

“Between a rock and a hard place”: Responses to Offending in Residential Childcare

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Executive Summary

There is current and ongoing concern regarding the potential criminalisation of looked after young people. This concern has been based on recent research across England and Wales which has identified that young people in care are more likely to be criminalised than their non-looked after peers (The Howard League for Penal Reform, 2016), with retrospective examinations of individuals in young offenders institutions and prisons finding they are disproportionately more likely to have been care experienced (Summerfield, 2011; Carnie and Broderick, 2015; Laming, 2016). In Scotland, less data is available and limited research attention has been paid to the responses by residential childcare workers to offending behaviour.

To address these issues, this study aimed to: gather more data about police contact for offending by young people in children's houses; to explore how practitioners make, and are supported to make, the decision to involve the police in incidents; and to survey what formal policies are in place within each local authority to aid decision making. This was achieved through the collation of 'police contact data' for young people placed in local authority run children's houses over a period of six months; completion of an online survey by house managers asking them to describe the policy and/or practice guidance available to staff in relation to offending behaviour and police contact; and interviews with 27 residential workers, across two Scottish local authorities. In order to provide further context, the remaining Scottish local authorities were contacted and asked to provide written responses regarding guidance available to staff in their area in responding to offending behaviour.

Police contact data from one local authority who provided this level of detail showed a larger proportion of incidents taking place within the children's houses did not result in charges when compared to those taking place within the community. However, the majority of offence allegations within the house were for 'vandalism' which may suggest further reflection is required regarding the role of the police being utilised for challenging behaviour that could potentially be managed by residential staff. Nonetheless, the majority of offence allegations across both local authority areas were carried out by a minority of young people, and for some young people several of the offence allegations included breaching bail conditions, which staff may have an important role in supporting young people to adhere to. That charging or disposal outcomes for police incidents and alleged offences were not always available, and local authorities did not already gather this data, suggests that going forward it is vital for data collection to be multi-agency and recorded consistently both locally and nationally in order to identify areas of concern and focus.

With regard to formal policies or guidance regarding police contact there was a lack of clarity from practitioners, which may reflect the different understanding of terminology regarding formal policies, models of care and guidance. However, despite this it was evident that staff are very much aware of the responsibilities they hold as corporate parents and are well versed in understanding the young people they support. There are clear methods used to attempt to de-escalate situations and calling the police to deal with an incident would be the last resort when all else had failed.

It was evident from practitioners that decision making with regards to offending or challenging behaviour is complex and individualised, being affected by a range of factors, and requiring professional judgement which is situated within the wider organisational context, and support and empowerment provided by managers to staff to make decisions. What emerged was that within the reality of the children's house, prescriptive policies or guidance can only go so far in terms of influencing how practitioners react in situations. Indeed it was clear that in terms of influencing their responses what was most powerful was a shared culture based on robust training.

In preventing offending behaviour and police involvement, a range of factors were crucial, including professional development, training and induction; having a range of de-escalation strategies and consequences available; and relationships. Police involvement was, however, at times reported to be necessary, with police very much seen as a key partner and in the main this relationship was described as a positive one. It was felt by staff that some young people have a preconceived view of the police, possibly due to past negative experiences. As such, opportunities for police and young people to spend time together doing activities and building relationships, particularly on an informal basis were rated highly by staff, some of whom expressed concern that due to workload and prioritising within the police force these opportunities may reduce even further than they already have.

Young people's individual circumstances and previous experiences were reported by workers to have an impact on how they responded to charges being brought and/or their attendance at Children's Hearings. Staff expressed anxieties about how decisions made by the Children's Hearing System could be experienced by young people and how some young people would negotiate the potential transition to the adult justice system. Implicit in this was the tension between the general acceptance that involving the police was a last resort and taking steps to avoid criminalising the young people in their care, with the responsibilities of staff; a concern that young people learn right from wrong, accountability and responsibility; and the potential impact on future outcomes.

This was only one of a number of tensions identified. These also included the realities of residential childcare; expectations from management; the rights of both young people and staff; and the care and control balance. As a result the following recommendations were identified:

- Police involvement should remain the option of last resort by residential child care workers in responding to offending, and charging should only take place where there is no alternative option;
- In acknowledging the complexity, dilemmas, and tensions inherent in responding to offending behaviour, decision making should be situated within a positive, shared, supportive, and respectful organisational culture and ethos;
- A wide range of formal and informal, managerial and colleague supports should be made available to residential workers;
- Investment in, and the prioritisation of, staff training; professional development; and high quality induction should continue;
- Methods to build relationships, both between police and residential staff and with young people should be prioritised;
- Discussing and reflecting on the role of the Children's Hearings System, the difficulties experienced by young people in transitioning to the adult court system and crucially the impact for young people's outcomes is important;
- Staff should provide young people with clear, accurate information on the impact of offences dealt with via the Children's Hearings System as well as the courts;
- Bail support to young people should be explored to ensure everything possible is being done to support young people on bail to comply with their bail conditions;
- Multi-agency data gathering and monitoring on a local and national basis is essential and should be supplemented by further research that examines the complexities faced by residential staff.

1. Introduction and background

On July 31, 2015, 15,404 children in Scotland were looked after, almost 10% of whom (1,529 children) were looked after in residential care, 564 in a local authority children's house (Scottish Government, 2016). While the vast majority of looked after children do not come to the attention of the police, accurate figures on offending by looked after children in Scotland are not readily accessible as most local authorities 'do not have regular and systematic processes for measuring the profile of incidents within residential units and offending in the community by this group' (Scottish Executive, 2006, p. ii). More data is available in England which highlights that looked after children come into contact with the youth justice system at a higher rate than the general population (NACRO, 2012; Department for Education, 2011; Zayed and Harker, 2015). The Howard League for Penal Reform (2016) found high numbers of looked after young people in England and Wales are criminalised, with 13 to 14 year olds nearly 20 times more likely to be criminalised (convicted or subject to a final warning or reprimand) than a non-looked after peer. Likewise, retrospective examination across the UK identifies that a disproportionate number of adults in young offenders institutions and prisons have a history of local authority care (Summerfield, 2011; Carnie and Broderick, 2015; Laming, 2016).

Being placed 'in care' does not happen in a vacuum, it carries a label and has connotations, the majority of which are not positive, such as the link between being accommodated away from home and offending rates (Darker *et al*, 2008). This is not to say that every looked after child will be involved in offending, but Ashford and Morgan (2004) have described young people in care as experiencing a form of 'double jeopardy'. This means that in addition to already sharing many of the same risk factors as other young people prosecuted for offending behaviour, such as neglect or abuse, by being placed in care they are often exposed to further risk factors including loss of attachments to friends and family, disrupted education and new peers who might already be involved in offending. Similarly, a range of placement specific risk factors have been identified including: placement stability (Ward *et al*, forthcoming; Ryan and Testa, 2005); the age range of young people housed together (Hayden, 2010); and the likelihood of being criminalised for behaviour that, were they at home with parents or other carers, would be unlikely to result in the police being called (NACRO, 2003). Consequently, the National Police Chiefs' Council (2015) and Crown Prosecution Service (2006, para. 5 and 6) expressed concerns about the inappropriate use of the criminal justice system to resolve issues that would normally 'fit under the umbrella of parenting'. It is acknowledged that a combination of risk factors rather than one specific factor is

more likely to account for the link between being accommodated away from home and offending (Darker *et al*, 2008; Schofield *et al*, 2015).

