



**Open Report on behalf of Heather Sandy, Executive Director – Children’s Services**

Report to:	<b>Corporate Parenting Panel</b>
Date:	<b>9 March 2023</b>
Subject:	<b>Criminal Activity, Outcomes and Pathways for Children in Care</b>

**Summary:**

To provide an overview of the approach to reducing youth crime in Lincolnshire through restorative approaches. To also reflect the additional safeguards employed to avoid the unnecessary criminalisation of children in care.

**Actions Required:**

That the Panel endorse the report and attached appendix and that comments from the discussion are shared with relevant Officers and Portfolio holders.

## **1. Background**

Lincolnshire has an overarching commitment to a ‘Child First’ approach whereby children, young people and their families in Lincolnshire are helped to make changes for themselves, are seen as a positive solution to the challenges they face and are understood as a whole family. They are supported by an integrated workforce that uses evidence-based practice, understands, and applies relationship-based practice and is well trained and supported. An effective early help strategy and integrated health workforce means that children get the right support at the right time.

The formal Youth Justice System (YJS) begins once a child or young person (CYP) aged ten or over (and under the age of 18) has committed an offence and received; a youth caution; a youth conditional caution; or is convicted at court. However, due to increased flexibility and the adoption of a ‘child first’ approach, an increasing number of 10-to-18-year old’s that encounter Police will be supported by early help services - even though they are not in the formal youth justice system.

National research and evidence suggest that children in contact with the YJS often have more severe health and wellbeing needs than peers their age. They are more likely to have mental health problems; to have more than a single mental health condition; to have neurodevelopmental and/or learning disabilities; to have issues of alcohol and substance misuse. These young people frequently face additional difficulties that might include; school exclusion; previous trauma, fragmented family relationships; bereavement; unstable living conditions; or poor or harmful parenting that might be linked to poverty, substance misuse and mental health problems. These multiple and complex risk factors generate significant social and economic costs.

To avoid children's health and social care needs being unrecognised or unmet, there is a critical need for comprehensive screening and assessment throughout the youth justice system. The risks of unmet needs persisting into late adolescence/adulthood leads to a wide range of adverse outcomes, such as continuing or worsening mental health problems, unemployment, teenage parenthood, marital strife, suicide, self-harm, and further criminal activity.

Offending trends, arrests, and convictions by young people in Lincolnshire are aligned with a regional and national decrease in youth crime. The proportion of young people formally entering the system is continuing to decline as is the number of young people in youth custody. The rate of re-offending continues to remain a focus as this has started to drift upwards. However, the re-offending measure is subject to extreme fluctuation, primarily due to the reduction in the overall cohort whilst there is also an acceptance regarding the diverse and complex needs of those young people within the system.

Children in care nationally continue to be significantly overrepresented in the youth justice system relative to their non-looked after peers. Less than 1% of the population comes into care, but those children in care are still five times more likely to be involved with the criminal justice system. Research suggests that there is a systemic challenge across England and Wales that leads to Police intervention, often sometimes over minor incidents that would never come to Police officers' attention if they happened in conventional family homes.

Therefore, the challenge within Lincolnshire is two-fold. First, it is incumbent upon us all as agencies to recognise the pre-existing risk factors that place children in care at greater risk of offending and take steps not to exacerbate these. Secondly, the challenge is to provide the children and young people in our care with additional protection and maximise the prospects of them achieving their greatest potential.

## **2. Governance and Service Priorities**

## **3. Conclusion**

The primary and underlying commitment to avoiding the unnecessary criminalisation of children in care is set out within a multi-agency protocol which was agreed through the Lincolnshire safeguarding children's partnership (LSCP). This requires key agencies within

the criminal justice system to work within the following key principles and practice expectations:

- Reduce the prosecution and potential for unnecessary criminalisation of children in care, wherever possible, by encouraging the use of restorative approaches.
- Support and develop clear processes for addressing offending incidents in residential homes.
- Clarify the information required by the police and Crown Prosecution Services in considering prosecutions.
- Emphasise the importance of regular and effective liaison between residential home staff and Lincolnshire Police.
- Reinforce and extend the multi-agency links and commitment to reduce offending by children in care in Lincolnshire.
- Strengthen the use of alternative approaches in social care settings including the use of restorative practice in resolving conflict.

In working in partnership, Lincolnshire Police are committed to working closely with the Local Authority, as the combined Corporate Parent to all of Lincolnshire's Children in Care and Care Leavers. Over time this has led to a year-on year decrease in the number of children arrested, detained, and charged as discretion and earlier pathways for intervention have been introduced. The partnership within Lincolnshire seeks to utilise restorative approaches to addressing criminality wherever appropriate in those who have left care and to ensuring the force promotes the welfare of all those it has a duty as a supporter to the Corporate Parent. The Lincolnshire Youth Offending Strategic Management Board recently adopted a specific board priority dedicated to responding to children in care and care leavers to ensure its focus through strategic governance.

