



## Ending the criminalisation of children in residential care 'Know your numbers': Using data to monitor and address criminalisation

# Howard League for Penal Reform

## Key points

- The proportion of children living in a children's home who have been formally criminalised has fallen from 15 per cent to 10 per cent between 2014 and 2018, with the greatest fall – three per cent – seen over the last year.
- This reduction in the official figures for the criminalisation of children in residential care has taken place during a period when substantial concerns around the issue have been raised by the Howard League, and others.
- Children in residential care continue, however, to face disproportionate levels of criminalisation compared to other children, including those in other types of care placements.
- There is a high level of police involvement with some children's homes: data from 26 police forces in England and Wales shows nearly 23,000 call-outs from children's homes to forces in 2018.
- The majority of forces reported homes that had called them more than 100 times in the year and some reported homes that had called the police more than 200 times.
- Nearly half the calls reported by police forces related to missing incidents.
- Missing incidents can contribute to unnecessary criminalisation. They can also indicate other problems, including exploitation by criminals running 'county lines'.
- Better recording, interrogation and monitoring of data is key to tackling unnecessary criminalisation and improving safeguarding responses.
- Police forces need to review and improve current recording and reporting systems to enable them to understand and address unnecessary criminalisation and safeguarding in their areas.

## Introduction

*The national protocol on reducing unnecessary criminalisation of looked-after children and care leavers* (DfE, 2018a), introduced by the government in November 2018, states that “implementation [of the protocol] should be underpinned by strong interrogation and use of all available data”. This directive was founded on the knowledge that data recording, analysis and monitoring is an essential part of addressing the unnecessary criminalisation of children who are or have been in care. Data is also vital to understanding the risks children in care are facing and to providing effective safeguarding responses.

This briefing provides up-to-date figures on the levels of criminalisation of children in residential care and police contact with children’s home. Most of the data included in this report has been obtained through Freedom of Information Act requests due to a lack of published data. As will be shown, despite the many issues with the data, there are encouraging signs of improvements in rates of criminalisation and important indications of where problems lie and where further work needs to be targeted.

### **Reduction in rates of formal criminalisation**

In the year ending 31 March 2014, 15 per cent of children in children’s homes in England were formally criminalised (convicted or subject to a final warning or reprimand). Over the last four years to the year ending 31 March 2018, this has fallen to 10 per cent, with the biggest reduction of three per cent seen over the last year. This fall in levels of criminalisation is significant and even more so when we consider that the numbers of children in care has been steadily increasing in recent years (DfE, 2018b).

To some extent the figures are likely to reflect recent reductions in the number of child arrests across the entire child population which we monitor and report on annually (see our website for our latest report). At the same time, the last three years has seen substantial concerns raised around the unnecessary criminalisation of children in residential care – in part through the work of the Howard League and this programme –

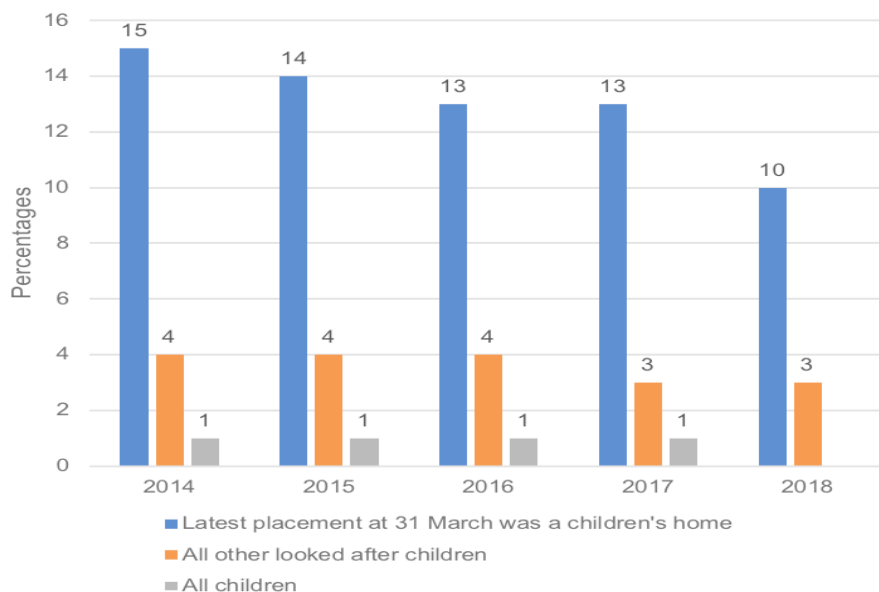
and significant developments in tackling the problem, notably through the government protocol and the requirements introduced by Ofsted in April 2018 for children’s homes to provide details of police contact in its pre-inspection questionnaire, following lobbying by the Howard League. There is a sense of renewed impetus to tackle the problem and the Howard League has spoken to many committed people across the police, youth offending teams, local authorities, children’s homes and other organisations working towards positive change. Credit is also due to the children and young people who have spoken out about and campaigned on the issue.

