



Ending the criminalisation of children in residential care

Briefing two: best practice in policing

Howard League for Penal Reform

Key points

- Police forces are receiving high levels of call-outs from some children's homes, a significant proportion of which they regard as inappropriate. In response to this, many forces are developing innovative practices to reduce unnecessary criminalisation and demand on police resources.
- Police culture can improve or exacerbate the problem. Forces that have implemented child-focused policing are leading the way in developing appropriate and effective responses.
- Data collection and management is fundamental. The forces making the most discernible progress in reducing the criminalisation of children in children's homes have all taken steps to understand and monitor the issue using data available within the force.
- Forces that have worked closely with children's homes to highlight issues and provide guidance, for example on behaviour management and the homes' parental responsibilities, have been able to reduce inappropriate call-outs.
- Multi-agency working is essential to put in place the structures and support needed to address factors leading to the criminalisation of children in residential care.
- Working in partnership with local Ofsted inspectors can provide regulatory force for improving practice in individual homes.
- There is a difficult balancing act to be had between breaking down barriers to improve relations between police and children and exposing children to unnecessary interaction with the police which might contribute to a process of criminalisation. The best scenario for a child living in a children's home is not to have any contact with the police at all. We advocate for police strategies that lead to the least possible contact between the police and children living in residential care.

The challenge facing police forces

The Howard League is undertaking a two-year programme of work to end the criminalisation of children living in residential care. During the course of this work, we have met with and heard from senior officers and their staff in over half of the 43 police forces in England and Wales. It is clear that the police are very concerned about the high levels of call-outs they are receiving from some children's homes.

A number of recent reports, in addition to our own, have documented the disproportionate criminalisation of children in residential care. The role of the police, and the need for improvements in police practice in this area, were highlighted by two recent reports from HM Inspectorate of Constabulary: *The welfare of vulnerable people in police custody* (2015a), reported that children from children's homes were being brought into custody unnecessarily; *In harm's way: The role of the police in keeping children safe* (2015b) stated that although there were examples of excellent police practice, 'the overall quality of police practice in protecting and safeguarding vulnerable children needs to improve'. The report said that looked after children were currently 'poorly served' by the police and it referred to the over-criminalisation of children in residential care, recommending that the police should work with local authorities to avoid the arrest and detention of looked after young people who were disruptive in their children's home.

The challenges police forces tell us they face in policing children's homes can be broken down into three broad areas:

High levels of demand from some children's homes

All the forces we spoke to told us that the total number of calls they were receiving from children's homes was a serious concern and many were closely monitoring the problem. One superintendent we visited had a list of the most egregious children's homes on his office wall so that he could keep a constant eye on call-out rates.

The police reported huge differences in the levels of demand that individual children's homes placed upon them. All forces had examples of homes that they perceived to be excellent and of homes that they were very worried about. We have been told of instances where the police have kept children at the station rather than send them back to homes they considered unsafe and uncaring, and of cases where the police have taken steps to get homes closed down; conversely, we have been

given examples of children who were frequently getting into trouble or going missing who, when moved to a good home, stopped coming to the attention of the police.

The cost of policing children's homes is high. It is not possible to quantify this figure nationally but, to give a flavour of the level of cost, one force told us that it would be cheaper to place an officer on the door of one of the most demanding children's homes in their area on a full-time basis rather than responding individually to each call from that home.

Inappropriate call-outs

There is no doubt that the police are, and should, be involved with serious incidents involving children in residential care. It is the case, however, that considerable police time and resources are being spent dealing with issues that should not have been brought to their attention.

All the forces we spoke to reported call-outs from homes for minor incidents or which resulted from the staff in the care home being unable to cope with behaviour which, in the view of the police, they should have been able to handle. Concerns were also raised that some homes were calling the police in order to punish and control children. Many officers spoke of being called out for incidents that a parent would not have called the police over.

One force told us that they had been called because a child had squirted a member of staff with water. Another related a call from a home about a boy who had pulled down a curtain. One officer said that he felt that on occasion homes called the police to help them 'tuck up' teenagers who refused to go to bed.

