

Between Care and the Criminal Justice System

A Multi-Agency Round Table Discussion

Darren Coyne
The Care Leavers' Association
April 2019



Contents

Partnerships for Innovation – Care to Justice	3
Purpose	4
Summary of Recommendations	5
Who are Care Leavers?	7
Data	8
Peer Led Mentoring and Advocacy	11
Exploring Care Experiences	13
Key Recommendations and Associated Actions	14
Appendices	26
References	37

1. Partnerships for Innovation – Care to Justice

- i. [The Care Leavers' Association](#) (CLA), The Office of the Police and Crime Commissioner for [West Yorkshire](#), [South Yorkshire](#) and [Humberside](#), alongside the Yorkshire Prisons Group worked together to enable three roundtable workshops aimed at developing innovative approaches to local partnership working in the Criminal Justice System (CJS)
- ii. The events were hosted by three prisons from across Yorkshire and Humber. HMP Hatfield hosted the event on 5 November for the South Yorkshire Region. HMP Wealstun hosted the event for the West Yorkshire region on 6 November and HMP Humber hosted the event for the Humberside region on 7 November 2018
- iii. Each of the roundtables brought together strategic leads from across health, justice and social care with delegates attending from the public, private and voluntary sector.
- iv. The roundtables at each of the establishments were organised and facilitated by men and women who are care experienced, currently in custody and working with the CLA to develop improved identification processes, advocacy, support and upskilling practitioners
- v. We are grateful to each of the Police and Crime Commissioners for the support given to each of these roundtable events and we would like to make clear that the contents of the report and its recommendations are not necessarily the views of each of the police and Crime Commissioners
- vi. Contact Darren Coyne darren.coyne@careleavers.com
- vii. You can learn more about the CLA and its work within the criminal justice system at [The Care Leavers' Association/Criminal Justice](#)

2. Purpose

- i. These roundtables have brought together key stakeholders from the statutory and voluntary sectors, working at operational and strategic decision making level across Yorkshire and Humberside within health, justice and social care, with 126 delegates attending the three events
- ii. **Objectives** - Being outcome focused, the roundtables had the aims of:
 - **promoting engagement across key agencies** concerned with the transition of Children Looked After (CLA) and Care Leavers as they access and/or sit on the periphery the CJS;
 - **developing and promoting innovative approaches to local partnership working** with CLA/Care Leavers in the CJS that address their individual needs;
 - **promoting transparency, openness and accountability of public services** to CLA and Care Leavers, in view of the overwhelming impact of public services on their life chances and quality of life;
 - providing **training and information** on the needs of CLA/Care Leavers, their emotional well-being and **legal status**;
 - ensuring **user led perspectives are central** to policy developments and implementation
- iii. The two key **outcomes** from the seminar have been to:
 - develop an **action plan** based on discussion; and
 - implement a **steering group/feed into existing regional strategic fora** to ensure key action points are picked up and taken forward

- This report forms the basis of a working paper and the recommendations within it, taken from the roundtable discussions, will form the basis of an action plan presented to:

 - Local Criminal Justice Boards across Yorkshire and Humber (LCJB)
 - Reducing Re-Offending Steering Groups across Yorkshire and Humber (RRSG)
 - HMPPS Yorkshire & Humber Regional Care Leaver Champion in support of strategic direction across the secure estate

3. Summary of Recommendations

We asked delegates to think creatively considering the visibility of Care Leavers, Young People, Adults & the Life Course and Pathways between Care and the Criminal Justice System. Feedback from delegates has been grouped into five key recommendations, with associated actions to ensure the implementation of each recommendation. Below you will see the key recommendations summarised, with a detailed report of the recommendations and associated actions in section 8 of this report.

- i. ***'Preventing the unnecessary Criminalisation of Children Looked After and closing the gap in conviction rates between Children Looked After and children in the general population'*** by promoting good practice, introducing targets to reduce police call outs to children's homes, employing the National Protocol for reducing the criminalisation of children looked after and developing restorative justice interventions
- ii. ***'Implement robust mechanisms for the identification of care leavers at the arrest, prosecution, sentencing, custody and release stages of the criminal justice system'***, ensuring staff know what systems exist to capture this information, taking note of the distinct groups of care leavers, building networks between the social care and criminal justice systems to bridge the current disjoint, implementing current practice guidance making it mandatory
- iii. ***'Support local authorities through criminal justice partnerships to effectively fulfil their responsibilities to Children Looked After and care leavers at the arrest, prosecution, sentencing, custody and release stages of the criminal justice system'*** ensuring that a pathway plan is in place where relevant with clear monitoring and evaluation, which is tailored to the sentence plan building an integrated approach, promoting the use of Peer Led Advocacy and supporting local authorities to provide for eligible care leavers up the age of 25 in line with the requirements for all in custody

