexible, depending on what's going on for that young person in their life...when you come to things like having to enforce, it's kind of weighing up the same as you would with any other young person, but then looking for, is there any difference, do I need to do this differently? And a bit of reflection attached to that before you just wade in." (Professional four)

Some children discussed instances of not engaging, being late, or not attending appointments. Generally, they reported receiving some leeway; for example, one child described how worried he was that he had been very late to an appointment but his worker responded by explaining that "*making it into a problem would not help me*" (Jerome, 16). This kind of flexibility and understanding about the circumstances of children's lives was appreciated and helped build trust between child and professional.

Alongside flexibility in relation to enforcement, there was also widespread recognition that many care and youth justice experienced children faced a lack of fun and enjoyment in their life. Professionals acknowledged that the best way to get a child to engage was to think holistically about a child's needs, which could mean being flexible in the work they were doing by building in opportunities for joy and release:

"Give them a bit of a breath of fresh air doing some fun things alongside, but also making sure that we complete their order." (Professional five)

*"Some of the best work I've done with the young people, will be on a bicycle." (Professional 25)* 

This approach was also highly valued by the children in this research and there is evidence elsewhere that children's active engagement with youth justice interventions can support behavioural changes (Cox and Ofori, 2021). Many cited active or engaging elements of sessions – "going out and doing stuff" (Jayden, 15) – as their favourite aspect of their time working with a YJS. Where children had experienced this, it led to high levels of trust and confidence in the worker, and the process:

"We were able to play football together and later had a nice conversation. We talked about what I wanted to be in the future and what steps I should take to achieve my goals... Before he came, I was really bored and not interested in any physical or mental activities since I had a bad day, but after [YJS professional name] came everything changed for the better." (Steven, 17)

# Song: Count On Me Artist: Bruno Mars

If you ever find yourself lost in the dark and you can't see I'll be the light to guide you

We'll find out what we're made of When we are called to help our friends in need

You can count on me like one, two, three I'll be there

Listen on YouTube here

Further, a few children spoke specifically about being offered "*outdoor activities*" (Kasey, 16) as part of their work with YJSs, describing high levels of enjoyment and engagement in bushcraft/forest school opportunities.

#### Empathetic child-centredness

The third aspect of building positive relationships related to empathetic child-centredness: understanding the child and tailoring the work and the approach to their specific needs in a non-judgmental way. Most professionals described how they actively reflected on how a care-experienced child might feel throughout their work with them, and that this was needed in order to "get the best and give the best to one of the most disadvantaged groups that we have in our society" (Professional one). There was a lot of discussion about the need to consider the child's eye view of day-to-day life being in care:

"What does that mean for that child? What that means, when they've had a crap day, they haven't got a parent to text or maybe they've got a parent but they're just not where they need to be, and they don't want to reach out to a professional." (Service Manager one)

"It's that misinterpretation that they've got themselves in that situation when actually, as we all know, you've got to look at what's driving those behaviours. It's what's underneath, isn't it?... I think a lot of the time different services have different attitudes towards the children that you're working with." (Professional seven)

For children, empathy and feeling understood were reported as prized attributes. Some described their supervision as "*working on a journey together*" (Benji, 17) or how their YJS worker would "*guide me and show me the right direction*" (Steven, 17). Children also talked about valuing YJS workers who showed they enjoyed and cared about their job, and thus inspired them and were trusted. Being committed to the job also impacted how and whether children felt their needs and views were being heard:

"It doesn't need him to sit there and be silent while I'm saying what I have to say, but being attentive is something to do with you showing me that you came to hear me." (Kyle, 17)

For care and youth justice experienced children who are likely to have been let down by adults and systems which are meant to support them, it was particularly crucial that they did not feel like just another appointment in someone's day. Another facet of being child-centred was being non-judgmental. One professional expressed how "*we just accept children as they are*" (Professional 17). This sense of meeting children with no preconceived ideas was shared across the professional group and related not only to initially meeting a child, but throughout the work "*If you have a setback, you have a setback, we pick up and we move on from there*" (Professional 12). Children also valued not being judged for certain things they had done, or experienced:

"When you are in a situation like the one I was in? And then you find someone that at first you are a bit worried, a bit really not looking forward to it, but then you find someone who is open hands and welcoming." (Benji, 17)

Where children felt that they were not defined by their offence or case file, making a change became more possible.

#### 2.4.2 Knowledge and understanding of systems and processes

YJS professionals' understanding of the care system helped them to address the complex challenges and needs of this cohort of children. There was clear evidence that professionals had a good understanding of how the care system worked, and how factors within the care system affected the work they could do in the youth justice system. This is perhaps unsurprising given the significant proportion of care-experienced children that YJS professionals reported having on their caseloads. Overall, there was a recognition that the care and youth justice systems had huge relevance and overlap and that navigating the care system, and working with the children who were subject to it, was part of the daily reality of a YJS.

Professionals talked about navigating practical or logistical aspects to the work they did with care-experienced children and having to be more organised in their planning when working. There were examples of professionals having to consider issues such as whether other children lived in the residential placement they were visiting, what space might be available there to meet the child in, and how far the placement was, which could be some distance away. Many professionals also felt that they had to engage in more advocacy on behalf of care-experienced children in relation to other agencies and services, and professionals reported "*a lot of managing other professionals… there's a lot of layers of trying to get through the system*" (Professional six). There were examples of professionals repeatedly insisting on attending looked after children reviews when not initially invited because they were the only consistent adult in the child's life; fighting to get children proper educational provision; or escalating issues to senior managers in the local authority where information was not being shared fully or in a timely way.

Many professionals also described proactively challenging the 'double stigma' or 'double labelling' of being care and youth justice experienced. This labelling could temper other agencies' responses towards the child as well as cause deep harm to a child's self-perception due to being *"labelled as bad most of their lives"* (Professional 11). In short, there was much evidence of YJS professionals consistently holding other agencies to account to meet the needs and uphold the rights of care-experienced children:

"I think as a professional you fought a bit harder because you felt it wasn't just the young person against the system, quite often it felt like I'm also having to fight my own colleagues and... It was just there are policies and procedures in place, which I understand, but it wasn't helpful for a young person who had that care experience." (Team Manager one) Further, due to the intense competition for care placements, children with a conviction were perceived as particularly difficult to place: "*there might be a really good, polite child who's been caught up in something and on that form, it doesn't allow people to see beyond that"* (Professional 16). There was some evidence of good practice in individual YJSs when searching for a placement for a child. Working closely with children's social care, some YJS professionals described constructing a positive narrative about a child, beyond what was 'on paper', to make that child more 'acceptable to a placement': "*absolutely we have a very good multi-agency joint working processes in place, and it is taken into consideration… the views of us"* (Team Manager five). Using YJS knowledge of individual children in this way could decrease a child's chances of being placed in a residential setting far away from their home area, or somewhere not appropriate for their needs.