There is still much work to be done, however. As the chart opposite shows, children in children’s homes continue to be criminalised at much higher rates than other children, including children in other types of care placements (mainly foster care). It is also important to note that the government only collects criminalisation data on children who have been looked after continuously for at least 12 months. In the year ending 31 March 2018, 63,440 children aged 10 to 17 years old were in care at some point. Only 58 per cent of this cohort (36,760 children) were in care continuously for at least 12 months. There is, therefore, no available data on levels of criminalisation for over 40 per cent of children above the age of criminal responsibility (26,680 children) who were in care during that year.

The government’s annual statistical report on looked after children includes data on rates of criminalisation but it does not break the figures down by placement type (DfE, 2018b); we obtained this data through a Freedom of Information Act request. Given the disparities in outcomes between children in residential care and other types of care placements – across all outcomes measures – it is vital that the government publishes more detailed analysis by placement type, as was provided on a one-off basis in the *Children’s homes data pack* in 2014 (DfE, 2014).

In order to illustrate the information that might usefully be published, we have included more detail of the results we received (opposite) through our Freedom of Information request.

**Percentage of children who have been convicted or subject to a final warning or reprimand during the year: comparison between children in children's homes, looked after children in other placements types and all children (England)**



NB The figures for all children for 2018 have not yet been released.

**Offending by children who have been looked after continuously for at least twelve months, and whose latest placement at 31 March was a children's home in England. Years ending 31 March 2017 to 2018.**

	2017			2018		
	No. looked after continuously for at least twelve months aged 10 to 17 at 31 March	No. convicted or subject to a final warning or reprimand during the year	% convicted or subject to a final warning or reprimand during the year	No. looked after continuously for at least twelve months aged 10 to 17 at 31 March	No. convicted or subject to a final warning or reprimand during the year	% convicted or subject to a final warning or reprimand during the year
<b>Total</b>	<b>4,470</b>	<b>560</b>	<b>13</b>	<b>4,690</b>	<b>470</b>	<b>10</b>
<b>Age (years)</b>						
10 to 12	620	20	3	680	20	3
13 to 15	2,080	310	15	2,270	270	12
16 to 17	1,770	240	14	1,740	180	11
<b>Gender</b>						
Male	2,850	390	14	3,010	330	11
Female	1,620	170	11	1,680	140	8
<b>Ethnic origin</b>						
White	3,600	450	12	3,790	390	10
Mixed	390	60	16	430	40	10
Asian or Asian British	140	10	7	140	x	x
Black or Black British	290	40	14	270	30	11
Other ethnic groups	50	10	16	50	x	x
Other	10	0	0	10	0	0

NB 'x' denotes figures not shown in order to protect confidentiality.

## Tackling criminalisation using police data

Police data is essential to our understanding of and ability to address unnecessary criminalisation. Effective collection and analysis of data provides intelligence to help forces identify problem areas and improve the policing of children's homes in order to prevent criminalisation and enhance safeguarding responses. Data management of children's homes, which have been identified across the country as a considerable 'demand driver' for police, is also critical for efficient and effective deployment of police resources.

