

Safeguarding Futures:
Reducing the risk of criminal justice involvement
for children in contact with the social care system



The Centre for Justice Innovation

At the Centre for Justice Innovation, we seek to build a justice system that everyone believes is fair and effective.

We believe the justice system should be focused on solving the issues that drive crime and social harm; that it should be fair in how it treats people; that it should be proportionate in the things it does; and that those on the front line should be given the freedom and support to come up with innovative solutions to the problems their communities face.

To deliver our vision of a fairer and more effective justice system, we:

- provide hands-on support to practitioners in the justice system to help them develop and share innovative and effective practice;
- conduct research into how things work right now and how they could work better;
- promote evidence-based, innovative justice policy reforms;
- share lessons between the jurisdictions of the UK, and also with our sister organisation in New York City, the Center for Justice Innovation.

The Centre for Care

The Centre for Care is a research-focused collaboration between the Universities of Sheffield, Birmingham, Kent and Oxford and the London School of Hygiene and Tropical Medicine, the Office for National Statistics, Carers UK, the National Children's Bureau, and the Social Care Institute for Excellence. The Centre for Care is funded by the Economic and Social Research Council (ESRC, award ES/W002302/1), with contributions from the Department of Health and Social Care's National Institute for Health and Care Research (NIHR) and partner universities. The views expressed here are those of the authors and are not necessarily those of the ESRC, UKRI, NHS or NIHR.

Led at the University of Sheffield by Centre Director Professor Kate Hamblin and Deputy Director Professor Nathan Hughes, our work aims to make a positive difference in how care is experienced and provided in the UK and internationally by producing new evidence and thinking for policymakers, care sector organisations and people who need or provide care.

The Centre works with care sector partners and leading international teams to provide accessible and up-to-date evidence on care – the support needed by people of all ages who need assistance to manage everyday life. In studying care, we focus on ways of improving wellbeing outcomes and on the networks, communities and systems that support and affect people's daily lives, working closely with external partners.

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Foreword



As the lead researcher of this study, I am pleased to present this summary of our findings on children who have been involved with the care system and have received a criminal caution or conviction. This research was driven by my desire to address a significant gap in the evidence base – despite longstanding concerns about the links between care experience and youth justice involvement, there has been little research that has examined this crossover population using whole-population data and advanced statistical approaches. This evidence gap is of particular note for children subject to child protection while living within the family home, as opposed to those ‘looked after’ by the state. This report seeks to provide robust insights into the realities faced by these children, contributing to a deeper understanding of the systemic challenges at play and offering practical strategies for addressing them.

My motivation to undertake this work is also grounded in my professional experiences as a child mental health advocate and a multisystemic therapy practitioner. In these roles I witnessed first-hand how early life adversity and trauma can shape children’s futures. I have worked alongside families struggling to prevent their children from entering the care or criminal justice systems, with many families encountering systemic barriers that make it difficult to access the right support at the right time. Understanding these pathways is not about assigning blame but about identifying opportunities for meaningful intervention and change.

The purpose of this research summary is to highlight what is happening at all levels of the care system, to shed light on outcomes for some groups of children that are of particular concern and to explore work that is ongoing to improve these outcomes. By doing so, we hope to contribute to a more informed discussion about the factors driving these poor outcomes and to support efforts to improve responses across child welfare, education and justice sectors. The inclusion of case studies is intended to highlight examples of good practice and provide hope for what can be achieved when the right support structures are in place.

This report would not have been possible without the support of many individuals and organisations. I would like to extend my sincere thanks to the Centre for Justice Innovation for their expertise and guidance in developing this report. I am also deeply grateful to the criminal and family justice professionals who engaged with our research findings and shared their valuable insights and recommendations. Their perspectives have been essential in shaping our understanding of how current policy and practice can better serve these children.

I would also like to acknowledge the Centre for Care at the University of Sheffield for their support in facilitating this report and to ADR UK for funding the research analyses summarised here. A special thanks to Dr Calum Webb, whose expertise in data analysis and child welfare inequalities was invaluable in undertaking the analyses and interpretations summarised in this report.

It is our hope that this report serves as both a call to action and a source of inspiration. While the challenges are significant, the examples of effective practice included here demonstrate that change is possible. By working together across sectors and disciplines, we can create a system that better supports children in care, reduces their risk of criminal justice involvement and ultimately helps them to thrive.

A handwritten signature in grey ink that reads 'A. Leyland'.

Dr Anna Leyland, ADR UK funded Research Fellow 2021–2025,
Research Fellow, Manchester Metropolitan University

Executive summary

The past decade has seen significant progress in reducing the number of children coming into the youth justice system and into youth custody in particular. Innovations such as the spread of youth diversion and a greater awareness of child exploitation as a form of modern slavery have allowed many children to avoid the stigma and harm of formal criminal justice processing. However, this progress is not necessarily available to all children equally.

One group of children who face particular challenges are those who have contact with the children's social care system. This contact, which can range from a referral with no further action to statutory child protection interventions, including being taken into care, is associated with adverse childhood experiences such as poverty, abuse, neglect, parental mental health issues and substance use. Children with social care contact are more likely to have experienced childhood trauma and are more likely to have special educational needs and disabilities (SEND). These factors are associated with a range of negative outcomes, including criminal justice system contact. However, while much is known about the increased risk of criminalisation for children taken into care, less is known about outcomes for children with lower levels of social care contact.

The impact of social care contact on criminal justice outcomes

Our study sought to fill the evidence gap using data on children's social care contact and convictions given to children between 2005 and 2020. We found that children with any level of social care contact were more likely to have a criminal caution or conviction than children with no contact at all. The risk of a criminal caution or conviction increases in line with the level of social care contact but even the lowest risk group, those who were referred to social care but had no further action, faced three times the risk as children with no contact.

Figure 1. Proportion of children with a criminal caution or conviction by the highest level of social care contact they have experienced



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Boys are at higher overall risk of youth justice system involvement than girls. However, for girls involved in the children's social care system, the risk increases more than it does for boys. Girls who were referred to children's social care were 2.2 times more likely to have a conviction or caution than their peers, while boys were only 1.7 times more likely. Girls who had been in the system were 5.7 times more likely to have a conviction or caution than their peers, compared to only 3.5 times for boys.

Children with SEND are more likely to be involved in both the care and the youth justice systems. In particular, children with socio-emotional and mental health needs (SEMH) face a higher risk than other SEND groups, with more than half of children with SEMH and social care involvement having a criminal caution or conviction by early adulthood.

Although criminal justice outcomes are worse for children with social care contact everywhere in England, the picture varies significantly from place to place. Children with social care contact in the worst performing local authority areas face increases in the likelihood of criminal justice system involvement three times higher than those in the best performing areas.

How can we keep children with social care contact out of the justice system?

In order to explore practical responses to the negative outcomes for children with social care contact, we held workshops and interviews with a range of researchers, experts and frontline practitioners. They highlighted that although these children did face significant challenges in their family circumstances, their disadvantage was exacerbated by failures in the education, children's social care, health and youth justice systems. They identified four key strategies to address these systemic failures:

- 1. Invest in prevention:** Preventative services face unstable and inadequate funding. This has led to these services having long waiting lists and restrictive criteria, which makes it difficult for children and families to access them in a timely and effective way. Investing in support, from early help through to edge-of-care interventions, can reduce the number of children becoming involved in both children's social care and the criminal justice system, with the potential for significant downstream savings.
- 2. Embed trauma awareness:** Key professionals in children's lives, including teachers, foster carers and police officers, can lack understanding of how adversity and, in particular, trauma shape children's behaviour. This means that children can be labelled as aggressive, disruptive or difficult when they behave in ways which communicate their trauma. Ensuring that professionals have the capacity, knowledge and processes in place to understand and respond to the needs of children with trauma means they can support them more effectively and avoid confrontations that can lead to criminal justice involvement.

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3. Strengthen protective and diversionary models within the youth justice system:

Children in contact with the social care system are more vulnerable to criminalisation due to a lack of protective factors such as family supervision, and they are particularly exposed to exploitation. The risk of criminalisation is also increased for children who are looked after, who may face an overreliance on the police to resolve behavioural difficulties in their residential setting. Targeted measures such as addressing barriers to youth diversion, improving use of the National Referral Mechanism to prevent prosecution of exploited children and implementing local protocols to reduce the criminalisation of children who are looked after can play an important role in reducing unnecessary criminalisation.

4. Improve communication between the social care and criminal justice systems:

Poor communication between systems can lead to a range of issues, including a lack of timely support for children, and criminal justice responses that fail to consider children's histories, vulnerabilities and strengths. Without this personalised information, criminal justice agencies can default to punitive approaches. Developing better information-sharing approaches at both the preventative and post-arrest stages can lead to children receiving more appropriate and coordinated support.

Children in contact with social care face a range of adverse experiences that are known to raise their risk of becoming involved in the criminal justice system. However, as demonstrated by the difference in the levels of disproportionality seen in different local authorities, local practices play an important role in shaping the impact of this adversity. By working at the local level to improve the way that children with social care contact are supported and ensuring that they have access to protective and diversionary interventions, we can reduce the number of children entering the criminal justice system and make a real long-term difference to their lives.