#### 2.4.3 Children's mental health and wellbeing

Children's mental wellbeing was considered core to the work of YJSs, and YJS professionals saw that they were well placed to understand it, undertake work to promote it, and involve other agencies to address needs where necessary. Mental health and wellbeing were more widely construed than the absence of mental distress or a diagnosed mental illness. It included everything that supported children to feel safe, secure, good about themselves, and optimistic for the future.

In relation to Child and Adolescent Mental Health Services (CAMHS), professionals noted that a particular problem for care-experienced children was their propensity to be moved to different areas where CAMHS often had different systems for referral, assessment, and service provision:

"The agencies don't marry up like that for me especially in this case where this young lady she's so she's so fragile, she's so vulnerable. Albeit, she's got that package of care around her, our CAMHS aren't touching her." (Professional 14)

To counter this were examples of CAMHS psychologists, occupational therapists and/or mental health social workers and nurses being based in YJSs. This enabled children to receive direct psychological support while they were working with the YJS, but also provided a different perspective within the team of understanding the child, their trauma, their journey, and their offending:

"They'll do stuff around these really long chronologies, because all our lives are complex... and they'll code it as a sort of formulations around actually when do we see this child's behaviour as we are seeing it in terms of "offending" behaviour, and when do we see that child being let down." (Service Manager one)

Generally, a mental health professional being located within YJSs was well received and professionals were very keen to hold on to co-located mental health professionals in the context of funding cuts. In other YJSs there were examples where most of the staff team had been trained to deliver Cognitive Behavioural Therapy (CBT) and received clinical supervision from a psychologist: "*we'll go in and we'll discuss our cases and then we will develop a formulation and a plan and then we'll deliver that work and we'll bring it back to supervision"* (Professional 24). Sometimes, this was as part of the enhanced case management approach (Evans et al., 2023) which uses psychological practices and professionals to help centre "*the journey of the child rather than the offence*" (Team Manager three).

The benefits of this approach were seen as multi-faceted. Firstly, this model avoided both the perils of waiting lists, which were reported overall as being too long, and children being unable to access provision if they moved areas. Further, many children were noted not to be able adhere

to the traditional model of CAMHS service provision where non-attendance closed cases. Nor were some emotionally 'ready' to engage in a course of traditional therapy, while starting another new relationship with another professional was not viable for many children:

"It was really hard to get the relationship built and where we could provide that kind of mental support it would help address the needs of the young people." (Team Manager seven)

Bringing the mental health and wellbeing of children within the purview of YJSs was considered a necessary precondition for working with children to address their wider needs and their offending. Indeed, some children talked about the way the YJS had helped them make changes, partly by talking through difficult aspects of their life. In explaining his music choices which summed up his feelings about supervision, Jerome stated: "*I felt like my first experiences was faded, and now I'm telling them about it and it leaves me*" (Jerome, 16). Here Jerome brings into focus the importance of children feeling comfortable enough to share details of their life with their YJS worker, as well as the skill of YJS professionals in being able to work through this with a child; and the potential that this has for positively impacting a child's sense of wellbeing both during their supervision and beyond.

# Song: Seven Years Artist: Lukas Graham

Once, I was seven years old, my mama told me "Go make yourself some friends, or you'll be lonely" Once, I was seven years old

It was a big-big world, but we thought we were bigger Pushing each other to the limits, we were learning quicker By 11, smoking herb and drinking burning liquor Never rich, so we were out to make that steady figure

I only see my goals, I don't believe in failure 'Cause I know the smallest voices, they can make it major

Listen on YouTube here

Whether or not there was a CAMHS professional delivering interventions or supervising YJS professionals to do so, there was a strong view from YJS professionals that everyone had a role to play:

#### "We all, all the agencies who work with children have got a responsibility to actually be thinking about looking at what their mental health needs are." (Professional 25)

It was considered that mental health and wellbeing extends into all aspects of a child's life, and not something which is only worked through by CAMHS in the 'consulting room'. In defining what success meant in the work of the YJS, one of the most consistently reported findings from professionals was children feeling more settled or secure, which could mean advocating for children for changes in other systems, such as their care or education.

Others talked about a YJS's role in building up children's skills, often defined as 'life skills', 'soft skills', or developing "*a young person in that way so they've got the skills to support themselves*" (Professional nine). This was felt to secure a sense of stability, self-worth and improve a child's

longer-term outcomes. Some described the most important work that a YJS could do was create a "*legacy for them, have we created social capital for that child?*" (Service Manager one). Nurturing these skills and capabilities mediated the success of the work of the YJS as well as supporting children's wellbeing now and in the future. It was felt to be important that this was accurately captured by inspection regimes:

"Those soft skills helped to point him in the right direction for the longer term... unfortunately how the inspections are set up they don't help...I don't believe there's any work that we do where you can just tick it off. I think everything we do is a journey." (Professional three)

YJS work that focused on supporting children's wider wellbeing represented the tension between welfare and justice that runs throughout the youth justice system. However, there was a lot of evidence of professionals consistently championing Child First principles, explaining this as "*moving with the times*" (Professional nine). This was particularly in relation to developing away from punitive elements of reparation work into more skills focused programmes:

"Where we have referral orders, back in the day it was 'you will be expected to do some form of reparation' whether it be painting a fence, doing some planting whereas now it's more positive so they've got something they can go away with and they can build those skills and those interests." (Team Manager four).

For children, a sense of optimism for the future was a strong feature of the data relating to wellbeing, even where their experience of being supervised was less positive. Many talked about how low they had been at the start of their order and how their work with the YJS had allowed them to find hope for themselves. One child said that her supervision had taught her "*how to retrieve hope after losing it*" (Faith Evangeline,18) whilst another said that he developed an inner "*grudging but guiding voice for better years ahead*" (Benji, 17). For those who had recently ended or were nearing the end of an order, most described feeling motivated not to reoffend; to stay 'out of trouble' or stay "*in the confines of the law*" (Chris, 16). Chris also discussed wanting their future to have "*no more pain*", recognising that experiencing harmful situations was likely to "*take them to a crossroads with the law again*" and have a deleterious effect on their lives.

