

Looked After Children and Crime

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The number of looked after children in Scotland has increased every year since 2001 to a peak at 2012 ([Scottish Government, 2015](#)). In July 2015, there were 15,404 looked after children in Scotland, a 1% decrease from the year before. Most children are looked after in the community (13,875 in 2015), the majority of whom were looked after by foster carers, followed by those looked after by friends/relatives, and at home with parents. The number of children looked after in residential care settings has been fairly static over recent years, at about 9% of the looked after population, although this rose slightly to 9.9% in 2015.

In Scotland, figures regarding offending in care are less readily accessible than in England, and what information is available focuses on the current criminal justice system involvement of care leavers. It is documented in England, for example, that looked after children come into contact with the youth justice system at a higher rate than the general population: 7.3% compared to 3% of all children and young people ([NACRO, 2012](#); [Department for Education, 2011](#)). During the year ending 2013, around 6% of looked after children had received a conviction or a final warning or reprimand, compared with 1% of all children aged 10-17 in 2013 (Zayed and Harker, 2015). It was reported in Criminal Care ([The Howard League, 2016](#)) that in England and Wales looked after teenagers in particular were nearly 20 times more likely to be criminalised than their non-looked after counterparts.

However, most local authorities in Scotland do not have regular and systematic processes for measuring offending by children within children's houses. From the available information however, "...research consistently shows that care leavers, in general, are overrepresented in the criminal justice system" ([Scottish Government, 2013, p.28](#)). The starkest statistics are in respect of custody, with the [2013 SPS Prisoner Survey](#) finding that 27% of the prison population surveyed had been in care at some point and 17% had been in care at the age of sixteen. These figures are replicated in England with a survey in 2011 of young offender institutions revealing that over a quarter of young men and over half of young women had spent some time in local authority care (Summerfield, 2011).

Decision making by residential staff

Hayden (2010) examined offending behaviour in children's residential care homes in one county in England. It was noted that the incident report logs maintained by each children's home showed that only one in 10 incidents resulted in a call to the police, suggesting that involving the police was not the first response by staff working in this area. Shaw (2013) has highlighted the importance of recognising the power of institutional culture and environment, peer relationships and the impact of staff-resident relationships.

This 'unwritten' threshold for some residential staff was evidenced in a 2009 study by

Gentleman. In a response to concerns raised by the Children's Reporter regarding possible inappropriate reporting to police in children's homes, one children's house gave access to enable him to examine the extent to which the behaviour of young people is managed without recourse to the police. Interestingly however, it was found there was a tendency for the same staff members to be involved in the incidents that led to police involvement.

Policy and Guidance

In order to reduce the potential criminalisation of young people there are two alternative methods available to professionals working with young people. Firstly, avoid having the police attend an incident at all and secondly, where police contact is unavoidable, once a complaint has been made efforts should be made to address their behaviour out with formal systems through the use of Early and Effective Intervention (EEI). Within Scotland, the National Care Standards for Care Homes for Children and Young people (Scottish Executive, 2005) enables residential childcare staff to have some discretion over how they handle behaviour that could be deemed as challenging or offending (out with any acts that fall under organisational policy or existing protocols that require police involvement, for example, child protection issues, drugs, missing persons or offending within the community).

In 2008, Paul writing for the Scottish Institute for Residential Child Care in 2008 examined practice methods within Scotland and after speaking with care staff, managers and the police suggested a 'best practice' methodology. Paul (2008) proposed the use of checklists as part of a 'toolkit' to be used to inform staff development and help ensure consistency in the prevention of looked after young people becoming unnecessarily criminalised. The checklists identified were: *Setting and ethos, Training, Debriefing, Induction and care planning, Risk assessment or individual management plan (now within the child's single plan), Consistency and teamwork and Police involvement.*

Similarly, within the CYCJs most recent 'Guide to Youth Justice in Scotland: policy, practice and legislation', the Residential Childcare chapter identifies guidance for practitioners regarding managing challenging behaviour and when to involve the police. The guidance states that 'good practice in any aspect of residential childcare should begin with an ethos or philosophy', it acknowledges that bringing a team together on a philosophy 'which in some cases may challenge personal values and perspectives, is a demanding process' but that 'there should be a clear policy of how offending behaviour will be viewed and dealt with' (CYCJ, 2016).

The Centre for Youth and Justice is currently carrying out a short piece of research examining the use of police in responding to offending behaviour in looked after children in children's houses in two local authorities; this report will be published in June 2016.

References (excluding those hyperlinked above)

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