- iv. ***'Invest in training and awareness raising packages that will support the development of robust working models for work with Children Looked After and care leavers at all stages of the criminal justice system'*** employing the unique approach to the development of appropriately designed and effective training and practice interventions which draw up on the capacity of those with a direct lived experience of both the care system and the criminal justice system
- v. ***'Promote a cultural change in the understanding of, and responses to, Children Looked After and Care Leavers in the Criminal Justice System'***, which requires a radical shift of thought in both policy and practice, recognising the distinct welfare needs of children looked after and care leavers requires a response that places need above risk, with investment in research to better understand these distinct needs, considering care leaver status within the commissioning framework for protected characteristics and raising the age of criminal responsibility

4. Who are Care Leavers?

- i. In this report we define children looked after as those under the age of 18 who are currently in the care of the local authority subject to a full care order under section 31 or looked after by voluntary agreement under section 20 of the Children Act 1989, including those in residential, foster and kinship care in England and those in secure care or on secure remand
- ii. Care leavers are broadly defined as those aged 18 and above (Former Relevant) and those who are 16 and 17 (Relevant) which includes those who may still be receiving a leaving care service, as well as those who are living independently and may have left care some years ago
- iii. The Children Act 1989 and The Children (Leaving Care) Act 2000 legislate that you are a care leaver and eligible for leaving care services if you were in care between the ages of 14 and 18, and for a period of at least 13 weeks (not necessarily consecutive)
- iv. This narrow definition applies to those in care under s.20 of the Children Act 1989 and excludes:
 - anyone who left care prior to turning 16, including any young person who has been sentenced to a custodial sentence prior to turning 16
 - anyone over the age of 25
 - anyone who spent less than 13 weeks in care under a voluntary agreement
 - anyone who was in care prior to turning 14
- v. The CLA defines a care leaver as any adult, of any age, through to 99 and beyond who spent time in care as a child, approved by the state through a court order or on a voluntary basis. It can range from as little as a few months to as long as a whole childhood (18 years)
- vi. Despite legislation and associated guidance, service entitlements and provisions differ widely for care leavers in different settings and locations; much is open to interpretation by local authorities
- vii. Further, a lack of awareness amongst frontline workers and their seniors leads to a poor and **disjointed service provision** for this vulnerable group, who in turn struggle to engage, both within a social care and criminal justice setting

5. Data

- i. As of 31 March 2018 there were 75,420 children looked after, 56% (42,320) children looked after were male and 44% (33,100) were female. Of those children looked after at 31 March 2018 (DfE 2018):
 - 6% are under 1 years of age
 - 13% are aged 1 – 4 years
 - 19% are aged 5-9 years
 - 39% are aged 10 – 15 years
 - 23% are 16+
- ii. Ethnicity
 - 75% White
 - 9% Mixed
 - 5% Asian or Asian British
 - 7% Black or Black British
 - 3% Other Ethnic Group
 - 1% Other
- iii. The majority of those who go into care (99%) do so through no fault of their own, with the majority of children looked after experiencing extreme trauma prior to being taken into care (DfE 2018):
 - 63% were placed into care due to abuse or neglect
 - 3% due to the Childs' disability
 - 3% due to parental absence or disability
 - 8% because the family was in acute distress
 - 15% due to family dysfunction
 - 1% due to socially unacceptable behaviour
 - -% a negligible number due to low income
 - 6% due to absent parenting

- iv. Thinking about Children Looked After and offending, we know the majority of children looked after do not get caught up in offending, however there are a minority who do and official data tells us that last year (DfE 2018):
 - 4.0% of CLA looked after for 12 months continuously aged 10 – 17 were convicted or subject to a final warning or reprimand, compared to 1.0% of children in the general population
- v. The risks of a conviction, warning or reprimand for children looked after in adolescence and male are significantly greater (DfE 2018):
 - 4% of 13 to 15 year olds (6% male)
 - 8% 16 to 17 year olds (11% male)
- vi. Further research has shown that care leavers and looked after children are disproportionately represented across all criminal justice settings:
 - Over 25% of the adult prison population has previously been in care (Berman, G. and Dar, A. 2013)
 - Overall 44% of children in Secure Training Centres have spent time in care, with the highest number in one STC being 56% (HMIP 2018)
 - Overall 39% of boys in Young Offender Institutions have spent time in care, within the range of 31% to 51% dependant on the YOI (HMIP 2018)
- vii. HMIP reported in May 2011 that some 27% of young men and 45% of young women in custody had spent time in care with the number being higher in specialist units within establishments. HMIP said at the time, “[b]ased on a total population of 1,500 children and young people in custody we estimate that there are around 400 children in custody at any one time who have spent time in care”.
- viii. The number of children in custody has declined considerably since mid-2008, from over 3,000 to fewer than 900 children and by July 2018, there were 883 children in custody (IICSA 2019) and so one may beg the question, are these reductions reflected among children looked after? If they are not one may then seek to understand why, as this work has sought to do, recognising clear discriminations in the way criminal justice disposals are meted out to children looked after and care leavers
- ix. The relationship between care and offending is a complex one; there is no cause and effect, but clear correlations and a sector focus is required to tailor support to the needs of this vulnerable group, by all staff and organisations working with them. The data may appear to present an insurmountable challenge to address for those working within it. However this group represents a small percentage of the overall UK population, and as such it should be possible to ensure better outcomes through meaningful preventative work