# Song: Faded Artist: Alan Walker

Where are you now? Atlantis, under the sea, under the sea Where are you now? Another dream The monster's running wild inside of me I'm faded, I'm faded So lost, I'm faded, I'm faded

Listen on YouTube here

An important aspect of children's optimism related to the door being left open to education. The majority of children interviewed aspired to return to college or school. Many felt they were "*working really hard*" (Benji, 17) to stay out of trouble so they could have a good future, which involved being in education:

"I want to go to college. Yeah, I want to finish my studies. And I want my mum to be taken care of. I want to be a law-abiding citizen. Yeah, I want to be a hard worker. And I want to change for the better." (Steven, 17)

Song: The Greatest Artist: Sia
<i>Uh-oh, running out of breath, but I Oh, I, I got stamina Uh-oh, running now, I close my eyes Well, oh, I got stamina And uh-oh, I see another mountain to climb But I, I, I got stamina</i>
Don't give up, I won't give up Don't give up, no no no Listen on YouTube here

Specific hopes included completing their qualifications and focusing on subjects such as math's and engineering in further and higher education, developing skills and trades such as completing an apprenticeship to become a mechanic, getting their CSCS (Construction Skills Certification Scheme) card, or undertaking childcare qualifications. Some of the children not currently in education described how they were bored doing "*nothing right now*" (Jayden, 15) but welcomed the support and persistence of social workers and YJS workers in helping them find a place at a school. Others who were in an AP reported that they liked these settings and wanted to continue there until they reached 18: "*I get along with the teachers. They're better than the other ones...and the work's OK*" (Kasey, 16).

Many children also spoke about the importance of inspiration and role models in supporting the development of a positive sense of self and optimism. This was sometimes in relation to professionals they had encountered in the YJS:

*"I don't have a role model or a dad... I have a dad but yeah, someone who can, you know coach me or, or give me advice here and there about how to handle situations... I've grown mentally." (Steven, 17)* 

# Song: Hope Artist: NF

Growing pain's a necessary evil Difficult to go through, yes, but beneficial Some would say having a mental breakdown is a negative thing Which on one hand, I agree with On the other hand, it was the push I needed To get help and start the healing process, see If I'd have never hit rock bottom Would I be the person that I am today? I don't believe so

Listen on YouTube here

In other cases, children spoke about how hopeful they felt when their YJS worker shared examples of other children they had worked with, who were doing well:

"He was just giving me experiences of their past and their courage and how they are driving forward. And it was kind of comparing. Telling me 'you can be this, this can be you as well.'" (Benji, 17)

Part of the effectiveness of this strategy appears to be that it helped children see that change was possible, but also that someone believed in them to bring about this change about. Children's own sense of wellbeing was very much tied to looking forward, and the support from the YJS appeared to be able to help them to do this.

# 2.5 Policy and strategy

#### 2.5.1 National policies, protocols and tools

Reflecting Hunter and colleagues' (2023) findings on the extent to which the national protocol (on reducing unnecessary criminalisation) has been implemented across England and Wales, there was inconsistent knowledge and use of the protocol and the All Wales equivalent. Several professionals had heard of the protocol and discussed how it had been implemented in their area:

"We have a policy for children in care and not criminalising them and how the police deal with them and the communication with the front door [of the care home]." (Professional 23)

However, while other participants recognised the existence of the national protocol, they acknowledged that it may not be actively implemented or enforced at a local level; indeed, one interviewee noted that:

"There is a protocol in place but I have to say I was looking for and I couldn't find it. So, I think we do... but it is definitely something that our area needs to look at again." (Professional 10)

The most well-known tool amongst professionals was what was referred to as the 'CPS 10-Point Checklist'. This relates to a Crown Prosecution endorsed best practice checklist where there is a likelihood that a child may be charged with an offence, which applies only to children living in care homes, and not children in foster or kinship placements. Some assumed the protocol referred to this checklist and indeed both the protocol and the checklist cross-refer to one another.

The majority of YJS professionals cited the checklist as something they were aware of, had used, or seen colleagues use to stop care-experienced children appearing in court unnecessarily. Some were positive about the effects of the 10-point checklist and the way that it linked YJS and police with a common understanding about how to proceed if an incident occurred in a residential setting:

"Our service manager is working with the police to look at a partnership agreement, how we deal with care-experienced children in residential homes so the police don't end up criminalising them because we have to try and manage their emotions and behaviour... calm them down when they're becoming emotionally deregulated, rather than arresting." (Professional 19) However, concerns were raised about the extent to which police or residential care staff knew about or followed either the 10-point checklist or the protocol. There was an acknowledgement that if the local authority had not managed to embed these policies and procedures successfully, particularly in the agencies "*that are going to be dealing with it first-hand"* (Professional seven), their use was often dependent on which staff were on shift:

"There's a 10-point plan that the police are supposed to consider before they arrest children, and then you get a whole host of new operational police who perhaps don't know that and so you see that the numbers will fluctuate." (Senior Manager four)

Where children's homes could not or would not work with the YJS and the police to implement the 10-point checklist or the protocol, its use was limited. As with other issues, this was seen as particularly problematic in privately-run homes: "*unfortunately, not many private homes got involved in that. But we do have that protocol that relates to children looked after*" (Team Manager four). There were indications that reliance on the police to resolve incidents in residential settings happened more often within private children's homes, which was in turn linked to a transient staff group who might not have the skill, experience or training to respond appropriately:

"And every time they lash out at a member of staff they're whacking it in as a, as a report to the police. I'm like really? You know, and I don't know if it's because you've got private agencies that come in and they're running these children's homes." (Professional two)

Unfortunately, there were many examples of children being criminalised in residential settings. One professional stated that the 'offending pattern' of some of the children on their caseload were "*entirely offences in their residential placement*" (Professional 25). Another recalled how "*[the court] wanted me to write a PSR because he threw two cushions at one of the members of staff within the care home*" (Professional six), and another that it could sometimes be an "*upward battle*" (Team Manager three) getting magistrates and judges to respond to children appropriately. Others saw "*young people coming through for an assault on staff*" regularly (Professional 21) and lamented the lack of restorative interventions being used.