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Understanding and responding to negative outcomes for children with social care contact

	Preventative interventions	Social care contact	Out-of-home care	Policing and out of court disposals	Youth Courts
Outcomes	Children who have criminal cautions or convictions are more likely to have high school absence levels (>11%), have been excluded from school, and/or have SEND	Children who are referred to children's social care but receive no formal intervention, or are supported by a social worker in their family home through early help or as a "child in need" or are on a "child protection plan" are 2-3 times more likely to have a caution or conviction	Children who are placed in an out-of-home placement are 4-6 times more likely to have a criminal caution or conviction than children with no social care contact	Children with any level of contact with the social care system face an increased likelihood of having a criminal caution or conviction of 2-4 times that of someone outside of the care system	Children with any level of contact with the social care system are 2-7 times more likely to have custodial sentences This is particularly the case for girls who have been a "child who is looked after", who were 11 times more likely
Challenges	<p>Early help and other preventative services are under-resourced, leading to long wait times and restrictive criteria</p> <p>Schools struggle to meet the needs of children with trauma and other family difficulties, leading to higher rates of exclusion and worse outcomes</p>	<p>Family difficulties can place children at higher risk of criminal and sexual exploitation</p> <p>A lack of effective communication between children's social care and criminal justice agencies can lead to escalating perceptions of risk</p>	<p>The process of being taken into care can be traumatic and destabilising</p> <p>Children who are looked after can face criminal sanctions for behaviour which would be resolved within the family if they were at home</p> <p>Children who are looked after face worse outcomes in education, health and other areas</p>	<p>Children who have experienced trauma can find interactions with the police challenging, and may be highly reactive when faced with poor treatment</p> <p>Children in contact with the social care system may face additional barriers to being diverted from prosecution</p> <p>The National Referral Mechanism may fail to identify children who have been exploited</p>	<p>Youth courts can be intimidating and confusing, particularly for children with SEND or trauma</p> <p>Solicitors and magistrates often lack adequate training in communicating with children</p> <p>It can be difficult to divert cases that have reached court unnecessarily</p>
Strategies for improvement	<p>Increasing the provision of youth and community work</p> <p>Incorporating trauma-informed practices into schools</p> <p>Incorporating enhanced support into alternative provision schools via the "taskforce" model</p>	<p>Ensuring effective and timely information sharing between criminal justice and children's social care agencies</p> <p>Delivering targeted preventative interventions through children's social care rather than youth justice services to reduce the risk of labelling</p>	<p>Using models like Family Drug and Alcohol Courts and edge-of-care interventions to reduce the number of children entering local authority care</p> <p>Providing trauma-informed support for foster carers and social workers supporting children who are looked after</p> <p>Developing local protocols to reduce the criminalisation of children who are looked after</p>	<p>Improving the capacity of police to recognise and respond to signs of trauma</p> <p>Using voluntary interviews rather than police detention where possible</p> <p>Addressing barriers to accessing diversion</p> <p>Ensuring social work engagement with joint decision-making panels</p>	<p>Facilitating diversion of cases that have come to court unnecessarily</p> <p>Providing specialist training for youth court solicitors</p> <p>Supporting judges and magistrates to communicate effectively with children through additional specialist training</p>

Case studies of promising practice

	Case study	Aims	Model	Impact	Link
Preventative interventions	Barca-Leeds	Barca-Leeds provides holistic support to children, families and communities, with specific projects aimed at reducing youth violence and criminal exploitation	The charity partners with statutory agencies to provide a multi-agency response to children at risk of exploitation, encompassing practical and emotional support	Supported 13,600 people in 22/23. No targeted evaluation but a 2024 inspection report found that “most children in Leeds who are affected by serious youth violence and/or criminal exploitation benefit from an effective and well-coordinated multi-agency response”	Barca-Leeds
Social care contact	Bristol Safer Options Forum	The Safer Options Forum aims to reduce youth violence and the exploitation of children in Bristol	The approach involves coordinating the responses of organisations and statutory services to put plans in place for children, as well as offering them mentoring	No evaluation evidence available	Bristol Safer Options Forum
	North East Lincolnshire integration of out of court disposals and early help	This initiative was designed to make youth out of court disposals more supportive and less stigmatising	The integration of out of court disposals into the early help hubs enables children to receive multi-agency support and meet professionals within community locations	The proportion of out of court cases considered “successful”, in terms of avoiding recidivism and return to the service, averaged at 45% before the integration, but 834% in the years after	
Out-of-home care	Family Drug and Alcohol Court (FDAC)	FDACs support families in care proceedings where substance use is a contributing factor to the risk of the child being removed from the family	Families receive tailored support from a dedicated multidisciplinary team and meet regularly with an allocated judge who provides advice and motivation	A 2023 evaluation found that FDAC increases the chance of children remaining in their parents’ care and reduces substance use. A 2024 cost-benefit study found that it saves the taxpayer £3.20 for every £1 spent	FDAC evaluation FDAC: the case for investment
	Brent Accelerated Support Team Edge of Care Intervention	The AST aims to address the issues faced by young people (aged 11–17) at high risk of being taken into care	The team offers at-risk children and their families intensive interventions and onwards referrals to support services needed	A 2020 early evaluation found that the intervention had a positive impact on a range of areas, including reducing offending and homelessness, and improving mental health	Brent Accelerated Support Team
	St Giles Trust London Edge of Care Project	Support children at risk of being taken into care, and their families	Key workers work with children and families to obtain tailored support and provide advocacy to help access services	No evaluation evidence available	
Policing and out of court disposals	Reflective Supervision for police officers	This Reflective Supervision Pilot sought to provide support to police officers with their experiences of trauma to enable improved policing	Police officers in the pilot were offered group sessions run by a multidisciplinary team that included teaching and reflective practice on trauma	A 2020 evaluation found that levels of stress and burnout were reduced among officers who partook, and feedback suggested an increased understanding of the impact of trauma	Reflective supervision for police officers
	Children’s social care representation at joint decision-making panels (JDPs), Bradford	The expansion of JDPs in Bradford to include representation from children’s social care intends to provide more timely and appropriate support to diverted children	Two representatives from children’s social care bodies are included in the JDPs to provide advice on the types of services that can form part of the diversion intervention, and at times provide more information on a child’s background, needs and strengths	No evaluation evidence available	
Youth court	Diversion from court as part of Children First, Gloucestershire	Address low- to medium-level offending by children in a way that is proportionate and minimises labelling and with input from victims	Under the pathway, children who may not have been eligible due to a no-comment interview or otherwise bypassed the JDP can be identified and, with agreement of the child’s solicitor, CPS, the Youth Justice Service representative and the court clerk, can be sent back for consideration at the JDP	No formal evaluation, but service data shows that in the first three years of operation, 66% of assessed children were diverted and that the 6-month reoffending rate was lower than the national rate of youth cautions (though this is not a matched comparison)	Children First, Gloucestershire

Background

It is widely known that care experienced children are at greater risk of coming into contact with the criminal justice system, including being more likely to receive a custodial sentence.¹ What is less known is that this inequality also exists for children with other forms of involvement with children's social care, such as those who are supported as a child in need or on child protection plans.

Children with social care contact experience more adversity and traumatic exposures than other children, and the overall impact of these experiences is disadvantageous to health, education and opportunity. Every child's experience is unique, and many children with social care contact succeed in school and never receive any formal cautions or convictions. However, for some the challenges that they face add up to a perfect storm of vulnerability for criminal exploitation and criminalisation, and this increase in risk is greater for girls and for children with additional neurodevelopmental needs.²

However, evidence around the extent of this disparity is limited. Although we already know something of the differences in outcomes for girls and boys who have had contact with the social care system, we are often drawing on evidence from other countries or referring only to children who have been a child who is looked after. We know far less about outcomes for girls and boys who have been supported at other levels of the social care system

A research project funded by ADR UK and conducted by Anna Leyland at the University of Sheffield sought to explore the inequities that exist in England for children at different levels of the social care system.³ The research estimated the likelihood of criminal cautions or convictions by the year 2020, when the children were aged 20–25, using a regression model on linked government datasets from the Department for Education (DofE) and the Ministry of Justice. This covered a whole population sample of children born between 1995 and 1998. Child welfare service involvement was derived from the Children in Need and Children Looked After datasets.⁴

How does contact with the social care system impact children's risk of criminal justice involvement?

Children with any level of social care contact are more likely to have a criminal caution or conviction

The research found that children at all stages of the social care system were more likely to have a criminal caution or conviction than children outside of the social care system (as shown in Figure 1, above). Figure 2 shows that as the tier of child social care involvement goes up, so does the risk of formal criminal justice outcomes. For example, children who were a child who is looked after as part of their care experience are 4.5 times more likely than children who had no involvement with the care system to have a criminal caution or conviction.