Missing incidents

Many of the calls the police are receiving from children's homes relate to missing incidents rather than alleged crimes. Forces took their safeguarding duties extremely seriously and wanted to improve responses to missing incidents for children who were at risk of harm. There was criticism, however, for call-outs where the safe location of the child was known to staff at children's homes. The head of the missing persons unit in one force summarised some of the issues for us: the police are frequently called very early to homes in circumstances which resolve themselves; they are often asked to pick children up from known locations; they have been called out for children who are known to be on the bus on the way home but are running a bit late; some children are allowed out some days but not

others which frustrates them and the police find they are getting called out on the days the children are supposed to stay in.

One force gave examples of reasons homes had given for being unable to pick children up from known locations: there was only one member of staff on duty and they couldn't leave the home; and the other person on duty was asleep and their colleague didn't want to wake them. More than one officer said that they sometimes felt that the police were being used as a 'taxi service'.

Good practice in policing children's homes

There are six broad themes to the good practice we have found around the country: police culture; data management; working with children's homes; multi-agency co-operation; regulating children's homes; and, diversion and de-escalation. This briefing looks at each of these themes in turn and provides examples and detailed case studies of police best practice.

1) Police culture: creating a child-focused force

The *National Strategy for the Policing of Children and Young People* (National Police Chiefs' Council, updated 2016) calls for a child-focused approach to policing all children. It sets out four priority areas, one of which is children in care. The police are required to '*make every effort to avoid the unnecessary criminalisation of children in care*'. The police should not, the Strategy states, be used '*for resolving issues that would ordinarily fit under the umbrella of parenting*'. The Strategy's stated objective is, '*To improve the quality of policing for children and young people by acknowledging their differences, recognising their vulnerabilities and meeting their needs*'; '*Those below the age of 18 should be treated as children first*' and not as '*mini-adults*'.

Police attitudes and behaviour towards children living in children's homes can either exacerbate or alleviate the problem. Forces that take a child-focused approach can address systemic failings in the care system and provide an appropriate response to vulnerable children, which can do much to prevent their unnecessary criminalisation.

'While many of the factors which result in children being taken into care are also linked to offending, it is likely that the way care homes

and the police respond to minor offending by this group contributes to their over-representation.'
Review of the Youth Justice System in England and Wales (Taylor, 2016)

One children's homes provider gave us an example of how poor police practice had led to the criminalisation of children living in its homes. It told us that the police sometimes used approaches towards children who had been reported missing that exasperated children and led to an assault. Many of these assaults, we were told, had been so minor that if the subject were a member of the public, rather than the police, it is unlikely that charges would have been brought.

It is often the case that when police come into contact with a child from a children's home that the child will be angry, upset and/or in a crisis situation. The police need to have an understanding of the possible reasons for the child's behaviour and the skills to bring the situation under control rather than escalating it and contributing to the criminalisation of that child.

Embedding a child-focused approach throughout the force

Amongst the senior and child specialist officers we spoke to, we found extensive knowledge of the issues and vulnerabilities affecting children living in children's homes. Many forces told us that police culture had shifted and that officers were generally much more aware of vulnerability and safeguarding issues than they had been a few years ago. South Wales Police informed us that recent recruits were now coming from social work and youth work backgrounds and that this was viewed as a positive development. However, it is clearly the case that many officers who are dealing with children from children's homes do not have sufficient understanding or sensitivity towards vulnerable children to handle situations in a way that avoids unnecessary criminalisation. One force told us that many of its front line officers were very young and lacking in the skills and experience, for example, parenting experience, that might have helped them understand and deal with vulnerable children.

Training of *all* officers is essential to embed a child-focused approach throughout forces. Information can be delivered in a variety of ways and not just through traditional training structures, as illustrated by the examples from Sussex Police in the box on the next page.

Sussex Police

Sussex Police is promoting child-centred policing throughout the force and is driving this through its multi-agency strategic board. The force advocates that, *'All children should be treated as children first in every encounter. The vulnerability of children and young people should be identified and responded to in order to protect them from harm'*. Senior officers aim to send *'strong messages around understanding why young people may be vulnerable, challenging culture and improving engagement'*.

The force has introduced 100 Youth Ambassadors who are tasked with spreading the message that police officers should see the child first, not the problem. The Youth Ambassadors come from all parts of the organisation and include administrative staff as well as officers. They aim to influence colleagues to change their perspective.

A video has been produced about children in care who have had experience of the criminal justice system. This has been cascaded to all staff and it is hoped that it will help influence hearts and minds.