Our second briefing, *Best Practice in Policing* (2017, available on our website), provided examples of forces that have successfully employed data analysis to address problems with children's homes. The case study of Durham Police (below) further demonstrates the range of data available to police and innovative ways in which it can be used. Not all forces have recognised the need to collect and draw on the data to assist their policing of children's homes. More work is required to improve knowledge and understanding around the issues and to generate a climate where forces can see the benefits of collecting and monitoring relevant data.

### Our data on police call-outs

With a view to filling the evidential gap around police contact with children's homes and encouraging improvements in data management across forces we submitted two Freedom of Information requests to all police forces in England and Wales.

#### *Police call-outs: 2012-2015*

The first Freedom of Information Act request, sent in 2015 at the start of this programme, asked for data on call-outs and arrests from children's homes over the three-year period 1 April 2012 to 31 March 2015. Many forces were unable to comply with the request and those that did send figures (16 forces) included provisos about the completeness and reliability of the data. Systems and procedures varied, we were informed, making comparison between forces difficult. Despite multiple issues, it was clear from the data we received that there was a high level of police involvement in many

parts of the England and in North Wales with some children's homes. The data and further discussion on this exercise can be found in our scoping briefing, *Criminal Care* (2016, available on our website).

#### *Calls to the police from children's homes: 2018 figures*

At the beginning of 2019, we sent out a new Freedom of Information Act request to police forces, this time simply asking for data on call-outs – rather than call-outs *and* arrests - from children's homes between 1 January and 31 December 2018. Many forces had told us that they had been unable to comply with our previous request without a list of children's homes addresses, something which, for safeguarding reasons, is not publicly available. For this latest request, we directed Freedom of Information departments to lists of Ofsted-regulated children's homes in their areas which are regularly provided by Ofsted to every Chief Constable. Although it is not always clear that forces have used this list to assist with their searches, we saw a significant improvement in our response rate, with 26 forces able to provide data this time round.

In order to gain insight into what was driving demand from children's homes, we asked forces to break the figures down into the following categories of call-outs: (i) missing incidents; (ii) alleged criminal offences; (iii) safeguarding incidents; (iv) other. Not all forces were able to provide the information in this way, some submitting extremely complicated and detailed breakdowns of reasons for call-outs. As before, forces generally included some explanatory notes with the figures, highlighting difficulties with the data they had sent.

We identified a range of problems with the data from the police notes and our own analysis. These included: lack of generic systems, with all forces having their own systems and procedures for recording (or not recording) data related to children's homes; inability of forces to provide full data for various reasons meaning that some data sets are incomplete (as indicated on the chart); possible duplication within data sets, for example, in relation to missing incidents where the police had counted a call-out for the missing episode itself and also for their follow-up visit; potential inaccuracies with data drawn from

## Available police call-out data by force

Police Force	No. of CHs included in figures	Police description of recorded activity	Missing incident	Alleged criminal offences	Safeguarding	Other	All other call-outs/ incidents not including missing	Total
Avon and Somerset	45	Calls to CHs where a unit has been assigned	204				266	470
Bedfordshire	Unknown	Recorded crimes		79				79*
Cambridgeshire	32	Incidents raised	427	103	52	99		681
Cleveland	28	Incidents	512				425	937
Derbyshire	37	Incidents	991				357	1348
Devon and Cornwall	61	Incidents	362				236	598
Dorset	4	Incident	61				21	82
Durham	46	Call-outs	608	278	74	294		1254
Hertfordshire	14	Call-outs	505**	61	41	65		672
Humberside	29	Call-outs	964	291	80	172		1507
Kent	62	Reported incidents	683				563	1246
Leicestershire	87	Reported crimes and incidents	89	353	83	6		531***
Lincolnshire	21	Call-outs	227			260		487
Norfolk	27	Reported incidents	358	226	178	314		1076
Northumbria	42	Incidents	1273				937	2210
North Wales	18	HO description					45	45
North Yorkshire	19	Incidents	361		206	153	190	910
Nottinghamshire	28	Incidents attended	386				360	746
South Yorkshire	51	Incident	887	226	261	509		1883 ****
Staffordshire	59	Incidents	351	158		190		699
Suffolk	21	Reported incidents	285				527	812
Surrey	28	Incident Closing Type	498				450	948
Warwickshire	7	All incidents	116	19	44	3		182
West Mercia	122	All incidents	555	291	304	249		1399
West Midlands	33	Calls for service					1662	1662
Wiltshire	19	Callouts	99	73	36	18		226
<b>TOTAL</b>			<b>10802</b>	<b>2158</b>	<b>1359</b>	<b>2332</b>	<b>6039</b>	<b>22690</b>