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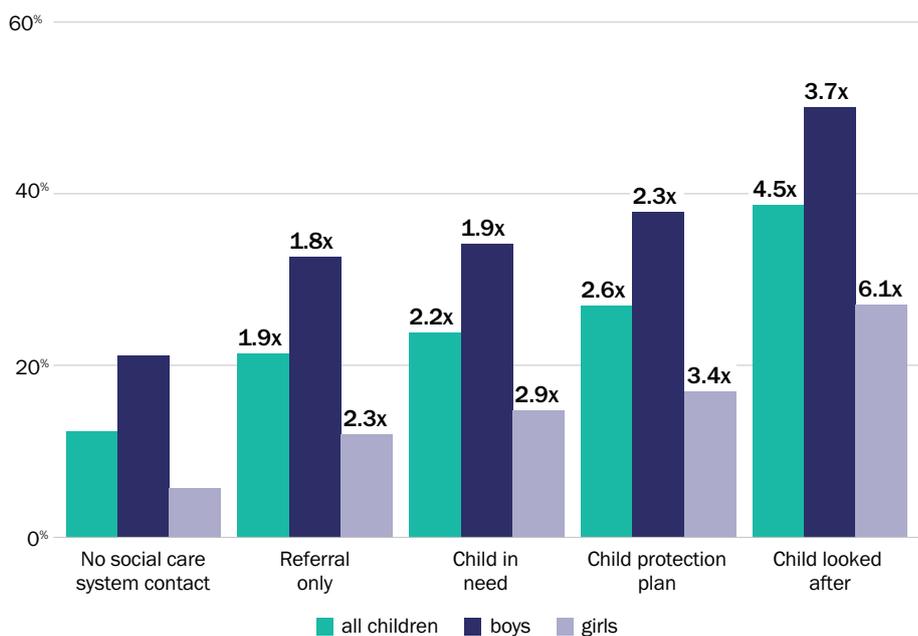
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Figure 2: Proportion of children with criminal convictions or cautions by gender and highest level of children’s social care involvement.*



Girls with social care contact face a greater increase in risk than boys.

The risk of a criminal caution or conviction increases in line with the level of children’s social care contact for both boys and girls. Boys are at higher overall risk of criminal justice system involvement than girls. However, being involved in the social care system increases the risk to girls more than it increases the risk to boys.⁵ Girls who were referred to children’s social care were 2.3 times more likely to have a conviction or caution than their peers, while boys were 1.9 times more likely, and girls who were looked after were 6.1 times more likely, compared to only 3.7 times for boys who were looked after.

Findings from a separate analysis looking at rates of custodial sentences for children at different levels of the social care system found that social care contact increased the likelihood of having at least one custodial sentence.⁶ This analysis found that girls with social care involvement were particularly at risk of having a custodial sentence. Girls who were a child looked after were 11.4 times more likely to have a custodial sentence than girls outside of the social care system. Overall, more boys received custodial sentences than girls, reflecting a gender gap in recorded offending rates that is seen globally. However, the increase in risk related to being in the social care system was less for boys than for girls.⁷

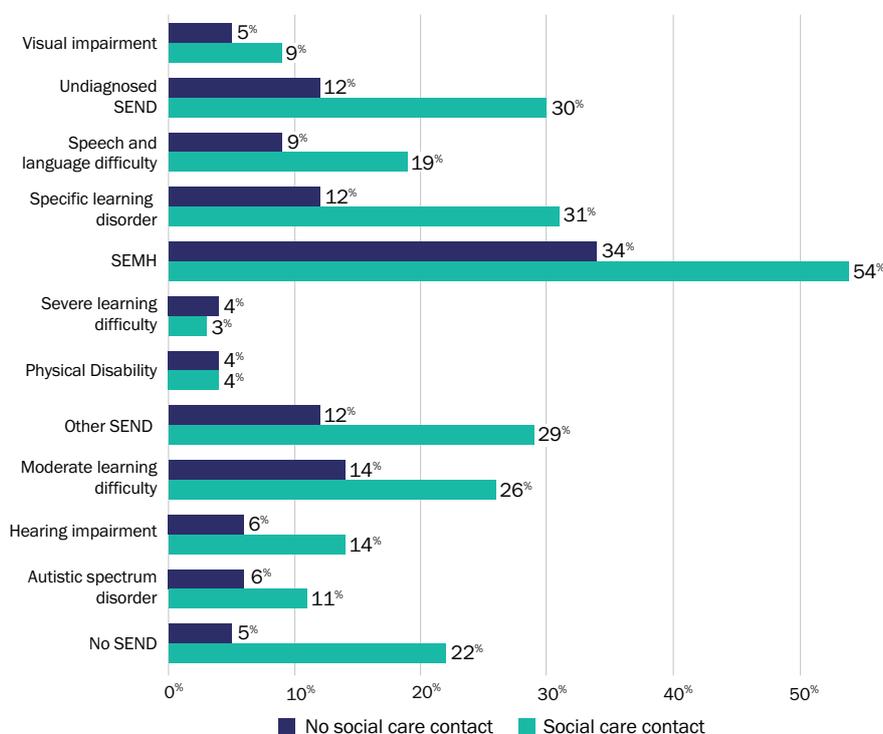
* No social care contact is the comparison group to all other social care system groups; as such, there is no column label for this group of children. The column labels in the figure can be interpreted so that, for example, for children with social care system contact at the level of a referral only, the risk of have a criminal caution or conviction is 1.9 times that of children without social care system contact. The heights of the columns can be interpreted as the percentage of children within each care system population who have a criminal caution or conviction by the year 2020. For each category, the left-hand column shows the whole population (boys and girls), the central column shows boys, and the right-hand column shows girls within each social care system group.

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The rates of criminal caution and conviction for children with special educational needs and disabilities also increases with care system contact

Children with SEND are more likely to be involved in both the social care and criminal justice systems. Figure 4 looks at the rate of criminal justice system involvement for children in each SEND category and how this changes when they have social care involvement. Within each category of SEND (shown in Figure 4), rates of criminal caution and conviction is higher for those in the social care system than those without a care system intervention. The research also found that children with socio-emotional and mental health needs (SEMH) are most likely to have a criminal caution or conviction. For those with SEMH in the children’s social care system, more than half are likely to have a criminal caution or conviction by early adulthood.

Figure 4: Proportion of children with criminal convictions or cautions by SEND category and care system involvement*



* Children were grouped according to their documented primary SEND category.

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Reducing the risk of criminalisation for children in contact with the social care system

As set out above, children with social care contact face many personal, family and community-level factors that place them at higher risk of harmful criminal justice system outcomes such as cautions, convictions and custodial sentences. However, these risk factors are not the only determinants of their outcomes. Their pathways will be influenced by a range of systems they come into contact with in the community, in social care and in the criminal justice system itself.

In order to explore how these systems might be improved in order to mitigate the risks facing children with social care contact, we brought together two roundtables of experts with experience of working to support children across the social care and youth justice systems.* In the following section, we have drawn from these roundtables, as well as additional practitioner interviews and the evidence base on effective working with children, to identify key challenges which might exacerbate children's risks and practical, evidence-informed strategies for improvement.

We will look at how children can be better supported through five key domains in the social care and youth justice systems: i) preventative interventions; ii) formal social care contact within the family; iii) local authority care; iv) police contact and out of court disposals; and v) the youth court. Note that changes to the design of community sentences and custody are out of scope for this report as our focus is on reducing the chance that children reach these outcomes, but we do recognise that improvements in those areas can also play an important role.

Throughout this section you will find case studies of notable practice. While we have sought to focus on projects where evidence points to a positive impact, the strength of evidence for each is limited by the evaluation that has been undertaken to date. These case studies are therefore presented not as examples of good practice that should be replicated unreflectively, but rather as resources for practitioners and policymakers seeking to understand what is possible and how it can be achieved.

Preventative interventions

Challenges

Participants in our roundtables reported that the earliest opportunities for intervention to support children and families were often missed due to a lack of resources. Early help services, which work with families who have not reached the threshold of statutory social work intervention,⁸ and other preventative approaches were seen as important opportunities to prevent problems impacting children and their families from escalating. However, current funding arrangements for early help are fragmented, short-term and uncertain,⁹ leading local authorities to scale back provision¹⁰ and meaning that opportunities for early intervention are missed¹¹ due to long wait times and restrictive access

* Roundtables were 90–120 minutes long and included a total of 26 participants from the following groups: local authority social workers, family support practitioners, family lawyers, government officials, academics, inspectors and third-sector experts. Participants were asked to consider the findings on increased risk and identify potential drivers of disparity and promising responses. Input from participants has been used to identify case studies for this report.

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criteria. Child and Adolescent Mental Health Services were also highlighted as inadequately resourced and consequently very difficult to access.