- x. The primary obstacle remains a lack of awareness within criminal justice settings around the needs and issues faced by care leavers, and a lack of desire to adapt current practice to meet them and improve outcomes, with poor and disjointed working relationships between social care and criminal justice partners, reflected in local, regional and national policy

6. Peer Led Mentoring and advocacy

- i. When considering outcomes within criminal justice settings it is critical to think about addressing the neglected risk factor of care experiences, creating opportunities that assist individuals in the desistance process, developing a positive narrative, increasing levels of self-esteem, building confidence, self-awareness and self-knowledge. Fundamental to this is a user led model of working, which provides a unique and innovative environment for individual and collective growth
- ii. It is only through empowering that we may positively impact the process of proactive change, increasing self-esteem and self-determined independence. We must seek to challenge the faults of the current system-approach to care, care leavers and their life course through a person-centred approach
- iii. Peer support was a key theme running through each of the roundtable events. This was in large part due to the location of the events and presentations provided by Peer Mentor Advocates in each of the establishments as delivered by The Care Leavers' Association across Yorkshire & Humberside
- iv. Delegates at all three events made reference to Peer support as supportive to both care leavers within custody and through the gate into the community, recognising that a robust model of peer mentoring and advocacy will provide much needed support to front line service providers
- v. Peer to peer custody and community based mentoring and advocacy offering both individual and group support to care leavers, if embedded in ideas of empowerment and self-determination can provide the safe space for care leavers, often lost in the criminal justice system to realise their own life choices
- vi. Framing and re-framing one's own life story and taking ownership of it increases self-esteem and confidence levels, an essential element of supporting offenders to become ex-offenders and make positive life choices

- vii. This user led model of working combines with collective action, affording those with specific experiences to use their insight positively, raising awareness and taking ownership of their own narrative, promoting this as positive role models
- viii. Such a model of work promotes the building of pro-social relationships and supports access to specialist services, many of which care leavers may find difficult to engage, but which are essential to ensure compliance and the potential for reductions in reoffending
- ix. When thinking about training for mentors and advocates being user led alone is not enough and to remain objective one must have a body of knowledge that goes beyond personal insight. If this is used well it will complement the user insight and inspire the collective to take ownership in pushing for change
- x. Training specific to care leavers offers additional educational and employability qualifications
- xi. It is unique as it is specific to this discrete population and it can also be made functional in the community; post-release, to provide a potential source of employment, skills and training for former offenders
- xii. Trained mentors and advocates with these specific skills should be employed in custody and community settings to offer practitioner training with offender supervisors, case managers and other relevant staff to assist with identification, risk management and support

“A mentor doesn’t judge or make assumptions about character. Instead, a mentor is somebody who has got the best interests of those they are supporting at heart and the support offered is invaluable”

7. Exploring Care Experiences

- i. Essential in any programme of empowerment is supporting the individual to develop a clear understanding of decisions made in early life by professionals, supporting engagement with their identity as care leavers. This can also benefit individuals in terms of building and re-building relationships with families
- ii. This is explored through accessing social care files, supported by practitioners and mentors suitably qualified through experience to assist care leavers in the criminal justice system - a unique and innovative approach, intrinsically linked with the empowerment model
- iii. As highlighted in the following case study, this can have a dramatic effect on individuals - enabling them to develop a positive sense of who they are, where they came from and where they go from here

“I have spent the last 11 years in custody as an adult, and for most of my adolescence. When I received my files, I viewed it as looking back at life through the lens of a camera... I found it fascinating, rewarding and empowering

“It feels like I have taken ownership of a period of my life that is fundamental to who I am today. Dealing with the past, embracing what positives I can, and putting to bed the residues that followed me through life has helped to compartmentalise and manage my thought processes. It has had a very positive impact on my ability to make positive choices.”

- iv. Some of these stories had never been told before - no one had ever asked - therefore the link between these formative years and offending had never been considered. Crucially, this work has enabled the CLA to develop an understanding of what support younger and older care leavers need from service providers to realise their own positive life choices. It also affords care leavers the opportunity to frame and re-frame their own life story, taking ownership of it and improving their own self-image, thus increasing levels of self-esteem and confidence.