In Scotland preventing offending by, and improving outcomes for, children and young people, has recently received considerable legislative, policy and practice attention. Key policies in achieving this have been 'Getting it right for every child' (GIRFEC) and the Whole System Approach, alongside the Children and Young People (Scotland) Act 2014. Significant achievements have been made in reducing the number of detected offences committed by children, young people referred to the Children's Hearings System on offence grounds, and appearing in court (Lightowler, Vaswani and Orr, 2014; Scottish Government, 2015). There is increased recognition that involvement in offending may be an indicator of a young person having wider wellbeing needs, and that responses to offending can significantly affect their future outcomes. This can include the detrimental impact of premature involvement with formal systems on offending behaviour, as found in the Edinburgh Study of Youth Transitions and Crime (McAra and McVie, 2010) and the need to disclose offences committed in childhood, with subsequent impact on training, education, and employment opportunities into adulthood. This is in addition to the already much poorer outcomes experienced by care leavers than the general population (CELCIS, 2015).

Specifically in responding to offending in residential care, the National Care Standards for Care Homes for Children and Young People (Scottish Government, 2005) provides residential childcare staff with some discretion over how they handle offending or challenging behaviour (outwith any acts that fall under organisational policy that require police involvement). How such discretion is translated into daily practice has received only limited research attention. What has been identified is the potential for blurred lines between what is considered challenging behaviour by some staff, as opposed to offending behaviour requiring further action (Paul, 2008). While Hayden (2010) highlighted that involving the police in response to incidents tends not to be the first reaction by residential staff, Gentleman (2009) found there was an 'unwritten' threshold for police involvement but that there was a tendency for the same staff members to be involved in those incidents that led to police involvement. Further factors cited in explaining such variation in staff practice include staff tolerance rates; experiences; relationships between staff and young people, and between residential care homes and the police; and different organisational ethos and management styles (Paul, 2008). Similarly, the characteristics and attitudes of staff, and the subsequent reactions of the residents, as well as group dynamics, the individual backgrounds, and personalities of the young people resident at any one time are additional identifiable factors influencing responses to offending (Sinclair and Gibbs, 1998). When faced with such a multitude of elements, having a shared

ethos or culture is crucial, which it is argued, should include a 'clear policy of how offending behaviour will be viewed and dealt with' (Centre for Youth & Criminal Justice, 2016, p.14).

Based on the above findings and in order to extend the available research evidence, in this study we sought to explore the realities of the practice of residential child care staff and the factors that influence decision making in responding to offending behaviour. In addition, we hoped to add to the available data on offending by looked after children.

2. Methodology

The methodology comprised three elements.

Interviews: Two local authorities were identified to take part in this study. Three to four residential workers were selected using stratified sampling from each local authority run children's house in the area for phone interview. Within the sampling process there was the intentional inclusion of senior workers, day and night shift staff and a gender balance. Twenty seven interviews were completed between March and May 2016 with each interview lasting between 30 to 60 minutes. Respondents had been employed within their current house an average of just under six years and within residential care in general for an average of just over 11 years.

The semi-structured interview schedule (see Appendix) focused mainly on decision making regarding consequences and potential police involvement and the guidance or support given to staff. The format was inspired by identified checklists of good practice developed by Paul (2008).

The findings in this report are presented anonymously. The two local authorities will be identified as A and B.

Policy and practice surveys: Between February and March 2016, house managers were sent a link to a Qualtrics online survey. Responses were received from the Manager or their Deputy from eight houses across the two local authority areas. This survey was designed to capture the policy and/or practical guidance in relation to offending behaviour and police involvement within the local authority and the children's house more specifically.

To provide further context the lead contacts for children's houses in each of the remaining Scottish local authorities were emailed between March and May 2016.

Three questions were asked in this exchange, regarding policy or protocol on how offending was viewed and dealt with in the children's houses in their area and the ethos/philosophy of their children's houses. Sixteen responses were received.

Data recording: Both local authorities were asked to document the number of times there had been police incidents (and when this had led to a charge) within children's houses, and demographic details of the young people involved. They collected this data between September 2015 and February 2016 purposefully for the study, but have indicated a desire to continue to do so. Authority A was able to provide six months of detailed offending and demographic data by accessing records from children's houses, social work, and the local police. Authority B provided more descriptive data that came from police concern reports that had been recorded in their social work information system. It is not possible to compare data between the authorities, and instead police contacts in authority A and B will be described separately.

Ethics: This investigation was granted ethical approval by the School of Social Work and Social Policy Ethics Committee at the University of Strathclyde. We advised participants of their right to withdraw from the research, and all data was stored securely. Interviews were audio recorded with the consent of the participant, and conducted in private. Transcripts were stored securely and anonymously, and the recording destroyed upon transcription.

Caveats: It is acknowledged that this is a small scale study examining in detail two local authorities, although the findings from the sixteen other local authorities who responded to the survey did not indicate a marked difference in policy and protocol to the two authorities of focus. In addition, this study included only local authority children's houses, not those in other sectors or secure care settings.

3. Police Contact Data

3.1. Authority A

In local authority A there were 42 young people placed 48 times in the houses in the six month period studied. 57% (n= 24) of these young people did not come to the attention of the police during this time, however 9% (n=4) were alleged to have committed one offence, 17% (n=7) with between two and five offences, and 17% (n=7) alleged to have committed between six and 24 offences where the police were involved.

Throughout the six months, there were 71 recorded ‘police incidents’ involving 18 young people (five girls and thirteen boys) aged between 13 and 19 years. These incidents took place within the house itself, in the community or in a location unknown, involved 115 identified allegations/offences and 59 of these led to charges. Figure 1 shows the location and type of identified alleged offences that were brought to the attention of the police.