Roundtable participants highlighted the importance of schools as a source of safety and consistency for children in challenging family environments. However, they also noted that schools may be poorly adapted to meet the needs of these children. Children in contact with social care face significantly more problems at school than their peers. In 2021/22, children with a child in need plan missed nearly three times as many days of school as an average pupil,¹² were three times more likely to have been suspended and six times more likely to be permanently expelled¹³ and were only a third as likely to achieve to achieve five grade 5s at GCSE.¹⁴ Exclusion from school is also associated with negative criminal justice outcomes, with one in five children who are looked after who receive an immediate custodial sentence by age 24 having been expelled at least once, compared to only one in 60 of children who are looked after with no criminal justice system involvement.¹⁵ Participants in our roundtables also suggested that schools could be contributing to the criminalisation of young people through the over-use of embedded police officers to resolve behaviour issues.

Strategies for mitigating risk

Increasing the provision of youth work

Eighty-five per cent of young people's time is spent outside of the education system, and it is recognised that the ability to access activities during this time can affect a young person's potential, their development and their overall wellbeing.¹⁶ Evidence reviews by the Youth Endowment Fund (YEF) have shown evidence that some models of youth work, such as sports programmes and mentoring, have well-evidenced links to positive outcomes for vulnerable young people and the potential to reduce reoffending.¹⁷ Research also suggests that increased spending on preventative services, including youth clubs, is directly associated with reductions in children entering out-of-home care.¹⁸

However, since 2010/11, youth services, including youth clubs and youth workers, have reduced by 70%. An analysis by the YMCA suggests that this has equated to the loss of 4,500 jobs and the closure of 750 youth centres.¹⁹ These cuts are likely to have particularly impacted vulnerable children, with a 2024 YEF study finding children with experience of violence are twice as likely to attend youth clubs as other children.²⁰ Researchers have linked youth club closures directly to poor outcomes for vulnerable children, with one study suggesting that children in areas where youth clubs have closed showed increased offending and reduced education attainment compared to peers who had access to these services.²¹

Case study: Barca-Leeds

Barca-Leeds is a third-sector organisation providing holistic support to children, families and communities across Leeds. In 2022–2023 it supported over 13,600 individuals.²² As part of the Leeds Youth Alliance, the service is fully integrated with Leeds City Council youth work. With a focus on providing integrated community-based support, the organisation provides a range of services that offer both practical and emotional wellbeing support in a range of different settings, including mentoring in schools, social prescribing, Healthy Holidays activities, detached outreach, group activities, sexual health interventions and specialist projects.

Specialist projects include the *Violence Reduction Project for 10 to 16 year olds*, focused on building an awareness and greater understanding of the drivers towards, and the impacts of, knife crime; and specialist *Targeted*

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Family Support, working with the children who have been impacted by parental substance use.

Partnership working with statutory agencies is integral to the work, with Barca-Leeds represented at Safer Communities Meetings and acting as a strategic partner in the multi-agency responses for children at risk of, and/or experiencing, youth violence and criminal exploitation. This focus on locally based early help intervention and support is underpinned by a high level of consultation with families and children. In March 2024, a [Joint Targeted Area Inspection](#) in Leeds found that “most children in Leeds who are affected by serious youth violence and/or criminal exploitation benefit from an effective and well-coordinated multi-agency response”.²³ It noted that “strategic partnerships in Leeds are well embedded and mature” and recognised that practitioners work “passionately with children and families to reduce risks and inspire and divert children away from serious youth violence”.

Incorporating trauma-informed practice into schools

Given the poor educational outcomes for children with social care contact, such as high levels of expulsion and low attainment, it is imperative that schools are equipped to meet the needs of these children. In particular, researchers have highlighted that challenging behaviour, often an expression of trauma or other unmet needs, can be met with punitive responses that undermine wellbeing and drive exclusions.²⁴ Trauma-informed schools represent an alternative approach, developing teachers’ understanding of trauma and providing supportive options for children, including access to safe spaces when in distress and help in understanding their behaviour.²⁵ Trauma-informed schools are the subject of an ongoing large-scale evaluation in England and Wales,²⁶ but emerging evidence from other jurisdictions has shown positive impacts on behaviour and wellbeing,²⁷ suggesting they represent a promising adaptation that is worth further exploration.

Incorporating enhanced support into alternative provision

While it is important to minimise the use of expulsion, there is also the need to ensure that the right support is available for children who have been expelled. Alternative provision (AP) arrangements such as pupil referral units are the most common destination for excluded children.²⁸ A 2024 DfE paper notes the high levels of need faced by children in APs. It reports that 69% of children in AP have been a child in need compared to 11% of children in mainstream schools and that they also showed high levels of free school meal eligibility and SEND.²⁹

In response, DfE has been trialling the AP specialist taskforce (APST) model in a number of schools since 2021. The taskforce model co-locates multidisciplinary teams in APs in order to offer a responsive service to children and improve collaboration with other agencies, as well as upskilling existing staff.³⁰ APST teams include a range of specialists such as educational psychologists, social workers, youth workers and speech and language therapists. While the current evidence base does not directly demonstrate impact, giving children access to an integrated service with the skillset to respond to their individual needs is a plausible response to the high levels of needs seen in children in APs and their poor outcomes.

The APST approach is currently the subject of a DfE pilot (with an impact evaluation due to report in 2025), but emerging evidence has been positive. A total of 4,000 pupils received support between November 2021 and autumn 2023, the majority of this being one-to-one work. In the latest term for which data is available, 98% of pupils who were offered specialist support engaged with it.

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Supporting children with social care contact while in the family home

Challenges

Participants in our roundtables highlighted that any form of social care contact suggests a number of risk factors, including neglect and abuse, trauma, deprivation, a lack of family support and supervision and, particularly in the case of child protection, a deterioration in relationship between parents and support agencies. This put children at higher risk of being targeted for criminal exploitation and, for girls in particular, sexual exploitation.

Participants also described how a lack of effective communication and collaboration arrangements between the youth justice and children's welfare care systems meant that children in contact with both could be caught up in an escalating spiral of perceived risk where social care contact can raise the likelihood of more intensive and coercive interventions from youth justice services and vice versa. However, contact with a youth justice service, even as part of a preventative intervention, can potentially run the risk of increasing later criminal justice involvement through the implicit labelling effect of being subject to a criminal justice system intervention and the increased likelihood of becoming known to the police.

Strategies for improvement

Ensure effective and early information sharing between police and children's social care

Effective information sharing is widely recognised as an important facilitator of appropriate support for children at risk of serious harm. Poor or non-existent information sharing is a factor repeatedly highlighted as an issue in Child Safeguarding Practice Reviews carried out following the death of, or serious injury to, a child. For children in contact with both the youth justice system and the social care system, information sharing plays a dual role in avoiding harm. Information shared by the police with children's social care can highlight when a child is at risk in their home environment and trigger safeguarding support. But information shared by social care agencies with police and youth justice services can provide context about a child's behaviour that can ensure they receive the appropriate response. For example, where a child's behaviour can be understood as an expression of trauma, this may lessen the need for a formal justice system response. Similarly, where social care agencies have identified patterns of behaviour consistent with criminal or sexual exploitation (such as going missing or having unexplained cash or gifts) this can mean that a child is responded to as a victim of modern slavery rather than as an offender.

Ensuring that information sharing takes place as early as possible can trigger appropriate preventative interventions, either through children's social care or the local youth justice service. However, it can be challenging to coordinate due to a lack of formal structures in place for sharing information on children known to police but not immediately suspected of an offence. Some areas have explored integrating police more fully into multi-agency safeguarding arrangements, or developing new forums to focus specifically on children at risk and those involved report that these arrangements are having a positive impact on outcomes for children, although evaluation evidence is limited.

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Case study: Bristol Safer Options Forum

Safer Options is a multi-agency approach to preventing serious youth violence, child criminal exploitation and child sexual exploitation in Bristol. It was launched in 2018 as a community-led response in East Central Bristol due to increasing incidents of serious violence and child criminal exploitation. In 2019, it was scaled up to a city-wide response after receiving funding from the Home Office and the introduction of the Avon & Somerset Violence Reduction Partnership (VRP). In 2020, Safer Options integrated with Bristol's response to child sexual exploitation and missing children.

The Safer Options approach involves coordinating work across a spectrum of organisations to deliver services that tackle contextual safeguarding issues. Safer Options works closely with statutory services, local voluntary and community organisations, children and communities to develop creative protective plans to reduce the risk to children and support those who are involved in serious youth violence or victims of exploitation.

Multi-agency Safer Options meetings are held weekly in each of Bristol's three locality areas. The meetings focus on children, locations, peer groups and prevention. The meetings are chaired by the Area Deputy Service Manager in partnership with the Safer Options Manager and Area Families in Focus Manager. They draw information from a variety of sources, including schools, children, police and the local community. Safer Options also facilitates a two-way flow of information between police and children's social care. Police intelligence might trigger additional social work support where a child has been identified as being at risk of exploitation, while knowledge of a child's family circumstances may also influence police decision-making on how to respond to their behaviour.

Safer Options can offer a variety of commissioned interventions for at-risk children, as well as triggering activity and intervention by partners. Its core offer is community mentoring, which is delivered by various community organisations across the city so that children have a choice to work with an organisation and a mentor that are best suited to their needs and interests, such as sports or music. It has also developed specific pathways for children who have been found in possession of an offensive weapon or a small quantity of a controlled drug on the premises of an education setting. The pathway seeks to ensure a proportionate response from education settings and police when these incidents occur. It offers a package of tailored support for children with the aim of preventing further offending and helping to keep them safe.