Listening to children

Listening to the child, and enabling them to put their perspective across, can help identify and resolve issues. Children in care often talk about how they are not listened to and how this can make them feel powerless and angry. This is particularly the case if they feel they have been treated unfairly; we are aware of many cases where care home staff have contributed to the incident leading to the police being called and where children have felt that they have been treated unfairly by the police. Where children feel that their treatment is unfair they are more likely to respond angrily, which may lead to further unnecessary criminalisation.

Avoiding unnecessary contact with children in residential care

'Every interaction leaves a mark and we need to think carefully about what sort of mark this is.'
National Strategy for the Policing of Children and Young People

There is a difficult balancing act to be had between breaking down barriers to improve relations between police and children and exposing children to unnecessary interaction with the police which might contribute to a process of criminalisation.

Research has shown that police intervention, even preventative interventions, can put children on the track towards formal criminalisation. One study found that early targeted intervention with children and families perceived to be at risk of police involvement could label and stigmatise children, creating a self-fulfilling prophecy resulting in more, not less, involvement with the criminal justice system (McAra and McVie, 2010).

It is important that the police continue to work on building positive relationships with young people; however a 'friendly' introductory meeting with a police officer in a children's home when

a child moves to a new placement can send a message that the police expect the child to offend, as can the regular presence of a police officer in the home for catch-up meetings with the staff. Children in care often report that what they want more than anything is to feel 'normal' (Morgan, 2012); it is not normal for the police to visit your home – and police interaction should not be 'normalised' because a child is living in a children's home.

We recognise that many forces are at a stage where regular contact with some homes is unfortunately necessary to address issues with those institutions. We would recommend that the police bear in mind the potential impact of all contact they have with children in residential homes and that they keep interactions with the children themselves to the minimum level necessary.

Holding information about children

A number of forces we spoke to said that they wanted to be given information about any looked after child who moves into their area. Whilst local authorities should, of course, advise the police if a child is in potential danger, the police do not need information about a child who has not yet, and may never, come to their attention. Homes can be encouraged by forces to obtain relevant information from local authorities and, if needed, they should be able to provide it quickly to the police.

Missing incidents

The police often become involved with children from children's homes when they are reported missing. It is, of course, essential that the police are called when a child is actually missing or when they may be at risk but they should not necessarily be involved in cases where teenagers are pushing boundaries but are known to be safe.

We found examples of some excellent practice where forces were working with homes to help them identify situations that require a parental rather than a police response to prevent children from having unnecessary contact with the police:

- West Yorkshire Police have a crime reduction officer who is specially trained and tasked with working with vulnerable children and adults. This officer holds preventative non-judgemental interviews with children to try to understand the reasons for them going missing and to see how the police can intervene/support the child to help prevent them from going missing in the first place. One such interview revealed that a child was simply going to McDonalds to use the wi-fi because their children's home did not have it. These missing incidents came to an end when the home installed wi-fi at the request of the police.
- The Metropolitan Police together with the Local Authority in Waltham Forest are working with children's homes to develop individual 'trigger plans' for children who go missing. These take an individualised approach to risk and encourage the homes to take on appropriate levels of parental responsibility for risk assessment. The plans will mean that agencies' responses to missing episodes are more closely aligned to the risk involved; the action taken when a child is at risk of child sexual exploitation, for example, will be different to when a child, albeit breaking a curfew, is known to regularly meet a friend or sibling in the local park and is keeping in contact by phone.
- Sussex Police have developed a Missing Children Reporting Procedure which provides a checklist for homes to run through before they call the police. It clarifies the home's responsibilities, prompts a review of actions that should be taken before the police are called, highlights potential risks to the child and sets out the information homes should provide to the police if a report is necessary. The force wants to avoid 'informal criminalisation of what might otherwise be considered normal, boundary testing behaviour'; children who are merely breaching parental discipline should not be dealt with by the police unless there are other risks.

A child-focused response to missing incidents can improve safeguarding responses where the child has been, or is, at risk of being harmed.

Such responses can also help prevent the criminalisation of exploited children:

- Safe and well checks can identify serious problems, such as child sexual exploitation and child criminal exploitation, for example, by county lines gangs. Where these issues are identified steps need to be taken by the police to safeguard the child and to ensure that they are not criminalised for offences that have been committed as a consequence of that exploitation (see section 45, Modern Slavery Act 2015).
- Some forces have arranged for interviews to be carried out by third parties, usually from charitable organisations, such as Missing People, believing that children are more likely to open up to someone outside the police. South Wales Police, for example, use independent child advocates to conduct the interviews on their behalf. As an officer in one force told us, the chances of a 14-year-old girl disclosing sexual abuse to a young male PC who has picked her up as a missing person at 2am is practically zero. Another force told us that 'interviewing children who repeatedly run away is more effective, and child focused, if completed by a non-authoritarian agency'.

