

By: Peter Oakford, Cabinet Member for Specialist Children's Services

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To: Corporate Parenting Panel – 20 July 2016

Subject: **OVERVIEW OF THE LAMING REVIEW: 'IN CARE, OUT OF TROUBLE'**

Classification: Unrestricted

Electoral Divisions: All

Summary: This report outlines the key findings of the Laming Review into the life chances of Children in Care who have entered the Criminal Justice System, 'In Care, Out of Trouble', which was published on 23 May 2016.

Recommendation: Members of the Corporate Parenting Panel are asked to **CONSIDER** this report and its findings.

1. Background

- 1.1 In 2015 the Prison Reform Trust announced it was going to conduct a review, independently chaired by Lord Laming, into the reasons for the over-representation of Children in Care (CIC) and care leavers in the Criminal Justice System (CJS). The review was intended to assess data from across England and Wales - drawing on quantitative and qualitative information - to piece together a picture of the current state of affairs in this regard and to make proposals about potential reforms which could help improve the life chances of Children in Care whilst preventing future crime.
- 1.2 The review drew on evidence submitted by 60% of local authorities and received over 220 written submissions, as well as oral evidence, from both young people who had been in care and other key stakeholders.
- 1.3 In May 2016, the findings of the review were published and as expected it proposed that significant changes need to be made to the CJS in order to stem the high numbers of CIC and care leavers who are being cautioned or convicted of crimes under current processes.

2. Review Overview

- 2.1 The review found that, whilst 94% of CIC in England and Wales do not get into trouble with the law, as a group, CIC and care leavers are over-represented in the CJS and in custody, where many have a poor experience. However, with

the right support, a significant proportion (up to 45%) of these young people can be prevented from moving into patterns of criminal behaviour. Furthermore, the review stressed that, if young people get involved in the CJS 'unnecessarily' i.e. for low-level offences, good practice can dramatically reduce the long-term costs incurred as a result - both for the individual child and for society at large.

2.2 The review goes on to state that CIC who are at risk of offending need consistent emotional and practical support from their carers and other professionals, and are likely to be especially vulnerable when they leave care. Key methods of support that should be available to them include therapeutic/professional guidance to come to terms with separation from their birth families, placement stability and peer mentoring. Moreover, CIC from BME communities can feel negatively stereotyped by police; they also feel that their cultural needs are not consistently met by social services.

2.3 The review underscores the fact that, although remedial work and rehabilitation are essential, prevention is more effective in this regard. This can only be achieved by agencies working together collaboratively, with the child and their needs at the centre of the process. The study also highlights how corporate parenting is the responsibility of all, and that it needs to be strengthened in order to be truly effectual.

3. Key Findings

3.1 The Review has identified five key recommendations or 'outcomes' that it wishes to see progressed. These are:

3.1.1 **Strong and determined leadership at national and local levels, taking a strategic multi-agency approach to protecting CIC against criminalisation. This needs to be underpinned by better data collection so as to improve services for children and families, especially those at risk.**

This will be achieved via:

- The formation of a Cabinet Sub-Committee (for England) to provide national leadership in protecting CIC from unnecessary criminalisation – scrutinising joint working, regulation and policy development.
- The development of a cross-departmental concordat on preventing CIC from criminalisation – reinforcing the statutory obligations placed on all relevant agencies and highlighting the need for joint action; Local authorities (LAs) and the police (with other partner agencies) are to take the lead in the development of local concordats, outlining agreed outcomes to reduce the criminalisation of, and offending by, Children and Young People (CYP) in care. All concordats should highlight the importance of early help and support, and involve *all* children's homes – whether independent or publicly run – to minimise police involvement in managing challenging behaviour. Both national and local concordats should be developed within one year with a two-year implementation period.

- Necessary amendments should be made to statutory guidance to assist the achievement of concordat outcomes (and wider review recommendations).
- Establishing common standards for the collection, analysis and publication of data about CYP in the CJS to inform better responses to their needs.
- Criminalisation should be included as an inspection measure for assessment when looking at provision by local authorities, children's homes and schools (with local authorities' performance measured against the percentage of their CYP involved in the CJS and the level of support provided to these YP). Local authority children's social services and youth justice services are likely to be evaluated against any new measures.
- Ensuring the convergence of information systems between children's social care and youth justice services.
- The new national 'What Works' centre should work alongside the Youth Justice Board for England and Wales to disseminate information about good practice in this regard.

3.1.2 Consistent, early support for children and families, and, where necessary, good parenting by the state.

This will be achieved by:

- The Home Office implementing regional police protocols to reduce prosecutions of CIC, modelled on South East England protocols. Also, allowing police forces to record low-level crime to ensure vulnerable children are referred to an appropriate welfare agency at the earliest opportunity.
- Requiring Police and Crime Commissioners (PCCs) to set clear expectations for police forces to work in collaboration with LAs and other agencies to protect CIC from unnecessary criminalisation.
- 'Good parenting by the state gives CIC the best chance to thrive and protects them from criminalisation.' Local authority leadership to be strengthened by enhanced statutory guidance to ensure LAs take responsibility for addressing the stigma faced by CIC; this should be done through work and awareness raising with partner agencies and key stakeholders about CIC's needs, circumstances and characteristics, challenging any negative stereotypes. Forums for these activities may include strategic meetings with multi-agency partners which aim to improve outcomes for CYP through information sharing and joint decision making. Statutory guidance may also be refined to set out the range of activities LAs and partner agencies must carry out in order to fulfil their corporate parenting responsibilities (including the Director of Children's Services updating Lead Members about the progress of CIC and care leavers known to the CJS; and

improved working relationships between LAs and CJS bodies such as the CPS).