Overall, there were still concerns that children could be criminalised because of their care-experience and previous trauma and abuse. From the data gathered for this research, highlighted starkly by the following extract, the criminalisation of children in residential care is an ongoing problem, despite policy efforts to address it:

"... in court yesterday and I was really struck. She's got, I think, 99 offences of common assault against carers... She's placed on her own with a three to one staffing ratio and a DOLS restriction... staff felt they needed to sort of contain, manage her and stop her leaving the building and it all kicked off and it got very difficult. And people were hurt. They weren't hurt badly, but it was a very uncomfortable and difficult incident for her. She's a child with who's made a lot of disclosures about sexual harm within her family, and she's been physically contained by eight male carers and one female carer and you sort of think. Should this be criminalised?... [she's] an angry girl in the care system who's been badly harmed. And we should acknowledge that and say, actually, 'we understand that you've lost your temper, but we don't want you to do it in the future'. And so it becomes very formalised. And you kind of think, this is going to go on forever and at no point are we going to say, 'well, let's just put that behind us' and say, 'how can we make life better for you now, what could we do, which would make your life better?" (Professional 25)

## 2.5.2 Restorative justice and diversionary interventions

The protocol and its Welsh equivalent recommend the use of restorative justice interventions as a way of resolving incidents without the need for police or court involvement. While there were many examples of criminalisation of children in residential placements, there were also some examples of restorative justice interventions being implemented, spearheaded by YJSs. These were designed to avoid drawing children into court processes, whilst balancing the needs of residential staff:

"We've also got to consider sometimes staff, if they're a victim. So, there's a piece of work we started about a year ago... and all staff wanted was to be heard. Sometimes it's not acceptable behaviour. I think by calling the police it's almost like they're being heard. And when it's dealt through the restorative justice process that would be enough for a particular member of staff." (Team Manager four).

Some participants identified improvements in practice and a reduction in the numbers of children being prosecuted for incidents that occurred within the care home because of these interventions, compared with "*what you might have seen 10 or 15 years ago of children enter the youth justice system for essentially for quite normal adolescent behaviour*" (Service Manager one). Generally, participants reported improvements in working with court staff and the CPS, with much greater recognition and understanding of the impact of care experience on children's behaviours and responses. There were examples of training having been provided for court staff; increased information-sharing and a good level of communication, including regular court liaison meetings; and, importantly, court staff having greater confidence in the restorative and diversionary support that was available to care-experienced children. The introduction of 'Outcome 22'<sup>6</sup> was seen as a positive development, with many discussing active YJS involvement in out-of-court disposal panels. Participants noted that, while not all areas are currently using Outcome 22, it should be rolled out more widely because of its potential reduce the criminalisation of care-experienced children:

"I think that should be brought across the board and should be a bit more prevalent and at the forefront of out-of-court disposals. I think maybe it could be used more." (Professional 23)

Some professionals also described how the actual court process had improved: "*the whole experience in court is much more child friendly now*" (Professional nine).

However, other participants acknowledged that the use of initiatives such as restorative approaches or diversionary activity are dependent on current resources or priorities. For instance, one senior manager noted that "*these things are subject to a change of chief constable and somebody decides right, we're not going to do that, this is what we're going to do*" (Senior Manager 3). The rapid rate of staff change in some children's homes could also be problematic, as specific skills and knowledge of policies could be lost quickly:

"I delivered a lot of restorative justice training to care providers locally, throughout [area], on the flip side, we do have a big turnover of staff within the care sector." (Professional 14)

Many professionals discussed how these restorative interventions had only happened 'for a while' or were a previous piece of work; some even wanted to rekindle this work having been reminded of it via the research.

<sup>&</sup>lt;sup>6</sup> 'Outcome 22' is an informal out-of-court disposal where diversionary, educational or intervention activity has been undertaken and it is not in the public interest to take any further action. For an examination of the relationship between 'Outcome 22' and community resolutions, see Marshall, Nisbet and Gray, 2023

## 2.5.3 Local strategy

Professionals were generally aware of, and had confidence in, local strategic direction around reducing the criminalisation of care-experienced children. There were some good examples of how frontline professionals had opportunities to feed in at Board level:

"We're now getting invited to management board meetings. We do presentations in management board meetings. We're all included in the plan. We're a part of the plan. We're all very, very aware of the direction in which we're going which, fortunately, is up." (Professional eight)

These opportunities to feed into strategic direction and "*longer term plans*" (Professional five) gave professionals more confidence that strategies would work better, and that the Child First focus of the youth justice system would have more chance of being realised. However, there were examples from other professionals that senior managers were setting agendas and "*parachuting things onto us*" (Professional 22) without current working knowledge of the issues at the frontline:

"Things are changing all the time, and some of these people have been in practice at some point... but it's not the same anymore. Things change so quickly, so sometimes we get things and we're like, yeah that would have been alright two years ago, but maybe not today, not in 2023." (Professional four)

Linked to this were mixed reports of the standing of YJSs within children's services, where most, though not all, YJSs sit. Some described a "*tension between children in need and care services and the youth offending team*" (Team Manager seven), usually linked to the allocation of resource. This could make the operationalisation of the multi-agency aspect of strategies to reduce the criminalisation of care-experienced children challenging.

# **3. Conclusions and implications**

This bulletin has raised a number of concerning implications relating to issues outside of, but directly affecting, the ability of YJS professionals to respond to the needs of care-experienced children under their supervision. These include:

- the academisation of schools and concomitant perceived lack of accountability
- pressure on resources in children's social care
- the marketisation and lack of sufficiency in children's residential care.

These issues have contributed to inconsistent practice with, and support for, care-experienced children, particularly those aged over 16. Specific concerns around children being on COAH and DOL orders were also found to pose challenges for engaging children in their supervision, as well as often being perceived as not meeting children's wider needs.

Placement instability, and especially movement out of area, continues to be problematic for this group of children and can increase children's risk of sexual and/or criminal exploitation and involvement in offending behaviour. The current shortage of appropriate, high quality care placements will continue to affect local authority responses and mean that children in care may remain at risk of inappropriate criminalisation. It also means that YJSs must often try to complete their work with very unsettled children amidst serious safeguarding concerns. As noted in the introduction, calls for Government action to tackle the sufficiency and quality of children's residential care have been reported many times. This research supports those calls for action, particularly noting the need for review around supported accommodation for children aged 16 and 17.

