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### **Evidence from the Disrupting the Routes between Care and Custody Study**

#### **Introduction**

This evidence is based on an ongoing research project that is funded by the Nuffield Foundation, and is led by Dr Claire Fitzpatrick (Lancaster University), with Dr Katie Hunter (Lancaster University), Dr Jo Staines (University of Bristol) and Dr Julie Shaw (Liverpool John Moores University). The project focuses on care experienced girls and women who come into conflict with the law. Consequently, this evidence relates particularly to criminalisation in children's homes.

The research prioritizes the voices of those with lived experience and includes interviews with 37 women in prison who spent time in the care system as a child, and 17 girls and young women who have experienced both care and involvement in the youth justice system. In addition, interviews have been completed with 40 professionals including from children's services, youth justice, the police, probation, prisons and the judiciary. The research also draws on analyses of 37 local protocols which aim to reduce criminalisation of looked after children and care leavers and/or to support them as they move through the youth/adult criminal justice systems. A review of international literature, [Exploring the Pathways between Care and Custody for Girls and Women](#), has also been completed and was published in October 2019.

#### **Early findings**

The literature review highlighted significant gaps in knowledge with regards to care experienced girls and women in justice systems, partly as a result of insufficient official data. It also revealed that the interplay between gender and ethnicity has been neglected in research. However, the available evidence suggests that care experienced girls/women are even more over-represented than care experienced boys/men in youth justice and adult criminal justice.

Analysis of 37 local protocols from across England and Wales designed to reduce the criminalisation of looked after children and/or to support looked after children already in the youth justice system is ongoing. Initial analysis has found that these protocols vary considerably in length and scope. However, most focus on criminalisation within children's homes specifically. Many of the protocols take a 'one size fits all' approach to reducing unnecessary criminalisation in that there is little recognition of the issues facing specific groups, such as girls or ethnic minority children. Furthermore, some protocols stipulate a close working relationship between children's homes and police officers who may assist in a number of ways. For example, designated police officers may make regular visits to children's homes to gather information, identify risk of offending, and to attend liaison

meetings which involve disclosure of non-serious incidents. Some protocols recommend that staff seek advice from local policing teams when making decisions about how to respond to incidents. Such police involvement could be seen as contradictory to the spirit of reducing criminalisation, given the evidence that police contact – whether for welfare or justice reasons – can lead to more formal justice system contact.

Appropriate record keeping is a key focus in several protocols, and on one hand this is understandable, however, an official record of challenging behaviour could very easily accumulate in a residential setting where there is a requirement to record all incidents. 'Normal' childhood behaviour that might be dealt with without official intervention in a birth family could potentially result in a thick file of incidents in a care setting. Whilst local protocols aimed at preventing unnecessary criminalisation of children in care are very welcome in theory, there is a serious need for caution in practice.

### **Emerging Themes from Interviews**

Preliminary analysis from interviews with women and girls highlights that an overwhelming majority had experienced significant trauma over the course of their lives including domestic violence and sexual abuse. A number of participants had been exposed to violence within their birth family, with some continuing to experience violence in their relationships as adults. Over half of the women in prison we spoke to disclosed sexual abuse in childhood, with stories often involving repeat victimisation, and some being sexually abused in care placements by those who were supposed to protect them. For too many, the care system was not experienced as a place of safety.

Instability and a lack of support within the care system have emerged as particularly common themes, including multiple placement moves, changing social workers, changing schools and often, difficulties maintaining relationships with their families. Some raised concerns about the lack of aspirations amongst carers for those living in children's homes. Several participants reflected on the lack of matching that went on between children and placements, with the difficulties of adjusting to placements with those from a different ethnic background and a different culture being highlighted. A feeling of not belonging in care was noted by several participants, although there was also some evidence of respondents feeling they belonged more with other children in children's homes than in foster families.

Ongoing analysis highlights that a number of participants began offending when they were in care, and experienced criminalisation for behaviour that would not draw the attention of the police had it occurred in a family home. Others began offending before entry to care but did not receive the necessary support to desist and so offending escalated. Whilst the over-surveillance and subsequent criminalisation of challenging behaviour amongst girls in care was highlighted by some, others referred to the under-surveillance of victimisation outside of placement settings. For example, one young woman described regular bruises received outside of a placement going unmentioned on by children's home carers. Amongst imprisoned women, parallels were highlighted between life in children's home and life in prison.

Many experienced difficulties upon leaving care, including a lack of practical as well as emotional support during their transitions to adulthood. Some felt abandoned by their local authorities as care leavers, whilst others noted the prospect of social services involvement was much more evident when they became mothers themselves when the focus of official concern switched to their children. Initial analysis of interviews with professionals indicates practice in preventing unnecessary criminalisation in care is incredibly variable across the country. Evidence of good practice has been highlighted in areas where there is a real commitment to diversion. However, this is certainly not consistent. Professionals have also highlighted concerns about the potential for care-experienced girls and women to face negative judgements, stigma and labelling. The lifelong impacts of such experiences cannot be underestimated.

**Project Website:** <https://wp.lancs.ac.uk/care-custody/>

**Fitzpatrick C, Hunter K, Staines J and Shaw J (2019) *Exploring the pathways between care and custody for girls and women: A literature review***

<http://wp.lancs.ac.uk/care-custody/files/2019/10/CareCustodyLiteratureReview.pdf>.

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