



Picture: Warren Wong - unsplash

Ending the criminalisation of children in residential care  
Victims not criminals: protecting children living in residential care from criminal exploitation

## Howard League for Penal Reform

### Key points

- Significant progress has been made in reducing the criminalisation of children in residential care since the Howard League exposed the issue in 2016
- Despite this progress, people involved in crime, including those operating “county lines”, are taking advantage of failings in children’s social care and central government oversight to exploit and abuse children in residential care
- Focus now needs to be placed on safeguarding these children from exploitation and abuse by gangs and criminal networks
- Children suffering criminal exploitation are, at present, more likely to be criminalised than recognised as victims and helped
- A multi-agency approach, based on trusting relationships and shared responsibility between children’s homes’ staff, social workers and the police, is essential to preventing criminalisation and safeguarding children.

Briefing six

## Introduction

When we started our programme to end the criminalisation of children in residential care in 2016 we were primarily concerned with criminalisation for the kinds of minor incidents a parent would not have called the police about; things like breaking a mug or blowing smoke in a care worker's face.

Our campaigning, along with commendable efforts to tackle poor practice and unnecessary criminalisation by the police, children's homes, local authorities, Ofsted and the Department for Education through the publication of the *National protocol on reducing criminalisation of looked-after children and care leavers* (2018) has had considerable success. In 2013/2014, 15 per cent of children living in children's homes were criminalised; in 2018/19, this had gone down to seven per cent. This is a huge achievement.

This briefing moves away from our original focus on criminalisation for minor offences. It considers instead how children in residential care are being criminalised for offences they are committing as a direct result of child criminal exploitation (CCE), a more complicated and much less understood aspect of the problem our project looks to address. We highlight concerns about the high level of risk of exploitation and abuse by gangs and criminal networks to which children living in residential care are being exposed. We conclude that the current structure of the residential children's homes sector and the lack of central government oversight and control is putting children in danger and enabling the spread of exploitation and criminality around the country.

Our report is based on extensive research with several hundred people with knowledge of the children's residential care sector and/or child criminal exploitation. We have spoken to senior police officers at the National County Lines Coordination Centre, the owners of children's homes and their staff, directors of children's services, third sector organisations working with gangs and exploited children, police officers, social workers, youth offending teams, lawyers, magistrates and many others. We have spoken with children.

## Understanding child criminal exploitation and "county lines"

The language used to describe what is happening to children is constantly shifting as we struggle

adequately to convey the range of abuse being perpetrated. This report employs the terminology in current usage by the government and most agencies. It does not reflect the language that children use to describe their experiences.

Child criminal exploitation is defined by the UK government as occurring:

*"[W]here an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology."* (Home Office, 2018)

It frequently takes place within the context of what is described as "county lines" criminal activity. The UK government defines "county lines" as follows:

*"County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move and store the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons."* (Home Office, 2018)

The criminality children may be involved with as part of their exploitation and abuse is much broader than these definitions are able to convey and can include a huge range of criminal activities. Children are most likely to be identified as being exploited if they are caught carrying drugs or they are involved in violence-related activities. Police and others should be aware that many other offences, for example, theft and non-payment of train tickets, may also be indicators of exploitation. Professional curiosity, informed by training, is essential to identify signs of exploitation.

### *Child sexual exploitation and abuse*

Through the course of our research we have witnessed increased recognition by professionals that the lines between child criminal exploitation (CCE), child sexual exploitation (CSE) and

child sexual abuse (CSA) are blurred. Since the publication of our report *Out of place: The policing and criminalisation of sexually exploited girls and young women* (Phoenix, J., 2012) there has been a much greater understanding about CSE and the importance of not criminalising victims. Comparisons have been drawn with CCE and attempts have been made to implement the lessons learned from practitioners who have worked with CSE victims. Understanding that CSE and CSA are affecting boys as well as girls has also moved on. Both boys and girls are being sexually abused by gangs as a means of control, in order to make money, as “debt repayment” or as part of gang hierarchical structures and abusive practices. Children are frequently forced to hide drugs internally, which is also a form of CSE and CSA.

Increasingly, local authority and police efforts to tackle the problem have subsumed CSE work into a more general banner of child exploitation. However, it is still the case that boys are more likely to receive a CCE label and girls a CSE flag. It is important that all aspects of potential exploitation and abuse are considered for all children to avoid unnecessary criminalisation and to get the correct support structures in place.