Despite these considerable challenges, there was a great deal of evidence of YJSs:

- building positive relationships with care-experienced children
- understanding their needs and experiences
- having a beneficial impact on their wider wellbeing, as well as their offending.

Children also valued these attributes, as well as the ability of YJSs to foster optimism for their futures. Time is needed to build positive relationships with vulnerable children who have complex needs and experiences, and professional time requires resource. It is important that YJSs continue to be able to intensively support the children who come into their service.

The findings of this research have implications for YJSs, the police, courts, education, the probation service, and children's social care.

## Youth justice services

A concern around a lack of understanding of the ramifications of receiving a community sentence arose from the children's data. It is important that children are fully informed about procedures, and also about day-to-day expectations of interactions with YJSs, and about what information would be shared about them with other professionals. Related to this, where large numbers of professionals were involved in children's lives, children repeatedly having to tell their 'story' was described as difficult and for some children reduced their engagement in the process of supervision. Multi-agency efforts to combine services or provide what one professional described as an "*adolescent hub offer*" (Professional 24) could be explored to mitigate some of the negative effects of too many professionals being in the lives of care and youth justice experienced

children. Linked to this, there was some evidence that more could be made of the specialist knowledge and experience of child and family social workers in YJSs, which some described as 'underutilised'. YJS professionals with statutory social work experience could play a more leading role in the professional network around particularly vulnerable

care-experienced children, and be prioritised as the case workers for this cohort of children with particularly complex needs. Further, more multi-agency work with children's social care to construct a narrative of a child in line with the Child First principle as part of placement searches could increase children's chances of being accepted into a placement that is appropriate for their needs, closer to their home area.

The impact of policy instruments such as the protocol is hard to define, although there was widespread awareness and use of the CPS endorsed 10-point checklist. The value of using restorative approaches to resolve incidents was, however, widely recognised by professionals. There was evidence that this approach was being utilised in many areas, including YJSs leading partnership working with police and residential care providers. There was an appetite for wider use of restorative approaches in other areas; ensuring every YJS has mechanisms and time to implement these approaches to resolve incidents in residential settings should be prioritised. The benefits of resolving incidents this way extends to children's social care as placement breakdown can, in some cases, be avoided.

## Police

There were examples of positive working relationships with individual police officers who supported the decriminalisation of care-experienced children's behaviour, and who had been trained to understand the causes of behaviour and the importance of de-escalation rather than arrest. However, these relationships need to exist across police forces, not just within specific roles, and more training and awareness of tools such as the protocol and the 10-point checklist would be beneficial. Concerningly, both children and professionals raised issues of the over-policing of specific groups of children. These findings reflect recent research into the overrepresentation of racially minoritised care-experienced children in the youth justice system (Hunter et al, 2023). Wider, ongoing efforts to address this, both within and outside policing should continue.

Examples of community-level multi-agency work showed promise and could be developed further. These ranged from joint police and YJS visits to schools and APs, and to residential care providers (including private providers), particularly focusing on out-of-court diversion and restorative justice interventions; and YJSs providing regular training for police teams, including examples where care-experienced children were involved in delivering the training. It is important that strategic support is given to such initiatives, including ensuring that sufficient time is provided for staff to fully engage in them, and that training is repeated and policies re-shared frequently to counter the impact of staff turnover.

## Courts

There is evidence of improved court practices with care-experienced children, and confidence in prosecutors' knowledge and practice in relation to these children was high. It is critical that this good practice is maintained and established procedures are followed, especially in light of increased fears of children's involvement in knife crime and changes to mandatory sentencing. It is important that initiatives, such as out-of-court disposal panels and the use of Outcome 22, are promoted and shared across regions to continue to divert care-experienced children from prosecution wherever possible.

## Education

Education was recognised by professionals as being pivotal to care and youth justice experienced children's lives, playing a crucial role in their positive development, providing structure, and enhancing wellbeing, future opportunities, and social capital. It was also seen to increase children's skills, self-esteem, and sense of optimism, all of which reduced risks of reoffending. Children also expressed how many of their hopes for the future were pinned on accessing education (see p.21) which professionals noted as extremely challenging, particularly post 16. The fragile hopes that many children discussed with the research team were contingent upon access to education, which was beyond their control, and often beyond the control of YJSs.

The benefits of having specialist educational staff within YJSs were clear, but many professionals expressed concerns about having lost or potentially losing these roles due to budget cuts and resource pressures. It is crucial that the education of this cohort of children is not 'written off' and there may be potential in developing more robust guidance for, and expectations of, mainstream schools in supporting this particular cohort of children. Further, the recommendations of the *Timpson Review of School Exclusion* (DfE, 2019b) offer a solid basis for action in relation to all children at risk of exclusion, including this cohort, and more needs to be done to implement these recommendations.

## Probation

The transition to adult justice services, and from being in care to independence, continues to be deeply problematic for care-experienced children involved in the youth justice system, and there is a strong argument that more flexible timelines are needed to ensure that children are properly supported through this process. Close working with probation, including having a probation officer within the YJS, was found to help ease the transition, and there were many examples of professionals applying discretion and professional judgement in 'holding on' to vulnerable, often care-experienced children beyond 18. More could be done here; for example, developing more formal national transition standards and practices for care-experienced children.

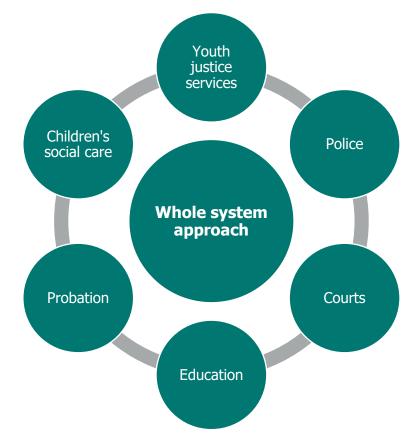
## Children's social care

Some of the most significant problems, and solutions, to the criminalisation of care-experienced children lie within the care system. However, many of these challenges relate to a lack of resource, and are, to some extent out of the control of individual Local Authorities. The recommendations of the Independent Review of Children's Social Care as they relate to urgent funding of  $\pounds 2.6$  billion 'rescue package' for children's social care are supported.