\*Records had to be searched manually. The data provided was all that could be retrieved before the fees limit under the Freedom of Information Act 2000 (£450) was exceeded. \*\*This figure includes call outs for found persons debriefings which may have caused some duplication of incidents. \*\*\*The force was only able to provide data from its crime recording system. The figures provided do not include data from its call management system. \*\*\*\*Only includes data to mid-November 2018 when a new recording system was implemented.

various sources and large databases; a lack of clarity as to whether calls/incidents related to a child living in the home or a carer or person not living or working in the home; ambiguity as to whether alleged crimes had been perpetrated by or against children.

The chart we have produced provides an overview of the data we received. Where data was provided in numerous sub-categories and/or it was unclear which of our four categories figures should be put into, we have placed them into a catch-all category “All other call-outs not including missing” so as not to obscure the data with our own interpretation. Individual responses from police forces are publicly available and can be obtained from each police force’s Freedom of Information department.

### *The results*

Despite all the issues we have identified with the data, the results of our Freedom of Information request are revealing. Nearly 23,000 call-outs from children’s homes were reported by the 26 forces that provided data. There was evidence of many homes that never called the police. Conversely, we received details of homes across over half the forces that had called the police more than 100 times in 2018. One home in Northumbria called the police 207 times; a home in Suffolk called 209 times; one in Humberside called the police 235 times; a home in South Yorkshire called 253 times; and a home in Derbyshire called the police 267 times.

### *Missing incidents*

Around half the calls we have been notified about related to missing incidents. This is critical information, as missing incidents appear to be a factor in high rates of criminalisation. The reasons for this are complex and individual to each child: some children will be going missing because they are being criminally exploited, perhaps in order to run drugs; others will be criminalised as a result of having gone missing, for example, they were exploited by a previously unknown person whilst missing or for another reason flowing from that missing incident such as stealing to survive or assaulting a police officer when they are picked up; other missing incidents may flow from well-being issues which may also be contributing to incidents leading

to other police involvement. Call-outs when children are not actually missing or at risk, as we have reported in our *Best practice in policing* and *Good practice in children’s homes* briefings (2017 and 2018, available on our website), cause unnecessary contact with police, which can be harmful. Some forces are recording the risk associated with each call-out for a missing incident with a view to addressing this problem.

The link between missing incidents and criminalisation is evidenced by data we obtained through our Freedom of Information request to the Department of Education, which revealed that 77 per cent of children who had been formally criminalised whilst living in a children’s home between 1 April 2017 and 31 March 2018 had gone missing from placement at some point during the course of the year. Clearly this is an area requiring urgent attention. There are concerns about the links between out-of-area placements and missing episodes and this is currently the subject of an inquiry by the All-Party Parliamentary Group for Missing and Runaway Children and Adults. Understanding the types of offences children are being criminalised for when they go missing would allow the police and other local agencies to gain insight into what is happening to children who are going missing and how best to reduce criminalisation and protect children from the many risks they may be facing. We urge forces to interrogate their data in order to improve their understanding in this area.