At the first point of contact within Police custody suites, the Criminal Justice Liaison and Diversion service (CJL&D) has operated since 2020 and is commissioned by NHS England (Health and Justice). This is a partnership between Lincolnshire Partnership Foundation Trust and Lincolnshire Action Trust that aims to provide early assessment and intervention for children and young people, 10-17 years, at the earliest point in the criminal justice system. At the heart of this partnership working is effective identification of children in care at the earliest opportunity and sharing of information with key professionals involved within their care.

New Police recruits and custody sergeants within Lincolnshire Police have received training from Children Services managers to ensure their awareness of the needs of all children, but specifically those children in care. This has extended to Lincolnshire Police having local designated officers assigned to residential children's homes and supported accommodation provision both for the local authority and private sector located in the county. It ensures that there is a basis of positive relationships which does not simply revolve around Police calls or responses to incidents. Of equal value is the contribution these relationships have to addressing any safeguarding incidents or concerns regarding missing children or possible links to child exploitation.

In Lincolnshire we have an overarching goal to ensure that children and young people primarily realise their potential, make a valued contribution to their communities, and are fully supported to positively change their behaviour. In early 2019 after extensive planning and preparation Lincolnshire Children Services radically re-designed its approach to working with young people who are at risk of being engaged in criminal activity, entering care in late adolescence or being at risk of exploitation/harm by individuals outside of their family.

Bringing together key aspects of service delivery which included:

- Lincolnshire Youth Offending Service
- Positive Futures
- Youth and Community Development/Youth Centre's
- Co-ordination in tackling missing children and those at risk of exploitation
- Support to those aged 16 and 17 at risk of homelessness

The creation of Future4Me in 2018 encapsulated the statutory youth justice service and was founded upon research, previous learning and feedback of both service users and practitioner's experiences. It established a transformational practice framework in working with young people that fits the profile of need for children with presenting complex behaviours and risk factors. In addition, the service structure seeks to offer support and guidance to other professionals within the organisation who have a key relationship with the young person.

In Lincolnshire, the Joint Diversionary Panel (JDP) was established in 2017 in response to detailed analysis of criminal justice disposals which evidenced the inappropriate use of Police Cautions against children and young people which would have included children in care. As a direct consequence of this practice there was a much higher number of First Time Entrants (FTE) into the criminal justice system in Lincolnshire, in comparison to our statistical neighbours. The identification of children in care supports a restorative and proportionate response to avoid the long-term implications of acquiring a criminal record.

The JDP currently reviews cases of children and young people aged between 10 and 18 where there is an admission of responsibility for the offence. JDP seeks to understand the underlying causes of children and young people's behaviour. In addition, it offers the ability to gather information from agencies for all children but specifically those children in care. We can therefore provide timely support to children by exploring their needs through a trauma informed framework which gathers holistic information from key partners and enables appropriate restorative interventions to be delivered to de-escalate concerns and minimise the risk of further offending.

In Lincolnshire very small numbers of children enter custody (youth detention accommodation) through either a custodial sentence for serious offences or through being remanded following charge and awaiting trial for court hearings. Between February 2022 and January 2023 there were nine young people either sentenced or remanded to youth detention custody. Of those children, six were remanded into custody and only one young person had a history of care prior to the remand episode. The youth justice remand

legislation means that any child remanded into youth detention or to the care of the local authority automatically becomes a child in care, with all the associated rights, for the duration of their remand status.

Of the three young people sentenced to a custodial sentence in this timeframe, they all had an identified care episode prior to being sentenced to custody, although some care episodes may be historical. We recognise that custody disrupts children's lives. It involves separation from family and friends, interrupted education and, potentially, loss of accommodation, and fear and emotional distress. Resettlement on leaving custody can also be frightening, and it poses practical problems. For some, it is as traumatic as their entry into custody, so it needs to be planned and delivered carefully. We work in close collaboration with custodial units and partner agencies to ensure that support to children in custody is maintained and that all their rights and entitlements are addressed. This also means ensuring clear plans are in place to re-integrate children back into their communities through stable and safe accommodation, education, mental health support or any other support needs.

Our commitment to children within the criminal justice system extends to the Framework for Integrated Care (Community) which has been developed by NHS England and NHS Improvement to support the most vulnerable children and young people with complex needs in the community. The Framework, and the services to children, have been created in response to the NHS Long Term Plan commitment to provide additional support for vulnerable children and young people (0-18) with complex needs in multiple domains in the community. Lincolnshire was the preferred bidder in the East Midlands, and this has secured significant long-term funding to create a dedicated integrated complex care health team underpinned by a trauma informed approach with specialist clinical roles. The team fully supports our work in F4Me and those children and young people within the criminal justice system.

The approaches and strategies outlined within this report demonstrate our commitment in Lincolnshire to a 'child first' youth justice framework and avoiding bringing children into the formal criminal justice system wherever appropriate. This aspiration extends to all children, but we must also seek to be aware and ensure that additional safeguards and considerations exist for our children in care. These safeguards and awareness of children in care are reflected in practitioners training and adopting a trauma informed way of working. However, this must also be achieved through a strategic drive to ensure that our interventions, disposals, and outcomes adopt a restorative focus which is then embedded in practice to avoid the over representation of children in care in the youth justice system.

### **3. Consultation**

#### **a) Risks and Impact Analysis**

N/A

#### **4. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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