It was clear that YJS professionals have a very good understanding of the care system. However, the reverse appeared not to be true. Social work professionals were seen to have insufficient knowledge about the youth justice system, nor to understand their role and responsibilities towards care-experienced children involved in the youth justice system. It should be recognised that children involved in the youth justice system are likely to represent a small minority of social worker's caseloads, but there appears to be scope for greater knowledge exchange and shared training to ensure that social workers are fully conversant with current youth justice practice. There were examples of YJS professionals being asked by children's social care to speak to newly qualified social workers to share knowledge and build relationships to the extent that "*now they ring for advice*" (Professional 15), strengthening the multi-agency response as well as increasing knowledge. This kind of knowledge exchange should receive strategic support, and sufficient YJS and social worker time allocated to it.

## A whole-system approach

The research underscores the importance of understanding the criminalisation of careexperienced children as a complex, multi-systemic issue. There was widespread evidence that YJS professionals had good knowledge of the care system and the often multiple and complex needs of children with care experience. There was also evidence that YJS professionals were committed to doing the best for children in challenging circumstances and that building positive relationships formed the basis of much YJS practice. However, many interlinking factors mediate children's chances of coming into contact with the youth justice system and a breadth of agencies have a role to play in reducing the criminalisation of care-experienced children, not just YJSs. Further, issues of institutional resource and widening social inequality cannot be avoided when trying to understand and resolve the problem of the over-representation of careexperienced children in the youth justice system.



## References

Association of Directors of Children's Services (ADCS) (2022). ADCS response to the Competition and Markets Authority children's social care market study. Briefing, London: ADCS. Available online at:

https://adcs.org.uk/assets/documentation/ADCS\_response\_CMA\_report\_on\_childrens\_social\_care .pdf (accessed 02/02/2024)

Bateman, T. (2020). *The state of youth justice 2020: an overview of trends and developments*, London: National Association of Youth Justice (NAYJ).

Bateman, T., Day, A. and Pitts, J. (2018). *Looked after children and custody: a brief review of the relationship between care status and child incarceration and the implications for service provision,* Bedford: University of Bedfordshire.

Berridge, D. (2017). 'The education of children in care: Agency and resilience', *Children and Youth Services Review*, 77, pp. 86-93.

Berridge, D. and Brodie, I. (1998). *Children's Homes Revisited*, London: Jessica Kingsley Publishers.

Bywaters, P., Scourfield, J., Jones, C., Sparks, T., Elliott, M., Hooper, J., McCartan, C., Shapira, M., Bunting, L. and Daniel, B. (2020). 'Child welfare inequalities in the four nations of the UK', *Journal of Social Work*, 20(2), pp. 193-215.

Case, S. and Haines, K. (2021). 'Abolishing Youth Justice Systems: Children First, Offenders Nowhere', *Youth Justice*, 21(1), pp. 3-17.

Children's Commissioner for England (2022). Reforming children's homes: a policy plan of action.

Competition and Markets Authority (CMA) (2022). *Children's Social Care, Market Study: Final Report*, London: TSO.

Cox, A. and Ofori, A. (2021). 'Young People's Engagement in Youth Justice Practices: implications for racial and ethnic disproportionality', *Probation Quarterly*, 22, pp. 55-59.

Creaney, S. (2014). 'The position of relationship based practice in youth justice', *Safer Communities*, 13(3), pp. 120-125.

Dansey, D., Shbero, D. and John, M. (2019). 'Keeping secrets: how children in foster care manage stigma', *Adoption & Fostering*, 43(1), pp. 35-45.

Day, A.M. (2021). *Experiences and pathways of children in care in the youth justice system*, HM Inspectorate of Probation Academic Insights 2021/11. Available at: <a href="https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/09/LL-Academic-Insights-v1.0-Day.pdf">https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/09/LL-Academic-Insights-v1.0-Day.pdf</a>

Day, A., Bateman, T. and Pitts, J. (2020). *Surviving Incarceration: The pathways of looked after and non-looked after children into, through and out of custody*, Bedford: University of Bedfordshire Repository.

Department for Education (DfE) (2019a). *Help, protection, education: Concluding the children in need review*, Report, London: DfE.

Department for Education (DfE) (2019b). Timpson review of school exclusion. London: DfE.

Department for Education (DfE) (2021). *Children's Homes Workforce Literature Review*. London: DfE.

Department for Education (DfE) (2023). *Children looked after in England including adoptions: reporting year 2023*. London: DfE.

Department for Education, Home Office and Ministry of Justice (2018). The *National Protocol on Reducing Unnecessary Criminalisation of Looked-after Children and Care Leavers,* 

Evans, J., Skuse, T., Kennedy, D. and Matthew, J. (2023). *Desistance, adversity and trauma: Implications for practice with children and young people in conflict with the law*, HM Inspectorate of Probation Academic Insights 2023/08. Available at:

https://www.justiceinspectorates.gov.uk/hmiprobation/wpcontent/uploads/sites/5/2024/02/Academic-Insights-Desistance-adversity-and-trauma-

Implications-for-practice-with-children-and-young-people-in-conflict-with-the-law-20240216.pdf

Family Rights Group (FRG) (2018). *Care Crisis Review: Options for change,* London: Nuffield Foundation.

Gibson, K. (2022). 'Bridging the digital divide: Reflections on using WhatsApp instant messenger interviews in youth research', *Qualitative Research in Psychology*, 19(3), pp. 611-631.

Gray, P., Smithson, H. and Jump, D. (2021). *Serious youth violence and its relationship with adverse childhood experiences*, HM Inspectorate of Probation Academic Insights 2021/13. Available at: <a href="https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/11/Academic-Insights-Gray-et-al.pdf">https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/11/Academic-Insights-Gray-et-al.pdf</a>

Hallett, S. (2017). *Making sense of child sexual exploitation: exchange, abuse and young people*. Bristol: Policy Press.

HM Inspectorate of Prisons (2016). *Children in Custody 2014–15: an analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*. Report. London: HM Inspectorate of Prisons

HM Inspectorate of Prisons (2021). *Children in Custody 2019–20: an analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*. Report. London: HM Inspectorate of Prisons

HM Inspectorate of Probation (HMI Probation) (2023). *Relationship-based practice Framework* [website] <u>https://www.justiceinspectorates.gov.uk/hmiprobation/research/the-evidence-base-youth-offending-services/general-models-and-principles/relationship-based-practice-framework/</u> (Accessed: 04/02/2024)

Howard League for Penal Reform (2016). *Criminal Care: Children's homes and Criminalizing children.* London: Howard League.