2) Data management: understanding and monitoring the problem

Data collection and management is fundamental. Effective recording and monitoring of relevant data enables forces to know the nature and extent of the problem so that they can put appropriate measures in place to address it; it also allows them to evaluate and demonstrate the effectiveness of those measures.

The forces we spoke to who were making the most discernible progress in reducing the criminalisation of children in children's homes had all taken steps to better understand and monitor the issue using data available within the force.

Many forces do not have the systems in place at present to monitor the problem properly: there are forces who do not record, or routinely ask, whether a child is a looked after child, for example, and there are some that do not flag addresses as children's homes when calls come in. These questions should be mandatory and logged on computer systems so reports can be run which monitor call-outs from children's homes and any police involvement with children living in homes, including the outcomes of that involvement.

David Lammy's recent review (Lammy, 2017) has brought the disproportionate representation of BAME children in the youth justice system to everyone's attention. There is currently poor understanding of the proportion of looked-after BAME children who are coming into police contact. The Lammy Review highlighted many issues with data collection and emphasised its importance in terms of providing insights and understanding. It is vital that key characteristics, such as ethnicity and gender, are also logged consistently so that forces are able to monitor and deal with specific issues such as the over-representation of BAME children in the criminal justice system.

Lancashire Police

Lancashire Police had recently installed a new IT system. Officers investigating an offence are required to record the care status of any child they may deal with as a suspect. The system will be able to flag up issues, particularly if there is repeat contact with individual children's homes.

Using data to address and reduce inappropriate call-outs

A number of the police forces we spoke to had analysed call-outs from children's homes to identify the levels of inappropriate calls they are receiving. High levels of such calls were frequently dealt with by visits from the police to the relevant home, often rising in the seniority of the officer depending on the levels of concern. Homes were challenged to implement improvements, often resulting in dramatic reductions in call-out rates.

West Mercia Police

West Mercia reviewed all the calls they received from children's homes in Shropshire from April 2014 to December 2015 to assess what percentage of calls were inappropriate. The force worked closely with children's homes and by December 2015 total call outs were down significantly. The percentage of appropriate calls throughout the area rose from a low of 18 per cent to 56 per cent at the end of the test period. The biggest improvements were seen in the three children's homes companies that had been causing most concern; one company rose from a low point where none of the calls were deemed appropriate to 100 per cent of calls being found to be an appropriate response in less than a year.

3) Working with children's homes: monitoring, support and guidance

All the forces we spoke to told us how close working with homes was helping them address inappropriate call-outs and reduce levels of police contact. Many had assigned named officers, or 'single points of contact' (SPOCs), to individual homes. One force told us that five years ago there had been a number of homes in their area they would have liked to have seen closed down; the development of good relationships with these homes had led to significant improvements across the board.

Relationships with homes had opened up opportunities for the police to highlight problems, provide training, advise on behaviour management and recommend protocols and systems around the use of the police.

Forces which were taking a child-focused approach were also using relationships with homes to help improve the support for children who were at risk of criminalisation. The police were sometimes leading efforts to identify the reasons for problematic behaviour or missing incidents and we found examples of the police driving plans to put support structures in place for children.

It is important to note that improved relationships with homes ought not to involve unnecessary contact with children living in those homes. A child-focused approach to working with children's homes minimises contact with children. Work with staff from homes should be conducted by telephone and e-mail and through meetings either outside the home or at times when the children are not at the home wherever possible.

Some examples of police work with children's homes:

- Durham Constabulary has assigned a dedicated officer to each care home to work with staff to help them develop bespoke problem solving plans to prevent them repeatedly calling for police assistance.
- Margate Taskforce (Kent Police) has provided training to homes on county lines gangs.
- South Wales Police has allocated SPOCs for each children's home, usually Local Policing Inspectors, coupled with a designated local officer/Police Community Support Officer link. In addition, a Missing Person's Co-

ordinator and Missing Person team are developing closer working relations with homes to help prevent missing incidents and respond better to incidents. Each Local Policing Inspector has monthly meetings with managers of care homes to review demands and 'performance management' concerning the children in their homes.