### **Grooming and control of children by county lines criminals**

People running county lines exploit children to conduct their criminal activities in order to escape detection and because children are easier to control and manipulate than adults. They look for vulnerability, targeting children who are more susceptible to being groomed and who are least likely to have a caring adult looking out for them and noticing what is going on in their lives. They will target children with additional needs, mental health problems and difficulties at home, such as bereavement or parental conflict. Children on the edge of care and looked-after children are an obvious target. In some places, criminals will hang around children’s homes but children will also be targeted in other locations, such as parks, bus-stops, near free wi-fi – wherever children hang out.

Those exploiting and abusing children have a multitude of grooming techniques. They may offer gifts, such as small amounts of drugs or a new phone. They may befriend children. Gangs can offer that sense of protection and family children

are lacking at home. Girls may believe they are in a romantic relationship. As the grooming progresses, it is likely to change in tone. That sense of protection and family may continue but there will be new elements of control and coercion. What children believed to be gifts turn into debts that can never be paid off; threats of extreme violence, and actual violence, against children and families will be used; children may be forced into violent or demeaning activities themselves which are filmed and used to control them. They become trapped and have no option but to do what they are told. Some will make money but many children who are exploited see hardly any of the profits of the criminal activities they are forced or coerced to be involved in. Many children will be, as one expert described it, “scared senseless”. They will do whatever they are told and they won’t talk to anyone about what is happening to them.

Some children will maintain that they are acting through free will, motivated by money and/or the sense of belonging. As children become more entrenched in the group and rise up the criminal hierarchy they are more likely to be involved in peer-to-peer grooming, violence and the abuse of other children. It is essential to understand the sophisticated nature of grooming and control processes in order to appreciate why these children are victims of exploitation.

For more information about grooming and indicators of exploitation, see the Home Office’s *Criminal Exploitation of children and vulnerable adults: County Lines guidance* (updated 2020) and the range of resources for parents and professionals produced by The Children’s Society.

### **CCE and children in residential care**

Children in residential care are targeted by people carrying out criminal activities because they have the kinds of vulnerability and lack of adult oversight that makes them most susceptible to grooming and control. Some children will have been exploited before they went into residential care; others will be exploited once in care.

Robust data to support this essentially anecdotal evidence is not yet available, largely because professionals have not been identifying and recording instances of CCE. We spoke to one local authority who informed us they knew there was a problem in their area but they had

so far only identified three to four looked-after children as being at risk. Intelligence suggests very significant numbers of children could be affected. In 2018, the National Crime Agency was aware of about 2,000 “lines” (National Crime Agency, 2018). Many of these will involve child exploitation.

The numbers of older children coming into care has increased in the last five years (Department for Education, 2019). Older children are more likely than younger children to be in children’s homes, partly because of the lack of specialist foster carers. They are also more likely to be in private, rather than local authority, provision (Children’s Commissioner, 2019).

We do not know how many teenagers coming into care have been identified as being subject to or at risk of CCE because local authorities are not currently required to report on this to government. The Children’s Commissioner recently published some data on factors recorded at the Child in Need assessment by social services for teenagers who subsequently went into care. This showed that teenagers in care are more likely than younger looked-after children to have the following recorded as a concern: CSE; going missing; gangs; socially unacceptable behaviour; their own drug misuse; mental health problems (Children’s Commissioner, 2019). The data provides a worrying indication that many teenagers are either already victims of CCE when they enter care or that they are vulnerable to becoming victims. We believe that similar data should be recorded when children enter care and that this should be included in the annual return to government and made publicly available to assist monitoring of the problem and inform police and social care efforts to tackle criminality and protect children.

### **The children’s homes “market” works for those exploiting children**

The government has identified county lines as a major threat and it has been clear about the need to protect vulnerable children from people who seek to exploit and abuse them. If the government is serious about addressing the problem, however, it is essential that it recognises the ways in which the current residential children’s homes structure is playing into the hands of abusers and contributing to the

growth and geographical spread of the problem. Three-quarters of children’s homes in England are now owned by private companies. It is these companies, rather than central government, that decides where homes will be located. With the primary focus on profits this means that children’s homes are usually situated in less expensive parts of the country and frequently in disadvantaged areas. Pressure on places because of the growing numbers of children coming into care and the unequal distribution of homes around the country has led to a situation where more than 40 per cent of looked-after children are living outside their home area (Department for Education, 2019).