8. Key Recommendations and Associated Actions

- i. Asking delegates to think creatively through workshops we broke off into small groups and considered four key themes:
 - Visibility of Care Leavers
 - Young People
 - Adults & the Life Course
 - Pathways between Care and the Criminal Justice System
- ii. Feedback from delegates led to the conclusion that we should focus our efforts on five particular recommendations, with associated actions to ensure the implementation of each recommendation
- iii. These recommendations acknowledge there is increasing attention on the needs and rights of care leavers at a central policy level. In October 2013, the government produced a [Cross Departmental Strategy](#) for care leavers, [updated](#) in October 2014, with [the latest revision](#) in 2016, which accepts “central and local government have a unique relationship with children in care and care leavers as ... their ... ‘corporate parents’”
- iv. This strategy makes clear the government’s responsibilities as corporate parent to ensure a joined up approach ensuring that government departments across Whitehall work closely to develop a more coherent approach to how looked after children and care leavers are supported
- v. We present below a number of recommendations specific to the needs of looked after children and care leavers as they experience the criminal justice system, which we believe should be picked up at local and regional level. These recommendations have been written on the basis of discussions and feedback from each of the roundtable events, which took place at HMP Hatfield, HMP Wealstun and HMP Humber
- vi. We believe that these recommendations and actions will build towards ‘Promoting a cultural change in the understanding of, and responses to, looked after children and Care Leavers in the Criminal Justice System’, which can only be achieved through building capacity in the network of Peer Led organisations

Recommendations

1. Prevent the unnecessary Criminalisation of Looked after children and close the gap in conviction rates between Looked after children and children in the general population.

Action Required
a) Introduce and actively monitor, evaluate and promote a target for the reduction of police call outs to residential and foster care placements, assessing type and severity of offence where a call out is deemed necessary
b) Promote good practice based on the national protocol on reducing the criminalisation of looked after children and care leavers published by the Department for Education
c) Monitor, evaluate and promote effective alternatives, including restorative justice or community resolutions alongside a trauma informed approach as an alternative to arrest following offences (such as minor assaults or modest criminal damage) in care settings to reduce the overall proportion of looked after children who are arrested and charged with an offence ensuring challenging behaviour is managed outside of the criminal justice system

- | |
|--|
| d) Ensure that every local authority provides adequate training for residential care staff and foster carers to address challenging behaviour employing restorative practices and community resolutions, employing a trauma informed approach |
| e) Require Youth Justice practitioners to liaise with and brief those working in residential / foster care spaces with the responsibility for clearly demonstrating the consequences of unnecessarily criminalising a child in care |
| f) Work with Police and Crime Commissioners to encourage the police to apply restorative skills at the point of arrest where relevant when working with both looked after children and care leavers |
| g) Consider the inclusion of care leaver and looked after child status in the list of mitigating factors in sentencing (already included as a mitigating factor for consideration in adult sentencing guidelines in reference to 'age and/or lack of maturity'). |

h) Implement identification tools for care leavers at the point of arrest to enable identification of 18 – 21 (25) year olds who have a leaving care entitlement or worker and seek opportunities for a diversionary approach

i) Provide relevant training, guidance and awareness to the police, CPS and Sentencers both on the needs of care leavers and looked after children and the rights and entitlements of care leavers (Relevant and Former Relevant) within the Children (Leaving Care) Act 2000 so as to increase the confidence of custody sergeants, the CPS and Magistrates when dealing with care leavers and looked after children

2. Implement robust mechanisms for the identification of care leavers at the arrest, prosecution, sentencing, custody and release stages of the criminal justice system

To be effective, this recommendation and associated actions should be taken to include care experience as opposed to a restricted focus on the rights or entitlements of those who are currently defined as looked after or who qualify as care leavers under the Children Act 1989 and the Children (Leaving Care) Act 2000.

An effective response to looked after children and care leavers within criminal justice settings will require the comprehensive identification of those individuals in the criminal justice system that have had any number of experiences of the care system.

Action Required
<p>a) Ensure staff know what systems exist to capture the identification of individual care leaver status, and ask the question of all individuals they assess and /or supervise and know how to proceed on the basis of the information given</p>
<p>b) Develop systems to ensure the identification of all distinct groups of care leavers, regardless of age and entitlements</p>

- | |
|---|
| <p>c) Communication must happen between local authorities and the criminal justice system (both custody and community based) to ensure information and data collected is shared appropriately and flows through the system</p> |
| <p>d) Re-introduce the current HMPPS guidance for working with care leavers as a Prison Service Instruction (PSI) and embed this into the probation instructions</p> |

3. Support local authorities through criminal justice partnerships to effectively fulfil their responsibilities to Children Looked After and care leavers at the arrest, prosecution, sentencing, custody and release stages of the criminal justice system.