More info: <https://bristolsafeguarding.org/professional-resources/safer-options-contextual-safeguarding-and-extrafamilial-harm>

Deliver targeted preventative services through social care rather than youth justice services to reduce the risk of labelling

Research suggests that although most children naturally grow out of offending,³¹ contact with the criminal justice system actually inhibits this effect.³² Part of the explanation for this can be found in labelling theory, which suggests that criminal justice processing causes children to self-identify as offenders.³³ This both cuts them off from legitimate opportunities³⁴ and encourages them to become involved in deviant groups,³⁵ leading to further offending. For this reason, it is important to avoid putting children in contact with youth justice services unless necessary. The Youth Justice Board places diversion from stigma as one of the core principles of a child-first youth justice system.³⁶

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This is particularly relevant in the case of preventative work, which takes place when a child is identified as at risk of offending. In practice, preventative work is commonly triggered through the child coming to the attention of police, for example when witnessing a crime, being a victim of a crime or associating with known offenders. While not part of their statutory work, many youth justice services deliver preventative work. However, while much of this work is well structured, working with these children via children's social care has the potential to deliver improved outcomes by reducing labelling, as well as potentially providing a better setting in which to work with other children-related systems such as families and schools. The appropriate social care service may be early help or statutory children's social care, depending on the child's circumstances.

North East Lincolnshire integration of out of court disposals and early help

North East Lincolnshire Council has integrated its out of court disposals team into its early help Family Hubs in order to facilitate a more supportive approach to children who have committed low-level offences, addressing their behaviour within their wider family context.

The new structure means that all children eligible for out of court disposals are allocated a family-first practitioner within the early help team. This practitioner undertakes an assessment of the child and family before a decision about diversion is made by the joint decision-making panel. Those who receive a diversion will have multi-agency support from the early help team, with additional partner services available to their wider families in order to promote a sustainable outcome.

Another key element of the provision is that children and their families meet professionals in family hubs or other community locations to avoid any link to the youth justice service, thus lessening the impact this has on labelling and pro-social identity.

The out of court disposal provision of the youth justice service was first moved into early help in 2017, following the 0 to 19 commissioning review. New policies to enable this were written and agreed in conjunction with the police and the service. The impact of the initiative has been seen through the percentage of out of court cases considered "successful" in terms of avoiding recidivism and return to the service, which averaged 45% before the move and 83.4% in the years after. Out of court disposal policy and provision in North East Lincolnshire was rated "outstanding" in the 2022 inspection of the youth justice service.³⁷

Children in out-of-home care

Challenges

As well as the criminal justice outcomes noted above, children who are looked after in out of home care placements, face significantly worse outcomes across a wide range of areas, including educational attainment, post-education destinations³⁸ and physical and mental health.³⁹ Participants in our roundtables stressed two issues: the negative impact on children of the process of being removed from parents; and the vulnerability of children in care. They noted that for a child facing removal, the duration of care proceedings (which aim to be completed in six months but typically last around 12) can be one of particular risk due to the instability of being in temporary living arrangements and uncertainty over their long-term future.

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For those children placed in care, participants noted two key drivers of criminal justice system involvement. Firstly, they suggested that, even compared to children in child protection arrangements while living with their family, children in care face increased vulnerability to criminal and sexual exploitation resulting from their experiences of trauma, abuse and neglect, and a lack of supervision and support within their care setting.

Secondly, they noted that children in care can come into contact with police due to behaviour that would likely be managed within the family if they were residing at home. This was described as an issue around the training of staff supporting children and of police. However, it was not necessarily agreed that this applied equally to all settings, with some participants suggesting that many residential care homes would have robust policies in place to reduce police call-outs, while others noted that foster carers and the agencies who support them could be particularly risk averse. Participants who have direct engagement with care providers suggested that unregulated care homes, in particular, could make excessive use of the police to support them in managing challenging behaviour.

Past research has highlighted that foster carers can struggle to understand and respond to the complex needs of children,⁴⁰ leading to their behaviour being labelled as oppositional, destructive or defiant,⁴¹ which can ultimately result in multiple placements, with nearly a third of young people in foster care being moved at least once in a single year.⁴²

Strategies for improvement

Expand the provision of edge-of-care interventions

The negative outcomes associated with experience of care suggest that interventions that enable children to safely stay with their families may offer significant benefits. Services targeting families where children are on the edge of care – where a child is at serious risk of becoming looked after – are an important complement to early intervention and can prove cost-effective if care is avoided due to the high cost of placements. Edge-of-care interventions cover a broad range of approaches, however. Evidence supports the effectiveness of a number of different treatment options in this context, including functional family therapy, multidimensional family therapy and multisystemic therapy.⁴³

While most edge-of-care interventions are targeted at families before entry to care proceedings, Family Drug and Alcohol Courts (FDACs) are aimed at families facing the prospect of removal through care proceedings. FDACs operate as a collaboration between community-based support teams and the court itself. Despite their different points of intervention, edge-of-care interventions and FDAC share common elements. Both are wrap-around care models that provide a comprehensive package of individualised support, including components such as strengths-based working and motivational interviewing, which are well-evidenced practices.

While edge-of-care interventions are already used by many local authorities, it is important to ensure that they have the resources for effective implementation. Evidence suggests that successfully implementing these models requires a broad range of support from local partners to deliver strong multi-agency working and clear referral pathways into external services.⁴⁴ Some voluntary-sector voices have stressed the importance of a sustainable long-term funding strategy for this area.⁴⁵

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Case study: Family Drug and Alcohol Courts

FDACs are an alternative family court for care proceedings which work with families facing parental substance use, domestic abuse, mental health and other issues that are impacting the safety and wellbeing of children.

Families in FDAC are supported by a dedicated multidisciplinary team, which typically includes social workers, substance use workers, mental health specialists, domestic abuse specialists and clinical lead psychiatrists. Each FDAC family is also assigned a dedicated judge with specialist training who will oversee the case from beginning to end and meet regularly with them at informal non-lawyer reviews where they discuss progress.

Parents who join an FDAC are given what is called “a trial for change”. This is a period in which they work on interventions agreed in a personalised plan that the team, family and other professionals devise together. Parents are asked to work closely with the FDAC team and with other services, giving them the best possible chance to overcome their problems. At the same time, FDAC tests whether parents can make the required changes quickly enough to meet their child’s or children’s needs.

The UK’s first FDAC opened in London in 2008 and today there are 14 FDAC teams working in 20 courts and supporting children from 33 local authorities. FDAC teams are principally funded by local authority children’s services departments, while the adaptations to court practice are seen as cost neutral and are implemented with the support of the President of the Family Division.

FDACs have been consistently found to reduce the number of children entering care. The most recent national evaluation found that 52% of children in FDAC cases are placed in the care of their parents compared to only 13% of similar children in standard proceedings.⁴⁶ A cost–benefit analysis, commissioned by DfE, demonstrates that FDAC saves the state £3.20 for every £1 spent.⁴⁷

The Centre for Justice Innovation provides support to local areas in implementing FDAC. To find out more about the FDAC model, visit FDAC.org.uk

Case Study: Brent Accelerated Support Team Edge of Care Intervention

The Accelerated Support Team (AST) is an initiative run by Brent Early Help Service and is aimed at addressing the issues faced by children aged 11–17 who are at high risk of entering care. The AST was established in early 2019 within the Brent Children and Young People’s Department Early Help Service. Additional funding was secured in late 2019 through the Government’s *Supporting Families Against Youth Crime* initiative.

Children and their families are supported by caseworkers and are offered intensive, time-limited interventions that target their most immediate needs. AST caseworkers focus on understanding family dynamics, evaluating risk and identifying needs to make onward referrals to commissioned services. The AST has access to a range of services, including therapeutic interventions for parents and young people, mentoring and temporary supported accommodation. The support also encompasses a co-located

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mental health practitioner who can carry out assessments, and a street mentoring programme.

An early evaluation of the AST, published in 2020, did not find a direct impact on the number of children going into care. However, the intervention did have a positive impact on outcomes in a range of other areas: reducing youth offending, gang risk, homelessness and domestic abuse, and improving parenting, mental health and financial resilience, as well as increasing the emotional wellbeing, self-esteem and confidence of young people.

For more information on the initiative or to read the full evaluation, please consult Keeping Children out of Local Authority Care – Accelerated Support Team

Case study: St Giles Trust London Edge of Care Project

The London Edge of Care Project is an independently funded project aimed at improving outcomes for children at risk of being taken into care in Southwark. The service supports children who are vulnerable and at risk of child criminal exploitation but who have not yet entered care proceedings. The children and families that the service works with often have involvement with multiple agencies, including youth justice and children's social care.