We have heard from directors of children’s services and other professionals that it is frequently impossible to place children in homes that are the right fit for the child and that have the staff skill base and resources to address specialist and complex need. Too often children are placed wherever a bed can be found. The lack of places for children in care has led to what one police officer described as children being “dumped” in emergency placements, sometimes into environments where people who are already exploiting children are operating and which puts them in danger.

In 2019, the All Party Parliamentary Group for Runaway and Missing Children and Adults conducted an inquiry into children and young people who go missing from out-of-area placements. Over 70 per cent of the 41 police forces that provided evidence to the inquiry stated that placing children out of area increased their risk of exploitation and often results in them being coerced into going missing. The report concluded that children were often placed out of their home area in children’s homes and semi-independent accommodation not because it was in their best interests but because there were no local placements available. Out-of-area placements were, the report said, driven by the market.

Moving children away from their home area may be the right option for some children but it has become more widely recognised that placing children at often long distances from home can (i) put exploited children and children who are vulnerable to exploitation at more risk and (ii) facilitate the spread of exploitation and the development of new “lines”. These are some of

the issues we have found:

- Out-of-area placements exacerbate the factors that can make children more susceptible to being groomed. For example, when a child is placed outside their local area they lose their support networks. They may feel alone and unhappy, their mental health may suffer, they may be out of school with time on their hands.
- Children who are already involved in county lines will make new networks when they are moved to another area. This can include peer-to-peer grooming of new children in new areas. As children are moved from placement to placement their network expands. One children's homes manager told us about a girl who had been in 28 placements, making new connections everywhere she went. A senior police officer told us about a child he had come across recently who had set up a new "line" when in an out-of-area placement.
- Any protective factors children had from being on their home turf are lost. They are in a strange environment, coming into contact with people they know nothing about.
- Local authorities can lose control and oversight over the care children are receiving and what is happening to the child when they are out-of-area.
- Children have difficulty accessing services in out-of-area placements. We heard of one child living in Norfolk who had to travel back to her home borough in London for essential mental health services. Many children placed out-of-area who are being exploited will not have the funding or status to access locally available statutory or voluntary provision services.
- Black children placed in predominantly white areas stand out making them an easy target for criminals. We heard also that expectations of criminal involvement of, for example, a black teenage boy from London, even when this is not the case, can place pressures on children and expose them to risk, for example, children may feel they have to prove themselves.
- Social media means that it is easy for criminals

to carry on threatening and exploiting children when they move to new areas.

- Children go missing from out-of-area placements to carry out illegal activities for exploiters. Children are known to travel very long distances, often hundreds of miles from home.
- Local professionals/workers lack the cultural competence to engage with children from very different environments.

### *Unregulated accommodation*

Concern around accommodation that is not registered with or regulated by Ofsted has risen in recent months and the government is now consulting on possible regulation. People carrying out criminal activities target children living in unregulated accommodation, sometimes called semi-independent living, because they are very vulnerable and often don't have anyone looking out for them. The gangs know where these properties are and they target children to criminally exploit them and to "cuckoo" their properties i.e. take them over for criminal activities.

### *Lack of government control of the market*

Despite costs which sometimes exceed £200,000 a year for a single placement (Housing, Communities and Local Government Committee, 2019), it is a seller's, not a buyer's market and local authorities often feel unable to confront powerful providers. Financial analysis conducted on behalf of the Local Government Association ("LGA") revealed that the six largest independent providers of children's social care services made £215 million in profit in 2019, with some providers achieving profit of more than 20 per cent on their income. The LGA's research showed that in just three years, eight of the biggest providers had merged to become the three largest groups in the sector. Councils are concerned about the levels of debt and financial risk being employed by these big companies, the LGA reported, and about the fact that there is no system in place to track the impact of such mergers on the market and issues such as quality and children's outcomes (Rome, 2020). The failure of government to monitor these companies and the lack of transparency and accountability means that serious weaknesses in the system, bad practice and over-pricing is hidden and unchallenged. It is failing to provide many children with the care they need and it is putting children at risk.