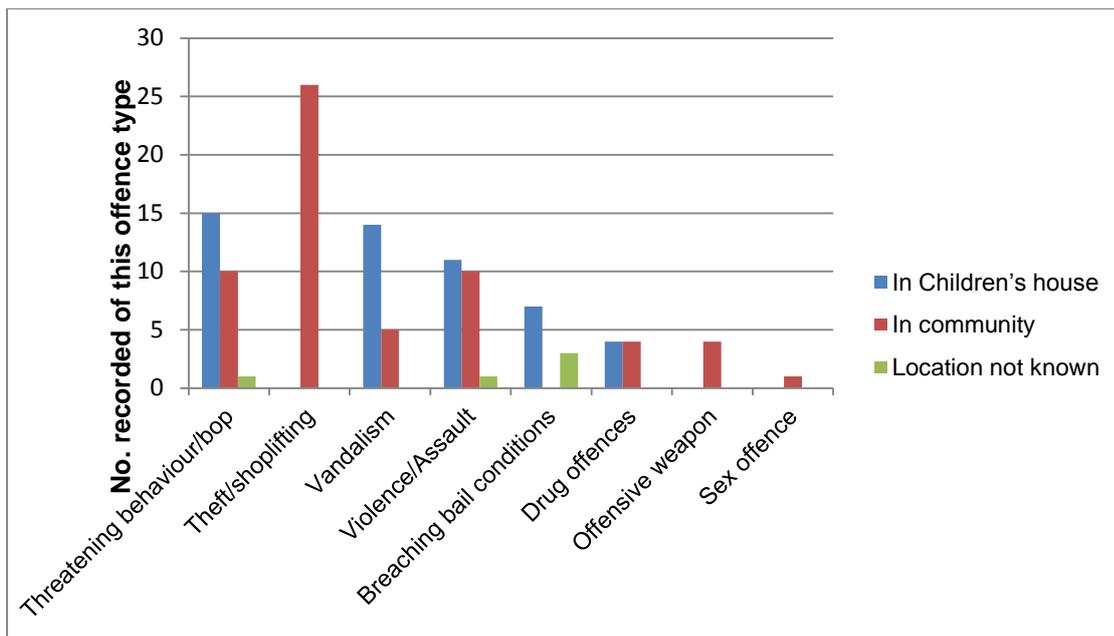


Figure 1: Allegations of offences identified across 6 months in Authority A

Thirty three of the 71 incidents (46%) took place within the children’s house while the remainder took place elsewhere in the community. There may be multiple offences associated with each incident and within each charge, similarly not every offence allegation within an incident would lead to a charge.

The incidents within the house led to charges on 23 occasions (70%), no charges on seven occasions (21%) and for three (9%) of the incidents the outcome is not known. In contrast, within the 35 incidents in the community, on only two occasions (6%) there was a record of no charges being brought. Twenty one per cent of incidents taking place within the children’s house did not result in charges compared to 6% of those taking place in the community.

For incidents taking place at the children’s house which resulted in charges, vandalism made up the majority (33%) closely followed by breach of the peace/threatening behaviour (31%), assault (17%), breach of bail (11%), drugs (5%) and taxi fraud (3%). There were three further offences of breach of bail, where it was not clear if these led to charges.

No charges were brought for violent incidents on four occasions, misuse of drugs on two occasions, and vandalism and breach of the peace/threatening behaviour on one occasion each.

Offences the young people were charged with for behaviour outwith the children's house included theft (34%), breach of the peace/threatening behaviour (23%), violence (14%), vandalism (7%), carrying a weapon (7%), drug offences (5%), taxi fraud (2%) and sexual offences (2%). On a further 6% of occasions the offence was breach of bail.

The young people who were involved in offending resided in houses across the local authority, rather than being clustered within one or two homes. However, three of the young people were accused of 20 or more offences across the six months of data and made up the bulk of the 115 alleged offences where the police were involved. One young person was accused of 26 offences in this time period. Occasionally these large offence totals were partly as a result of the young person allegedly breaching bail conditions and this breach being recorded as a new offence every few days over a period of time.

When the total number of recorded offence allegations is examined by gender, the boys were accused of more documented offences (mean 9.08 offences) than the girls in the houses (mean 3.40 offences) but the small sample means that no statistical comparison can be conducted.

3.2. Authority B

In Authority B, information was provided on 17 'police incidents', often involving one or more young people at a time, throughout the six month period. These incidents involved a total of nine young people (four girls and five boys) from a total of 18 placed over the time period. It was recorded that on three occasions the young person was referred to the reporter, on two occasions they were charged with offences and in one case referred for Early and Effective Intervention (EEI). It is not possible to identify the outcomes from the remainder of the police incidents, nor the exact nature or number of police charges. Mirroring the other local authority however, a small number of young people were involved in multiple incidents, for example one boy was involved in seven of the 17 incidents described and one girl was involved in five of them.

Greater detail was available regarding each incident, with the majority of cases that led to police contact involving violence or threatening behaviour towards staff or another resident, occasionally leading to injury. On one occasion the allegation was a theft against another child in the community, and on two occasions in addition to

displaying threatening behaviour the young person was alleged to have caused damage to staff property, for example, their cars. Within the detail of the incidents there are descriptions of attempts by staff to de-escalate the situation, including safe holding.

Only two of the described incidents (12%) took place in the community, the majority (88%) happened at the children's house.

3.3. Summary

While it is not possible to compare data between the two local authorities, the level of detail provided by Authority A enabled a fuller picture of offending and outcomes while the other provided greater context around the incidents. This however highlights the need for robust data recording from multiple sources across every local authority to provide a holistic picture and enable the early identification of potential issues.

In Authority A, around half of incidents that resulted in police involvement took place elsewhere in the community rather than the house itself, where it could be that staff have less influence, and tolerance of challenging behaviour may be lower.

A larger proportion of incidents taking place within the children's house did not result in charges when compared to those taking place in the community. However, that the majority of allegations for incidents within the house were for 'vandalism' may suggest further reflection is required regarding the police being utilised for challenging behaviour that could be managed by residential staff. Similar concerns have been raised regarding police involvement in residential settings in England (NACRO, 2003; the National Police Chiefs' Council, 2015; Crown Prosecution Service, 2006).

The high number of offences committed by a small number of young people, and young people accruing multiple offences related to breach of bail, are further concerns. Children's house staff may have an important role in supporting young people to adhere to bail conditions and the bail support provided to young people should be explored more broadly.

4. Responses to Offending Behaviours

This section describes the replies, written and verbal, by house managers and practitioners regarding policy and practice when faced with challenging or offending

behaviour within the house. Twenty seven interviews were conducted with residential staff (15 in Authority A and 12 in Authority B); eight questionnaires were completed by house managers; and sixteen responses were received to the short policy and practice survey from other local authorities across Scotland. Although there were some patterns within each local authority regarding the staff responses to young people's behaviour and offending, there were also variations between houses in the same local authority and at times the responses provided by house managers and residential workers. Where such variation is apparent, we have highlighted this in our descriptions. References by respondents to young people going missing have been omitted from this report to ensure a focus on offending behaviour. Also omitted are details that might identify either a young person or a specific local authority.

4.1 Factors influencing decision making in responding to offending behaviour

Throughout all interviews it was clear that decision making in responding to offending behaviour was complex. It was evident that these decisions involved the application of protocols and professional judgement, which was shaped by the organisational culture and support provided to staff, but also involved the consideration of, and was influenced by, a range of other factors.