Hunter K (2022). "Out of place': The criminalisation of Black and minority ethnic looked after children in England and Wales', *Prison Service Journal*, 258, pp. 13-18.

Hunter, K., Fitzpatrick, C., Staines, J. and Shaw, J. (2023). 'A Difficult Balance: Challenges and Possibilities for Local Protocols to Reduce Unnecessary Criminalisation of Children in Care and Care Leavers', *Youth Justice*, 0(0). <u>https://doi.org/10.1177/14732254231154153</u>

Kahan, B. (1994). *Growing up in Groups*. National Institute for Social Work Research Unit, London: HMSO

Kendrick, A. (2008). *Residential Child Care: Prospects and Challenges. Research Highlights in Social Work*. Jessica Kingsley Publishers, London.

Local Government Association (LGA) (2023). Autumn Statement 2023: LGA submission, Report, London, LGA.

Levell, J. (2019). "Those songs were the ones that made me, nobody asked me this question before": Music Elicitation with ex-gang involved men about their experiences of childhood domestic violence and abuse', *International Journal of Qualitative Methods*, *18* 

MacAlister, J. (2022). Independent Review of Children's Social Care: Final Report, London: TSO.

Mannay, D., Staples, E. and Edwards, V. (2017). 'Visual methodologies, sand and psychoanalysis: Employing creative participatory techniques to explore the educational experiences of mature students and children in care', *Visual Studies*, 32(4), pp. 345–358.

Mannay, D., Staples, E., Hallett, S., Roberts, L., Rees, A., Evans, R. and Andrews, D. (2019). 'Enabling talk and reframing messages: working creatively with care experienced children and young people to recount and re-represent their everyday experiences', *Child Care in Practice*, 25(1), 51-63

Marshall, D., Nisbet, A. and Gray, P. (2023). *The implementation and delivery of community resolutions: the role of youth offending services*, HM Inspectorate of Probation Research & Analysis Bulletin 2031/01. Available at:

https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2023/03/Theimplementation-and-delivery-of-community-resolutions-the-role-of-youth-offending-services-<u>1.pdf</u>

McLean, S. (2015). 'Managing behaviour in child residential group care: unique tensions', *Child and Family Social Work*, 20(3), pp. 344-353.

Ministry of Justice, Home Office and Welsh Government (2022). *All Wales Protocol on Reducing the criminalisation of care experienced children and young adults*,

Murphy, C., Maguinness, N. and Stathopoulos, E. (2023). 'What Challenges Emerge from Cases Where Children Are Made Subject to a 'Care Order at Home'?', *The British Journal of Social Work*. <u>https://doi.org/10.1093/bjsw/bcad217</u>

Office for National Statistics (ONS) (2022). *The education background of looked-after children who interact with the criminal justice system*, Report, London: Office for National Statistics.

Office for Standards in Education (Ofsted) (2023a). *The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2022/23*, London: TSO

Office for Standards in Education (Ofsted) (2023b). *Main findings: children's social care in England 2023*, Report, London: Ofsted.

HM Inspectorate of Probation, HM Inspectorate of Prisons and Ofsted (2023). *Joint Thematic Inspection of work with children subject to remand in youth detention,* London: HM Inspectorate of Probation.

Palmer, A., Norris, M. and Kelleher, J. (2022). 'Accelerated adulthood, extended adolescence and the care cliff: Supporting care leavers' transition from care to independent living', *Child & Family Social Work*, 27(4), pp. 748–759.

Pearce, J. (2023). *ADCS Comment on the latest profit making and risk in independent children's social care placement providers report*, October 30. Available online <a href="https://adcs.org.uk/care/article/lga-commissioned-report-on-profit-making-and-risk-in-the-childrens-placemen">https://adcs.org.uk/care/article/lga-commissioned-report-on-profit-making-and-risk-in-the-childrens-placemen</a> (accessed 02/02/2024)

Prison Reform Trust (PRT) (2016). *In Care, Out of Trouble: An Independent Review Chaired by Lord Laming, Report, London: Prison Reform Trust* 

Roe, A. (2023). *Children subject to Deprivation of Liberty Orders.* Briefing. London: Nuffield Family Justice Observatory.

Rogers, J. (2017). "Different' and 'Devalued': Managing the Stigma of Foster-Care with the Benefit of Peer Support', *British Journal of Social Work*, 47(4).

Ruch, G., Turney, D. and Ward, A. (2018). *Relationship-based social work: Getting to the heart of practice* (2<sup>nd</sup> ed). London: Jessica Kingsley Publishers.

Shaw, J. and Greenhow, S. (2020). *The Criminalisation and Exploitation of Children in Care: Multi-Agency Perspectives*. London: Routledge.

Shaw, J. (2014). *Residential Children's Homes and the Youth Justice System: Identity Power and Perceptions.* Basingstoke: Palgrave Macmillan.

Smith, J. (2023). Profit and loss: How children's care is failing our most vulnerable, *The House*, 27 January.

Staines, J. (2016). *Risk, Adverse Influence and Criminalisation Understanding the overrepresentation of looked after children in the youth justice system*. London: Prison Reform Trust

Staines J., Fitzpatrick, C., Shaw, J. and Hunter, K. (2023). "We Need to Tackle Their Well Being First': Understanding and Supporting Care-Experienced Girls in the Youth Justice System', *Youth Justice*, <u>https://doi.org/10.1177/14732254231191977</u>

Taylor, C. (2016). *Review of the Youth Justice System in England and Wales*, London: Ministry of Justice

*The Children's Homes (England) Regulations* 2015 (SI 2015/541) Available at: <u>https://www.legislation.gov.uk/uksi/2015/541/contents/made</u>

*The Supported Accommodation (England) Regulations 2023* (SI 2023/416). Available at: <u>https://www.legislation.gov.uk/uksi/2023/416/contents/made</u>

Watson, D.L., Staples, E.M. and Riches, K. (2021). "We need to understand what's going on because it's our life': Using sandboxing to understand children and young people's everyday conversations about care', *Children & Society*, 35(5), pp. 663-679.