- West Mercia Police has set up a Resilient Care Home Team to help homes manage the demands they face and improve the care they provide to children. SPOCs are tasked with building strong relationships with children's homes, ensuring homes understand their statutory responsibilities to act as the 'parent' and helping homes deal with behavioural problems without unnecessarily escalating episodes to the police.
- All children's homes in Sussex are allocated either a Prevention Youth Officer or an officer from the Missing Persons Team who acts as a Single Point of Contact for that home. A resolution centre filters calls from homes and checks whether deployment of a police officer is needed. Officers, police staff and children's homes managers have attended briefings and training days where ideas were

shared to improve practice. There has been a focus on helping homes develop strategies to deal with low level incidents without police involvement.

- West Yorkshire police has designated two Police Community Support Officers to work specifically with the residential homes that call out the police in the Wakefield area where the homes had been particularly problematic and demanding.
- Police in the London Borough of Waltham Forest (Metropolitan Police) are to begin training care home staff in restorative approaches. They want homes to commit to having 25 per cent or two members of staff, whichever is greatest, trained as restorative practitioners. Impact will be monitored and the project evaluated.

4) Multi-agency co-operation: providing joined-up support for children

Children who are criminalised whilst living in children's homes will have a range of agencies involved in their lives and these need to work together to tackle problems and provide joined-up support. The Laming Review (Prison Reform Trust, 2017) found that the numbers and proportions of looked after children getting

Dorset Police

Dorset Police have seen a reduction of 49 per cent in call-outs from residential children's homes in January to August 2017 compared with the same period in 2016. This impressive result has been achieved through a combination of police initiatives and partnership working with Dorset Combined Youth Offending Team, the Local Authority and private care home providers which have led to improvements in practice and processes in residential homes and across agencies. The work has been driven by a commitment to child-centred policing. The force lists the following as having contributed to reduced call-out rates:

- Care home staff have been trained in restorative conversations and are now better able to deal with challenging behaviour without recourse to the police.
- It was agreed between police and residential providers that managers should always make the decision as to whether the police should be called.
- A multi-agency protocol has been implemented with children's homes and others which aims to reduce the criminalisation of children in care.
- The police have worked with staff and managers of children's homes to make them more confident in dealing with such things as first time use of class B/C drugs.
- Dorset Police control room staff have all been trained on the multi-agency protocol so that they can advise children's homes when they call in and filter unnecessary call-outs.
- There is a police point of contact for each children's home who is responsible for building relationships with children's homes staff.
- The force has worked towards improving awareness amongst all police officers and staff of the child-centred policing model being promoted nationally by the National Police Chiefs' Council.

involved with the criminal justice system had been significantly reduced in places where social services were working closely together with the police and other criminal justice agencies, with common goals and clear and regular channels of communication. This kind of effective working is not taking place everywhere, however, with HMIC inspections finding 'positive relationships between agencies but inadequate multi-agency responses to particular problems such as the detention of looked after... children' (2015b).

Many of the forces we spoke to gave examples of police-initiated multi-agency approaches to supporting children in residential care. Officers invariably spoke of the value they placed on relationships with colleagues in local authorities and other agencies. There were even examples, such as Margate Taskforce, of police leads being located in council offices.

Police forces told us that they felt a level of frustration about the balance of responsibilities and of the failings of some local authorities to fulfil their corporate parenting obligations to children in residential care. There was a strong feeling that children were being driven unnecessarily into the criminal justice system because local authorities were not providing them with the support they needed. Also, homes were often calling the police outside normal office hours because no-one else was available.

'The police are getting used because they are the only agency that will always turn up, no matter what the time or circumstances.'

Police Officer

Many forces spoke of the difficulties they faced when trying to make contact with local authorities from other areas about children in out-of-area placements, even where those authorities were very close by as is sometimes

the case in London and the south-east. Whilst this is clearly a systemic issue which requires a government response many forces were making efforts to deal with problems at a local level so far as they were able: West Mercia Police had commissioned research to improve their understanding of out-of-area placements; South Wales Police were trying to improve communication with other local authorities and forces, particularly to help children being exploited by county lines gangs. Other forces were encouraging homes to obtain better information from home local authorities which could be passed to them if necessary to inform missing or criminal investigations. We were told that tackling the problems created by these out-of-area placements required high levels of persistence and firmness.