4.1.1 Policies, protocols and professional judgement

Based on the literature outlined previously, it could be expected that there would be policies or protocols in place to guide staff practice in responding to offending behaviour. However, respondents varied in their views on whether this was the case. In Authority B, 92% of respondents stated there was a policy or protocol in place, while only 47% in Authority A stated this was the case. The findings from house managers mirrored this pattern, suggesting that the local authority did not set these policies, rather, they were determined within the house. Two residential workers differentiated between challenging and offending behaviour, with both stating there was a policy on the former.

Respondents were asked whether there was a clear protocol specifically for involving the police in responding to offending behaviour. In Authority A, five respondents stated there was, with two describing that staff had been involved in the development of this protocol, and one identifying instead that there was guidance available. In Authority B, four staff stated there was a protocol in place, all of whom reported staff involvement in the development of this, and a further one that there was guidance available, describing:

“Three to four years ago we had a difficult time in the house and we needed to contact the police at times. It was decided why are we doing this? Would you do this for your own child? And from this there was more direction... more guidance from senior management” (Residential Worker)

Across the two local authorities five of six house managers indicated there was a clear protocol for involving the police and one revealed there was not. These findings are consistent with information received during this study from sixteen of the other local authorities in Scotland, none of whom reported having a policy on responding to offending behaviour, with only three having a protocol on police involvement, although limited further information is available.

House managers from the two sample local authorities were more likely than staff to state such policies were part of training and induction. In respect of induction, this disparity in awareness may be explained by the length of current employment of residential workers, and potentially relatively recent changes in the induction process. Training and induction is discussed in greater detail below.

However, the majority of the respondents, both residential workers and house managers, in each local authority were clear that whether policies about responding to offending behaviour and police contact were in existence or not, any such decision was individualised, depending on the circumstances of the incident, and a matter of professional judgement. This is illustrated by the quote below:

“Not as such [a policy] it depends on the offence, what happened and how often...it’s not like if ABC happens you do this” (Residential Worker)

It was evident such professional judgement was situated within and shaped by the wider organisational context, which was formed by two key features.

The first was the ethos or culture of the children’s house. When this was described by residential staff a number of similar themes were identified including:

- That young people are cared for and looked after;
- To provide a calm, nurturing, loving and therapeutic environment;
- To ensure young people feel, and are, safe;
- To provide young people with a home and to feel part of a family;
- To help young people reach their potential (e.g. better outcomes, productive and achieving citizens);

- To involve young people in activities;
- To provide positive relationships;
- To treat young people as individuals;
- To reduce reoffending.

Respondents were asked how this ethos impacts on the policy on, and subsequent responses to, offending behaviour, with seven respondents from Authority A and three from Authority B describing trying to make the children's house as normal as possible, and therefore seeking to respond to behaviours in ways you would with your own children. Six respondents from Authority A and five from Authority B specifically made reference to their position as corporate parents. This was further highlighted by a house manager in the following quote:

"We act as discerning parents to the young people we look after, if there are other methods of teaching and supporting young people we would look to use these and exhaust all avenue[s] to prevent police involvement"

Indeed the majority of respondents, both residential workers and house managers, specifically stated that police contact was an option of last resort and that staff did not want to criminalise young people. This was evident in the following quote:

"About five years ago children's houses would call the police all the time for every little thing, but times have changed now, it is rare. It needs to be an extreme safety issue, risk, and staff are not able or in a position to deal appropriately with the situation that we would seek police assistance. It is the last resort ..." (Residential Worker)

The second aspect of the organisational culture was the extent to which staff were supported and empowered by their managers to make decisions in responding to offending behaviour. The overwhelming majority of residential workers stated they felt supported and empowered by managers to do so, with only one worker in Authority A stating managerial support could vary, citing the manager's personal values as a factor. Such support and empowerment was achieved through a range of strategies, including communication, team meetings, debriefing, incident reports, supervision, and training. In both local authorities reference was made to managers not always being physically present in the house, but remaining available to provide support and guidance to staff and young people:

“Most of the times I would decide but if I needed support or couldn’t deal with that, I can call on [my] manager or depute” (Residential Worker)

The importance of such support and empowerment was highlighted:

“Discussion is important and managers are available to discuss with staff formally or informally, our door is always open if staff need to get anything off their chest, or if they are holding a bit of a grievance. It supports good practice... helps [the] team be consistent” (Senior Residential Worker)

There was some variation in staff opinions on managerial trust and debriefing, however, most respondents commented positively on this, describing the benefits of debriefing. These included the ability to reflect on incidents and learn from them, the opportunity for staff to receive positive feedback on decision making, and the ability to monitor patterns either in staff practice or young people’s behaviour:

“I have never been criticised, there is trust in the staff team and if the police are called it is a legitimate reason. If you are the senior and you know the same person [or] shifts are frequently contacting the police, you would bring that to their attention and talk about this, but this does not happen” (Residential Worker)

In Authority B, two respondents stated there were times when decision making had been questioned, but that this situation had improved, describing that staff were better now at judging when to contact the police. However, one respondent in Authority B described how he found debriefing less supportive:

“There is an opportunity to discuss and reflect, but I feel anxiety about getting the decision right, my decision could be picked apart, we write a report documenting the incident but it’s only really a snapshot [...] I ask myself ‘what would senior management think is an appropriate response?’. [...] I would like to think it’s okay to get it wrong, rather than I hope I don’t get it wrong” (Residential Worker).

4.1.2 Additional factors impacting on decision making

A range of other factors were influential in shaping responses to offending behaviour. Some of these related to the individual incident and would include whether the safety of the young person, other young people in the house, or staff were at risk; whether staff could control the behaviour; and the severity of the behaviour. Similarly the type of offence would be taken into consideration, with consensus evident that police involvement would be avoided for more ‘petty reasons’. A greater number of respondents in Authority B stated in cases of vandalism or property damage in the

house they had been advised not to contact the police. Additionally, a third of staff in Authority A and three quarters of those in Authority B made reference to the choice and right of staff members to contact the police in cases of damage to personal property and assaults, with the right of a young person to contact the police in such instances also mentioned in a small number of interviews. Similarly, whether the behaviour was proactive, targeted, or premeditated would be influential, as highlighted by the following quote:

“Given the nature of some offending behaviour i.e. assault, it is more difficult for staff to respond at [the] time when there has been a personal attack [...] if a young person is lashing out and reacting to a situation and staff are inadvertently assaulted this is less likely to result in police involvement” (House Manager)

Factors related to the individual young person would also merit consideration including whether the young person was under the influence of alcohol/substances; their mental health; the frequency of the behaviour; the potential impact of police involvement (in escalating or de-escalating situations); and the level of crisis the young person was at.

A variety of features more specific to the dynamics in the house at the time of the incident were also highlighted such as which other young people were present; the impact on other young people; the number of young people involved; and level of disruption already in the house. Similarly staffing factors such as who was on shift; staff absences; sessional or permanent staff; and ratio of staff to young people were cited as impacting on responses.