## **Children's homes and local authorities need to work together to protect children**

The marketisation of children's residential care is contributing to some of the poor practices around placing children. Difficulties with the relationships between local authorities and homes, some but not all of these driven by the market, is a key problem. We have heard from children's homes that local authorities are not always up-front about concerns around CCE. The more complex the child, the higher the cost of placement. Given the pressure on beds, councils are often unable to resist unreasonable pricing by some private providers. It can be tempting to downplay children's needs in order to secure a bed and keep the costs as low as possible. We have also heard concerns at a high level that some homes are dishonestly holding themselves out as having specialist skills to support children who are being exploited. A lack of openness and honesty between local authorities and homes is dangerous for children.

A well-run home with supported staff that care for and about children, as described in our previous briefing *Hearts and heads: good practice in children's homes* (Howard League, 2018) will create relationships and environments that make it less likely that children will be exploited. Homes can only provide the environment that children need to thrive when working in tandem with the child's local authority. Homes must be able to work effectively with social workers on an on-going basis, for example, to ensure that children are in education and provided with the support services they need, something that often isn't happening for children placed out-of-area. Being out of education and without necessary services makes children much more vulnerable to exploitation.

Children's homes tell us that they often don't feel supported or respected by local authorities. They are only very rarely included in any multi-agency planning around the child. The police and YOTs tell us that homes, particularly private homes, often won't engage with them. This has to change. If children are to be protected, children's homes have to be included, and engage with, multi-agency work as equal partners sharing responsibility for children. They have day-to-day knowledge of and responsibility for children. Multi-agency teams cannot function effectively without them. It would be helpful if government was clear about its expectations of children's homes around engagement with multi-agency teams and if Ofsted talked to homes about this

as part of their inspections. Issues with local authorities' interactions with homes could inform inspections of children's services also.

We heard many times that staff working in children's homes, social workers and even the police were frightened about making things worse for exploited children and putting them in danger. It is essential that staff in children's homes are trained to understand how to create an environment where children are less likely to be exploited, be able to spot the signs of exploitation and know what to do if they are worried that a child may be a victim. One former children's homes manager told us "*you can't imagine how scared some care workers are feeling.*" Staff need appropriate support too in order to deal with the responsibility and secondary trauma.

## **Missing incidents and exploitation**

Recent research by the charity Missing People found that there was a strong link between missing incidents and CCE (Missing People, 2019). In the year ending 31 March 2019, 50 per cent of all missing from care reports related to children living in residential care, semi-independent and secure units (Department for Education, 2019). Research we conducted in 2018 revealed that around half the calls children's homes make to police every year will be to report a missing incident (Howard League, 2019a). Missing incidents may be occurring because of exploitation or they may expose children to the risk of exploitation.

Anecdotally we know that children are being criminalised whilst they are missing but current police and local authority data systems don't allow us to analyse the extent or the nature of the problem. An indicator of the strong link between missing incidents and criminalisation comes from the results of a Freedom of Information request we made to the Department for Education which showed that, in 2018/19, 81 per cent of children criminalised in residential care were recorded as having been missing from placement that year; this compared to 11 per cent of all children in care who went missing at some point over the year (Department for Education, 2019). There were nearly 4,540 missing incidents recorded for children who were criminalised which equates to an average of 15 missing incidents per child, compared to six incidents per child for all children in care who went missing from placement that

year. Children who are being criminalised are therefore much more likely than other children in care to go missing and they will go missing more times. We don't yet understand why this is the case. We need to know more so that we can prevent criminalisation and safeguard children. We urge police forces to analyse the data available so that they know what is happening to children in their area. We discuss this in more detail in our briefing *'Know your numbers': Using data to monitor and address criminalisation* (Howard League, 2019a).

The police tell us that the first they usually hear about a child who is at risk of exploitation is when they go missing. Some forces would like local authorities to inform them about every looked-after child coming into their area. Whilst we advocate against this – a child should not be known to the police just because they are in care - if a child is significantly at risk homes should have relevant information and an up-to-date photograph to hand to the police when a child goes missing or there are concerns for their safety or well-being.

## **Preventing criminalisation of exploited children**

### *Police forces and other criminal justice professionals*

Every year the Howard League collects and publishes data on the numbers of child arrests in every force in England and Wales. Between 2010, when we began this exercise, to 2017 the picture was overwhelmingly positive with the numbers of child arrests falling in every force, with a national decrease of nearly 70 per cent between 2010 and 2017. The national figures continued to fall in 2018 but, for the first time since we started collecting the figures, we found worrying increases in 13 forces (Howard League, 2019c). Initial enquiries with some of these forces suggest that police activity to tackle county lines could be one, if not the main, contributing factor for the upward creep.