### *All call-outs indicate a serious problem*

We know that some of the calls to the police will be an entirely appropriate response by children’s homes to a serious situation. This is recognised by Ofsted as well; it was emphasised by a representative at a Data Summit we held in 2018 that children’s homes can receive favourable judgements even if there have been a relatively high number of call-outs depending on the reasons for the calls and the children’s homes response to the situation. Every call to the police, however, whether appropriate or not, indicates a serious problem in the life of that child; these may be personal issues for that child or failings within the home or other parts of the care system that are adversely affecting them. The data can be the starting point to identifying a problem exists and starting to address it.

## **Durham Police - Using data as part of a programme of work with children's homes**

Work being done by Durham Police demonstrates the types of data available to forces and innovative ways in which information can be used to help reduce criminalisation and safeguard children. The force has identified children's homes as an area requiring focused attention and a problem-solving approach. Good analysis of data is seen as vital to this work. Police contact with children's homes and issues affecting children living in those homes is monitored by the force's Task and Coordination Command Centre. By having an analyst reviewing all homes in the area and comparing data with that of other homes and earlier data Durham Police are able to identify issues much earlier than they would otherwise have done. A specialist, multi-agency team flags children who are regularly going missing and looks at what can be done to solve any problems causing a child to go missing and reduce the risks faced by that child. Durham Police also keeps detailed records of its involvement with individual homes that can be accessed by any officer in the force. These records contain a wealth of information, including details of call-outs and specific issues encountered such as problems with staffing. These records are used to develop bespoke problem-solving plans for homes. According to a senior officer in the force, *"You can't manage the dynamic response challenges to a children's home unless you have a place to pull together long-term problem solving solutions for it."*

## **Unregulated children's homes**

On 31 March 2018, more than 2,000 children in care were living in semi-independent accommodation which was not subject to the Children's Homes Regulations (DfE, 2018b) and not regulated by Ofsted. Concerns for children, who are mostly aged 16 and 17 years, living in this type of accommodation

have been growing through the course of the Howard League's programme, as highlighted in a recent report on the BBC's Newsnight (21 May 2019).

The police, children and young people and others have told us that they are worried about unnecessary criminalisation of children in unregulated placements. There are also safeguarding issues, and we have heard reports that children in unregulated placements are vulnerable to exploitation by criminals, including those running 'county lines'. We have been told of widespread concerns that some local authorities, the corporate parents, are not fulfilling their statutory obligations in relation to inspecting and monitoring this type of accommodation, particularly when they are out-of-area, and there have been calls for Ofsted to have regulatory power over all types of children's homes.

It is not currently possible to extrapolate criminalisation rates of children in unregulated accommodation from those of children living in Ofsted-regulated children's homes. Nevertheless, it is clear from the age of children being formally criminalised, as shown in the government data which reports the highest proportions of formal criminalisation in the 13-15 year age group (see above), and the success of our recent Freedom of Information request to police forces which directed them to a list of Ofsted-regulated homes, that criminalisation and high levels of police contact is an issue across both Ofsted-regulated and unregulated settings.

## **Conclusion**

The recent reduction in formal criminalisation suggests that work being done to prevent the criminalisation of children in residential care is having real impact. Even so, there remains high levels of contact between the police and some children's homes and areas of great concern, particularly around missing incidents. Better recording, interrogation and monitoring of data is key to addressing problem areas. We urge the government and police forces to review and improve current recording and reporting systems in order to build on successes and prevent more children in residential care from being unnecessarily criminalised.

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## About the programme to end the criminalisation of children in residential care

The Howard League's programme to end the criminalisation of children in residential care has now published five briefings examining different aspects of the issue, in addition to a scoping briefing. All briefings are available at [www.howardleague.org](http://www.howardleague.org).

There is also a programme blog which provides further updates, reflections and guest posts from young people, academics and practitioners at [www.howardleague.org/criminal-care](http://www.howardleague.org/criminal-care).

## 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.

We campaign, research and take legal action on a wide range of issues. We work with parliament, the media, criminal justice professions, stakeholders and members of the public, influencing debate and forcing through meaningful change.

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