The work of the service is built around three principles:

- Trauma-informed practice: being aware of the likelihood that children and their family members have experienced trauma and the ways in which this might impact their behaviour.
- Contextual safeguarding: considering extra-familial factors such as school, peer groups and other relationships to build a full picture of risks that a child may face.
- Family advocacy: working in collaboration with families to address their unique challenges and maintain the safety of their children.

The service employs two keyworkers. Children and families are referred into the service by children's services and receive a thorough assessment in which they work with their keyworker to set goals. They are offered a personalised package of support, which includes referrals into appropriate services (such as housing assistance, financial support, substance use treatment or parenting classes), advocacy to help them get the support to which they are entitled and practical, family-centred support.

The service seeks to reduce children's child protection level, increase health and wellbeing, increase engagement with education, and support exploitation awareness and exit from gangs. However, at present no evaluation has taken place and outcomes data is not available.

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Trauma-informed support for foster carers and social workers supporting children who are looked after

Training for foster carers on trauma-informed working offers a potential tool to help them to understand and respond to the behaviour of the young people in their care. One tool used by local authorities is the Managing Behaviour with Attachment in Mind training course. The course combines aspects of established parenting groups with attachment theory, developed to help adoptive parents and foster carers understand and manage their child's behaviour. An evaluation of the training found improvements in parent-child relationships and concerns about behaviour, although long-term outcomes were not studied.⁴⁸

Another relevant model is “fostering connections”, which is currently the subject of an evaluation being overseen by the YEF. The programme aims to address emotional and behavioural difficulties of children by improving their relationships with trusted adults. The programme offers training to social workers to improve their support for foster carers and increase the understanding of trauma among all professionals. The programme is currently being trialled in eight local authorities, and a detailed evaluation protocol is available for practitioners wanting to learn more.⁴⁹

Training for foster carers is also a core component of the therapeutic foster-care model (sometimes referred to as intensive foster care), a model in use in the USA, which may have relevance in the UK context. This model is designed for young people who cannot live at home, usually due to behavioural problems. Young people are placed with foster carers, who receive training around providing a structured environment, and the young person is also subject to intensive monitoring. Analysis of research evidence suggests that the approach can be effective in reducing crime, particularly with older children, by removing them from delinquent peers and encouraging pro-social behaviours.⁵⁰

The relatively coercive nature of therapeutic foster care means that it should be used cautiously. However, there is emerging interest in the UK in the model as an alternative to secure accommodation for at-risk young people, which seems promising given the poor outcomes associated with custody

Develop local protocols to reduce the criminalisation of children who are looked after

The cross-governmental National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers was published in 2018.⁵¹ The protocol encourages local areas to adopt a whole-systems approach, highlighting the importance of avoiding calling the police to residential care placements, the value of diversion for LACs and the role of non-criminal justice agencies in addressing the underlying causes of offending. However, the National Protocol does not have statutory status, and the extent to which it has led to changes in practice is unclear.

Some local areas have responded to the National Protocol by developing their own local protocols that seek to embed these principles into local processes. A 2024 study found that 49 of the 157 youth justice services in England and Wales reported having a local protocol in place, and a further 21 had a protocol under development.⁵² Protocols included a range of strategies for reducing unnecessary criminalisation, including de-escalation and diversion into restorative justice. The study identified a number of features that might make protocols more effective, such as offering specific and detailed information about how to de-escalate

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and divert, covering a wide range of care settings, including privately run foster care and kinship care, and considering how characteristics such as gender and ethnicity might influence children's needs.⁵³ They also note the importance of embedding the protocol in local systems and training to ensure that it remains able to influence practice.

Policing and out of court disposals

Challenges

Police play a vital role in determining a child's criminal justice pathway. They have the power to decide whether a child is arrested, whether they are offered diversion, whether they are charged and what the nature of those charges are. While the National Police Chiefs' Council (NPCC) is working to improve the policing of children under its Child-Centred Police Strategy,⁵⁴ participants in our roundtables identified practices that might drive up the risk of negative outcomes for children with social care contact at every stage of the policing process. At the point where a child first comes into contact with the police, whether this is a stop and search, call-out or other encounter, police conduct perceived as disrespectful or rude can be particularly difficult for a child who has experienced trauma. It may lead the child to behave in a way that escalates conflict and increases their chance of arrest.

Participants also noted that children with social care contact were at higher risk of coming into contact with police through welfare-led, but potentially harmful, interventions such as Police Protection Orders. In such cases, police can remove a child to a "place of safety" such as a police station. Once the child has been removed, the responsibility is then on a local authority to identify an appropriate temporary residence. In practice, however, social workers' heavy workloads and the shortage of placements suitable for older children mean that alternatives often cannot be found. This leads to children being held in improvised accommodation within police stations for up to 72 hours.

Participants also noted shortcomings in the system for flagging children who are being exploited, which is particularly relevant to children in contact with children's services. The National Referral Mechanism is intended to identify those arrested whose offending is the result of them being subject to criminal or sexual exploitation constituting modern slavery, and to ensure that they are understood as victims rather than offenders. In practice, the onus for raising this is often on children themselves. Unfortunately many exploited children have been manipulated to regard their exploiters positively and will not regard themselves as victims or identify themselves as "vulnerable". This means that the role of exploitation in their offending can be overlooked and the non-prosecution principle, which is intended to apply to victims of modern slavery, may not be invoked.

Participants also noted that children with social care contact may face a number of barriers, both formal and informal, making it more difficult for them to access youth diversion. Youth diversion schemes are a way of addressing low-level criminal behaviour without putting children through formal criminal justice processing (either through out of court disposals or prosecution) that can result in a criminal record and other negative consequences. For the majority of children involved in crime, formal criminal justice processing can make them more likely

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to commit crime again.⁵⁵ Strong evidence suggests that diversion, which offers personalised voluntary interventions, leads to lower reoffending rates than formal sanctions do.⁵⁶

In terms of formal barriers to access, while practice varies in different areas, many schemes require children to make a formal admission of guilt⁵⁷ when offering diversion under Outcome 22, even though this is not required by law. Children who have had negative experiences with the police or other statutory agencies may be less likely to trust that a formal admission will not be used against them.⁵⁸ While there is no legal limit on how many times diversion can be offered to a child, and many areas make decisions on a case-by-case basis, some areas do limit the number of times a child can be diverted, sometimes allowing only a single opportunity.⁵⁹ This is more likely to impact children who are at higher risk of coming into contact with the police, such as those who are looked after.

Beyond these formal restrictions, research has also identified more informal or cultural barriers among police that may restrict access to diversion for children with social care contact. Some practitioners regard expressions of remorse for an offence as a key indicator of a child's willingness to engage with diversion.⁶⁰ However, as noted above, making the expected demonstrations of remorse may be difficult for children with experience of trauma or those who are neurodivergent. Research has found that some practitioners may also see effective family support as an important determinant of successful engagement with diversion,⁶¹ which risks excluding children where family support is seen to be inadequate. Children in contact with children's services may also face a risk of "adultification" whereby their vulnerability is overlooked, meaning that professionals are less likely to offer protective interventions such as diversion – a risk that is particularly heightened for children from minoritised ethnic backgrounds.⁶²

Strategies for improvement

Improve the capacity of police to recognise and respond to signs of trauma

The NPCC's Child-Centred Policing Strategy calls for police to understand children's individual circumstances and ensure they receive the appropriate support.⁶³ For police to respond appropriately, it is important they are able to recognise behaviour that is indicative of underlying vulnerabilities. Trauma is increasingly recognised as a driver of behaviour in children that is traditionally seen as challenging, such as refusing to engage or demonstrating aggression.⁶⁴ However, in the context of policing, challenging behaviour will often escalate conflict and has the potential to worsen outcomes. While embedding trauma-informed practice is a systemic issue rather than one that can be devolved to individual practitioners, work to support individual officers in understanding trauma has shown some signs of impacting practice,⁶⁵ although other projects have highlighted that ongoing training is needed to support long-term change.⁶⁶

Children who have been subject to criminal or sexual exploitation are highly likely to have undergone traumatic experiences, and the relationship between this trauma and apparent offending means that a trauma-informed perspective is particularly important where indicators of exploitation are present.⁶⁷ Police should take a proactive approach to responding to indicators of exploitation, including gathering information from children's services, rather than relying on traumatised children to disclose their abuse.⁶⁸

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Case study: Reflective Supervision Pilot: Trauma-informed supervision for police officers, London

The Reflective Supervision Pilot was trialled in 2019 and 2020 with the aim of providing support for and addressing the trauma that police officers experience, as well as improving their interactions with children who have experience of trauma. The pilot was established through a collaboration between Camden and Islington NHS Trust with Camden Council and the Metropolitan Police's Central North Basic Command Unit.

The pilot was facilitated by a team that included social workers, youth justice practitioners and clinical psychologists. Police and facilitators co-produced a series of ten monthly sessions that could adapt to changing requirements, which they did mid-way through, as officers requested more time for semi-structured reflection and less for didactic teaching.

The pilot was shortlisted as a finalist for the World Class Policing Awards in 2019. The evaluation found that levels of stress and burnout were reduced among officers. Qualitative feedback suggested that they had an increased understanding of the impact of trauma in the responses and behaviours of the children and adults they policed.