Local authorities have statutory responsibility for looked after children and care leavers who fall under the protections of the Children Act 1989 and the Children (Leaving Care) Act 2000. These statutory responsibilities must continue within criminal justice settings and will require a series of actions that require clear communication and consistency in planning and assessment.

Action Required
a) Local Authorities must fulfil their statutory duties to ensure that a pathway plan is in place where relevant with clear monitoring and evaluation of the quality of and access to pathway plans
b) Where a pathway plan is in place ensure that any criminal justice involvement triggers a reassessment of need on the pathway plan which is tailored to the sentence plan building an integrated approach bridging the current disjoint

c) Promote the use of advocacy drawing on the network of peer led organisations to improve the engagement and outcomes for care leavers within criminal justice settings

d) Require the Pathway Plan to detail the support to be provided to care leavers up the age of 25 in line with statutory requirements for all in custody

4. Invest in training and awareness raising packages that will support the development of robust working models for work with Looked After Children and care leavers at all stages of the criminal justice system

To be effective, this recommendation and associated actions should be taken to include care experience as opposed to a restricted focus on the rights or entitlements of those who are currently defined as looked after or who qualify as care leavers under the Children Act 1989 and the Children (Leaving Care) Act 2000. This will include recognition of the life course and the residual issues of a care experience for those who are not legislatively provided for.

There are a number of key points within the Transitions of care leavers and looked after children into the criminal justice system from arrest to sentence and release with opportunities at the point of custody, within community sentence settings and through preventative work where care leavers and looked after children once identified can be responded to appropriately with the right intervention from appropriately trained practitioners.

These actions support a unique approach to the development of appropriately designed and effective training and practice interventions which draw up on the capacity of those with a direct lived experience of both the care system and the criminal justice system.

Action Required
<p>a) Commission the roll out of user led approaches such as the Peer Support Model currently being developed by The Care Leavers' Association across the criminal justice system within both custodial and community sentence settings, focused on young people, young adults and adults</p>
<p>b) Ensuring clarity and parity across HMPPS and the youth justice estate for all those wishing to work with persons with convictions</p>

- | |
|--|
| <p>c) Invest in the building of a network of user-led peer to peer support groups, building both capacity and ensuring the sustainability of peer-led approaches within criminal justice contexts</p> |
| <p>d) Drawing on the Multi-Agency Working Group model as delivered by The Care Leavers' Association implement and monitor training and awareness for staff at all levels of the criminal justice system to support a culture change in how care leavers are viewed and responded to</p> |
| <p>e) Promote geographically place based Multi-Agency Working Groups to encourage local and regional ownership and accountability, for example employing the model developed by The Care Leavers' Association</p> |

5. Promote a cultural change in the understanding of, and responses to, Looked After Children and Care Leavers in the Criminal Justice System’.

This recommendation we recognise requires a radical shift of thought in both policy and practice, but one which would become more probable were the above recommendations and associated actions implemented with future policy.

We believe this to be the responsibility of all and refer to the [Cross Departmental Strategy](#) for care leavers, which as stated above makes clear the government’s responsibilities as corporate parent to ensure a joined up approach ensuring that government departments across Whitehall work closely to develop a more coherent approach to how looked after children and care leavers are supported.

Action Required
<p>a) Recognise that the welfare needs of looked after children and care leavers are distinct and require a different response within criminal justice settings to bridge the disjoint that leads to a discourse that places risk over need and personal history</p>
<p>b) Support and fund an on-going programme of research and investigation which seeks to explore how to improve the understanding of, and support provided to, looked after children and care leavers who come into contact with the criminal justice system</p>

- | |
|--|
| <p>c) Consider the inclusion of 'care leaver' status as a distinct group with specific needs and place within the context of a commissioning framework for 'protected characteristics'</p> |
| <p>d) Raise the age of criminal responsibility to ensure the criminal justice system is better aligned with the social care system in recognition of the welfare needs and safety of looked after children and care leavers as legislated for in the Children Act 1989 and the Children (Leaving Care) Act 2000</p> |

9. Appendices

- i. Asking delegates to think creatively through workshops we broke off into small groups and considered four key themes:
 - Visibility of Care Leavers
 - Young People
 - Adults & the Life Course
 - Pathways between Care and the Criminal Justice System
- ii. Feedback from delegates was collected from each event and is presented below

