



ALL PARTY PARLIAMENTARY GROUP FOR  
**CHILDREN**

**Chair:** Baroness Massey of Darwen

**Vice-Chairmen:** Jessica Lee MP, Baroness Walmsley, Baroness Blood, Bill Esterson MP, Baroness Berridge

**Secretary:** Baroness Howarth of Breckland **Treasurer:** Earl of Listowel

**Clerk:** Heather Ransom

There was a meeting of the  
**All Party Parliamentary Group for Children on:**  
**Tuesday 14<sup>th</sup> January 2014**  
**4:30-6:15pm, Committee Room 4A, House of Lords**  
(booked in the name of Baroness Massey)

### **Children and the Police inquiry:**

#### **Oral evidence session 3: 'The prosecution and over-representation of looked after children'**

This was the third meeting of the APPG's inquiry into 'Children and the Police'. It explored the experience of looked after children and young people in engaging with the police, and considered why looked after children are at greater risk of entering the youth justice system. It examined good practice used by police forces, including examples which draw on multi-agency working with children's services, and considered how engagement can be improved.

**Members in attendance:** Baroness Massey, Earl of Listowel, Baroness Howarth, Baroness Blood, Tim Loughton MP, David Wright MP

**Speakers:** Lucy Dawes and Marion Sandwell (Youth Justice Board), John Bache JP (The Magistrates' Association), Jonathan Stanley (Independent Children's Homes Association), Nick Wilkinson (Kent County Council and the Association of YOT Managers), Chloe de Poix, Andy Gillett and Chloe Good (Telford and Wrekin Children in Care Council), Sergeant Gordon Kaye (West Mercia Police), Jack Tobias Matson (West Mercia Police Cadets)

**Voluntary and community sector in attendance:** Anne-Marie Harris (Youth Justice Board), Dustin Hutchinson (Magistrates' Association), Caroline Adams (Sussex Police), Cathy Ashley (Family Rights Group), Helen Atwood (Kids Company), Mary O'Shaughnessy (SCYJ), Fiona Pienaar (Place2Be), Noel Wilson, Gareth Crossman and Beverley Pickering (TACT), John Metcalfe (BASW), Kate Smith, Matt Sharp, Shelley Jones, Andrei Ilie and Anthony Olanipekun (Safer London Foundation), Sarah Anderson, Maire Stedman (Celtic Connections Psychotherapy), Kathleen Nugent (National Youth Advocacy Service), Lisa Davis (Office of the Children's Commissioner), Timothy Hutchison (The Wave Trust), Chris Stanley (National Association for Youth Justice), Pam Hibbert (SCYJ), Daniel McKenzie (Young NCB), Amber Eustace (NCB), Enver Solomon (NCB), Heather Ransom (NCB), Rosie Eatwell-White (NCB)

**Apologies:** Baroness Walmsley, Lord Judd, Baroness Gardner, Baroness Hughes, Sue Dale Tunnicliffe (Institute of Education), Wendy Scott (TACTYC), Amanda Henshall (University of Greenwich), Fiona Smith (Royal College of Nursing)

Baroness Massey welcomed everyone to the meeting.

**Lucy Dawes:** explained her role at the Youth Justice Board as Deputy Chief Executive, responsible for all aspects relating to Youth Offending Teams.

*Statistics regarding the criminalisation of looked after children*

- <1% of the total population of children are looked after.
- 49% of men under 21 in the criminal justice system have spent time as a looked after child.
- 27% of men under 21 in custody have spent time as a looked after child.
- 40% of women under 21 in the criminal justice system have spent time as a looked after child.
- Crimes rates in foster homes are far lower (3.6% of children have committed an offence) than crime rates in children's homes (21.4% of children have committed an offence).

These statistics are a concern for the YJB.

*Why looked after children are more likely to be criminalised*

- Sometimes they are responsible for committing a serious offence. However, the circumstances that lead to them becoming looked after can mean they present more challenging behaviour.
- Residential care staff may find it difficult to deal with this behaviour.
- Police can be called to deal with minor incidents in residential care that would usually be dealt with within a family environment. They are then placed in a difficult situation of how to proceed.