Moreover, participants highlighted that responses by individual staff members could vary, stating that this may be due to all staff being individuals and therefore having different thresholds or tolerances of behaviour, differing ways of working, values, empathy, experience, skills, confidence, and abilities to reflect. House managers similarly commented on the differences in professional and personal values; thresholds for behaviour; and the type or strength of relationships between the staff member and young person. Two residential workers specifically drew attention to staff being human, and how this could impact on decision making. For example, one drew attention to how the staff member was feeling, their frame of mind, and the type of day they were having, but went on to point out that colleagues have a key role in identifying this and supporting that individual through decision making processes. Another described how previous incidents can have an impact on how later situations are handled by staff:

“Everyone has fight/flight/freeze and how that shapes people. Personal experience is a big factor [...] It shapes how you manage and respond, although you try to control as best you can, especially if it makes [you] respond in way that would make situation worse. We are all a product of our past” (Residential Worker)

As a result of variations between staff members, the multitude of factors influencing responses to individual incidents and the role of professional judgement, the issue of consistency of staff practice is an understandable concern. The majority of residential workers and all house managers stated that staff teams within the children’s houses were consistent in their responses to offending behaviour and every efforts is made to ensure that all staff approach and respond to offending in a standardised manner to prevent young people being unnecessarily criminalised.

But, over half of residential staff, across both authorities, added the caveat that this could vary, as highlighted by one respondent who pointed out:

“But 20 different staff who have different perceptions and how our experiences shape us... you will get consistency to a point, but never fully” (Residential Worker)

It was reported that consistency

“...can be a challenge but we all want the same goal - the best outcome for young people” (Residential Worker)

A range of factors were cited by residential workers and house managers in both local authorities as supporting consistent responses and decision making. These were: communication between team members and the ability to negotiate; young person’s plans that all staff were familiar with and worked to; having a good team and good team work; team meetings; protocols; staff knowing what was expected of them; and training. The staff rota system was also cited as having the potential to aid consistency, with the use of set teams reported by residential workers in Authority B to do so as staff knew each other, how they work, different individual’s tolerances, had a common dialogue and knew what consequences would be implemented. The rota system was raised in Authority A, where changes had resulted in a move away from this design reportedly losing the above benefits.

Just as respondents made clear that decision making in responding to offending behaviour was shaped and influenced by a variety of factors, a range of strategies to prevent offending behaviour and police contact were also highlighted.

4.2 Preventing offending behaviour and police contact

In preventing offending behaviour and police involvement, a range of methods were evident to develop positive strategies, including professional development, training and induction; having a range of available de-escalation strategies and consequences; and relationships.

4.2.1 Professional development, training and induction and a range of de-escalation strategies

Staff training was reported to have an important role in determining whether recourse to the police was warranted:

“I think they are much lower [safe holds and police involvement] because staff are trained, we know our young people, know what works for them and put everything in place before we call police. Practice has improved a lot” (Residential Worker)

When describing what was included in staff training and induction in respect of responding to offending behaviour, most respondents in both authorities cited mandatory training undertaken prior to commencing employment, supplemented with regular refresher training. Such training focused on understanding behaviour; the importance of getting to know the young person; taking a holistic approach; self-awareness; and providing staff with techniques to de-escalate and manage behaviours and risk, as well as to support young people to develop coping strategies. In Authority A, house managers described this training as their policy or protocol in responding to offending behaviour¹. Moreover individual respondents cited a plethora of other training including RAP (Response Ability Pathway); SNAP (Social Pedagogy Nurture, responsibility pathway); mental health, self-harm and trauma; bully proofing; restorative justice; challenging teenage behaviour training; and time to grow. In Authority A, the training and support from other organisations such as Child and Adolescent Mental Health Services (CAMHS), fire service, and criminal justice was cited on various occasions.

Only two of six house managers, one from each local authority, stated that staff received training specifically about when the police should be involved in a situation. None indicated that staff would be specifically trained in recognising various offences to aid them in their decision making, but all bar one reported staff knew when the police would expect to be involved in a situation and would use them appropriately.

¹ Although named by respondents, this training has not been identified within the report to help protect the anonymity of the two participating local authorities.

Through such training, staff were equipped with a range of de-escalation strategies and techniques, which residential workers and house managers associated with their models of care. Care plans, baseline plans, and risk assessments were identified within these strategies as key documents and vehicles in supporting staff to respond appropriately, and the importance of these documents being regularly updated and shared amongst the staff team was emphasised. In practical terms the importance of a calm, positive environment and the ability to separate young people to prevent situations escalating was cited by over one third of residential workers in each local authority, with similar numbers highlighting the role of activities both in preventing behaviours and in defusing situations. Holding safely was referenced as the second last resort in managing offending behaviour, with police contact identified as the last. Respondents were however clear they would utilise all possible strategies and whatever works for the young person, with this evidently engrained in practice:

*“We do this every day without even thinking about it. It is just natural”
(Residential Worker)*

Where consequences were required, respondents described a range of options, which one worker described as part of a “toolbox to support the young people”. It was reported that consequences would be individualised to what works for that young person and the behaviour and risk presented, with a range of options available as detailed:

- Pocket money (supervised spending, dividing or delaying monies, repaying for damage);
- Restricting access to TV; computer/Wi-Fi; mobile phone; car or activities;
- Earlier bedtime.

Most house managers and two workers referred to these as ‘natural consequences’, with one worker describing these as “of the sort that would be used with your own children”. In identifying what they should be, several workers in Authority A explained that young people themselves were involved in the choosing and negotiating of consequences:

“Young people have a young person’s meeting every six weeks and they come up with consequences not us” (Residential Worker)

“We will discuss with each young person what they think is a relevant consequence and give them some choice and control of this, rather than us calling [the] police” (Residential worker)

There was frequent reference to making use of incidents as opportunities for reflection and debriefing. This could include the completion of life space interviews and incident reports, having discussions with young people about their behaviours, and how they could respond differently, manage their emotions, and link their feelings and behaviours. Linked to this, seven workers from Authority B spoke of consequences not needing to be negative ones, but could be considered more about providing opportunities to educate young people.

However, it was made clear there was only so much that staff could do with the limited consequences available, and to what extent young people choose to take this education, advice or access to services on board was up to them in the end:

“We try to prevent, educate on right and wrong but whether they listen is a different matter and whether they put it into practice” (Residential Worker)

4.2.2 Relationships between residential workers and young people

The overwhelming majority of residential workers commented on the importance of relationships between staff and young people and how vital relationship-based care was in preventing and defusing situations:

“One of the greatest things in this job is staff’s relationship with the young person, and you can’t underestimate how important that is. There have been situations where the police could have been involved, but through a good relationship with a young person this can be resolved” (Residential Worker)

“You use the strongest tool you’ve got, yourself, and the relationship you have with the young person” (Residential Worker)

Fundamental in such relationships was staff members knowing the young people they were working with, to enable the identification of behaviour triggers, recognising behaviours before they escalate, and what approaches work best in managing these behaviours for the young people:

“If we [...] build a meaningful professional relationship with that young person, we can avert a lot of things within house as we have the relationships, know the young people and we will listen to them and them to us” (Residential Worker)

This could however, involve trial and error until staff really knew the young person. Likewise, participants noted the importance of the capacity of staff to reflect on their

relationships with individual young people and to be able to identify when they are not the best person to intervene, as illustrated below:

“Relationships are vital in this kind of job, even recognising a bad relationship [...] or asking someone else to speak to that young person because they react negatively to you” (Residential Worker)

4.2.3 Relationships with the police

Respondents were overwhelmingly positive about their relationship with the police in their area, with only two residential workers and two house managers suggesting some officers could be better than others. In the main however, the relationships between staff and officers were described as a way of preventing crises, by allowing potential issues to be addressed before they arose.