To find out more, read: [Examining trauma informed supervision for police officers](#)

Use voluntary interviews rather than police detention

According to the UN Convention on the Rights of the Child⁶⁹ and the NPCC's Strategy on the Use of Custody,⁷⁰ the detention of children should be a last resort. However, critics have suggested that, in practice, children are being detained unnecessarily.⁷¹ Children who are arrested and detained in police custody often wait for hours without contact from a supportive adult and experience custody as harsh and punitive, undermining their trust in the police and the broader criminal justice system.⁷² In many areas, children who are detained are held in cells in uncomfortable conditions and exposed to the noise and disorder of an adult custodial setting.

Voluntary interviews represent an alternative to arrest when police want to speak to a child about a potential offence. They can avoid the potential harms of being placed in police custody. Evidence gathered via voluntary interview can still be compliant with the Police and Criminal Evidence Act 1984 (PACE). However, police officers may be reluctant to use voluntary interviews if they are seen to be onerous to schedule and conduct. Surrey Police have put in place a number of provisions that make it easier to schedule voluntary interviews, such as simplified systems for booking interview rooms, and they are also exploring a trial of the use of body-worn video as a tool to allow voluntary interviews to be conducted outside of police stations.⁷³

While voluntary interviews are preferable to the use of detention, it is important that care is taken to ensure that the child and their accompanying adult or adults are aware of the purpose and importance of the interview and that their rights around conduct and recording of interviews are respected. The Youth Justice Legal Centre has raised the risk that framing the interview as an informal "chat" may encourage a child to waive their right to legal advice or be less aware of the potential to incriminate themselves.⁷⁴ A 2023 paper by the National Appropriate Adults Network highlights that there may be less awareness of the potential vulnerability of people attending voluntary interviews and that the timing and venue for voluntary interviews may make accessing legal advice more complex.⁷⁵

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Address formal barriers to accessing diversion

As noted above, formal eligibility criteria used in some diversion schemes can present a disproportionate barrier to diversion for children in contact with children's services. There are two key changes that local police and partners can make that have the potential to increase access. Firstly, removing the requirement for children to formally admit guilt can support access for children with a low level of trust in institutions in general or the police in particular. Secondly, removing fixed limits on the number of times a child can be diverted can have a positive impact on children who are at disproportionate risk of coming into contact with police, such as children who are looked after.

Ensuring social care engagement with decision-making panels

Addressing cultural barriers that prevent children with children's services contact receiving diversion may be more challenging than changing formal requirements. One promising solution is to implement strong, multi-agency joint decision-making panels (JDPs) that can determine the most appropriate outcome for a given child and ensuring that these panels include appropriate representation from a child's social worker, where they have one. JDPs are a recognised part of the Youth Justice Board's guidance on out of court disposals,⁷⁶ which recommends that they should always include representatives from police, the local youth justice service and children's social care. However, practitioners who have participated in the Centre for Justice Innovation's youth diversion practice support programme have reported that social care engagement with panels is often poor and that they may not include a person with direct knowledge of the child in question. Ensuring that a child's own social worker is present may offer more up-to-date information about their needs and vulnerabilities, highlight work that is already occurring to support them, and challenge assumptions about the child's willingness or capacity to engage with diversion.

Case study: Children's social care representation at joint decision-making panels, Bradford

Bradford Youth Justice Service has expanded the membership of its Joint Decision-Making Panel – the group that identifies which children are suitable for youth diversion – to include two representatives of children's social care bodies: one from early help and one from the Integrated Front Door Service, which triggers safeguarding interventions.

Children's social care representatives are provided with reports on each child before the meeting. During the meeting, their role is not to directly advise on diversion decisions, but rather to support the development of a diversion option by providing advice about the range of services that can be provided. Participants at the panel suggest that including children's social care directly in the panel has led to diverted children receiving more timely and appropriate support.

Although representatives now form a regular part of the panel, efforts to have children's allocated social workers attend panels have had mixed results. Where children do have a social worker, they are able to provide information about children's backgrounds, needs and strengths that is not readily available by other means. The social worker can provide up-to-date information about the support being offered, which is particularly useful when some time has elapsed since the offence (which is common in practice). In some cases, the social worker may have undertaken work to explore the offence and reduce the risk, which will remove the need for a further intervention.

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Attendance by children’s allocated social workers has increased since the youth justice service was moved under the joint umbrella of the Bradford Children and Families Trust, but challenges still remain – especially in the cases of agency staff who may not have the same strong relationship with children in their care as permanent staff.

Youth courts

Challenges

Although youth courts follow a distinct set of procedures that are intended to make the courts more appropriate for children,⁷⁷ in practice they can be poorly suited to their needs, particularly children with social care contact. Participants in our roundtables noted a number of features of youth courts that may lead to worse outcomes.

At a broad level, the environment and conduct of youth courts can be problematic. Understanding and engaging with youth courts is challenging, especially for those with vulnerabilities that are common in children with social care contact such as SEND, trauma or mental health difficulties. The Youth Court Bench Book suggests effective strategies for engaging with children,⁷⁸ but in practice, judges and magistrates still often use technical jargon, closed questions and other inaccessible communication practices that can leave children feeling confused, disempowered and excluded.⁷⁹ This can have long-term consequences: evidence suggests that understanding and participating in legal proceedings is an important driver of perceptions of the legitimacy of legal processes and may impact participants’ likelihood of complying with court orders and obeying the law in the future.⁸⁰

These difficulties are exacerbated by the fact that many solicitors, who are not required to undergo specialist training in youth court work, may lack both the skills to help children participate in proceedings and an understanding of the challenges that children face – including their involvement with children’s services. The lack of engagement from children’s allocated social workers – who almost never attend court, according to the roundtable participants and other practitioners we interviewed for this project, even when a child is in the care of a local authority – further impedes efforts to understand a child’s circumstances or coordinate the decision-making of the court with existing social work plans.

The practical applications of decision-making power by youth court magistrates can also negatively impact outcomes for social care-involved children. A defendant’s remorse for their actions is an acknowledged mitigating factor for sentencing. While a sentencer’s assessment of remorse should not be driven by a child’s courtroom demeanour,⁸¹ it can, in practice, play a significant part. This can disadvantage traumatised children or those with SEND who might find it challenging to demonstrate the necessary behaviour.

Participants also highlighted that it can be difficult to refer cases for consideration for diversion once they have reached court, even where the offence means that diversion should have been an option. This has the potential for a particularly negative impact on children with social care contact, who, as noted above, are at greater risk of arrest and who may be at greater risk of unnecessary prosecution.

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Strategies for improvement

Facilitate diversion of cases that have come to court unnecessarily

Although the number of children being prosecuted each year has fallen by three quarters over the past decade,⁸² there remains a concern that some children who could have received an out of court disposal are still being prosecuted. The Youth Justice Board notes unnecessary prosecutions can often impact disadvantaged groups, including children who are or who have been looked after. This is driven by two issues. Firstly, some children give “no-comment interviews”, which means they cannot make an acceptance of responsibility, which is required for an out of court disposal. No comment interviews can be driven by factors associated with social care contact such as the child’s neurodevelopmental or mental health needs or a lack of adult support. Another driver of unnecessary prosecution is police and Crown Prosecution Service (CPS) failing to consider all relevant information at the point of charge.⁸³

While powers do exist for courts to divert children who have been unnecessarily prosecuted, there is no nationally agreed process for doing so, and participants in the Centre for Justice Innovation’s youth diversion practice development programme have reported that the practice is rare. While we understand that the CPS and the Judicial College are in the process of developing new information around the use of these powers, it will also be important for local areas to develop frameworks to facilitate diversion of children. Diversion from court can either occur outside of the courtroom, by agreement between youth justice service and CPS staff, or within a hearing. Providing information on diversion for magistrates and solicitors can increase the likelihood that diversion will be considered either before or in court. Developing arrangements for diversion or out of court disposals to be actioned and recorded by youth justice service-embedded police officers will reduce administrative barriers.

Case study. Diversion from court as part of Children First, Gloucestershire

Gloucestershire established its youth diversion scheme in 2018 under the locally specific name Children First. The scheme sought to address low- to medium-level offending by children in a way that was proportionate, minimised labelling and with input from victims.

Under Children First, any non-indictable offence where the child has admitted responsibility could be referred to a joint decision-making panel for consideration of diversion. However, this meant that children who had made a no-comment interview at the point of arrest could not be considered. For this reason, the scheme included a well-defined return-from-court pathway.

Under the pathway, children who may not have been eligible due to a no-comment interview or who have not been referred to the panel can be identified and, with the agreement of the child’s solicitor, the CPS, the youth justice service representative and the court clerk can be sent back to the panel for consideration. Cases from court are adjourned for four to six weeks to allow the panel’s provisional decision and assessment to be completed. Children considered under this route are offered the same diversion option as other children: a personalised package of interventions that may include restorative, education, family or behaviour-based work and the offer that no further action will be taken on the offence if the intervention is completed.