*Examples of good practice*

- Local authorities in the South East have produced a joint protocol and this has been shared by YJB as an example of good practice.
- There are cases of restorative justice being used successfully, for example in Manchester, where the city council is providing training to the night staff working in children's homes.
- In Manchester and Brighton there are good examples of work being done to ensure those involved understand the data they are working with.
- YJB are working with DfE to review qualifications for staff at children's homes.
- The Association of Chief Police Officers has drafted a national protocol for children's homes with input from YJB. However, it has so far not been implemented by the Home Office, due to concerns that it will reduce transparency. Discussions continue.
- Restorative justice can be very helpful as a way to stop situations escalating. There is a growing body of evidence on how to reduce the number of looked after children being criminalised, and restorative justice is key to this. It needs to now be applied more consistently.

**Marion Sandwell:** clarified that the protocol for dealing with incidents in schools has been in place for a number of years, allowing schools to deal with low level behavioural incidents internally, without the involvement of the police. ACPO would like this to be the basis for a protocol in children's homes. Although this has not been implemented nationally, it has been adopted in the South East.

**John Bache:** explained that he had been a magistrate since 1989 and in recent months had been involved in cases concerning looked after children where he felt things could have been handled differently. In particular, he felt the children involved need not have appeared in court as they had committed only minor offences.

*Three areas of concern*

- Unnecessary criminalisation: looked after children being brought into the court process for issues which usually would have been dealt with within the family. John questioned whether this is the best way to deal with offences, such as pushing a member of staff.

- Looked after children appearing in court unaccompanied or accompanied by someone who does not know them.
- Lack of stability for looked after children, who are often moved around too frequently to form meaningful relationships.

#### *Possible solutions*

- Draft ACPO protocol is excellent but has not been implemented because of the need to record incidents occurring in a children's home (as opposed to a school) as a crime for Home Office statistics. The Home Office needs to deal with this issue.
- Children's homes may require a crime number from the police for insurance purposes.
- Restorative justice has an important role to play.
- When children and young people are brought into court, magistrates should be able to order that the case be dealt with outside of court.
- Magistrates could have a role supervising young people, not in a judicial capacity but using their experience working with young people in order to support them.

**Jonathan Stanley:** explained that the Independent Children's Homes Association represents one third of all registered children's homes and one half of all private and voluntary sector children's homes.

#### *Developing police understanding*

- There is currently a lack of understanding amongst police about what goes on in children's homes and more training is needed. ICHA have written briefings for the police.
- Too often looked after children only engage with the police at times of crisis and they need to get to know the police in non-crisis situations. It is important to see beyond the label of 'looked after' and to recognise that all teenagers challenge authority to a certain extent.

#### *The damaging effects of instability*

- Time in children's homes is an intervention not an upbringing: the average age of a child is 14½ and only 21% stay longer than a year.
- Most children arriving at children's homes will have moved around 5 times in the last year, and can move up to 30 times during their overall time in care.
- Relationships are the foundation of good care but children and staff are often not given the chance to build those relationships.
- Members say it takes too long for children to feel they can make disclosures.

#### *Areas for improvement*

- Communication is key and it would be helpful if ACPO's proposed protocol was shared.
- Sequential failures in the system become much more visible in children's homes. It is important to discuss the whole system, and not just children's homes.
- Training is important, for residential childcare staff, and police, as well as social workers.
- There are different understandings of what restorative justice constitutes and people need to work together to develop a shared understanding.
- Ofsted guidance on the restriction of liberty should be reviewed.
- Virtual heads have been very successful for looked after children and perhaps virtual police leads could also be helpful.
- Strategy is needed for placements outside of the local authority/region.

**Baroness Massey:** took questions from peers and the wider audience, including:

- What is the role of mental health professionals in engaging with looked after children who come into contact with the police?