It is vital that police forces analyse their child arrests figures to understand what is happening. Where it is obvious that the child is a victim of exploitation, for example if they are found in a trap house, they should not be arrested. Where the police suspect that a child is a victim after arrest they must be treated as a victim not as a criminal from that point onwards.

The police tell us that many officers are finding it difficult to make that mental shift from seeing children who are carrying drugs and who may have been involved in violent activity as victims rather than criminals. Understanding children's vulnerabilities and about how gangs groom and control children is a vital part of what should be required training for every police officer. Ministry of Justice guidance for YOTs and frontline practitioners on county lines exploitation emphasises the victim-status of exploited children and notes that *"Children, especially older children, can often present as perpetrators when in fact they are victims of exploitation"* (Ministry of Justice, 2019, paragraph 1.5).

We also hear that children are being arrested because the police don't know what to do with children and need to keep them safe. We have heard many complaints about poor engagement and response from social services which has placed the onus on the police to "do something" with children until social services show up. This is a particular problem for the British Transport Police and forces that encounter children away from their home area. Children must not be arrested in order to keep them safe. We have heard from the police also that they sometimes take children into custody because the children are too fearful to return to a residential home that is poorly run and a frightening place to be. Poor quality care in a home can lead to children seeking affirmation, apparent affection and excitement with people who are out to exploit or abuse them. Poor care also leads to children running away and being exposed to dangerous situations.

### *Children's homes staff and social workers*

If a child is arrested and the children's home and/or social worker knows or suspects that the child is a victim of exploitation they should immediately inform the police and the child's solicitor. It is important to make sure that the child has a youth justice specialist solicitor with knowledge about child exploitation and the available defences. Care and social workers should also take whatever steps they can to comfort children and to put in safeguarding measures both during and after police custody. They should have training so that they are able to act effectively as a child's Appropriate Adult.

Information on the role of the Appropriate Adult and the steps that should be taken if a child

who has been arrested is known or suspected to be a victim of exploitation can be found in a joint publication by the Howard League and the Youth Justice Legal Centre, *Representing looked-after children at the police station: a step-by-step guide for lawyers* (2019b).

## Making communities safer

The moral argument for not criminalising child victims of exploitation and abuse is compelling. There is a strong societal and economic argument for safeguarding rather than criminalising children too. If we can help children get away from exploitation and abuse we will prevent future violence, protect other children and keep children out of a criminal justice system that is likely to lead to entrenchment in violent and criminal activity. By improving responses to exploitation we will make our communities safer.

## Shared responsibility

Child exploitation and the “county lines” business model has thrived on the boundaries operated by the 40 police forces and 343 local authorities in England. It is vital that agencies find ways to overcome the problems this fragmentation creates and that children receive a consistent response wherever they are in the country. It is not acceptable that an exploited child is recognised as a victim and safeguarded in one part of the country whilst in another part they are criminalised. It is also unacceptable that when the police pick up an exploited child hundreds of miles from home they can’t get in touch with anyone in their home force or authority who will take responsibility and make sure that child is safely returned home.

Different areas and agencies need to find ways of working cooperatively. The National County Lines Coordination Centre is striving to get a more coordinated approach from police forces. There is an urgent need for local authorities and children’s homes to engage and share responsibility. Those that neglect their responsibilities need to be held accountable.

## Conclusion

No single agency can tackle exploitation on its own. We heard time and again, usually from the police who tended to be driving local work, of the frustrations of trying to get children’s homes and local authorities to engage and support efforts to safeguard children. The work being done locally needs to be accompanied by a reappraisal of the residential care system by central government. We welcome the commitment in the Conservative Manifesto to “review the care system to make sure that all care placements and settings are providing children and young adults with the support they need”. We call on the government to recognise how an unmanaged system that operates according to market forces can play into the hands of people who exploit and abuse children. Addressing the issues in children’s homes is essential if the government is serious about tackling “county lines” and child exploitation.

A full list of references, more information about the Howard League’s programme to end the criminalisation of children in residential care and links to the other six reports in the series are available on the programme website at:

[www.howardleague.org/our-campaigns/programme-to-end-the-criminalisation-of-children-in-residential-care/](http://www.howardleague.org/our-campaigns/programme-to-end-the-criminalisation-of-children-in-residential-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.

[www.howardleague.org](http://www.howardleague.org)

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