Appendix 1

South Yorkshire Roundtable Feedback November 5th 2018, HMP Hatfield

Visibility of Care Leavers

- When thinking about the visibility of care leavers in the criminal justice context and their specific needs, delegates made reference to the transfer of care leavers from youth offending services to probation and asked if care leaver status is identified and recorded.
- The view was that probation do not automatically ask or record and this needs to be addressed and it is also the case that in adult services people are not asked and it is not recorded.
- Prisons do ask the question on induction, however there is little knowledge when it comes to knowing what to do with the information when the question is asked.
- Staff must be appropriately trained, with a greater clarity of roles for each organisation/agency, increased communication between agencies, making use of the voluntary sector and ensuring sentencers are aware of the complexity of need when thinking about care leavers.
- A question was asked about how many veterans in custody would be care leavers and there was a consensus that the local authority should take responsibility for young people in custody and seek to develop more effective strategies to prevent access to the criminal justice system.

Young People

- When thinking about young people and their experiences of care and justice, delegates were keen to more joined up conversations between social care, the police, health professionals and commissioners.
- There should be greater emphasis placed on the development of relationships, which offer stability in the long term and support beyond care.
- Staff are stretched and therefore there should be the structures and processes put in place to support frontline staff. For example, through the employment of Peer Mentors who can support young people in care, leaving care and those working in services.
- Staff in children's homes need training to recognise trauma and there needs to be more resources to ensure the right support package is put in place.
- Strategy meetings would see a reduction in criminal justice disposals for children in care as they will ensure the right intervention, risk, role model is put in place. This would reduce the number of call out to children's homes and offer a source of support to young people independent of the home/care system, whilst also being in support of it

Adults & the Life Course

- Knowing someone is a care leaver can inform assessments and ensure the right signposts to support are put in place. This support should link into support in the criminal justice system, feeding into the courts, custody and community based sentence settings.
- If we are able to identify vulnerabilities, we are able to open up opportunities, recognising need and re-assessing risk.
- Accessing social care files can be of significant help in answering the unknown and as a means to identify where and why some vulnerabilities endure. This work fits well with the care leaver advocacy and support groups as these can help to identify support needs at an early stage.
- Growing up does help to break the cycle, yet we know that when children turn 16 they can drop off the edge by entering the adult world prematurely and unprepared. To address the problem we need to see social care sat round the table, seeking a way forward and we need to have engagement from the private care sector.
- We should be looking to commission a sub-regional Care Leavers' Association, securing long term funding streams as we currently have too many sticking plasters and too many central Government one off funding options

Pathways between Care and the Criminal Justice System

- Delegates asked the question of whether or not pathways between care and the criminal justice system existed and came to the conclusion that they do not. Work should start much earlier and without question at the point of Liaison and Diversion.
- There needs to be a clear links between probation and prisons when working with care leavers and clear links into offender management.
- There needs to be work done to dispell some myths/misconceptions and this can be done through staff training and induction training, which should be included in South Yorkshire Prisons.
- Local authorities should be taking a pro-active approach, with single points of contact in all prisons now having been put in place and there should be a joined up approach working with agencies that are specific to working with care leavers, the police, prisons, and probation (NPS and CRC).
- Through the gate service need to be conversant with care leaver entitlements in respect housing, benefits, ETE and further wrap around support.
- We need to develop a local business case for need, offering support through peer mentors and finding research opportunities, demonstrating how those with lived experience can help inform what is needed? Commissioners should consider this and examine contracts and commissioning arrangements to see whether appropriate trauma informed approaches are deployed.
- Prisons and probation need to gather the care leaver 'offer' from each of the South Yorkshire local authorities

- Speech, language, service – are speech and language services widely available across South Yorkshire criminal justice services (Autism, Personality Disorder)
- There is no support for care leavers accessing their files; no counselling, psychology, therapy which must this be examined locally?
- Do safeguarding boards look at care leavers needs, their outcomes and criminal justice disposals and what does the principle of corporate parenting responsibility mean, does it work effectively and does it ensure children in care are dealt with appropriately?
- When considering violence in prisons is there a link with those in care and is here a need for research work/project brief to be developed?

Appendix 2

West Yorkshire Roundtable Feedback November 6th 2018, HMP Wealstun

Visibility of Care Leavers

- When thinking about the visibility of care leavers in the criminal justice context and their specific needs, delegates made reference to the identification of care leavers that have a statutory entitlement
- To identify those with entitlements care leavers must feel confident enough to self-disclose that they are care leavers
- The system does have a process in place for identification, however it can fall down dependant on HOW the question is asked and then qualified
- There is a clear lack of understanding/training for criminal justice organisations and those in the services
- The group discussed care experienced people and issues as different from care leavers, coming to the conclusion that the term 'care leaver' simply defined those who are legally entitled to a service, with the conclusion being that a care leaver is a care leaver regardless of entitlements and the needs of all care leavers should be recognised
- There needs to be clear knowledge within the system to ensure practitioners and their managers know what to do you do with the information once they have collected it with a clearly defined pathway of how we adequately support that person in the process, which requires training on the topic
- We need to see an effective cultural organisational change, linking in with peer mentors, supporting an increased exploration of care, the experience of care and what it means to be a care leaver
- This should be supported by meaningful and workable links between organisations/agencies