**Lucy Dawes:** stated that when it came to mental health, diversion and liaison projects are currently being funded by the Department of Health. The projects are in their early days but are already doing good work.

As the number of children entering the criminal justice system falls, those left are likely to be the most challenging and DH needs to be commended for supporting this work.

**John Bache:** added that some courts have a mental health officer but not all. It can help if the YOT recognise any mental health needs.

**Jonathan Stanley:** explained that fostering and residential services provide their own CAMHS support. There are ongoing questions around funding in this area.

Other issues raised included:

- The problem of funding good services at a time of austerity.
- The C18 indicator, despite being very effective, is no longer used.
- The importance of implementing the ACPO guidance and for this to be applied consistently.
- The success of reducing offender rates and reducing the number of looked after children in the criminal justice system.
- The importance of data sharing.
- Protocol should apply to all children in care not just residential homes.

**Tim Loughton MP:** explained his involvement in three working groups looking at data sharing. It was found that many local authorities did not know how many children had been placed ... and where, despite regulation requiring them to know. Concerning guidance, he said that this was only effective if it was known about and implemented, and that it was necessary to work together to ensure this happened.

**Nick Wilkinson:** introduced himself, stating that prior to his current role he had been a police officer for 30 years. He felt that unless officers were in a specialist unit, they did not understand the needs of children and young people.

#### *Risk factors for looked after children*

- It is important to remember why children become looked after:
  - Family breakdown
  - Homelessness
  - Abuse and neglect
  - Absent parenting, including unaccompanied asylum seeking and migrant children
- Childhood trauma is therefore highly prevalent.
- Looked after children have a range of needs:
  - Health needs, for example dealing with substance abuse
  - Behavioural needs
  - Accommodation needs and the problem of being moved around a lot
  - Education and future opportunities: figures show that amongst looked after children a high number have educational statements or a history of exclusion, and a high number go on to be NEET
- As a result, looked after children are more like to come into contact with the police.
- There are also risks around children going missing from care, which can lead to further problems like gangs and child sexual exploitation.

#### *Areas for improvement*

- College of Policing has a key role in implementing evidence-based strategy.
- A strategic approach is needed at force level. For example, the Police and Crime Commissioner can play an important role in prevention.
- At an operational level, officers need to understand local children's homes and what they do.
- Corporate Parenting Boards also have an important role to play. For example, it is worth questioning how many CPBs have local police officers sitting on them. Police could support CPB with their aim of reducing the criminalisation of looked after children.

#### *Examples of good practice*

- A working group for developing protocol was set up in Sussex and there are examples of restorative justice being used here very successfully.
- In 2012, Surrey set up a protocol for the South East which involves four-steps:
  1. There is an expectation that behaviour is resolved internally without calling the police.
  2. If this is not appropriate, then the police are called, but the police should then consider discretionary powers and implement a community resolution or restorative justice.
  3. If this is not appropriate, then a Youth Restorative Intervention is used. A multi-agency panel will consider the options for restorative justice instead of going to court.
  4. If this is still not appropriate, the incident will be dealt with in court.
- There is work going on to put this protocol in place in the South East.

**Chloe de Poix:** spoke about the work of the Telford and Wrekin Children in Care Council.

*Looked after children's experience engaging with the police*

- Many of the children Chloe has spoken to over the last few years have a negative view of police. This can be based on their early experiences or can be passed on from their birth parents' perception of the police.
- Looked after children often do not feel that they cannot approach the police and this is very worrying. When they leave care, they are very vulnerable and it is important that they feel able to go to the police if they do not feel safe.

*Children in Care Council's work with the police*

Chloe explained that she approached Sergeant Gordon Kaye of West Merica Police in order to try and build a relationship between the looked after children she worked with and the police.

- Sergeant Kaye came to meet the children. He let the children try on a police uniform and try the equipment. This started a positive engagement between the children and a police officer.
- The interaction continued over several sessions. Activities have included a residential weekend away, being involved in Takeover Day and work shadowing.
- As a Corporate Parent, it is important for the local authority to ensure that children have the chance to interact with the police in a positive way.