Multi-agency protocols

A multi-agency protocol for reducing the criminalisation of children in residential homes is one of the most basic steps that can be taken by forces. Research carried out for the Home Office found that 'effective formal and informal protocols for reporting offending have a considerable influence on the frequency of reporting and relationships between homes and the police' (Home Office, 2004).

The very process of developing and implementing the protocol can challenge culture across agencies and highlight the importance the force is placing on the issue. Several forces, including Sussex and North Wales, emphasised the need for a consistent approach within areas in order to effectively deal with the issue.

The Department for Education is, at the time of writing, developing a National Protocol on Reducing Criminalisation of Looked after Children. It is hoped that this document will provide some national consistency in approach.

Devon & Cornwall Police and Dorset Police

Devon & Cornwall Police, Dorset Police, Dorset Combined Youth Offending Service, Dorset County Council, Bournemouth Borough Council, Borough of Poole, the Crown Prosecution Service and HM Courts & Tribunals Service have worked together to produce and implement the Pan Dorset Children in Care Protocol. This represents a pan-Dorset multi-agency approach to prevent and reduce offending by children and young people in care. It has been designed to provide an overarching set of principles to inform the processes that will ensure that any child or young person in care within the region is afforded the same protection and consideration, whatever their home local authority. This protocol aims to reduce the criminalisation of children and young people in care by encouraging the use of alternative resolution approaches wherever possible within the care setting, in response to low-level incidents.

Examples of police-led multi-agency working:

- South Wales Police jointly hosted a multi-agency Summit with the Care and Social Services Inspectorate Wales in May 2017. The Summit explored issues such as: barriers to effective multi-agency working around young people placed out of area; and, what is needed to create or contribute to effective multi-agency working for these young people.
- Sussex Police holds a multi-agency meeting every week at which they consider every child who has gone missing that week. They put the child at the middle of the discussion and make sure their voice is heard. They believe that this brings out opportunities for the child.

Merseyside Police

Merseyside Police hosted a 'Reducing the unnecessary criminalisation of looked after children' event which was attended by the main care home providers, youth offending teams, local authority contract managers and criminal justice agencies. The purpose of the event was to promote a new protocol for reducing the unnecessary criminalisation of children in care and to give parties a forum for sharing learning and viewpoints.

5) Regulating children's homes: working with Ofsted and others

Many of the police forces we spoke to expressed frustration at the lack of powers available to them to control poorly run children's homes. One officer compared the situation to the powers available to the police dealing with problems at licensed premises; if there were issues with licensed premises, we were told, they would work to educate and support the licensee, but ultimately if needs be they would enforce, and even shut down the premises.

Two forces told us that they had worked with local authorities to limit the numbers of children allowed in homes which they had concerns about; this obviously had financial implications for the homes, which, both forces told us, generally acted as an incentive for rapid improvements. South Wales Police were one of the driving forces behind the formation of the Welsh Government's Task & Finish group focusing on children's residential care. The

group was set up to develop a co-ordinated approach to improving outcomes for children in residential placements.

A number of forces highlighted work they had done with Ofsted:

- Metropolitan Police told us that they had had a couple of homes shut down by working collaboratively with local Ofsted inspectors.
- Sussex Police hold regular meetings with local Ofsted inspectors and send information on all arrests, missing incidents and police concerns on a monthly basis. On the back of police information, Ofsted carried out reviews of all the homes in the area.
- West Yorkshire Police share missing and call out data with local Ofsted inspectors.
- West Mercia Police have worked closely with Ofsted to clarify expectations and requirements for how care homes manage minor alleged crime and missing episodes. They received written guidance from Ofsted which they have discussed with care home staff. A process was established so that Ofsted could proactively contact the police for details of all calls made to police by a care home before they inspect homes. Ofsted also agreed to actively look at the issue of return home interviews and said that they would set a new expectation that care homes make every effort to ensure that the placing authority completes the interviews.

South Wales Police

South Wales Police has developed a close working relationship with the regulator in Wales, the Care and Social Services Inspectorate Wales (CSSIW). This includes a data sharing agreement, which will facilitate the sharing of police intelligence to inform CSSIW inspections of homes. The police are also working with the CSSIW to tailor their inspection framework of homes to cover some of the issues. One example is out-of-county placements, which are considered a key issue based on analysis which links missing episodes of children and associated criminality and risk/exploitation concerns with such placements.