Residential staff and the majority of house managers reported ways in which relationships between the police, children’s house staff, and young people were built and maintained. Integral to this were officers undertaking informal visits to the houses, rather than only attending when a situation warranted their involvement. These visits had a key role in enabling officers to: undertake activities with the young people; get to know the young people and understand the bigger picture of their lives; and for informal discussions with young people about behaviours without the young people being charged, or before behaviours escalated. Communication, consistency of approach across the houses, and attendance of police at open days were further factors in supporting these relationships.

Staff reported that young people often held negative attitudes, lacked respect and did not trust the police, in many cases as a result of previous experiences. However, they reported, that through the above opportunities these attitudes could be changed by: building relationships, trust and respect; helping young people feel more secure and understand the role of the police; to see the human side of officers; and providing young people with new experiences.

These visits also provided opportunities for staff to gain advice from officers and to share information, alongside more formal opportunities such as regular meetings, joint working and joint training. It was, however, acknowledged that with the reduction of police resources and changes in priorities, the opportunities for the above informal visits, particularly by community police, had significantly reduced and could potentially reduce further, which one respondent concluded had resulted in a more ‘functional relationship’.

Residential workers described a range of methods by which they tell young people about the rules of the house, and the possible consequences of non-compliance,

including police involvement. These included welcome packs, young people's meetings, and where police involvement had been agreed as potentially being necessary, recording this in plans that are co-produced with and signed by the young person. The majority of staff stated this was discussed in an ongoing way with young people, or when the necessity arose. It was however recognised even with such strategies, preventing offending behaviour and formal police contact was not always possible.

4.3 Police involvement

Respondents were clear that, at times, police involvement could be necessary in responding to offending behaviour, with the police perceived as part of the wider team around the child, and indeed an important source of support for young people and staff members alike:

"It's important for young people to see police as not necessarily as external, but a wider part of this team and that can be used to support us [staff] when needed" (Residential Worker)

"...police can help to resolve a situation quickly, they play a major part in what we are trying to achieve" (Residential Worker)

4.3.1 Police contact

Where police contact was deemed necessary by workers, participants felt the police knew when it was appropriate to be brought into an incident. A number of respondents intimated police knew that they would only be called in as an option of last resort, and only in situations of risk, high severity, and when a situation was outwith the control of staff. In both local authorities, respondents referred to the importance of this mutual understanding and reported a sense that the police trusted that if they contacted them, the situation was warranted. It was also reported police had a good understanding of what care staff were trying to achieve with and for young people.

When the police needed to be contacted, it was clarified that this could be done by any individual involved in the incident or as a team, as below:

"It is always good to talk to your colleagues, discuss it especially so you have not done it in the heat of the moment everyone is human and you might be angry at that time. It is good to step back [...] rather than making a snap decision" (Residential Worker)

In Authority A, staff were more likely to cite the role of the senior worker in making the decision to contact the police than staff in Authority B, although it was again stated this was not an essential step. It was clear that police contact was not the end point of an incident, with several respondents describing what would follow police contact. There was reference to the importance of continuing to make efforts to calm the young person down, maintaining or restoring a calm environment, and removing other young people or staff members if an individual was being targeted in the situation. Another respondent commented on the practical issues of recording the incident, contacting management, and notifying the Care Inspectorate. Additional 'next steps' included rebuilding the relationship with the young person and supporting the staff involved, for example, via colleagues, managers, and providing details for support organisations such as Victim Support.

During specific incidents young people would usually be informed that contact had been made with the police, unless this was such an emergency that this was not possible, or there were concerns regarding potential escalation or jeopardising of any investigation. A number of respondents pointed out that telling a young person police contact was going to be or had been made could in itself be enough to de-escalate the situation, although this was not always the case. Police presence could have a similar impact, and two respondents described situations where the police themselves would try to de-escalate the situation to avoid charging young people. Several respondents stated young people usually understood why contact with the police had been made, as illustrated by this quote:

"...afterwards they can be remorseful and upset and understand at times we have no option. The young people and staff all know their roles and what needs to happen if things get to that stage" (Residential Worker).

It was clear that formal police contact could impact on the relationships between the staff and the police. For example, several residential staff made reference to police taking the decision to charge a young person out of their hands, either commenting that they would have preferred to have been more involved in this decision or in fact in one case, that the worker wanted the police to make this decision on their behalf. Similarly, a number of respondents commented that involving the police in an incident could have a detrimental impact on the relationship between the young person and the staff member, and the young person and the police.

4.4.2 Post police contact

Where following police contact a young person was charged, all staff were under the impression that young people knew what would happen, and explained that they try to support young people to understand the wider life implications of such charges, for

example for future travel or employment. A common theme across both authorities again however, was that the impact of this knowledge depended on the individual young person, and how far they were able to think to the future and take this on board:

“... It’s water off a ducks back” (Residential Worker)

Participants reported the impact of a charge could also depend on the young person’s legal status, for example, young people who were under 16 years of age or were already subject to a Compulsory Supervision Order via the Children’s Hearings System, were deemed to be less concerned by the prospect. It was suggested that this might be due to misconceptions such as criminal records being wiped clean at 16, that offences dealt with via the Children’s Hearings System have no bearing on criminal records, and that offences would be dealt with through current measures. This was despite young people being reportedly ‘familiar’ with the Children’s Hearings System.

Workers were able to reflect on individual case examples and the impact that attendance at, and the decisions of, the Children’s Hearings System had for the young people involved. These experiences varied markedly and included that:

“The Children’s Hearings System is too much for them [young people], too many people asking questions, all negative talk, they don’t want to be there, it can cause crying, they know it was a mistake, and don’t need it brought up again” (Residential Worker)

“[...] young people say I can do what I like, the Panel won’t do anything to me” (Residential Worker)

“I met a boy who is now in adult court and he said ‘you failed me when I was younger by protecting me from it’, and ‘I didn’t learn much as a child’, but we are trying to protect” (Residential Worker)

Six respondents made reference to the role of secure care in managing the level of risk and/or behaviours presented by certain young people. However, several respondents suggested that austerity was having an impact on the use of secure care, and subsequently placement suitability:

“Budget cuts may mean young people from secure units are coming back to residential in their local authority [...] as we get more of these young people there is the potential there for more police involvement” (Residential Worker)

Less attention was given by respondents to court disposals. This appears to be due to the perception that most of the young people's offences would not reach this level of intervention.