Young People

- When thinking about young people and their experiences of care and justice, delegates were keen to see more joined up conversations between partners seeking 'Aspirational Outcomes' for care leavers in terms of:
 - employment
 - finance
 - how to live

- academic
- vocational
- life skills
- Providing a person centred approach at the point of access to the criminal justice system through Liaison and Diversion, making the outcomes more individualised
- This should be complimented with more support in children's homes to empower staff to respond more effectively, less punitively and to recognise trauma
- There needs to be much more information and more agencies aware of the needs of care leavers so we are able to make better use of statutory instruments, ensuring statutory obligations are followed through and the pathway and sentence planning processes are more joined up
- The consequences of not doing this well should be recorded

Adults & the Life Course

- Delegates recorded a view that suggested care leavers have a reluctance to face their demons, which may explain why care leavers may not want to say they are a care leaver, compounded by a lack of understanding as to what the term means
- There was a discussion about accessing social care files and a number of questions posed about the consequences of applying for files:
 - It's a can of worms, but were you already in a dark place until you saw your file?
 - Family - - - how do you tell family what's in the files?
 - Is there an opportunity to identify a mediation service to support this?
- And there was a view that getting hold of the files could be hard work because of the assumption that in prison this would have negative impact. However, we should make sure there is a support package in place, providing the right time and head space to read it
- Prisons and approved premises can and often do extend being 'looked after' by a system and how well are people prepared to deal with the practicalities of finding housing and communicating with housing authorities
- If you've committed an offence in the past year they won't house you and maybe you have no family to live with so you may be discriminated against and you are only a priority until age 21 (NB This is extended if you are a care leaver)
- Advocates that are able to use their lived experience, with the right support and training, are a resource to be invested in providing care leavers with additional support through the gate:
 - pick them up

- signpost
- social enterprise that is peer led
- paid wages
- provide a focus on ALL regardless of age
- Is offending a response to not coping with the care system and can we provide psychiatric help that allows us to look at what has happened so we can tailor support
- Peer mentoring has demonstrated its value in complimenting this approach.
- Young people can be programmed at a young age to be a criminal and eventually feel like you are not believed by those in authority, leading to confusion and anger about punishment
- This will require help across the life course, with investment needed in charities able to provide support and demonstrate good practice
- Housing is key to mitigate against the risks of re-offending, however the cut-off point is 25, where support drops off and most don't know they are entitled to financial support.
- How do you stop people going into care in the first place?
 - support for parents who are care leavers
 - practical support
 - parenting support
 - coping strategies
- Funding is key; Private funding from philanthropists

Pathways between Care and the Criminal Justice System

- Delegates asked questions of pathways between care and the criminal justice system considering the consequences of involving the police at an early stage, developing a restorative justice approach and the disclosure of offences and impact on later life
- Early intervention it was recognised reduces the chances of there being a pathway between care and criminal justice, institutionalising young people
- There are clear staffing issues in children's homes and there should be upskilling staff in these approaches
- Progress has been made in making care homes much smaller and training has been delivered and approaches developed ... what are these and where? Who are young people in care associating with? Are they negative influences, if so how can this pattern be disrupted?

- How important is stability on these associations and what is the impact on children in care of poor stability and the lack of positive role models?
- Does the care system disrupt education and are these disruptions compounded by criminal justice involvement, leading to greater disadvantages for young people, impeding their chances within the job market
- What more can be done to help young people adjust to care and the environment they are in and there must be more interventions made at an earlier stage
- We must work with care leavers and prisoners to better understand what works, giving those with lived experience the opportunity to support services, seeking to compensate for absence of family/parental care/lack of boundaries
- When leaving prison there appears to be a lack of intervention, leaving care leavers feeling undervalued and why are we not upskilling care leavers to live independently after prison, for example with budgeting skills?
- Peer mentoring allows for longer term support to be put in place, ensuring statutory requirements of children's care provisions, supporting diversion panels for children to avoid entering the criminal justice system and seeking appropriate funding
- There needs to be a look at policy around recording crime and disclosures of previous offending in later life - - - its impact on job applications
- We could develop bite size symposiums, utilised by police videos and accessible to all on the internet