- LAs recruiting, training and supporting peer mentors to act as positive role models for CIC and carrying out a rigorous review whenever a CIC has three or more placement moves within twelve months or following a police call-out in relation to the behaviour of a CIC.
- Taking the wishes and feelings of CIC into consideration, ensuring they are kept abreast of developments and that they are treated with respect and understanding. All children should be assessed by a mental health professional upon entering care, and there should be a presumption that looked after children and young people are given first priority for **mental** health services until they have been fully assessed, after which point priority should be determined based on clinical need.

3.1.3 Investigating and addressing the needs of minority groups of looked after children who are at risk of involvement in the CJS.

This will be achieved by:

- Disaggregating data on CIC whom are involved in the CJS on the basis of ethnicity, faith, gender and disability. Lead Members, Corporate Parenting Boards and Chief Constables should specifically focus on:
 - the needs of BME children
 - the faith-based needs of CIC
 - the additional needs of disabled young people (including learning and speech and language needs)
 - the needs of young people subject to immigration control - including prioritising the mental health needs of UASC, foreign national CIC, in relation to their immigration status, and children subject to deportation proceedings
 - ensuring that children and young people receive care that is gender-sensitive e.g. that girls have access to support from female staff
 - CIC who are the potential victims of trafficking.

3.1.4 More effective joint working between families, local authorities, youth offending services, CAMHS, the police and other Criminal Justice agencies, leading to substantially improved opportunities for preventing the criminalisation of CIC and diverting them from the CJS wherever possible. Where this cannot be done, CIC deserve proper support and fair treatment throughout the Criminal Justice process.

This will be achieved by:

- LAs holding regular, formal panel meetings with police and partners to review the circumstances of each CIC at the first indication that they have begun to offend.
- LAs putting in place resources, including training and support, to ensure carers in all placements are able to support children's social

development and respond appropriately to challenging behaviour without involving the police formally.

- LAs notifying Criminal Justice agencies when a CIC comes into contact with the CJS. When a CIC is arrested, LAs will be responsible for ensuring they are provided with prompt support at the police station. Further, when a CIC appears in court, their social worker (or another adult who knows the child) should be required to attend. The LA should facilitate family support for the child at all stages of the process.
- Information about relevant CIC should be shared between agency partners at each stage of the Criminal Justice process in a timely manner. Resettlement planning should be completed within 21 days of a CIC's release from custody.

3.1.5 Care leavers must receive more consistent support.

This will be achieved by:

- All Criminal Justice agencies should ensure they know when they are working with a CIC, understand their vulnerabilities and ensure they are fairly treated. The police should always consult with LAs before pursuing custodial action and the CPS should review its operational guidance on prosecution in relation to CIC in residential care.
- Where there is no alternative to custody, CIC should be placed in small, local units which are designed to promote their psychological and emotional wellbeing.
- CIC should be diverted from the CJS and custody wherever possible, by:
 - ensuring matters are dealt with without court proceedings
 - that children are eligible for bail
 - ensuring CYP are well supported whilst being remanded in custody.
 - If a YP is convicted of a minor offence, consideration should be given to wiping the rehabilitation (or disclosure) period for the offence immediately.
- 'Staying Put' and 'When I am Ready' arrangements should be extended to YP leaving residential care and transitional accommodation placements.
- Support for care leavers who are not in education or training should be extended from 21 to 25, matching the support received by care leavers in training or education.

4. Conclusion

- 4.1 The findings of the Laming Review are being presented to the Prime Minister's office, the Ministry of Justice, Home Office, Department for Education, Department of Health, Department for Communities and Local Government and Welsh Government, alongside Local Authority chairs and chief executives, Clinical Commissioning Groups, Police and Crime Commissioners and chief constables. It remains to be seen which – if any – of the recommendations arising from this review will be taken forward by the Government. However, it is worthy of note that this is the first of a series of reviews into the effectiveness of the Criminal Justice System which Ministers may wish to consider – the others being Charlie Taylor's review of youth justice (due to be published in July 2016), commissioned by the Secretary of State for Justice, which is expected to recommend overhauling the process of child custody, and David Lammy's independent review into the treatment of, and outcomes for, BME individuals in the CJS, which is due to report in Spring 2017).
- 4.2 The review identifies a number of 'best practice' areas which are dealing with some the challenges outlined in this report to good effect. They include Surrey, Leeds, Leicestershire, Staffordshire, Gwent, Norfolk, Hertfordshire and Waltham Forest. It may be useful to conduct further research into the work that is taking place in these local authority areas, to identify learning which could be fruitfully used to inform Kent's approaches and resource allocations in the future.

5. Recommendations

5.1 Recommendations: Members of the Corporate Parenting Panel are asked to **CONSIDER** this report.

6. Background Documents

None

7. Contact details

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