Youth Justice Board (YJB) (2022). A Guide to Child First, London: YJB.

Youth Justice Board (YJB) (2024). Youth Justice Statistics: 2022 to 2023, London: YJB.

## Annex A: Methodology

## Recruitment

Professional participants were recruited via emails to YJSs and service managers inviting them and/or their teams to take part in an online focus group. A social media advert was posted, asking people to contact the lead researcher if interested, and an advert in the Youth Justice Bulletin also issued a call for participants. 39 professional participants were involved in focus groups or interviews. Table A1 gives details of the roles that participants held and Table A2 presents the regions they worked in.

Table A1: Roles held by the professional participants

Role	Participant numbers
Frontline practitioner	25
Team manager	7
Service manager	3
Senior/strategic manager	4

## Table A2: Regions the professional participants worked in

Region	Participant numbers
South West	6
South East and South	3
London	9
North East and Cumbria	2
North West	4
East	2
Midlands	10
Wales	3

15 children (three girls and 12 boys) were recruited through their YJS workers, emails to various youth organisations, and a social media advert. Table A3 presents demographic data about the children.

Table A3: Children's demographic data

Age	Participant numbers
18 years-old	2
17 years-old	8
16 years-old	4
15 years-old	1
Ethnicity	Participant numbers
Black or Black British	7
Asian or Asian British	2
White British	3
White British White other	3

## Focus groups and interviews

The focus groups with professionals lasted around an hour, with two to six participants in each group. They were based on a semi-structured topic guide developed to gather data on all the research questions. Individual interviews were undertaken with four participants who were unable to attend a focus group due to work commitments. The focus groups and interviews took place using online meeting software (Teams), and were recorded and transcribed.

Creative qualitative methods have developed as a way to enrich data, flatten unequal power dynamics between the researcher and researched, and prioritise the meanings and realities of disempowered groups, such as care-experienced children (Mannay et al. 2017; Mannay et al. 2019). The research with children first involved answering questions over WhatsApp in a mobile instant messaging interview (MIMI). MIMIs offer an opportunity to establish initial contact with the research participants and promote openness and trust which can be difficult to establish in a traditional interview, especially with children. When paired with a follow-up interview, the MIMI pre-establishes rapport – or is at least an icebreaker; further, because the researcher is not there, studies report participants having a higher degree of control about what data to share, and when (i.e. a MIMI gives people time to think it over) (Gibson, 2022).

The researcher asked a series of predetermined questions over WhatsApp (or email if the children preferred). Answers could include voice notes, gifs, emojis, photos or text. These questions included a music elicitation question ('what song or songs would sum up your overall experience of the YJS?') and a word elicitation question ('what three words would describe a good YJS worker?'). Music elicitation was incorporated as it has been shown to provide participants who lack power in other aspects of their life with an opportunity to direct topics discussed in a subsequent interview, and because music preferences can reflect individual's memories and meanings in a very direct way (Levell, 2019).

The second stage of the research with children was a traditional semi-structured interview, which was conducted over the phone or online via Teams, recorded and transcribed. One child did not wish to take part in the interview, and one wanted to conduct the interview via voice notes on WhatsApp, rather than asynchronously. This took around five days of messaging back and forth a few times a day.

## **Ethical considerations**

All participants were provided with an information sheet and offered the chance to ask questions before being provided with a consent form. All children over 16 consented for themselves, for any children under 16, proxy consent was also sought from their YJS worker. All participants were guaranteed anonymity; the limits to confidentiality were explained to all participants, i.e., that all information shared would be confidential unless the participant said anything that made the researchers think that they, or someone else, was at risk of harm. Information about support services was provided to all children in case they wanted to speak to someone after taking part in the research and children were asked before taking part to identify a supportive person who they would go to if they needed to. Children also had to agree to a set of expectations about the MIMI, including not sharing answers with others, or sending photos of other people; and there were a series of statements about what they could expect from the researcher, such as how long it would take the researcher to respond to messages.

All identifying information was removed from the transcripts, and the recordings deleted after transcription. All data was stored securely, and the research adhered to the requirements of the

General Data Protection Regulation. The research was provided with a favourable review by the Social Research Association's ethical appraisal service.<sup>7</sup>

## Analysis

All transcripts were uploaded to the qualitative analysis software, *Taguette*, and were coded thematically by both researchers; coding was guided by the key research questions and themes that were identified by the researchers as having been prominent across the interviews and focus groups. Regular discussion of emerging themes and cross-checking coding ensured the analysis was rigorous and consistent.

<sup>&</sup>lt;sup>7</sup> For more information, see <u>Ethics (the-sra.org.uk)</u>.

# **Annex B: Full list of songs chosen as part of the music elicitation method**

Song	Artist
Норе	NF
Not Afraid	Eminem
Life Goes On	2Pac
Thinking Out Loud	Ed Sheeran
7 Years	Lukas Graham
Boys Don't Cry	Jake Banfield
Count On Me	Bruno Mars
Locked Up	Akon
Hold my hand	Lady Gaga
Look At Her Now	Selena Gomez
Rehab	Amy Winehouse
All My Life	Lil Durk
New Me	JAntho CHO
Hero	Alan Walker
Faded	Alan Walker
Don't Give Up	Zoe Wees
Highs and lows	Prinz ft. Gabriella Bee
The Greatest	Sia
Unstoppable	Sia
Circles	Drezuz, Dakota Bear
Like You	Tatiana Manaois
Rise Up	Andra Day
Know Peace	Sampzeen
Save Me From Myself	Roberto and Danny
On My Way	Okema
Because He Lives (Amen)	Mass Anthem
Prisoner	Lucky Dube
Wash The Tears	Gramps Morgan
Silence	Marshmello ft. Khalid
Breaking The habit	Linkin park

## © Crown copyright 2024

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <u>www.nationalarchives.gov.uk/doc/open-government-licence</u> or email <u>psi@nationalarchives.gsi.gov.uk</u>.

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

This publication is available for download at: www.justiceinspectorates.gov.uk/hmiprobation

## **Published by:**

HM Inspectorate of Probation 1st Floor Civil Justice Centre 1 Bridge Street West Manchester M3 3FX

The HM Inspectorate of Probation Research Team can be contacted via <u>HMIProbationResearch@hmiprobation.gov.uk</u>

ISBN: 978-1-916621-49-7