4.4 Dilemmas and tensions

Throughout the interviews the number of dilemmas and tensions that residential workers grapple with in their decision making was clear, with one respondent commenting that tensions were always there, and explaining that "child care is a reflective job". These tensions appeared to be grouped around a number of key areas.

4.4.1 The reality of residential child care

Throughout interviews, it was evident that staff wanted to make the children's house as like a "normal" family home as possible and were acutely aware of their responsibilities as corporate parents, as evident in the following quote:

*"How would I deal with it? [...] you would not criminalise your own children so why these children, that you are trying to build a better life for?"
(Residential Worker)*

A number of residential workers however acknowledged that there were differences in how staff would manage their own children. For example, police contact could be made more quickly than in their own home as there were more children present in the children's house, indeed two respondents cited the risk of young people learning behaviours from other residents. One staff member however, stated the tolerance level for behaviours was higher in children's houses; another stated that he would consider contacting the police for his own children in teaching right from wrong; and another that the impact of police involvement on other young people would need to be considered, pointing out that this is also their home. A number of respondents also made reference to the reality and differences of living and working in a residential unit with a number of young people, with a variety of needs, experiences, and ages compared with the family home, as is evident in the following response:

"We are corporate parents but it's not realistic, it's a double edged sword, in my house I wouldn't have six kids aged 11 to 17 and you wouldn't have a shift pattern of nine staff and social workers around [...] it's 12 and a half hours on the floor, people can get tired, burned down and make silly choices and say the wrong things" (Residential Worker)

Aligned with this, three respondents stated that there was only so much staff could do in response to offending or challenging behaviour, in terms of these not being

their own children, the consequences available, and the time it takes to elicit changes in behaviour:

“If they’ve been brought up in a household and that [fighting, offending] has been how they survive we will not change that behaviour quickly” (Residential Worker)

“I hear about offending all [the] time... but that behaviour was prevalent before they came in here. We have to deal with that when they come in here, and we can’t do that overnight. I don’t know what people expect us to do” (Residential Worker)

4.4.2 The desire not to criminalise

The majority of respondents in both local authorities spoke of not wanting to criminalise children and the adverse impacts of young people leaving care with criminal convictions. Staff were aware of the risk of this spiralling into further offending, and ultimately imprisonment, as illustrated in the following quote:

“It doesn’t do anyone any favours certainly not the young person [...] the last thing you want with the difficulties they have been through, is to press charges and have young people leaving at 16/17 with criminal record to start off with, and a lot of charges against them” (Residential Worker)

This was very much aligned with police involvement being an option of last resort. However, this had to be balanced with the role and responsibilities of staff in keeping all children and staff in the house safe, and ensuring young people are learning to be responsible for their behaviour and its consequences, and the long-term implications of this. Staff expressed concern that by not contacting the police, young people were not learning right from wrong, accountability and responsibility and were given more chances than their non-looked after peers, as illustrated:

“Some young people are being protected but it’s not real, think about that attitude when he becomes an adult, he thinks it’s acceptable to steal and vandalise, it’s not healthy for society” (Residential Worker)

While staff accepted the role of the Children’s Hearings System in protecting our vulnerable young people, concern was expressed about the issues for young people when the protection of the Hearing System is removed and offences are dealt with via the adult court. This was evidently a challenging and emotive area of practice for respondents, who at times felt let down and disempowered.

4.4.3 Rights

Rights were another area where dilemmas were evident. Several respondents discussed the uneasy balance between young people having rights, but also having responsibilities, as illustrated:

“We and young people are clear on their rights, they have paperwork, information booklet, and can access advocacy, but sometimes they forget staff have rights too. Young people will at times dictate their rights, but it is also about responsibilities” (Residential Worker)

Several respondents also expressed concern that at times staff rights were being overridden in favour of young people’s rights. This was most evident in respect of the managerial position on police contact related to assaults. Staff were clear that the decision to contact the police was their right, and that managers should not be advising staff not to contact the police in such situations but at times this happened, as illustrated in the following quote:

“We go through phases where we are directed by managers not to phone the police for this young person for whatever reason and whatever policies come into that. That can be quite disheartening because we have a duty of care for every young person, and for ourselves. [...] Despite managers having said that in the past, I have rights as a worker and a human. If someone has been assaulted or could potentially be assaulted I have the right to contact the police just as anyone does” (Residential Worker).

Another respondent highlighted that this could be more the result of organisational policy, and decisions made at a higher level than that of Managers:

“Upper management don’t want the statistics but nine times out of ten we don’t do it at the drop of a hat, ... a lot of staff are like me, ‘you can’t tell me when to, and when not to” (Residential Worker).

Indeed, one worker stated that there seemed to be a general expectation that residential workers would tolerate certain behaviours, which if directed at other professionals, could lead to a more robust response, for example, the young person being removed from their placement:

“I put it plainly it is alright for us to get assaulted, but if you are wasting police resources and it’s in the community you sometimes see it happen more quickly. It seems fine for us to be assaulted and verbally abused on a daily

basis but when it is outwith, the red flag starts to be waved which is frustrating” (Residential Worker).

4.4.4 The care and control balance

*“The care and control balance can be a bit confused sometimes”
(Residential Worker)*

It was clear throughout interviews that staff felt huge amounts of care, compassion, understanding, and empathy for the young people they work with. This included understanding what behaviours were a typical part of age and stage of development; where offending behaviours have come from; young people’s previous experiences; and offending as a reflection of need, as well as the position of the children’s house as a ‘safe place for young people to manifest their anger’.

However, coupled with this, respondents were clear that procedures needed to be followed, and their responsibilities, as explained briefly above, fulfilled. This did not however negate the personal impact that fulfilling these responsibilities and making the “hard choices” had for residential workers:

“We are between a rock and a hard place...It’s really difficult for staff who care a lot for young people and see them in crisis like, that the last thing want to do is call police but at times backed into a corner. If we don’t follow procedures and someone gets injured [...] it’s about keeping ourselves right... It is very difficult ... it’s emotional for everybody, but young people are our main focus” (Residential Worker)

5. Conclusion and Recommendations

This research has highlighted the multitude of factors and influences on decision making when faced with offending behaviour and the complexity, dilemmas and tensions involved. It has also emphasised the importance of individualised responses and professional judgement and found that consistency across workers can only ever be achieved to a point. In the face of this, it would be naïve to consider that a policy on responding to offending or a protocol for police involvement could solely achieve this.

Indeed this research, while echoing the findings of previous research in identifying the intricacies of decision making, has additionally exposed the complexities surrounding the development, usefulness, and awareness of such policies, and that

offending behaviours cut across a range of policies. Instead, what is required are methods that can support practitioners faced with such complexity and promote good quality, robust professional judgement and decision making. This requires staff working within a positive, well understood, shared, supportive, and respectful organisational culture and ethos that has been developed through open debate, challenge and negotiation. This type of shared organisational culture may have more power in day-to-day decision making than the presence or otherwise of a policy or procedure.