**Chloe Good:** spoke about her first experience interacting with the police as a young child.

- During a family argument, the police arrived and as no-one explained to her why her mother was so upset, she assumed the police had made her cry and that they were bad.
- Her experience working with the Children in Care Council and Sergeant Kaye had helped change this attitude.
- She took part in activities organised by Sergeant Kaye, and had the chance to meet and get to know other police officers.
- She emphasised the importance of the police explaining to children what they are doing if they are called to a home incident and that they should engage more with children in care.

**Jack Tobias Matson:** said that his early experiences with the police had not been positive.

- When he ran away from home they had been very stern with him.
- He felt that local police officers could improve relationships with looked after children by visiting them regularly, so that they saw a familiar face.
- His experience with the Police Cadets had helped to build his confidence. It has helped him to understand what the police do day-to-day and to build relationships with officers.

**Andy Gillet:** explained that as an 11-year-old he ran away a number of times.

- No police officer ever asked why he had run away, until the seventh time it happened.
- Since working with the police as part of the Children in Care Council, he said he has started to see the police as human and his opinion has changed.
- When he later got into trouble with the police, one of the officers he knew was very supportive.
- Each case should be treated differently
- It would be worth explaining to young people what the police legally have to do

- Young people should be involved in helping to train the police.

**Sergeant Gordon Kaye:** stated that children who go missing from care can be at the greatest risk of criminalisation. This may be because of substance abuse, sexual exploitation or pressure from peers to commit crimes. He stated that if the aim is to reduce criminality, then it is necessary to reduce the number of children who run away from care.

*The role of the police*

- It is important that the police develop better relationships with young people
- They must explain what they are doing and why they are doing it.
- The attitude of many police officers towards young people needs to change. Sergeant Kaye said he had often been shocked by how negative fellow officers were about young people
- Sergeant Kaye explained that the cadets aim to reach out to and involve young people from different communities, such as BME and gypsy traveller communities.

**Baroness Massey:** took further questions from peers and the wider audience, including:

- What can be done to ensure work is more cohesive and children's experiences are determined by a 'postcode lottery'?

**Gordon Kaye:** said that the project with Telford and Wrekin Children in Care Council had not been replicated elsewhere as far as he knew.

**Chloe de Poix:** stated that the current work was based on a particular relationship rather than being standard practice. The work needs to be more systematic within the authority.

**Nick Wilkinson:** added that it would help if police officers were members of Corporate Parenting Boards.

**Jonathan Stanley:** said that a common understanding of what everyone was working towards is important, and that a common indicator which could be applied to all regulators would be helpful.

**John Bache:** reiterated that implementing ACPO guidance would help, as would encouraging restorative justice to be used and allowing magistrates to dismiss cases they did not feel should be in court.

Other issues raised included:

- The lack of control over their own lives felt by looked after children. It was suggested that this was one of the reasons that they are more likely to run away, as a way of gaining a degree of control.
- The importance of listening to young people and giving them a voice.
- The problem of young people becoming police officers and then not being able to engage with young people, maybe because of the mentality that comes with being in uniform.
- The positive elements of the Children and Families Bill when it comes to looked after children, such as the 'staying put amendment'.

**Baroness Massey:** summed up the meeting by drawing out key themes.

- The need for protocols and guidance, and how this can be embedded into practice.
- The importance of collaboration between agencies at a local and national level.
- The value of restorative justice, and how a common framework for this can be developed.
- The role of Corporate Parenting Boards as a body for bringing things together.
- The huge risks that people who go missing face and whether they feel they can talk to police.
- The importance of listening to young people, taking their views into consideration, and looking at what we can be done to get them into a better place than they have been in the past.
- The need for police training.
- The question of what the national picture is for looked after children engaging with police.

Baroness Massey then thanked all speakers and everyone who attended.