6) Diversion and de-escalation: avoiding formal criminalisation

Child-focused police practice should, wherever possible, try to divert children in residential care from formal criminal justice processes. We found a range of diversionary and de-escalation measures being used by forces. Many of these took an impressively child-focused approach to tackling root causes of problem behaviour and to working with other agencies to put support in place for children.

The examples below show the types of approaches that are being taken by forces:

- South Wales Police work closely with the Police and Crime Commissioner's Office on diversionary schemes such as Triage and Bureau which give children in residential care further dispensation to gain support and receive a non-criminal disposal.
- West Mercia Police hold weekly multi-agency Decision Making Forums at which the police, care home managers and social workers discuss individual cases of children living in children's homes who are suspected of having committed a crime. The Forum seeks to resolve matters at the lowest appropriate level in a timely manner. There is a focus on identifying the root cause of the child's behaviour and on ensuring that appropriate support is put in place to help the child and prevent further incidents.
- Operation Stepping Stone is an initiative, set up by Sussex Police, to prevent the unnecessary criminalisation of young people. Decision making processes are in place to ensure that there is consistency across the whole force. No young person should receive a caution unless the Youth Offending Team has been consulted. In Brighton, a multi-agency decision making panel has been set up. All relevant information about the young person is made available to this panel so that it can discuss and identify the best outcome for all involved. There is a real drive to look for alternatives to prosecution and a provision of meaningful interventions to prevent further offending and/or criminalisation.

Restorative approaches

Many forces promote restorative approaches in children's homes. These practices, which have developed to some extent out of restorative justice techniques, can be used to respond to incidents that have already happened as well as helping to prevent conflict and build relationships between children and staff in order to support children and help homes manage behaviour without recourse to the police. Joint working between the police and children's homes to implement restorative approaches can also help clarify to homes the point at which the police should be called to an incident and the police's role if they are called (Halsey et al, 2010).

It is important to remember when developing restorative approaches that everyone involved in the process, both staff and children, must perceive them to be fair and balanced; for instance, there should be recognition of the fact that behaviour by both children and staff may have contributed to events. They should also take into account vulnerability; it may not, for example, be appropriate to encourage abused and vulnerable children, such as girls from very abusive backgrounds, to express shame and self-blame (Fitzpatrick, 2014). It may also be important to consider an individual's religion, ethnicity or other characteristic. Child-focused practices which involve listening to children, understanding the impact of children's backgrounds and vulnerabilities and providing individualised responses will be crucial to the success or otherwise of these kinds of initiatives.

Recording outcomes of call-outs

The police are required to record all crimes of which they are notified. Every crime recorded by the police is given an outcome, showing how the police dealt with the crimes, including crimes which are still under investigation. The introduction of 'Outcome 21', in 2016, has allowed the police to record that 'Further investigation resulting from the crime report that could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest'. We have been told that some forces are using this code to record low-level incidents at children's homes.

We understand there is a presumption that the Disclosure and Barring Service will not disclose Outcome 21 on enhanced criminal record checks, although further guidance should clarify this. Whilst the new Outcome is clearly preferable to a formal criminal record, it is possible that more could be done to encourage sensitive policing. The police could, for example, be given a new code which allows them to record instances when they have referred a young person onto support and intervention from another agency – recognising that welfare and support is often a more credible route forward than any criminal justice response. This code might also be used when the police consider that they ought not to have been called and have advised the home that the incident falls under their parenting remit.

It should be noted that any record of an incident is essentially a record of involvement with the criminal justice system and as such it is potentially disclosable throughout that child's lifetime. It could be perceived by the individual as stigmatising. Availability of the above codes ought not to distract from work the police are doing to discourage unnecessary call-outs from children's homes.

Conclusion

This briefing has explored how good practice in the policing of children's homes can significantly reduce the unnecessary criminalisation of vulnerable children and demand on police resources. The problem is not a new one and attempts have been made in the past to tackle it. Real, lasting change requires strong leadership and a commitment to embedding child-focused policing throughout forces, at every level. We urge forces to put systems in place that can withstand changes in personnel and other upheavals, so that the benefits of innovative and excellent practice in this area can be built upon and maintained in the long-term.

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About the Howard League for Penal Reform

The Howard League is a national charity working for less crime, safer communities and fewer people in prison.

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