Appendix 3

Humberside Roundtable Feedback November 7th 2018, HMP Humber

Visibility of Care Leavers

- When thinking about the visibility of care leavers in the criminal justice context and their specific needs, delegates made clear that we shouldn't be just be asking at reception/induction as we should be allowing time for trust to be built
- The issue of identification should be re-visited at different stages
- There are very many barriers to identifying care leavers in criminal justice settings, with a clear lack of understanding and knowledge, which means not very much is currently done once we have identified a care leaver
- We need to:
 - increase staff training
 - make better links with local authorities
 - provide mentoring
 - make clear identification systems
 - ensure there is key worker training on care leavers
 - improve communications between agencies
 - increase multi agency working
 - develop strong service user groups
- There is a stereotype that the pathway from care to criminal justice is a given and these myths need to be addressed with a clear need for education on who is a care leaver and what their specific needs are and what the offer is
- Local authorities need to provide concise detail of what support they offer to care leavers
- We need to see a greater promotion of the legal and statutory rights of care leavers, with a clear understanding of who has the duty of care, producing clear protocols for working between probation, prisons and social care
- There are too many complexities between who is a care leaver, who is entitled to a service and as such who will be recognised as a care leaver. This leaves out recognition of the fact that all who have been in care have an experience that may lead to a need that must be recognised and supported

- In respect of care leavers there is a lack of individualised planning, with assumptions made that one size fits all and we need to see better practical support in respect of budgeting, reading and writing
- We should recognise that care leavers can feel even more isolated by not serving in a local prison and there will be many care leavers who may not realise they have been in care

Young People

- When thinking about young people and their experiences of care and justice, delegates asked the question ... how do we identify care leavers who go into care at an older age? This was a comment in reference to the fact that many of those who go into care in adolescence may be representative of those care leavers we find in criminal justice settings
- If there is clear terminology and earlier identification in the police station and at the courts there would be greater opportunities for early peer support and diversions from custody
- Once in custody we can identify through BCST, but we need this to happen much sooner and referrals made to local authorities
- Further questions were posed by delegates who asked how do we identify victims, sharing best practice, ensuring a consistency of approach, with appropriate resourcing and signposting?

Adults & the Life Course

- Delegates recognised that care leavers across their life course experience the stigma of being in care and as such may shy away from the subject, which is compounded by a lack of understanding
- We need to have a focus on education and what it means to be a care leaver, getting away from media representations of care and care leavers and recognising that those with lived experience have great insight that can be used effectively when it comes to care leavers the statement seems to ring true

“Everyone else knows best ... what about me?”

- Building relationships and developing trust is essential and why is it that up to the age of 18 everything is provided, but vulnerabilities continue beyond 18 and for most people parenting continues, yet for care leavers it stops when care ends

- Care leavers have a resilience and have learned to cope in new situations, meeting new people in new environments due to their experiences of care, but also need direction and guidance
- Their individual needs must be recognised and supported post and pre-release ensuring the corporate parent is able to offer support in recognition of the lack of family and other support networks. This should apply to both younger and older care leavers, with the local offer recognising this and apprenticeships offered

Pathways between Care and the Criminal Justice System

- Delegates asked the question of pathways between care and the criminal justice system and considered children's homes and the resources to employ enough staff, the right staff, providing the right training, recognising complex needs and assessments and work with children on entering care
- Work in this regard may indeed avoid criminalisation of behaviour that wouldn't normally involve the police, based on the development of trusted relationships with more emphasis on the measurement of helpful outcomes rather than outputs
- There needs to be greater recognition of the support available to care leavers after the age of 18
- Delegates talked of evidence that they were aware that shows interventions were working when considering Adverse Childhood Experiences

10. References

- i. Berman, G. and Dar, A. (29 July 2013) *Prison Population Statistics*. House of Commons Library. Available at: <http://www.parliament.uk/briefing-papers/SN04334.pdf>
- ii. HM Inspectorate of Prisons (2011) *The care of looked after children in custody: A short thematic review*. HMSO. Available at: <http://dera.ioe.ac.uk/3657/2/looked-after-children-2011.pdf>
- iii. HM Inspectorate of Prisons (2019) *Children in Custody 2017–18. An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*. HMSO. Available at: https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2019/01/6.5164_HMI_Children-in-Custody-2017-18_A4_v10_web.pdf
- iv. Independent Inquiry Child Sexual Abuse (2019) *Sexual Abuse of Children in Custodial Institutions: 2009–2017*. Investigation Report February 2019. HMSO. Available at: [file:///C:/Users/CJS%203/Desktop/mem%20stick/MoJ/iicsa/sexual-abuse-children-custodial-institutions-investigation-report-february-2019%20\(1\).pdf](file:///C:/Users/CJS%203/Desktop/mem%20stick/MoJ/iicsa/sexual-abuse-children-custodial-institutions-investigation-report-february-2019%20(1).pdf)