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No formal evaluation has been carried out on Children First, but service data shows that in the first three years of operation, 66% of assessed children were diverted and that the six-month reoffending rate was lower than the national rate of youth cautions (though this is not a matched comparison and should be treated with caution).

For more information about Children First, see: <https://www.gloucestershire-pcc.gov.uk/key-information/meetings-and-outcomes/out-of-court-scrutiny-panel/out-of-court-resolutions/children-first-child-and-young-persons/>

Specialist training for youth court solicitors

Supporting children in the youth justice system is specialised and sensitive work, requiring an awareness of the challenges that children may be facing, effective ways to communicate with them and the multiple statutory systems that they may be engaged with – not least children’s services. However, while most professionals in the youth court (magistrates, youth justice service workers and legal advisers) must undertake specialist training and barristers are required to declare their youth work competencies, there are no specialist requirements for solicitors who work in the youth court. As such, legal representation has been described as “patchy”, with youth work being “very much a learn-on-the-job type of situation”.⁸⁴ Poor representation may leave children at risk of worse outcomes, either at the point of police custody where a solicitor may not be able to encourage a child to engage in the way required to accept youth diversion or an out of court disposal, or at court where potential mitigating factors may be overlooked.

Individual solicitor firms can mitigate the lack of specialist training in representing children by allowing some of their solicitors to specialise in youth work, enabling them to develop their skills. However, a more systemic solution would be the development of a set of standards for recognised training in youth advocacy by the Solicitors Regulation Authority. The Legal Aid Agency should enable advocates with qualifications in youth court practice to claim higher rates of remuneration, as happens in a number of other specialist areas.

Supporting judges and magistrates to effectively communicate with children

More needs to be done to ensure that judges’ and magistrates’ communication with children in court is appropriate. All judges and magistrates should have access to training that helps explain the impact of trauma, mental health difficulties and SEND on children’s communication needs and that offers practical strategies for how these can be met within the court environment.

Beyond training, there is also value in targeted support to help judges and magistrates understand and respond to the specific communication needs of individual children. One youth justice service has established a system of “communication passports”, whereby children were assessed by a speech and language therapist before court. They would provide the presiding judge or magistrate with a detailed guide to the child’s specific communication needs and communication style. While the scheme was not evaluated, youth justice service staff reflected that it made a notable difference to magistrates’ capacity to communicate effectively with children.

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Conclusion

Our research has shown that children with any form of social care contact face consistently higher risk of receiving cautions, convictions and custodial sentences in every part of England. However, it also shows that the extent of the disparity differs significantly between local authorities, which highlights the potential for good practice at the local level to improve the outcomes for these vulnerable young people.

While evidence on the most effective ways to reduce the risk that these children face is limited, our review of the issues raised by practitioners and emerging practice in local areas highlights four key themes that can make a real difference:

- **Improving access to preventative services**, which can address the challenges facing children and families as early as possible and prevent deeper involvement in children's social care and youth justice systems. This can include both early interventions such as youth and community work or early help and more downstream models such as FDAC or edge-of-care services. Having interventions available at a range of different points makes it less likely that children and families will slip through the net.
- **Promoting trauma awareness and trauma-informed practice** among key people coming into contact with children, such as teachers, foster carers, solicitors and police officers. Children who have faced trauma in the family or elsewhere can often react to stresses in a way that can be seen as disruptive or aggressive. Giving professionals the tools to recognise this behaviour and avoid escalating conflict is seen as key to supporting children effectively.
- **Ensuring that mechanisms that are intended to protect children from unnecessary criminalisation are effective and accessible** to children with social care contact. Tools such as protocols for children who are looked after, youth diversion and the National Referral Mechanism can play an important role in improving children's outcomes, but only if they are actually working as intended, and this is not always the case – especially for the most vulnerable children.
- **Improving communication between children's services, youth justice agencies and the other professionals that are working with children** will allow for all agencies to make the most informed decisions – for example, understanding a child's history when considering the most appropriate response to an offence. However, it also supports the coordination of activity between different agencies to ensure that children receive joined-up support that meets their needs without overwhelming them.

At a time of limited resources, investing in the future can be challenging – especially for cash-strapped local authorities. But learning from the most successful areas about better ways to support children with social care contact has the potential to make a significant difference to the number of children in the youth justice system. Keeping children known to children's services out of the justice system can free up resources for police, youth justice services, courts and accommodation providers, which can be better spent in other ways. More importantly, it can be transformative for the lives of children.

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Our research on social care contact and criminal justice involvement

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Strategies, policies and guidance

Child-centred policing

NPCC (2024) Children and Young Person's Policing Strategy
NPCC (2024) Child-centred policing best practice framework

Child first justice

Youth Justice Board (2024) Case Management Guidance
Youth Justice Board (2022) A Guide to Child First

Reducing the criminalisation of children looked after

Department for Education, Home Office and Ministry of Justice (2018)
The national protocol on reducing unnecessary criminalisation of looked-after children and care leavers

Research and practice resources

Contextual safeguarding

Carlene Firmin and Jenny Lloyd (2023)
Contextual Safeguarding: The Next Chapter (London: Policy Press)

Desistance

Jonathan Evans, Tricia Skuse, Dusty Kennedy and Jonny Matthew (2023)
Desistance, adversity and trauma: Implications for practice with children and young people in conflict with the law, HM Inspectorate of Probation Academic Insights 2023/08

Early Help

Research in Practice (2022) What is early help? Concepts, policy directions and multi-agency perspectives

Responding to victims of modern slavery

Home Office (2024) National referral mechanism guidance: adult (England and Wales) [contains some information about child victims]

Trauma-informed practice

Office for Health Improvement and Disparities (2022) Working definition of trauma-informed practice

Labelling and stigma

Claire Ely, Carmen Robin-D'Cruz, Rosa Bramley, and Marie-Anne Hall (2019)
Youth diversion evidence and practice briefing: minimising labelling

Trauma-informed practice

SAMHSA (2014) SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach

Youth diversion

Centre for Justice Innovation (2024)
Valuing youth diversion: A toolkit for practitioners

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Glossary

Term	Meaning
Aggravating and mitigating factors	Factors that courts look at to determine the severity of an offence and the appropriate sentence. The range of factors to be considered are defined by the Sentencing Council.
Child Safeguarding Practice Reviews	The replacement for serious case reviews, these reviews are triggered when a child is killed or seriously harmed and are intended to identify lessons that improve the way in which agencies work to safeguard and promote the welfare of children.
Children who are looked after	A child who is under the care of a local authority or children’s services, usually either in a group residential placement or a foster care family.
His Majesty’s Courts and Tribunal Service	The government agency that oversees courts and tribunals.
Formal criminal justice processing	An out of court resolution or a conviction in court that creates a criminal record.
Legal Aid Agency	The government agency that funds and manages legal aid, the system for providing free legal representation.
National Referral Mechanism	The UK’s framework for identifying victims of modern slavery and human trafficking, including children, with first responders like police and local authorities making referrals into support. There is a presumption that those identified as victims will not face prosecution.
National Police Chiefs’ Council (NPCC)	A representative body for the leaders of police forces in England and Wales that provides national leadership on a range of issues, including the policing of children and young people.
Outcome 22	A Home Office recording code that indicates a crime has been resolved through the provision of rehabilitative diversionary, educational or intervention activity to a suspect and no further action is to be taken. It can be used to record reported crimes as resolved without a formal disposal (such as a caution or prosecution) being applied. For more information see: https://justiceinnovation.org/sites/default/files/media/document/2022/npcc_outcome_22_guidance_2022.pdf
Police and Criminal Evidence Act 1984 (PACE)	Legislation that defines the powers of police officers in England and Wales. PACE sets out standards for the gathering of evidence via interviews.

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Term	Meaning
Police Protection Orders (PPOs)	Powers for the police to remove a child from home and place them into a safe location for up to 72 hours if they believe that the child is at risk of significant harm.
Social care system	Local authority services that seek to support and safeguard children. For our purpose, this does not include preventative services such as early help. In our analysis, we have identified four tiers of social care contact: being referred to social care, being identified as a child in need, being the subject of a child protection plan and being a child who is looked after. For analytical purposes, we have classified children based on the highest tier they have experienced.
Socio-emotional and mental health needs (SEMH)	A form of special educational need/disability in which a child struggles to manage their emotions and behaviour. They also find it difficult to make and keep relationships with adults and other children and young adults.
Solicitors Regulatory Authority (SRA)	The regulatory body for solicitors in England and Wales.
Youth Court Bench Book	Guidance for judges and magistrates sitting in youth courts, issued by the Judicial College.
Youth diversion	An alternative to formal processing that doesn't create a criminal record for children who have committed low-level offences. Children are offered a voluntary intervention and if they complete it, no further action is taken against them and the offence is recorded using Outcome 22.
Youth Justice Services	Local authority-based teams that assess, support and supervise children in contact with the criminal justice system.

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For more on the impact of contact with the social care system on children’s risk of criminal justice system involvement, including our interactive dashboard for local authorities, visit <https://child-ren.org>

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