Given the inherent tensions and dilemmas faced by residential care workers in day-to-day practice, including the emotional impact of fulfilling these responsibilities and the limitations of their role, then relationships and relationship-based practice becomes even more fundamental. This includes the relationships between staff members and the young people, as well as with external agencies, but also between workers in the children's house, and their managers. The significance of a range of formal and informal, managerial and colleague supports, situated within a good team and team-work, cannot be overemphasised. In terms of managerial support and empowerment, communication; team meetings; debriefing; incident reports and supervision were important identified factors. From senior managers and organisationally, it is important that staff feel included in decisions, for example, in terms of rota arrangements or policies on responses, rather than feeling 'done to'. On each of these levels, it is important that staff feel their rights are important and upheld, as well as that strategic issues such as staffing levels and morale are monitored and appropriately responded to.

Given the beneficial effect attributed to training, continued investment in, and prioritisation of, staff training, professional development and high quality induction is crucial. Such training should provide residential workers with a baseline understanding of attachment, trauma, and child development to enable staff to understand behaviour and reframe these behaviours in the context of the young people's needs. Moreover, training should provide staff with a range of strategies and techniques as a toolkit in responding to offending behaviour, thereby making police contact the option of last resort a practice reality. The link between training and models of care should also be acknowledged. Arguably, induction could provide a useful opportunity to prepare staff for the behaviour and conflict that may be faced in their role, and the dual responsibilities of care and control. Such training is likely to become ever more crucial as the complex needs of young people becoming accommodated increases and the ability to utilise alternative and specialised, placements reduces in the context of austerity.

Practitioners and managers were clear that police involvement was the option of last resort. However, the 'police incident' data gathered does present some concerns, particularly regarding the high number of offences committed by the same young people and number of charges for breach of bail, and vandalism. Having said this, police were recognised as a key partner, and it is essential that partnership working and methods to build relationships, both between police and residential staff, and with young people continue to be prioritised. These relationships have long term importance which must be recognised in the face of resource pressures and capacity issues. Wider issues for consideration include the reasons for young people's negative perceptions of the police, what it is that police can bring to an incident that differs from what can be provided by residential staff, and within that, the limitations of the police role.

The tension between not criminalising children, but supporting their developing sense of responsibility and understanding of consequences, and ultimately how such behaviours will be dealt with in adulthood, was tangible throughout the interviews. Unfortunately, it would appear this is a persistent tension, faced not just by residential workers but by all professionals in this field. Discussing and reflecting on the role of the Hearing System, the difficulties experienced by young people in transitioning to the adult court system and crucially the subsequent impact on young people's outcomes is important. Likewise, ensuring all staff are able to provide young people with clear accurate information on the impact of offences dealt with via the Children's Hearings System as well as the courts is key.

The lack of available data on offending by looked after children in Scotland is concerning, and this piece of research has further highlighted the challenge. It would be valuable for policy makers and practitioners if police are able to ensure they identify looked after children, and include this information in their records. Residential care staff and social workers should similarly undertake clear recording, including capturing specific details of any charges or convictions. Triangulation of such data, monitoring locally on a multi-disciplinary basis, and aggregation at a national level is imperative to gain an accurate picture and identify trends. The role of agencies such as the Care Inspectorate in respect of this should also be explored further. Linking local and national data with further research that examines the complexities faced by residential staff, as this small-scale study has sought to do, would be beneficial. Such a combined approach is essential to gain fuller understanding of the reality of residential child care practice. Without this, we cannot know the impact on our most vulnerable children, or understand to what extent criminalisation really is the last resort.

Recommendations

From the evidence presented a number of recommendations are apparent. These recommendations have been shaped by the feedback received on this paper by research participants, peer reviewers, practitioners at the SIRCC Conference, and CYCJ's Executive Governance Group.

- Police involvement should remain the option of last resort by residential child care workers in responding to offending, and charging should only take place where there is no alternative option;
- In acknowledging the complexity, dilemmas, and tensions inherent in responding to offending behaviour, decision making should be situated within a positive, shared, supportive, and respectful organisational culture and ethos;
- A wide range of formal and informal, managerial and colleague supports should be made available to residential workers;
- Investment in, and the prioritisation of, staff training; professional development; and high quality induction should continue;
- Methods to build relationships, both between police and residential staff and with young people should be prioritised;
- Discussing and reflecting on the role of the Children's Hearings System, the difficulties experienced by young people in transitioning to the adult court system and crucially the impact for young people's outcomes is important;
- Staff should provide young people with clear, accurate information on the impact of offences dealt with via the Children's Hearings System as well as the courts;
- Bail support to young people should be explored to ensure everything possible is being done to support young people on bail to comply with their bail conditions;
- Multi-agency data gathering and monitoring on a local and national basis is essential and should be supplemented by further research that examines the complexities faced by residential staff.

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Appendix

Children's house Worker Interview

| | |
|------------------------------------------------|--|
| Job Title | |
| Children's house Name | |
| Local Authority | |
| No. of years employed at this children's house | |
| No. of years employed in this field | |

1. Is there a policy/protocol on how offending behaviour should be viewed and dealt with in the children's house?

2. Is there a clear protocol for involving the police?

- When are the police involved e.g. who calls them, in what circumstances, what happens afterwards?; how were policies developed/were staff involved;

3. What is included in staff training and induction in respect of responding to offending behaviour?

-Are these policies/protocols included; are staff trained in different laws; is there training on when the police should be involved?

4. What is the ethos/philosophy of your unit? How does the policy on offending behaviour fit with this?

5. Do you know when police expect to be involved in a situation and when it is appropriate to use them as a resource?

6. What relationship do you and the staff have with local police?

-Do they understand the ethos or mission of the children's house? Are there mechanisms in place to build greater relationships between care staff and local police? In your view does this relationship impact on their reaction to the young people. What is the impact of this for young people?

7. Do young people know when the police will be involved? Do young people know what happens when they are charged?

-Is this something discussed with young people by staff, if so, when, under what circumstances?

8. Are there other sanctions that care staff can use? Please describe them.

9. Are there techniques designed to defuse situations in order to limit the number of police attendances? (e.g. de-escalation; restorative justice; debriefing; positive environment and activities; behaviour management plans)

10. Are the staff always consistent in their responses to offending behaviour?

- For instance do staff responses vary over time or from young person to young person or context to context.

11. Are staff supported and empowered by managers to make decisions in responding to offending? If so how is this achieved?

12. Are there other factors that influence staff members decision making when faced with offending behaviour?

-Are there any dilemmas faced in responding to offending in residential child care? If so what are they?

Also do you consider issues such as rights and responsibilities; place of safety vs criminalisation; corporate parenting responsibilities and how behaviours would be addressed in a non-residential environment